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NATURE'S STATESMAN: THE ENDURING ENVIRONMENTAL LAW LEGACY OF EDMUND S. MUSKIE OF MAINE

*Some Personal Sketches and Notes From a Law Professor's Environmental
Biography-In-Progress*

ROBERT F. BLOMQUIST*

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I. INTRODUCTION

The purpose of this article is threefold: first, to synthesize and summarize my past research and writing about the environmental law and policy accomplishments of the late Edmund S. Muskie, while continuing

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to work out the contours of an environmental biography-in-progress of the man; second, to share with lawyers, law students, and legal academicians some of the excitement and novelty, for our profession, of original archival research and on-the-scene investigation; and third, to provide a synoptical summary of what I view as some heroic dimensions of Muskie's environmental law legacy. This article, therefore, is equal measure serious and scholarly, on the one hand, and fun and creative on the other hand.¹

For the last several years I have been researching and writing what I call an "environmental law biography" of the late Edmund S. Muskie. The genesis of my work-in-progress was an intuitive feeling fostered by many years of teaching and writing about American law and policy, that Muskie, a former Governor of Maine, United States Senator, and United States Secretary of State, was a key founder of modern environmental law.² In my inaugural lecture as a full Professor of Law in 1990,

¹ I draw inspiration for this project from the general theory of "creative non-fiction"—a literary genre that I believe can make the law more interesting and understandable—particularly to non-lawyers. See generally PHILIP GERARD, *CREATIVE NONFICTION: RESEARCHING AND CRAFTING STORIES OF REAL LIFE* (1996). For a book review of an extraordinary piece of creative non-fiction dealing with American environmental law, see Robert F. Blomquist, *Bottomless Pit: Toxic Trials, the American Legal Profession, and Popular Perceptions of the Law*, 81 CORNELL L. REV. 953 (1996) (reviewing JONATHAN HARR, *A CIVIL ACTION* (1995)).

² For a brief description of my conception of modern American environmental law, see generally Robert F. Blomquist, *The Beauty of Complexity*, 39 HASTINGS L.J. 555 (1988) (reviewing WILLIAM H. ROGERS, *ENVIRONMENTAL LAW: AIR AND WATER* (1986)) [hereinafter Blomquist, *Complexity*]. I should also note, in passing, that in 1965, as a fourteen year-old high school freshman, I wrote to then United States Senator Muskie, along with approximately twenty other United States Senators whom I had identified as "inspiring," seeking an autographed photograph and some advice on how a young person might participate in the American political process. I still have, and still cherish, this collection of senatorial photographs which, in addition to one from Muskie, includes signed photos from Robert F. Kennedy (D-N.Y.), Everett Dirksen (R-Ill.), Frank Church (D-Idaho), and Hugh Scott (R-Penn.).

As I pointed out in my inaugural lecture as a full Professor of Law, "[m]odern American environmental law" is intertwined with "the idea of complexity," which, in turn, can be "subdivided into three parts:"

- (1) The multiplicity of *different interest groups*;
- (2) The notion of *evolutionary change* in environmental law;
- (3) The bi-polar principles of *absolutism* and *utilitarianism* that are at work in current environmental statutes, case decisions, and administrative regulations.

Robert F. Blomquist, "*Clean New World: Toward an Intellectual History of American Environmental Law, 1961-1990*," 25 VAL. U.L. REV. 1, 5 (1990), reprinted in *ENVIRONMENTAL LAW: THE INTERNATIONAL LIBRARY OF ESSAYS IN LAW AND LEGAL THEORY* 31 (Michael C. Blumm ed., 1993) [hereinafter Blomquist, *Clean New World*].

subsequently published under the title "*Clean New World: Toward an Intellectual History of American Environmental Law, 1961-1990*,"³ I identified Muskie as a thoughtful leader of American environmental law and policy and as a former United States Senator who had contributed through his thoughtful legislative activities in Congress to the novel idea of citizen suits to enforce federal environmental statutes.⁴

Continuing my wide-ranging reading concerning the foundations of American environmental law and policy,⁵ I discovered that the National Archives of the United States, in Washington, D.C., held extensive records from the 1960s of the work of former Senator Muskie's Special Subcommittee on Air and Water Pollution.⁶ Taking advantage of these important archival documents and the fact that Edmund Muskie was then practicing law in the nation's capital, while his former key environmental policy legislative staff assistant in the Senate, Leon G. Billings, also ran a consulting firm there, I spent several days in Washington, D.C. during the summer of 1993 interviewing these gentlemen and sifting through the rich

³ Blomquist, *Clean New World*, *supra* note 2.

⁴ See *id.* at 31-33.

⁵ I believe that in order to understand properly the nature of modern American environmental law and policy, one must devour and absorb—or at least be cognizant of—the profusion of “existing historical literature about ‘things environmental:’ from ecological histories to histories of environmental ethics to environmental political histories to futuristic writings about the environment based on historical trends.” *Id.* at 2. Moreover, I contend that the serious student must also “focus on the *intellectual* history of modern American environmental law in comparison to existing environmental histories and legal analyses, while placing [this] . . . study . . . within the larger tradition of the sociological school of jurisprudence.” *Id.* at 2-3 (footnote omitted) (emphasis in original). In this regard, sociological jurisprudence is “[t]he general name for those approaches to the study of law, in general, which have more regard to the working of law in society than to its form or content.” DAVID M. WALKER, *THE OXFORD COMPANION TO LAW* 1153 (1980).

⁶ Legislative Case Files, Committee on Public Works, Subcommittee on Air and Water Pollution, 89th Congress Records of the U.S. Senate, Record Group 46, National Archives, Washington, D.C. [hereinafter Record Group 46] (copies of the documents from Record Group 46 referred to in this article are also on file with the author). See also ROBERT W. COREN ET AL., *GUIDE TO THE RECORDS OF THE UNITED STATES SENATE AT THE NATIONAL ARCHIVES*, S. DOC. NO. 100-42, at 189 (1989) (describing Subcommittee's records) [hereinafter SENATE ARCHIVES RECORDS GUIDE].

According to a recent publication by the National Archives, the records of the United States Senate Committee on Environment and Public Works, and its predecessors, from 1820-1988, consist of 366 linear feet of records. The textual records are comprised of the following: “Committee papers, reports, petitions, memorials, legislative dockets and case files, Presidential messages and communications, nomination files, correspondence, and other records.” 1 *GUIDE TO FEDERAL RECORDS IN THE NATIONAL ARCHIVES OF THE UNITED STATES* 46-8 (Robert B. Matchette ed., 1995).

store of documentary evidence at the main National Archives Building.⁷ This research eventually led to my publication in the *Columbia Journal of Environmental Law* of an article entitled "'To Stir Up Public Interest:' Edmund S. Muskie and the U.S. Senate Special Subcommittee's Water Pollution Investigations and Legislative Activities, 1963-66—A Case Study in Early Congressional Environmental Policy Development."⁸ Serendipitously, during a second visit to the National Archives in the Summer of 1995, I learned from Rodney A. Ross of the Center for Legislative Archives at the National Archives that "[a] treasure trove of yet-to-be-fully-explored environmental policy documents, memoranda, letters and reports during Muskie's entire political career (among other categories of papers) is archived at Muskie's *alma mater*, Bates College, in Lewiston, Maine."⁹ In the summer of 1997—following Muskie's death

⁷ The National Archives of the United States—contending with a rising tide of public documents—now operates two national archival facilities: the National Archives Building on Pennsylvania Avenue in Washington, D.C. and the National Archives at College Park, Maryland. I performed my research in the majestic main Building, which has been eloquently described as follows:

The building is colossal, imposing, even by the standards of monumental Washington. From Constitution Avenue a sweep of granite steps leads to a huge Corinthian portico, over which rises a massive stone attic. There are no windows to be seen, not a glimpse inside, only the main entrance with its tremendous, sliding bronze doors.

The architect was John Russell Pope, who designed the National Gallery of Art and the Jefferson Memorial, and his intention, plainly enough, was to convey feelings of permanence and grandeur. Yet the effect is more than a little forbidding. It might be the temple of some august secret order. Only those privy to the mysteries and privileges of Scholarship need enter here, you might conclude, and that would be mistaken and a shame. For the great collection of the National Archives is one of the wonders of our country, the richest, most enthralling documentation we have as a nation of who we are, what we have achieved, our adventures, and what we stand for. Everything within is about us, all of us, all the way back for more than two hundred years, in good times and bad. It is a momentous, inexhaustible story, on paper—no one knows how much paper—and on microfilm and electromagnetic tape, in big leather-bound ledgers and albums, in maps, drawings, and something over 5,000,000 photographs.

David McCullough, *Introduction* to HERMAN J. VIOLA, *THE NATIONAL ARCHIVES OF THE UNITED STATES* 11 (1984).

⁸ Robert F. Blomquist, "To Stir Up Public Interest." *Edmund S. Muskie and the U.S. Senate Special Subcommittee's Water Pollution Investigations and Legislative Activities, 1963-66—A Case Study in Early Congressional Environmental Policy Development*, 22 COLUM. J. ENVTL. L. 1 (1997).

⁹ *Id.* at 13 n.42. According to the official brochure of the Edmund S. Muskie Archives:

in March of 1996, two days short of what would have been his eighty-second birthday¹⁰—I made my first visit to the Muskie Archives—a handsome red brick building with white pinnacles on the perimeter of the leafy college campus.¹¹ During that visit I was greatly assisted by Archives Director Christopher M. Beam¹² in learning the organization of

Edmund S. Muskie served his college, state, and nation with distinction. Combining a keen intelligence with a deep sense of public responsibility and a talent for communicating with his fellow Americans, he has brought unusual honor to Bates College. The Edmund S. Muskie Archives situated at Bates College, Lewiston, Maine, is a tribute to the life and times of an individual who has made so many contributions to his state, the nation, and the world.

The Archives documents Edmund S. Muskie's exemplary career in public service, from his first election to the Maine House of Representatives in 1946 to his appointment as U.S. secretary of state in 1980 by President Jimmy Carter. . . .

The Muskie Archives represents the first such facility in Maine to be established in the context of an institution of higher education. Especially strong in documentary evidence on the political history of Maine and the nation from World War II to the early 1990s, it complements the College's academic programs by providing students at Bates and elsewhere an opportunity to gain firsthand experience in historical research using primary sources.

Beyond its educational value . . . the Muskie Archives constitutes a new service offered by Bates to the public. The Archives serve scholars and other researchers investigating the origins of contemporary policies and the reasoning behind important decisions in which Senator Muskie played a role. It also supplements archival materials in local repositories and contributes to the public awareness of recent political history through exhibitions of documentary and visual materials.

. . . .

The Edmund S. Muskie Archives was dedicated on September 28, 1985 by President Thomas Hedley Reynolds. President Jimmy Carter was the guest speaker and received a doctor of laws degree.

BATES COLLEGE, THE EDMUND S. MUSKIE ARCHIVES BROCHURE 3-5 (undated).

¹⁰ Muskie died on March 26, 1996; he was born in Rumford, Maine on March 28, 1914. See R. W. Apple, Jr., *Edmund S. Muskie, 81, Dies; Maine Senator and a Power on the National Scene*, N.Y. TIMES, March 27, 1996, at D2.

¹¹ Bates College is a special place: "[F]ounded [in 1855] . . . by people who felt strongly about human freedom, civil rights, and a higher education for all who could derive an advantage from it. Bates is among the oldest coeducational colleges in the nation" BATES COLLEGE, BATES COLLEGE CATALOG 1997-1998 5 (1997). Located 140 miles northeast of Boston and within an hour's drive of the Maine coast, the College occupies a well-landscaped, 109-acre campus within the Lewiston-Auburn area, an urban community of about 64,000 people." *Id.* at 6.

¹² Christopher Beam brings the historian's craft and perspective to his key role at Bates as Director of the Edmund S. Muskie Archives. He has taught, for example, two fascinating

the Muskie Archives and in uncovering Muskie's seminal public papers concerning environmental and natural resources issues as a Maine State Representative,¹³ secretary of a local town board of zoning adjustment,¹⁴ and two terms as Governor of Maine. During the evenings, in my motel room, I read with fascination and admiration *Memorial Tributes Delivered in Congress: Edmund S. Muskie, 1914-1996, Late a Senator from Maine* published by the United States Senate after his death,¹⁵ while also reading

courses in contemporary American history: *The United States in the Sixties and Seventies*, which is described as a course that "examine[s] significant developments in American culture and society, domestic politics, and foreign policy [with] the focus of [student] work [being] research based on the use of primary sources in the Edmund S. Muskie Archives and related collections," *id.* at 175-76, and *The Nixon Presidency*, which is described as a course that "explores the presidency of Richard M. Nixon, one of the most controversial in modern U.S. history. Topics include . . . Nixon's early political career; the Vietnam War and U.S. foreign policy; domestic policies; party politics including the 1972 election; the Watergate scandal; and the personalities and careers of his associates and opponents"). *Id.*

Muskie was one of Nixon's leading—if unsuccessful—opponents, being selected as the Democratic Vice Presidential candidate with Hubert H. Humphrey in 1968 (losing to the Nixon-Agnew Republican ticket) and being, for a time, the 1972 Democratic frontrunner for his party's nomination as president. See Blomquist, *supra* note 8, at 2 n.1.

¹³ See Robert F. Blomquist, *What is Past is Prologue: Senator Edmund S. Muskie's Environmental Policymaking Roots as Governor of Maine, 1955-58*, 51 ME. L. REV. 88, 91 n.7 (1999).

¹⁴ See *id.* at 90 n.7. My favorite example, in this regard, consists of documents involving an appeal by neighbors from the granting of a permit to construct a "poultry house." See *id.*

¹⁵ SECRETARY OF THE SENATE, UNITED STATES SENATE, MEMORIAL TRIBUTES DELIVERED IN CONGRESS: EDMUND S. MUSKIE, 1914-1996, LATE A SENATOR FROM MAINE, S. DOC. NO. 104-17 (1996) [hereinafter MUSKIE SENATE TRIBUTES]. My three favorite tributes in this collection are as follows. First, Senator Max Baucus of Montana (D):

He also was responsible . . . for one of the most positive and profound legislative achievements of post-war America: the passage of the environmental laws of the 1970s, to clean up our Nation's air, water, and waste I am reminded of the Latin epitaph on the tomb of Sir Christopher Wren, the architect of St. Paul's Cathedral [in London]. It's inside the cathedral, and it says, "If you would see his memorial, look around." So it is with Ed Muskie. If you wish to see his memorial, look around you: at the air in our cities; at the Potomac River, or the Cuyahoga; at a cleaner environment from Maine to Montana; at a Nation that is more healthy and more beautiful because of his work. He was a great environmental statesman, and his passing diminishes us.

Id. at 4-5. Second, Senator Peter Domenici of New Mexico (R):

No one can deny that Senator Muskie is the chief architect of the environmental cleanup of our air and water in the United States. Some

through another Senate document—*History of the Committee on Environment and Public Works, United States Senate*¹⁶—which chronicled, in broad strokes, Muskie's impressive legislative leadership as chairman of the Special Subcommittee on Air and Water Pollution for nearly two decades.¹⁷

During the Autumn of 1997 I resolved to set about, in a serious and methodical way, on the project of writing what I hope will someday be a book-length environmental biography of Edmund S. Muskie.¹⁸ I returned to the Muskie Archives at Bates College during the Summer of 1998 for a three-week research visit.¹⁹ By day I pored through the thousands of

would argue about its regulatory process, but there can be no question that hundreds of rivers across America are clean today because of Ed Muskie. There can be no doubt that our air is cleaner and safer and healthier because of his leadership.

Id. at 9-10. Third, Senator Paul Sarbanes of Maryland (D):

Throughout his career in public service Senator Muskie exhibited a rare and remarkable gift; his extraordinary ability to see opportunities where others could not and to translate those opportunities into positive changes for the people of Maine and the Nation. . . . [T]hese traits enabled him to make the Environment and Public Works Committee the forum which produced this Nation's landmark environmental protection legislation, the Clean Air Act and the Water Quality Act. These critical environmental statutes changed the way Americans view our precious natural resources and his work provided the foundation upon which all subsequent environmental protection statutes have been built. *Id.* at 21-22.

¹⁶ UNITED STATES SENATE, HISTORY OF THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS—UNITED STATES SENATE, S. DOC. NO. 100-45 (1988).

¹⁷ See generally *id.* at 91-124.

¹⁸ In this regard, I was inspired during this time period by reading an excellent biography of a former United States Senator from Maine, Margaret Chase Smith. See generally PATRICIA L. SCHMIDT, MARGARET CHASE SMITH: BEYOND CONVENTION (1996).

¹⁹ To break the intense concentration of examining old archival documents and writing drafts of my conclusions, I took advantage of the splendid Maine scenery and environment in a series of weekend trips during this stay. In a rough sort of way, however, I tried to tie in most of the locales to the public career of Edmund S. Muskie. For example, one weekend I drove up to Campobello Island, in New Brunswick, Canada—just across the Maine border. Campobello Island is renowned for being the site of former President Franklin Delano Roosevelt's "summer cottage." See ROOSEVELT CAMPOBELLO INTERNATIONAL PARK COMMISSION, THE ROOSEVELT INTERNATIONAL PARK 6-7 (undated) (discussing among other fascinating things, how F.D.R. as an adult politician used a study in the cottage, overlooking Friar Bay, where he had a collection of miniature books and used his classic ivory cigarette holder while reading over his public papers).

Muskie, I knew, had been interested in constituting an international park between Canada and the United States commemorating F.D.R. and the unique natural environment of Campobello Island. Muskie served on the original Roosevelt Campobello

Commission, commencing in 1964. See ALDEN NOWLAN, CAMPOBELLO: THE OUTER ISLAND 129 (1975) (appendix). President Lyndon Johnson, along with Canadian Prime Minister Lester B. Pearson, established the original park by an international agreement and ceremony held on Campobello Island on January 22, 1964. See generally MUSKIE SENATE TRIBUTES, *supra* note 15, at 145-47 (reproducing Roosevelt Campobello Park Commission tribute to Edmund Sixtus Muskie).

Moreover, the waters surrounding Campobello Island—Passamaquoddy Bay and the Bay of Fundy—are teeming with rare and wonderful wildlife including whales and eagles. One of the highlights of a weekend respite from my research was taking a “whale watch” boat trip into the Bay of Fundy where I spotted the first whale I had ever seen in the wild (a Finback whale) and the first American bald eagle I had ever seen in the wild (along with four of its eaglets in a huge nest atop a spruce tree). “Despite a four hundred year history of European settlement, [the Bay of Fundy] is one of the last great natural places.” HARRY THURSTON, TIDAL LIFE: A NATURAL HISTORY OF THE BAY OF FUNDY 5 (2d ed. 1990). As Harry Thurston explained, “[t]he ebb and flow of the tides [which change by several meters twice a day] are the very heartbeat . . . that sustains this remarkably productive ecosystem—home to whales, seabirds, shorebirds and fishes . . .” *Id.* Accordingly, “[m]aintaining [the Bay of Fundy’s] ecological integrity is vital to the future of a number of migratory species, including the most endangered of the world’s whales, the North American right whale, and the world population of semi-palmated sandpipers . . .” *Id.*

During another weekend respite from my Summer of 1998 research at the Edmund S. Muskie Archives, I drove up to the state capital, Augusta, and toured the Capitol Building where Muskie had started out his public career as a Maine State Legislator in 1947 and to the Governor’s Mansion—the Blaine House—across the street from the Capitol, where Muskie and his family had worked, lived, and played for four years during his two terms as Governor, 1955-58. See generally Blomquist, *supra* note 13. According to a book describing the 20th century governors of Maine who have occupied the Blaine House since its availability as the Governor’s Mansion in 1921:

Frank M. Coffin [now a United States Court of Appeals Judge on senior status] who often met with Governor Muskie in the Blaine House, recalls vividly “the informality, chaos and exuberant joy which were often injected into working sessions with Governor Muskie when daughter Ellen and son Steve would burst into or through the upstairs drawing room. They might have a matter of utmost childish importance on their minds, which at the moment took precedence over affairs of state.”

Governor Muskie made effective use of the executive mansion for business meetings, inviting the legislative leadership over on Monday evenings. Former Governor Robert N. Haskell, who served as president of the Senate during the Muskie years, testifies that “those evening sessions on major legislative questions were to no small degree responsible for the reasonably close cooperation between a Democratic Governor and a Republican Legislature.”

H. DRAPER HUNT, THE BLAINE HOUSE: HOME OF MAINE’S GOVERNORS, 115 (1974) (footnotes omitted).

documents that detail the breathtaking scope of Muskie's first term as a United States Senator, from 1959 through 1964;²⁰ by night, I reviewed my previous summer's research notes and wrote a first draft of an article to be published during 1999 by the *Maine Law Review* entitled "What is Past is Prologue: Senator Edmund S. Muskie's Environmental Policymaking Roots as Governor of Maine, 1955-58."²¹

In the remaining portions of this article, I shall sketch the key public offices, timeframes, experiences, perspectives and environmental law and policy accomplishments of Edmund S. Muskie over the course of his three-and-a-half decade public career from 1945 through 1981.²² In Part II, I touch on Muskie's pre-gubernatorial years of public service from the time he returned from serving in the United States Navy during World War II to his election in 1954 as the first Democratic Governor of Maine in two decades. In Part III, I survey Muskie's environmental and natural resource accomplishments and experiences during two terms as Governor of Maine from 1955 through 1958. In Part IV, I chronicle Muskie's key environmental and natural resources legislative achievements as a United States Senator from 1959 through 1980. Part V of this Article discusses the international environmental law experiences and accomplishments of Muskie as President Jimmy Carter's Secretary of State, during his short tenure of less than one year, from 1980 to 1981, following the resignation of his predecessor, Cyrus Vance. Finally, in Part VI, I briefly consider what I call some heroic dimensions of Muskie's environmental law legacy.

II. EARLY PUBLIC YEARS, 1945-54

Having served his country during World War II as a junior naval officer on destroyer escorts in both the Atlantic and Pacific theaters²³,

²⁰ I presently have a box full of documents that I ordered copied from the Muskie Archives regarding the dramatic election of Muskie to the United States Senate in 1958, his immediate national prominence from that accomplishment (being viewed as a Democrat who could win election in a traditionally Republican state), and the various legislative projects—environmental and otherwise—that the new junior senator from Maine plunged into during his first term. See generally Blomquist, *supra* note 8, at 9-12.

²¹ Blomquist, *supra* note 13.

²² Some of Muskie's public accomplishments following his service as United States Secretary of State, from 1981 to his death in 1996, include the following: Member of Tower Commission appointed by President Reagan to investigate Iran-Contra case, 1986-87; Chair, Maine Commission on Legal Needs, 1989-90. See MUSKIE SENATE TRIBUTES, *supra* note 15, at 52.

²³ See Blomquist, *supra* note 8, at 2 n.1; MUSKIE SENATE TRIBUTES, *supra* note 15, at 157 (reproducing Bangor Daily News obituary of March 27, 1996).

Edmund Muskie—who had graduated Phi Beta Kappa with a degree in history and government from Bates College in 1936,²⁴ and had graduated from Cornell Law School in 1939²⁵—returned in 1945 to his native Maine²⁶ and the life of a small-town lawyer in a town called Waterville.²⁷ Interestingly, Muskie initially got involved in politics as a means of

²⁴ See MUSKIE SENATE TRIBUTES, *supra* note 15, at 157 (reproducing Bangor Daily News obituary of March 27, 1996). Muskie's undergraduate education at Bates made a deep impression on the man, preparing him for later public service. In particular, Muskie gained insight, knowledge, and verbal dexterity as a member of the Bates College Debate Team.

Even Edmund Muskie's Honors Thesis was presented in the form of a debate: "Resolved that there is a necessity for Social Security legislation as a part of a changing economic order which demands a change in our constitutional machinery." The ability of seeing both sides of an issue was to be one of the effective skills which he took from Bates. A staff member discussed Senator Muskie's legislative ability as though he were describing the art of debate. "I think he is best in terms of problems. He devours alternatives. He rejects *a priori* argument, rejects things that are not factually based, not founded on data, that one can't explain or defend. Muskie was always interested in alternatives and usually had some of his own. He deals with mirror images; that is, he sees the backside, the opposite side, which means he sees the whole idea—and the fragments into which it can fall . . ."

Id. at 49-51 (reproducing eulogy by Donald W. Harward, President, Bates College).

²⁵ See Blomquist, *supra* note 8, at 2, n.1.

²⁶ Muskie—"a Polish immigrant tailor's son"—was born in Rumford, Oxford County, Maine on March 28, 1914. *Id.* at 4. Rumford was "a small Maine town which had both the bane of a polluting paper mill within its borders and the blessing of an unspoiled forest nearby." *Id.*

²⁷ While Muskie had the opportunity, upon his graduation from Cornell Law School in 1939, to practice law in New York City, he "decided to eschew big firm practice in New York City, and returned to his native Maine as a sole practitioner in his late twenties." *Id.* at 6.

As I pointed out in an earlier article:

After passing the Massachusetts bar in 1939 and the Maine bar in 1940, Muskie set up his law practice in Waterville, Maine. His early cases—collections, wills and estates—were matters that stemmed from his purchase of a law practice from the estate of a deceased lawyer. During his first year of law practice he also represented a client accused of murder. By 1942, his law practice was prospering—in his own words, he was "doing all right" and "enjoying it." But, with the entry of the United States into World War II following the Japanese attack on Pearl Harbor in 1941, Muskie enlisted in the United States Navy and did not return to his Waterville, Maine, practice until 1945.

Id. at 6 n.21 (quoting Interview with Edmund S. Muskie in Washington, D.C. (July 22, 1993)). See also EDMUND S. MUSKIE, JOURNEYS 131 (1972) (providing an autobiographical account of Muskie's efforts following World War II to revive his Waterville law practice).

reestablishing his law practice following the war. Based on a personal interview that I had with Muskie in 1993, he provided the following account of his first legislative campaign, which I discussed in an earlier article:

In 1946, the governor of Maine, a Republican, had proposed a "soldier's bonus" for returning World War II veterans, to be funded by a state sales tax. Muskie, as a young veteran, traveled down to the state capitol in Augusta and publicly opposed the soldier's bonus bill—pointing out that it would be a poor use of public funds and would only result in higher taxes for the people. Running on this issue in the general election, he shared campaign expenses with a fellow Democrat; each spent only \$50 apiece, preparing postcards with their pictures and qualifications and mailing them out to prospective voters a week before election day. Muskie's election—since he was one of the few successful Democrats in Maine—captured considerable public attention.²⁸

As a member of the minority party in the Maine Legislature from 1947 through 1951, Muskie did not wield much political "clout" in the traditional sense of the word. Yet, in a variety of contexts, it was evident that his short state legislative experience functioned to season his environmental education that had begun for Muskie by simply being born and raised in the unique and memorable state of Maine: "'a place of great natural beauty,' marred by intermittent ugliness"²⁹ In this regard,

²⁸ Blomquist, *supra* note 8, at 7 n.23 (quoting interview with Edmund S. Muskie in Washington, D.C. (July 22, 1993)). "As Muskie notes in his autobiography, however, '[n]o one was more surprised than I' about election to the Maine legislature." *Id.* (quoting MUSKIE, *supra* note 27, at 75).

²⁹ *Id.* at 5 (quoting MUSKIE, *supra* note 27, at 75). Maine "created a personal context and consciousness for his eventual interest and involvement in American environmental law." *Id.* By way of background, Muskie wrote in his autobiography:

When I was a boy, we didn't think about "pollution." The word wasn't part of our everyday vocabulary, and it was hardly in the public dialogue. If we thought at all of such matters, what we saw appeared to be a necessary balance between jobs and some pollution of a river; between wide, open, clean spaces, streams, lakes, forests, mountains, and a few less than lovely factories or plants. The beauties of nature were around us [in Maine] in almost pristine form. What development we had [we thought back then] was the price we paid for the economic benefits, even if it defiled the river some.

while a state legislator, Muskie learned to see the problem of pollution, along with other emerging post-war problems in Maine, as part of "the growing complexity of life"³⁰ in the modern world. Muskie attained the status of House Minority Leader from 1948-51,³¹ and in that role learned the intricacies of legislative procedure, which included a joint legislative committee structure with the Maine Senate that encompassed, among others, such arcane public health and natural resource panels as the joint committees on "Inland Fisheries and Game, Interior Waters, Mines and Mining, Public Health, Sea and Shore Fisheries, and State Lands and Forest Reservations."³² As a state legislator, Muskie also "grappled with a proposed bill to create a sewage disposal district 'for the health, comfort, and convenience' of his constituents in Waterville,"³³ learned about "New England's power problem" in its quest to compete economically with other regions of the nation, while reading a proposal for "unified river basin development that will provide flood control, hydroelectric power, water pollution abatement, land conservation and wildlife conservation,"³⁴ and became aware—for the first time as a public official, but certainly not for the last time—of the potential for using the natural tidal resources of Passamaquoddy Bay ("Quoddy") to generate hydroelectric power for Maine following the past development precedents of the Tennessee Valley Authority, Hoover Dam, and Boulder Dam.³⁵

Contemporaneously with his state legislative experience—which involved a part-time commitment—Edmund Muskie also ran unsuccessfully as the Democratic candidate for mayor of Waterville, Maine in 1947.³⁶ Turning defeat into victory, however, Muskie later secured a position as member and secretary of the Waterville Board of Zoning Adjustment in 1948 and served in this capacity up through his

MUSKIE, *supra* note 27, at 79-80. Moreover, as a young man, Muskie was exposed to the "pollution problem" of the Androscoggin River—a river that not only flows through Rumford, Maine, the town of his birth and boyhood, but also flows through Lewiston, Maine, the home of his college *alma mater*, Bates College. See Blomquist, *supra* note 8, at 6-7.

³⁰ Edmund S. Muskie, Talk to Bates College Alumni Council (March 5, 1947) (on file with the Edmund S. Muskie Archives, Bates College, Early Public Service Series, Box PS 1-1).

³¹ See MUSKIE SENATE TRIBUTES, *supra* note 15, at 52.

³² Blomquist, *supra* note 13, at 91 n.7.

³³ *Id.* (quoting An Act to Create the Waterville Sewerage District (1947) (on file with the Edmund S. Muskie Archives, Bates College, Maine Legislature Series, Box ML 01).

³⁴ *Id.*

³⁵ See *id.*

³⁶ See MUSKIE SENATE TRIBUTES, *supra* note 15, at 52.

assumption of the duties of governor of Maine in 1955.³⁷ Documents from Muskie's tenure on the zoning board show that he encountered an interesting array of cases involving various health, safety and public welfare policy issues—what would later be labeled as “environmental problems.”³⁸ For example, as a local zoning board official, Muskie heard arguments and participated in decisions involving an appeal by neighbors from the granting of a permit to construct a “poultry house;”³⁹ joined in a recommendation to the mayor to enforce local ordinances “relating to junk yards, auto dumps, and dealers in junk and second-hand articles;”⁴⁰ and heard public opposition to an application by a businessperson to build a bakery in a residential zone of Waterville, because of claims that the bakery would be “injurious, noxious, and offensive to the neighborhood by reason of emission of odor, fumes, dust, smoke, vibration and noise and by the hazards created by commercial and increased traffic and by other causes.”⁴¹

Muskie's pre-gubernatorial experience as a Maine Committeeman to the Democratic National Committee,⁴² moreover, also exposed the young man to state natural resources and environmental issues like forestry concerns, water pollution problems, and controversies involving Maine fisheries.⁴³

³⁷ See Blomquist, *supra* note 13, at 89 n.7.

³⁸ See *id.*

³⁹ See *id.*

⁴⁰ Letter from Edmund S. Muskie to Russell M. Squire, Mayor, Waterville, Me. (May 20, 1948) (on file with the Edmund S. Muskie Archives, Bates College, Early Public Service Series, Box PS 4-11).

⁴¹ Motion of Dr. R. L. Chasse in Opposition to Appeal by Onesime J. Bolduc, City of Waterville, Board of Zoning Adjustment (May 25, 1950) (on file with the Edmund S. Muskie Archives, Bates College, Early Public Service Series, Box PS 4-12).

⁴² See MUSKIE SENATE TRIBUTES, *supra* note 15, at 52. Muskie served as a Democratic National Committeeman from 1952 to 1956; this overlapped, from 1955-56—with his first term as governor of Maine. See *id.*

⁴³ See Blomquist, *supra* note 13, at 89 n.7. Parenthetically, it should be observed that Muskie's service as Maine State Director, Office of Price Stabilization for the Federal Government, during 1951-52, see MUSKIE SENATE TRIBUTES, *supra* note 15, at 52, must have provided him with valuable insights and lessons learned in dealing with ambiguous national laws and mind-bending regulations. See generally, CORNELIUS M. KERWIN, RULEMAKING: HOW GOVERNMENT AGENCIES WRITE LAW AND MAKE POLICY 1-22, 22 (2d ed. 1999) (discussing the history, substance, and reasons for American rulemaking and noting that “rulemaking is a direct, if not always desired, consequence of legislation”).

III. GUBERNATORIAL YEARS, 1955-58

A critical gestation period of Edmund S. Muskie's environmental education, which preceded his better-known accomplishments as an extraordinary federal environmental legislator, was his election as Governor of Maine in 1954 and re-election in 1956, and the two terms he served in this capacity as Maine's Chief Legislator and Chief Executive from 1955 through 1958.⁴⁴ "It was during this formative period in the late fifties when Governor Muskie . . . learned in depth, about the pollution and natural resources problems of the Pine Tree State."⁴⁵

A. Governor Muskie's First Term, 1955-56

Muskie's quixotic but spectacularly successful 1954 campaign for Governor of Maine was built on the state democratic platform for that year, which included some prominent conservation and environmental themes. In an overarching and strategic manner, the state platform called for more vigilant "trusteeship" by Maine government "in developing and preserving the human and natural resources of the state."⁴⁶ Moreover, the state platform urged two specific reforms: (1) creation of a new, properly staffed, Department of Conservation "to have jurisdiction of forestry, inland fish and game, sea and shore fisheries, mineral, water, and other natural resources,"⁴⁷ and (2) a tripartite set of legislative and regulatory changes in Maine law that included (a) "passage of an 'anti-pollution law, tested by experience elsewhere, together with necessary positive legislation to combat problems of industrial and sewage pollution,'"⁴⁸ (b) "[l]egislation to ensure adequate fishways,"⁴⁹ and (c) "[r]egulations to stimulate intelligent cutting practices and reforestation."⁵⁰

Muskie honed his stump speech for the campaign around the need for the full and intelligent use of Maine's human and natural resources in order to alleviate what he viewed as the "deplorable conditions in

⁴⁴ See Blomquist, *supra* note 13, at 92-126.

⁴⁵ *Id.* at 89.

⁴⁶ Democratic Party of Maine, 1954 Platform of the Democratic Party of Maine (1954) (on file with the Edmund S. Muskie Archives, Bates College, Governor Series, Box 1-2).

⁴⁷ *Id.* at 3.

⁴⁸ Blomquist, *supra* note 13, at 93 (quoting Democratic Party of Maine, *supra* note 46, at 3.)

⁴⁹ Democratic Party of Maine, *supra* note 46, at 3.

⁵⁰ *Id.* (original emphasis omitted).

Maine.”⁵¹ In this regard, in a speech delivered within a month of Maine’s September elections, candidate Muskie articulated the need for a comprehensive survey of Maine’s natural and human resources as a “first step needed to revitalize Maine economically;”⁵² he described his Republican opponent, Governor Burton M. Cross, as responsible for “a deplorable lack of precise knowledge on the part of our state government as to what [Maine] ha[s] and what we are best fitted for.”⁵³

Muskie deftly framed conservation and pollution issues during the 1954 campaign within an overall theme of economic revitalization; this rhetorical strategy may have been affected by a bit of hard scrabble Yankee advice that he obtained from a campaign supporter from Franklin County, Maine who mailed an informal “memo” to Muskie, during the summer, that counseled as follows:

Anti-pollution is a dangerous subject in Franklin County. The northern part of the county is vitally concerned because of the hunting and fishing business. The lower half of the county—especially around International Paper Co. at Chisholm, which employs 1,000 voters, is violently opposed to measures in that direction. Our candidate for State Senate, Rod Perry, is the President of the Union at International [Paper] and says it is a political hot potato. Thought the subject might be of interest to you before you stick your neck out either way. Conservation is a lot safer. According to Perry, [International Paper] would probably move elsewhere if forced too much on anti-pollution. [I] thought I’d passed [sic] this thought on to you.⁵⁴

In September, 1954, Edmund S. Muskie “startled the entire nation with his decisive victory over the incumbent Republican Governor of Maine, Burton M. Cross.”⁵⁵ Since Maine’s election, at the time, was held two months earlier than most other states—ostensibly because of the harsh

⁵¹ Edmund S. Muskie, *Reasons to Vote Democratic Speech* (undated) (on file with the Edmund S. Muskie Archives, Bates College, Governor Series, Box 2-14).

⁵² *Cross Replies to Rally Speech by Opponent*, BANGOR DAILY NEWS, Aug. 5 1954, at 4 (on file with the Edmund S. Muskie Archives, Bates College, Governor Series, Box 2-14).

⁵³ *Id.*

⁵⁴ Memorandum from Elizabeth M. Stevens to Edmund S. Muskie (June 25, 1954) (on file with the Edmund S. Muskie Archives, Bates College, Governor Series, Box 2-10).

⁵⁵ Testimonial Program, Senator Edmund S. Muskie Testimonial Dinner, Eastland Motor Hotel, Portland, Me. 6 (April 29, 1964).

November weather in Maine—Governor-elect Muskie accepted invitations from Democrats in other states to make campaign appearances on their behalf.⁵⁶

In his first inaugural address, delivered on January 6, 1955, Governor Muskie refined a theme that he had voiced during the campaign: development of Maine's resources. Employing a "road" metaphor, Muskie said:

What, then, are the roads which we should travel? There are, broadly viewed, three such roads. One lies in the direction of *developing our natural and industrial resources*, on which the social and economic well-being of our citizens must rest. The second road is that of *development and conservation of our human resources*, whether they be children in our school system, the aged in need of understanding care, or the inmates of our institutions who possess the rights not only of intelligent care but of rehabilitation and, if practicable, return to society. The third avenue which must be traveled if we are to live up to our responsibilities is that of *improvement of the processes of government* itself. To these three major ends of good State Government let us here dedicate ourselves.⁵⁷

Governor Muskie's first inaugural address urged various policy innovations for what he called "stream improvement" in Maine⁵⁸ because, as he stated:

No discussion of industrial development would be complete without reference to the problem of stream improvement. In the first place, solution of the problem has serious economic implications for existing industries . . . In the second place, an abundant supply of clean water has undoubted advantages as an inducement for new industries [sic] to locate in [Maine]. These advantages will increase as the problem of water supply becomes more

⁵⁶ See *id.*

⁵⁷ Governor Edmund S. Muskie, Inaugural Address to the Ninety-seventh Legislature, State of Maine (Jan 6, 1955) (on file with the Edmund S. Muskie Archives, Bates College, Governor Series, Box 229-6).

⁵⁸ See Blomquist, *supra* note 13, at 95.

acute in other parts of the country; and we should improve our position in this respect as quickly as possible. The need for action becomes even clearer when we consider the subject of clean streams as a conservation measure important to our recreation industry and our shellfish industry.⁵⁹

To implement his vision of improved stream quality in Maine, Governor Muskie proposed, in his first inaugural address, a four part action program: first, to complete classification of all waters in Maine for desired water uses, while appropriating sufficient state funds to achieve this task; second, to tighten the highest use classification which was too broad, in Muskie's view; third, to provide more disinterested "public" members on the Maine Water Improvement Commission ("WIC"); and, finally, to direct WIC to issue a report "relative to methods, costs, and . . . time limit[s]" for compliance with various water classification areas by means of pollution abatement measures.⁶⁰

Governor Muskie also offered a series of common sense proposals in his January 1954 inaugural address for improving Maine's inland, game, sea and shore fisheries, forestry, and agricultural resources through better enforcement of existing conservation laws, more citizen input, better "stream management," more sophisticated research, and more "intelligent use of the soil."⁶¹ Moreover, Muskie went on in his speech to urge an expansion of Maine's existing state park system,⁶² while offering a suggestion for consolidating various conservation departments of Maine State Government into a "new Department of Conservation."⁶³

As an important component of his day-to-day governance of the Maine State Government during his first term, 1955-56, Governor Muskie received an assortment of law and policy information from a variety of sources on pollution problems, while taking a number of actions to improve environmental quality in Maine. For instance, during his first term as governor, Muskie reviewed various reports on water quality within and among the six New England states,⁶⁴ the specific details of Maine's past water quality,⁶⁵ and "embarrassing historical information about Maine's lag in joining other New England states in attempting to redress

⁵⁹ Muskie, *supra* note 57, at 5.

⁶⁰ *Id.* at 5-6.

⁶¹ *Id.* at 9, 10.

⁶² See Blomquist, *supra* note 13, at 97.

⁶³ Muskie, *supra* note 57, at 10.

⁶⁴ See Blomquist, *supra* note 13, at 100.

⁶⁵ See *id.* at 100-01.

water pollution in the region;⁶⁶ received and answered a deluge of mail from both constituents and government officials who favored more vigorous water pollution control policy by Maine;⁶⁷ signed the New England Interstate Water Pollution Control Compact (making Maine the last New England state to do so);⁶⁸ monitored the work of Maine's WIC in classifying the state's waters and in processing applications by sewage facilities and industrial firms for water discharge permits;⁶⁹ and corresponded with federal officials regarding water pollution legislation under consideration by Congress.⁷⁰

Furthermore, during Muskie's first term as Governor of Maine in 1955-56, he sought and received a vast assortment of natural resources law and policy information while taking assorted public actions to deal with these issues. Illustratively, Governor Muskie corresponded with various citizens' and industrial concerns in the aftermath of his proposal for reorganizing the structure of fragmented state natural resource agencies into a centralized Department of Conservation;⁷¹ communicated to the Maine Legislature about the details of former Maine governor Percival P. Baxter's proposed private gift of over three thousand acres of wilderness land in northern Maine for expansion of the state park system;⁷² read about innovative laws and policies being undertaken in other states to deal with water use, watershed protection, water supply, and sewage and drainage problems;⁷³ learned about the complex details of Maine's Department of Sea and Shore Fisheries Clam Management Program, Seed Lobster Program and citizen reports regarding alleged exploitative scallop harvest techniques;⁷⁴ personally advised a citizen of the restrictions in Maine law that prevented the state from leasing an island in the middle of Little Sebago Lake to private individuals, while suggesting that the resident "might want to consider trying the legislative approach" in changing the law;⁷⁵ and received a copy of a speech from United States Senator (and future Vice-President) Hubert H. Humphrey of Minnesota dealing with the

⁶⁶ *Id.* at 100 (citations omitted).

⁶⁷ *See id.* at 100.

⁶⁸ *See id.* at 101.

⁶⁹ *See id.*

⁷⁰ *See id.* at 101-02.

⁷¹ *See id.* at 102-03.

⁷² *See id.* at 104.

⁷³ *See id.* at 105-06.

⁷⁴ *See id.* at 106-07.

⁷⁵ Letter from Edmund S. Muskie, Governor of Maine, to Earle P. Shaw (Aug. 31, 1956) (on file with the Edmund S. Muskie Archives, Bates College, Governor Series, Box 62-6).

subject of "Wilderness Preservation" as part of a federal bill to establish a National Wilderness Preservation System.⁷⁶

B. *Governor Muskie's Second Term, 1957-58*

Governor Muskie commenced his final two-year term in January 1957 with his Second Inaugural Address.⁷⁷ Muskie again voiced the metaphor of a "map" in setting forth his law and policy proposals for his second gubernatorial term.⁷⁸ As he had done in his First Inaugural Address two years earlier, Governor Muskie had some significant things to say about Maine's environment and natural resources.⁷⁹ In particular, Muskie urged balanced growth and development of coastal Maine;⁸⁰ emphasized the need to husband the state's forests and to improve forest practices;⁸¹ explained why he thought state government should continue to focus on such agricultural resource concerns as eliminating poultry diseases, improving the marketing of Maine's potato crop, eliminating retail price controls on milk, and more effectively promoting Maine's agricultural products;⁸² suggested that the Legislature consider the legal codification of Maine's haphazard fish and game laws;⁸³ called for the strengthening and improvement of state governmental programs dealing with saltwater fisheries—including enforcement, research and promotion activities;⁸⁴ and advised the Legislature of the need to continue funding for implementation of a long range program for expansion and improvement of Maine's state park system.⁸⁵ Moreover, Governor Muskie placed special emphasis in his inaugural address on water resources and emerging problems of water pollution in Maine.⁸⁶ He outlined the importance of improving the state's abundant, but vulnerable, water supply and pointed out the responsibility of industries and municipalities to "make progress [in improving water quality and abating water pollution] to the maximum extent possible in the light of technological advances and reasonable

⁷⁶ See Blomquist, *supra* note 13, at 108.

⁷⁷ See *id.*

⁷⁸ See *id.* at 110.

⁷⁹ See *id.* at 110-11.

⁸⁰ See *id.* at 111.

⁸¹ See *id.*

⁸² See *id.* at 112.

⁸³ See *id.* at 113.

⁸⁴ See *id.*

⁸⁵ See *id.* at 115.

⁸⁶ See *id.* at 114.

financial requirements."⁸⁷ In addition, Governor Muskie provided details of the growing water pollution problem in Maine and in the Nation and went on to lay out, with considerable skill, various financial alternatives for the Legislature to consider in deciding how to deal with a number of interconnected and crosscutting water policy issues.⁸⁸

During his second term as governor from 1957-58, Muskie continued his nuanced, wise and managerial approach to day-to-day information processing and decisionmaking on environmental affairs and natural resources policy. For example, during this period Governor Muskie continued to receive a wide variety of pollution-related documents from numerous sources, and chose to take selective action on some of this data.⁸⁹ Among the environmental information he encountered, and to which he responded at times, were documents focusing on the following issues: "the great importance of air-pollution control, particularly in metropolitan areas, and the need for a more intensive attack to be made on this problem;"⁹⁰ the advisability of the federal government returning the full financing responsibility of municipal wastewater treatment plants to the states;⁹¹ the possibility of voluntary, as opposed to mandatory, water pollution abatement;⁹² the international (between Canada and the United States) nature of Maine's St. Croix River watershed and the history and prospects for development and pollution abatement thereto;⁹³ and the progress and prospects of the six states of the New England Interstate Water Pollution Control Commission in dealing with their water pollution.⁹⁴ By way of further illustration, Governor Muskie also took selective action on the following natural resource concerns: rejection by the Maine Citizens' Committee of Muskie's idea for a new state Department of Natural Resources;⁹⁵ statistical and policy reports from Maine's Department of Sea and Shore Fisheries, on the saltwater fisheries resource,⁹⁶ and Maine's Department of Inland Fisheries and Game, on the

⁸⁷ Governor Edmund S. Muskie, Secon Inaugural Address to the Ninety-eighth Legislature of the State of Maine 5 (Jan. 3, 1957) (on file with the Edmund S. Muskie Archives, Bates College, Governor Series, Box 229-6).

⁸⁸ See Blomquist, *supra* note 13, at 114.

⁸⁹ See *id.* at 116.

⁹⁰ Forty-ninth Governors Conference, Resolution III (July 26, 1957) (on file with the Edmund S. Muskie Archives, Bates College, Governor Series, Box 125-1).

⁹¹ See Blomquist, *supra* note 13, at 116-17.

⁹² See *id.* at 118.

⁹³ See *id.* at 119.

⁹⁴ See *id.* at 120.

⁹⁵ See *id.* at 122.

⁹⁶ See *id.* at 123-24.

freshwater fisheries resource;⁹⁷ and a staff report from the National Governors' Conference mentioning the fiftieth anniversary of President Theodore Roosevelt's convening of the first White House conference regarding the nation's natural resources, while surveying various states' experiences in fashioning laws and policies to address water use and quality, mineral resources, soil conservation, forestry and wildlife.⁹⁸

IV. UNITED STATES SENATE YEARS, 1959-80

In 1958 Governor Muskie became Senator-elect Muskie—Maine's "first Democrat ever to be popularly elected in Maine as a United States Senator."⁹⁹ During his extraordinary tenure of over two decades as a United States Senator, Muskie was re-elected by the people of Maine in 1964, 1970 and 1976, and served in the Senate until May 7, 1980 when he resigned to enter the Cabinet of President Carter as Secretary of State.¹⁰⁰

As I pointed out in an earlier piece, Muskie "will probably be best remembered [in American history] as a skillful and accomplished national leader who molded environmental policy [as a United States Senator during] what may be usefully characterized as the formative years of modern American environmental law."¹⁰¹ While I have conducted some research—including archival investigations—of Muskie's synoptical career in the Senate and his brief service as Secretary of State, and published an article that focuses on some of his environmental policy activities during his first term in the Senate, I have much more work to do. Indeed, I am reminded in this regard of the words of the New England poet Robert Frost:

The woods are lovely, dark
and deep,
But I have promises to keep,
And miles to go before I sleep,
And miles to go before I sleep.¹⁰²

What follows in the rest of Part IV and Part V of this Article is a tentative, working synopsis of Muskie's key environmental law and policy

⁹⁷ See *id.* at 124-25.

⁹⁸ See *id.* at 125-26.

⁹⁹ THEO LIPPMAN, JR. & DONALD C. HANSEN, MUSKIE 97 (1971)).

¹⁰⁰ See Blomquist, *supra* note 13, at 2 n.1.

¹⁰¹ *Id.* at 2-3.

¹⁰² Robert Frost, *Stopping by Woods on a Snowy Evening*, in THE POETRY OF ROBERT FROST 224, 224-25 (Edward Connery Lathen ed., 1979).

contributions during his years in the United States Senate and as United States Secretary of State. Many aspects of this inchoate summary raise more questions than they answer. Moreover, I view the remainder of this Article to be a call for further legal and archival research, further interviews, and further thought and refinement by scholars—myself as well as my colleagues in law, political science, history and government.

A. *Senator Muskie's First Term, 1959-64*

Even before he was sworn in as a United States Senator, Muskie experienced the hardball politics of Washington D.C. Muskie made the mistake of incurring the displeasure of Senate Majority Leader Lyndon Baines Johnson when he refused to commit to Johnson's specific proposal for changing the cloture rule to halt filibusters on the floor of the Senate. Johnson penalized Muskie by refusing to place Muskie on any of his top choices for committee assignments.¹⁰³ Instead of gaining a seat on any of his preferred committees—Foreign Relations, Interstate and Foreign Commerce, or Judiciary—Senator Muskie was accorded membership on the following committees by Johnson: Banking and Currency, Public Works, and Government Operations.¹⁰⁴

Undaunted by Johnson's putdown, Muskie, in his typical pragmatic fashion, made the best of his initial committee assignments. As Muskie later reflected, Majority Leader "Johnson had done me a favor"¹⁰⁵ because the combination of the Banking and Currency, Government Operations and Public Works Committees "gave me the chance to work on problems of increasing importance to the country. In fact, the combination [of these three committee assignments] was unique in the Senate, and working in and between those committees I was caught up in most of the legislative efforts to improve the quality of urban life in America."¹⁰⁶

¹⁰³ See Blomquist, *supra* note 8, at 10.

¹⁰⁴ See *id.* Of these three initial committee assignments, Banking and Currency had been Muskie's fourth choice. Neither Public Works nor Government Operations was on Muskie's list of committee requests. See *id.* See also LIPPMAN & HANSEN, *supra* note 99, at 100 (1971) (reporting that Majority Leader Lyndon Johnson's secretary, Bobby Baker, told other senators that as a result of Muskie's wavering on Johnson's specific request for support on the filibuster cloture rule, Johnson thought that Muskie was "chickenshit"); ROWLAND EVANS & ROBERT NOVAK, LYNDON B. JOHNSON, THE EXERCISE OF POWER 202 (1966) (discussing Johnson's putdown of Muskie in his freshman year as a Senator by not awarding Muskie his top request committee assignments).

¹⁰⁵ MUSKIE, *supra* note 27, at 9.

¹⁰⁶ *Id.*

As I previously wrote:

Recognizing the important strategic role of subcommittees in the legislative process, Muskie took an early interest in the Government Operations Subcommittee on Intergovernmental Relations; while still in his freshman term as a Senator [during 1959], Muskie was named chairman of this subcommittee. Moreover, in recognition of his developing legislative skills, Public Works Committee Chairman Pat McNamara named Muskie chairman of the newly created Special Air and Water Pollution Subcommittee . . . in 1963.¹⁰⁷

Senator Muskie exhibited the adroit skills of a policy entrepreneur in overcoming obstacles while pursuing legislative opportunities.¹⁰⁸ Senator Muskie used his chairmanship of the Special Air and Water Pollution Subcommittee ("the Subcommittee"), in his own words, to "hold hearings around the country, to *stir up public interest*, and with a lot of hard work over two years, we got momentum started for the [new, national environmental] legislation which has developed ever since."¹⁰⁹ Thus, in June 1963, Muskie led his Subcommittee to commence hearings, as he explained in his opening statement, on "the whole breadth and scope of the water pollution problem facing the Nation as well as . . . the specific items of legislation presently before [the Subcommittee] on this subject."¹¹⁰ Senator Muskie's leadership led to the passage of an innovative bill by the entire Senate in October 1963; but due to inactivity in the House of Representatives no new water pollution legislation was passed by Congress during 1963-64.¹¹¹

Muskie plodded on in 1964 with air pollution field hearings by his Subcommittee in a few American cities,¹¹² and made plans to conduct

¹⁰⁷ Blomquist, *supra* note 8, at 11 (footnotes omitted).

¹⁰⁸ *See id.* at 12.

¹⁰⁹ MUSKIE, *supra* note 27, at 83.

¹¹⁰ Senator Edmund S. Muskie, Opening Statement at the Water Pollution Hearings on S. 649, S. 737, S. 1118 & S. 1183 (June 17, 1963), *available in* Record Group 46, *supra* note 6.

¹¹¹ *See id.* at 24-25. Muskie, however, was a "key player in passage of the Clean Air Act, 1963." MUSKIE SENATE TRIBUTES, *supra* note 15, at 52. *See also* UNITED STATES SENATE, *supra* note 16, at 98-99 (discussing the Clean Air Act of 1963). The specifics of Muskie's involvement in this legislation, however, is a subject for my future research and writing.

¹¹² *See* Blomquist, *supra* note 8, at 27-28.

further water pollution hearings.¹¹³ The Subcommittee staff, indeed, "laid the intellectual foundation for [further water pollution field hearings] in an [extensive] October 1964 memorandum."¹¹⁴

Muskie was re-elected to a second term in November 1964, benefitting from the Democratic landslide that election year.¹¹⁵

B. *Senator Muskie's Second Term, 1965-70*

After his decisive re-election,¹¹⁶ in January 1965 Senator Muskie introduced new water pollution legislation which built on his earlier proposals in 1963.¹¹⁷ Muskie's bill was quickly passed a few weeks later by the entire Senate.¹¹⁸ When the Senate water pollution bill was considered by the House of Representatives in April of 1965, the bill passed the House with amendments added by the House Public Works Committee.¹¹⁹ This led to a House-Senate Conference Committee, convened during the spring and summer of 1965, to work on reconciling the differing versions of the water pollution legislation passed by the House and the Senate.¹²⁰ The Conference Committee, however, "ran into an impasse over the water quality provisions of each bill."¹²¹

Unperturbed by the roadblock, Senator Muskie pressed on during 1965 when he orchestrated an array of Subcommittee hearings in the Capitol, and field hearings in major cities throughout the country.¹²² In September, the House and Senate resolved their policy differences and passed the Water Quality Act of 1965—writing into law the "basic Senate version of the legislation with some important procedural modifications."¹²³ President Johnson signed the legislation into law a few weeks later on October 2, 1965, pledging that, with this water pollution law "we are going to reopen the Potomac for swimming by 1975 and

¹¹³ See *id.* at 28-29. The water pollution field hearings, however, had to be cancelled during 1964 because of President Johnson's push to pass civil rights legislation and the Senate's need to meet to discuss the details of this legislation. See *id.*

¹¹⁴ *Id.* at 31.

¹¹⁵ See *id.* at 30.

¹¹⁶ See *id.*

¹¹⁷ See *id.* at 36.

¹¹⁸ See *id.* at 36-37.

¹¹⁹ See *id.* at 39.

¹²⁰ See *id.* at 39.

¹²¹ *Id.* at 39.

¹²² See generally *id.* at 36-54 (discussing in detail the Subcommittee's 1965 water pollution hearings).

¹²³ *Id.* at 55.

within the next 25 years we are going to repeat this effort in lakes and streams and other rivers across the country."¹²⁴

In early 1966, Senator Muskie arranged for his Subcommittee to issue a special report which urged a more aggressive federal effort to combat water pollution.¹²⁵ This Subcommittee report "built on the foundation of the Subcommittee's legislative investigations and activities from 1963 through 1965"¹²⁶ Pursuing follow-up water pollution legislation at the request of the Johnson Administration, Muskie held Subcommittee hearings during 1966 that culminated in Senate passage of the additional legislation, passage by the House, and President Johnson's signing the Clean Waters Restoration Act of 1966 into law in November of 1966.¹²⁷ In sum, during 1966

[f]or the second consecutive year, Congress enacted a far-reaching bill . . . to step up the Federal Government's water pollution control activities. The Water Quality Act of 1965 had required that purity standards be set for interstate waters. S 2947, the Clean Waters Restoration Act of 1966, provided money to help communities defray the costs of abiding by those standards.

....

The combination of these two acts made the 89th Congress the most important in history in dealing with the increasingly serious national problem [of water pollution].¹²⁸

Senator Edmund S. Muskie deserves the lion's share of the credit for the passage of these two important pieces of water pollution legislation into law, based on his intellectual and political leadership. Senator Muskie was the key figure in working through the complexities of this policy area and personally assisting Congress, the President, and the American people to deliberate, discuss and take reasoned legislative action to begin to resolve the nation's environmental problems.¹²⁹

¹²⁴ CONGRESSIONAL QUARTERLY, INC., 1965 CONGRESSIONAL QUARTERLY ALMANAC 637 (1967) (quoting State of the Union Message).

¹²⁵ See Blomquist, *supra* note 8, at 58.

¹²⁶ *Id.* at 58.

¹²⁷ See *id.* at 59-61.

¹²⁸ CONGRESSIONAL QUARTERLY INC., 1966 CONGRESSIONAL QUARTERLY ALMANAC 77, 632 (1967).

¹²⁹ See Blomquist, *supra* note 8, at 62-64.

During his second term, Senator Muskie's Subcommittee leadership was instrumental in "extend[ing] the [then] new Federal Air Pollution Control Effort to automobiles," in gaining passage of the Motor Vehicle Air Pollution Control Act of 1965¹³⁰ which "directed the Secretary of HEW [Health, Education and Welfare] to develop emission standards for new motor vehicles and motor vehicle engines."¹³¹ Muskie was also a "[k]ey player in passage" of the Clean Air Act Amendments of 1967 and 1970.¹³² Muskie was also one of several senators who authored and successfully passed into law the Solid Waste Disposal Act of 1965,¹³³ which sought to address the "growing problem of municipal waste disposal" and "encouraged state and local governments to undertake comprehensive planning processes to improve waste disposal."¹³⁴ Muskie was also involved in passage of the Resource Recovery Act of 1970¹³⁵ which "reflected enhanced public awareness of waste disposal issues and interest in the benefits of recycling" and "established a National Materials Policy."¹³⁶

C. *Senator Muskie's Third Term, 1971-76*

During his third term as a United States Senator, Muskie expanded his environmental leadership role in Congress. Indeed, during this period of time Muskie came close to being the Democratic nominee for President of the United States due largely to his national environmental reputation as "Mr. Clean," and the growing resonance of environmental issues for American voters.¹³⁷

I have not yet had the opportunity to do any archival research of Muskie's environmental activities in the United States Senate during the last decade or so of his tenure in the Senate. I have noted, however, that the *Washington Post*, in its obituary of Muskie, observed that "[h]e was

¹³⁰ Motor Vehicle Air Pollution Control Act (1965), Pub. L. No. 89-271, 79 Stat. 992 (codified as amended at 42 U.S.C. § 7521 (1994)).

¹³¹ UNITED STATES SENATE, *supra* note 16, at 99.

¹³² MUSKIE SENATE TRIBUTES, *supra* note 15, at 52. See also, *supra* note 109 and accompanying text (discussing, briefly, Muskie's key role during his first Senate term in the passage of the 1963 Clean Air Act). This area is also an area for my future research and writing.

¹³³ Solid Waste Disposal Act (1965), Pub. L. No. 89-272, 79 Stat. 997 (codified as amended in scattered sections of 42 U.S.C.).

¹³⁴ UNITED STATES SENATE, *supra* note 16, at 103.

¹³⁵ Resource Recovery Act of 1970, Pub. L. No. 91-512, 84 Stat. 1227 (codified as amended in scattered sections of 42 U.S.C.).

¹³⁶ UNITED STATES SENATE, *supra* note 16, at 103.

¹³⁷ See Blomquist, *supra* note 8, at 2-3.

author and manager of more than a dozen major environmental bills”¹³⁸ during his Senate career and that during this time “Muskie drafted most of the environmental legislation enacted by Congress, and many environmentalists considered him their most effective leader.”¹³⁹ In charting my future research and writing of Muskie’s complete environmental biography, however, the account of the *History of the Senate Committee on Environment and Public Works*, mentioned earlier, is instructive. Key environmental legislative activities pertinent to Muskie’s environmental biography (during the timeframe of Muskie’s third Senate term, which I need to further investigate in completing my environmental biography-in-progress) include the following references in the *Environment and Public Works Committee History*:

1. Clean Water Legislation

- Senate legislative “oversight and review of water quality issues with a two year study in 1970-71, including nearly 30 days of public hearings.”¹⁴⁰
- The finding by the Senate Environment and Public Works Committee “that the existing water quality standards process, enforcement mechanism, and levels of Federal Funding had to be revised in order to adequately reduce water pollution. This assessment led to enactment of the Federal Water Pollution Control Act Amendments of 1972 (PL 92-500).”¹⁴¹
- The creation in the 1972 Federal Water Pollution Control Act Amendments of 1972 of the

National Water Quality Commission [which was charged] with assessing progress in implementing water quality programs and in achieving the goals and objectives of the Act. The Commission was chaired by New York Governor Nelson A. Rockefeller, who continued in that role even after he became Vice President of the United States. Senator Muskie and Representative Robert Jones (D-AL) chairman of the House Committee on

¹³⁸ Bart Barner, *Edmund S. Muskie Dies at 81; Senator and Secretary of State*, WASH. POST, March 27, 1996, reprinted in MUSKIE SENATE TRIBUTES, *supra* note 15, at 150.

¹³⁹ *Id.*

¹⁴⁰ UNITES STATES SENATE, *supra* note 16, at 92.

¹⁴¹ *Id.*

Public Works and Transportation, served as the Commission's Vice Chairman. The Commission completed its work and issued a comprehensive report in June 1976. The report concluded that, while the ambitious deadlines of the original legislation would not be attained in some cases, the basic framework and requirements of the Act were sound.¹⁴²

2. Clean Air Legislation

- During the 94th Congress (1975-76) the [Senate Committee on Environment and Public Works] developed legislation (S. 3219) substantially revising the Clean Air Act. The bill proposed changes in automobile emission standards and provided an additional two years for achieving them. A major effort was made to create a congressional policy for protecting areas where the air was clean. The non-degradation policy was the subject of extensive hearings in 1973, 1974, and 1975. The committee bill required that certain lands be reserved for special protection and established precise limits for pollutant increases in these areas.¹⁴³

3. Solid Waste Legislation

- The Solid Waste Disposal Act (P.L. 89-272) was substantially rewritten into its current form with the

¹⁴² *Id.* at 93.

¹⁴³ *Id.* at 101.

Other portions of the bill [S. 3219] addressed issues in the full spectrum of air quality protection. The measure was adopted by the Senate by a vote of 78-13 on August 3, 1976. The House of Representatives took similar action and a conference report on the agreed bill went before the Senate on September 30 [1976]. A filibuster against the bill was carried out in the closing days of the session, however, by Senators opposed to provisions intended to protect clean air areas. This action precluded Senate action on changes to the statute, and the effort was started anew [in 1977].

Id. at 101-02.

enactment of the Comprehensive Resource Conservation and Recovery Act of 1976 (P.L. 94-580). The Act, initiated by committee Chairman Jennings Randolph (D-WV) and Senator Gary Hart (D-CO), established a major Federal regulatory program for "cradle to grave" hazardous waste management in Subtitle C. Subtitle D addressed municipal solid waste disposal.¹⁴⁴

D. *Senator Muskie's Fourth Term, 1977-1980*

Key, pertinent environmental legislative activities during the timeframe of Muskie's incomplete fourth, and final, Senate term, mentioned in the *Environment and Public Works Committee History*, (which I need to further investigate in completing my environmental biography-in-progress of Edmund S. Muskie) include the following:

1. Clean Water Legislation

- In 1977, after two years of reviewing the [Federal Water Pollution Control Act Amendments of 1972] implementation, the Congress enacted mid-course corrections in the 1972 amendments. The Clean Water Act of 1977 (P.L. 95-217), built on the 1972 statute in three basic ways. First, it extended authorizations for the municipal sewage treatment grants program, providing \$24.5 billion dollars over five years while extending the municipal compliance deadline to 1983. Second, it included numerous 'fine-tuning' provisions to adjust municipal and industrial source deadlines, improve administrative flexibility, and enhance implementation by EPA [the Environmental Protection Agency] and the States. And third, it provided new authorities for controlling toxic pollutant discharges into the Nation's waters.¹⁴⁵
- During its review of water quality issues that included 21 public hearings, the [Senate Committee

¹⁴⁴ *Id.* at 104.

¹⁴⁵ *Id.* at 93.

on Environment and Public Works] focused considerable time and attention on toxic water pollution problems. These efforts were reflected in the 1977 Clean Water Act which reaffirmed the commitments made in 1972 to apply technology-based controls to industrial sources of toxic and potentially toxic waste discharges.¹⁴⁶

2. Clean Air Legislation

- Major amendments to the Clean Air Act in 1977 (P.L. 95-95) incorporated several new features, including a "non-degradation" or "clean growth" policy to prevent the significant deterioration of air quality in areas where the air is cleaner than the ambient air quality standards. The country was divided into three classes. Specified increments of new emissions were allowed according to how the region was classified. Class I consists of areas where pristine air quality and visibility are especially important, such as in national parks, monuments and wilderness areas. Only very small increments of new emissions are allowed in Class I areas. All other clean air area regions were initially placed in Class II. States may reclassify any area as Class I, and may reclassify some areas as Class III, which allow the greatest incremental increase in emissions. Prevention of significant deterioration (PSD) permits are required for construction of facilities in Class I areas to preserve their exceptional air quality.¹⁴⁷

¹⁴⁶ *Id.* At the same time, the 1977 legislation sought to accelerate the regulation of toxic pollutants through a process of mandating lists of substances and industries to be regulated, plus establishing specific deadlines for compliance with toxic pollutant control requirements. The [Senate Committee on Environment and Public Works] viewed these requirements as a beginning, but a major step towards the Act's policy of eliminating the discharge of toxic pollutants. *See id.*

¹⁴⁷ *Id.* at 102.

The 1977 amendments provided guidelines for construction of new facilities in areas where ambient air quality standards ha[d] not yet been obtained. New facilities [were] required to meet the lowest achievable emission rate (LAER) and existing facilities install the best available

3. Solid Waste Legislation

"Minor changes to the Solid Waste Disposal Act were adopted in 1978 (P.L. 95-609) and in 1980 (P.L. 96-482) as part of its reauthorization. The amendments were for the most part refinements of the [1976] Resource Conservation and Recovery Act provisions."¹⁴⁸

4. Abandoned Hazardous Substances Legislation

Congressional actions which led to [the] Superfund [legislation] actually started in the 95th Congress (1977-78). Proposals were made in both the Senate and House of Representatives to expand the existing provisions of the Clean Water Act to provide cleanup costs and compensation for victims of oil and hazardous substance releases. A bill (H.R. 6803) was passed by the House of Representatives but addressed only oil spills.¹⁴⁹

In the Senate, proposals [during 1977-78] were advanced by members of the two concerned committees, Environment and Public Works and Commerce, Science and Transportation. The first

control technology (BACT). Both [had to] meet other State implementation plan requirements.

The 1977 amendments also require[d] EPA to establish National Emission Standards for Hazardous Pollutants (NESHAPS) for substances such as asbestos, beryllium, mercury and vinyl chloride, where even extremely small emissions are toxic.

The Clean Air Act Amendments of 1977 also set new attainment deadlines for regions which had been unable to attain NAAQS [National Ambient Air Quality Standards] standards. Extensions of up to five years . . . were provided for all areas that had not met the NAAQS. A further five-year extension . . . was provided [until 1987] for areas that did not meet NAAQS for ozone and carbon monoxide.

Areas not meeting standards in 1982 had to agree to additional control measures, including vehicle inspection and maintenance, in order to receive an extension from EPA.

Id.

¹⁴⁸ *Id.* at 104.

¹⁴⁹ *Id.* at 119.

of these (S. 2083) originated in the Commerce Committee which reported it as original legislation. This bill was subsequently referred to the Environmental and Public Works Committee. The second bill (S. 2900) was introduced by Senators Edmund S. Muskie (D-ME), Robert T. Stafford (R-VT), and John Chafee (R-RI). The [Senate Environmental and Public Works Committee] considered the House bill and both Senate proposals and included hazardous substances before reporting S. 2900. House resistance to this inclusion prevented enactment in the 95th Congress.¹⁵⁰

Action in the 96th Congress (1979-80) [on what ultimately became the Superfund law in 1980] began with a proposal of the Carter Administration (S. 1341, H.R. 4566, H.R. 4571) dealing with both oil and hazardous substances. While the subject was confined in the Senate to a single committee (Environment and Public Works), the situation was more complex in the House where jurisdiction was exercised by three committees (Merchant Marine and Fisheries, Interstate and Foreign Commerce and Public Works and Transportation). Ultimately, the tax-related committees of both houses also became involved.¹⁵¹

Shortly after the Administration bill was submitted, another proposal (S. 1480) was introduced by six senior members of the [Senate Committee on Environment and Public Works], Senators John C. Culver (D-IA), Edmund S. Muskie (D-ME), Robert T. Stafford (R-VT), John Chafee (R-RI), Jennings Randolph (D-WV), the committee chairman, and Daniel Patrick Moynihan (D-NY). Within the [Senate Committee on Environment and Public Works], its broad scope caused it to be assigned jointly to the subcommittees on Environmental

¹⁵⁰ *Id.* at 119-20.

¹⁵¹ *Id.* at 120.

Pollution, chaired by Senator Muskie, and Resource Protection chaired by Senator Culver.¹⁵²

Extensive hearings were held in both houses during 1979. The extent of the problem was further documented when, for example, representatives of the Administration told the Environment and Public Works Committee that in the previous five years approximately 11,000 oil spills, averaging 17 million gallons per year, had occurred in the United States. The [Senate Committee on Environment and Public Works] was further informed that each year nearly 3,500 chemical releases occur which "have the potential of releasing significant quantities of hazardous substances onto land or water."¹⁵³

[T]he Committee on Environment and Public Works completed work on its Superfund bill on July 11, 1980

. . . .
The elections in early November 1980 resulted in the defeat of an incumbent Democratic President [Jimmy Carter] and the end of a long period of Democratic control of the Senate. Uncertain of what lie [sic] ahead, the post-election session of the Congress was devoted to completing as much as possible of the agenda of the past two years. The preceding six months [of 1980] also had seen the [Senate Committee on Environment and Public Works] lose the services of the two subcommittee chairmen who had functioned as the principal managers of the Superfund development. Senator Muskie resigned in May [1980] to become Secretary of State, and Senator Culver was defeated for reelection in November.¹⁵⁴

¹⁵² *Id.* at 121.

¹⁵³ *Id.*

¹⁵⁴ *Id.* at 121-22.

Faced with the possible loss of Superfund altogether [in late 1980 after Muskie had left the Senate to become Secretary of State] if a Senate-House conference were sought [to refine hasty compromise legislation between the two houses] the House adopted the Senate bill without change on December 11 [1980]¹⁵⁵

V. UNITED STATES SECRETARY OF STATE, 1980-81

Edmund S. Muskie served as Secretary of State for only a few short months at the end of the Carter Administration—from May 1980 to January 1981 when Ronald Reagan was inaugurated as President. I have not conducted archival research of Muskie's contributions to environmental policy and diplomacy during his tenure as Secretary of State. I am aware, however, at this juncture of my environmental biography-in-progress that a key accomplishment by Secretary Muskie, in this regard, was his leadership in completing the *Global 2000 Report to the President*¹⁵⁶ for the U.S. Department of State in collaboration with the U.S. Council on Environmental Quality ("CEQ").

The *Global 2000 Report to the President* summarized its key holdings by noting that:

If present trends continue, the world in 2000 will be more crowded, more polluted, less stable ecologically, and more vulnerable to disruption than the world we live in now [in 1980]. Serious stresses involving population, resources, and environment are clearly visible ahead. Despite greater material output, the world's people will be poorer in many ways than they are today [in 1980].¹⁵⁷

As I previously wrote about the significance of the *Global 2000 Report to the President*:

¹⁵⁵ *Id.* at 122. This was, a few days later, signed into law by lame duck President Jimmy Carter.

¹⁵⁶ UNITED STATES COUNCIL ON ENVIRONMENTAL QUALITY AND UNITED STATES DEPARTMENT OF STATE, *THE GLOBAL 2000 REPORT TO THE PRESIDENT OF THE U.S. ENTERING THE TWENTY-FIRST CENTURY VOL. 1: THE SUMMARY REPORT* (1980).

¹⁵⁷ *Id.* at 1.

Its primary importance lies in conceptually *internationalizing* environmental problems in a comprehensive and analytical way. After the *Global 2000 Report*, experts might disagree as to the specific transnational impacts of environmental problems but they would find it hard to argue against the idea of international environmental problems and the need for international environmental law in resolving these problems.¹⁵⁸

VI. SOME HEROIC DIMENSIONS OF MUSKIE'S ENVIRONMENTAL LAW LEGACY

In an age at the end of the twentieth century that seems to be without heroes in political life, the public life and legacy of Edmund S. Muskie shines like a Maine lighthouse—emitting beams of inspiration and merit on both the level of substance and the level of style.

Substantively, during the 1950's, Edmund S. Muskie, utilizing the disciplined habits of thought and discourse that he developed earlier at Bates College and honed in his early public years, moved his state of Maine in the direction of controlling pollution and more efficiently husbanding the extensive natural resources of the Pine Tree State during his two terms as governor of Maine. During the 1960's and 1970's (up to the time that he became Jimmy Carter's Secretary of State in early 1980) Muskie came to be known as "Mr. Clean" for his extraordinary legislative accomplishments in the United States Senate and virtually every major media of environmental protection—from water to air to solid waste to hazardous substances.

Stylistically, the way that Edmund S. Muskie went about his decades of environmental policymaking and lawmaking was exemplary. Muskie was methodical, disciplined, focused, accommodating, pragmatic and analytical in his work habits as Governor of Maine, United States Senator, and Secretary of State. In short, he led his colleagues, constituents and superiors to new and visionary undertakings to preserve and protect the natural world—not only because it made common, economic sense, but because it was the right thing to do.

¹⁵⁸ Blomquist, *Complexity*, *supra* note 2, at 38 (emphasis in original).

In sum, Edmund Sixtus Muskie's legacy of environmental law is in the noblest traditions of other heroes throughout world culture¹⁵⁹ and American history.¹⁶⁰

VII. CONCLUSION

While my environmental biography-in-progress of the public life of Edmund S. Muskie is incomplete and requires much more research and reflection, the die is cast. Studying the environmental law legacy of Governor/Senator/Secretary Muskie is meaningful not only for the insights such an endeavor affords for comprehending the evolution of modern American environmental law, but also for the heroic inspiration it kindles in our hearts.

¹⁵⁹ See generally JOSEPH CAMPBELL, *THE HERO WITH A THOUSAND FACES* (1949) (discussing the "composite hero" of numerous cultures including such illustrations as Apollo, the Frog King of the Fairy Tale, Wotan, the Buddha, and numerous other protagonists of folklore and religion).

¹⁶⁰ See generally, JOHN F. KENNEDY, *PROFILES IN COURAGE* (1961) (discussing heroic and courageous actions of various United States Senators in American history).