

Green

Devil



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Why are environmentalists so terrified of Gale Norton...and George Bush?

By Bart Hinkle

She has been called mean-spirited. She has been called an "extremist," "a natural disaster," and "James Watt in a skirt." Who is Gale Norton, and what has she done to draw such vituperation? Norton does not appear to have horns and cloven hooves. She is smart and personable. Nevertheless, droves of people start drooling at the prospect of seeing her head on a stick. For Gale Norton has an agenda, and as the Secretary of the Interior she now has the power to put it in place.

Created in 1849, the Interior Department oversees more than 600 million acres of federal land—more than one quarter of all the territory in the United States, including 45 percent of California, half of Wyoming, 62 percent of Idaho, and 80 percent of Nevada. It controls the extraction of natural resources from those lands and regulates how (and whether) private individuals may make use of them. Through its various bureaus, the Department enforces the Endangered Species Act, wetlands laws, even restrictions on filming on public land. The Bureau of Reclamation is the second-largest wholesaler of water in the nation.

The Clinton administration used Interior to impose sweeping new edicts. It designated 150 miles of the Missouri River in Montana a national monument. It declared the 1.9-million-acre Grand Staircase Escalante in Utah a national monument—the largest one outside Alaska, bigger than Rhode Island and Delaware combined. The administration opposed drilling for oil in the Arctic National Wildlife Refuge (ANWR). It banned recreational snow-mobiling in Yellowstone and Grand Teton national parks, and put sharp limits on the numbers of automobiles in the Grand Canyon, Yosemite, and Zion parks. It ordered an 18-month freeze on road construction in 130 national forests covering 33 million acres.

In its final days, the administration went into overdrive. Mr.

Clinton imposed new rules on hard-rock mining on public lands. Fifty-eight million acres of forest land were placed under a Roadless Area Conservation Rule, putting a stop to logging, road building, and mineral leasing. The administration closed off 84 million acres around Hawaii to oil drilling, and established more than a half-dozen national monuments.

If all that seems a trifle overzealous, keep in mind that former Interior Secretary Bruce Babbitt saw his cause as a theological one. In 1996, he told the League of Conservation Voters that Republicans seeking to moderate the Endangered Species Act were committing not just a mistake but a sin: "For if they heard that command of our Creator, if they truly listened to His instructions to be responsible stewards, then their entire framework of human rationalizations for tearing apart the Act would come to naught."

Norton takes a different approach. To environmentalists, she is not merely a heretic, but an apostate. She has traced the arc described by Winston Churchill, who said that anyone who is not a liberal when young has no heart, and anyone who is not conservative when old has no brain.

Norton was born in 1954 in Wichita, Kansas. When she was five, her family moved to Thornton, Colorado where her father, Dale, took a job with Learjet. She attended Thornton High, graduating near the top of her class. At the University of Denver she worked on the school paper—and protested the Vietnam War. In 1975, after only three years, Norton graduated *magna cum laude* and earned a place in Phi Beta Kappa.

With a perfect score on the LSAT, she entered the University of

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Denver's law school, where she edited a transportation law journal, and wrote in favor of tighter emissions standards. Then she discovered Ayn Rand and began moving toward the libertarianism of her father. After receiving her degree, she joined the Mountain States Legal Foundation, founded by James Watt.

Watt defined environmentalists as "those who would deny economic development" on public lands, and fought to have control of federal lands turned over to the states. He has been called Norton's mentor. At Mountain States, Norton handled cases challenging Interior Department permits and EPA clean-air regulations. She helped challenge the constitutionality of the Surface Mining Act. Mountain States' amicus brief claimed the Act failed "to comply with the [Constitution's] standards of federalism" and that through it, "Congress has usurped state government functions."

After stints at the Hoover Institution, the Agriculture Department, the Political Economy Research Center, and the Interior Department (post-Watt), among others, Norton made her way into politics by challenging Colorado Attorney General Duane Woodard. With considerable help from a Republican apparatus incensed that Woodard had switched from the GOP to the Democratic Party, she won.

In office, she steered a largely, but not exclusively, conservative course. She cautioned judges not to rule "from an ivory-tower perspective." She warned states "against the federal government gaining too much power over our lives." She defended Colorado's Amendment 2, which prohibited special rights for gays and lesbians, and told Colorado's colleges and universities they could no longer award race-based scholarships. "If government can discriminate in favor of a particular race just because it sounds politically correct," she said, "it can discriminate against that race when the political winds shift." (In the face of blistering criticism Norton reversed herself shortly thereafter.)

She challenged federally supervised busing in Denver, brought suit against auto-body-shop owners for price-fixing, and defended from an EPA challenge the state's "self-audit" law, under which polluters could escape sanctions if they reported violations themselves. She was criticized in 1992 when a gold mine owned by Summitville Consolidated Mining leaked cyanide and acids into the Alamosa River. Company officials fled the country, and the federal government spent \$150 million on cleanup efforts.

But Norton also sided with environmentalists on some issues, such as her court victory forcing the federal government to clean up hazardous wastes at the Rocky Flats nuclear plant and the Rocky Mountain Arsenal Superfund site. When the state lost a ruling at the district-court level, Norton successfully argued the case herself on appeal. She also created Colorado's first environmental-crimes task force, which brought together federal, state, and local officials.

But the interior secretary who started out as a liberal became a libertarian in public life—she was a delegate to the Libertarian Party's 1980 convention. As an elected official she espoused many generally conservative views: tough on crime, pro-death penalty,



The Bush/Norton
approach
attempts to
reconcile private
property and
free-market
economics with
environmental
protection.



Center at the University of Colorado, has called her "surprisingly nonideological in her work." Don Barry, with the Wilderness Society, believes she has "chosen competence and knowledge over political ideology." Just about everyone says she is pleasant and friendly. Fred Smith of the Competitive Enterprise Institute praises her "ability to use a rhetoric that disarms the left."

Before her confirmation, Norton made waves with certain public statements about the environment. Critics hammered her for speaking of a property-owner's possible "right to pollute," for supporting President Bush's call to open ANWR to oil drilling, for disputing the constitutionality of the Endangered Species Act, and for saying there was no scientific consensus on global warming. In short: for not being Bruce Bab-bitt in a skirt.

During her confirmation hearings, she backtracked on some positions and made nice, mollifying Democrats with statements like "Americans are proud of the many exquisite natural treasures we have within our shores. President-elect Bush believes, as I do, that the top priority of the Department of the Interior must be to conserve those natural treasures." She acknowledged the constitutionality of the Endangered Species Act, and said her remarks about a right to pollute were exaggerations. She also toned down her position on global warming.

Upon taking office, the Bush administration immediately suspended all federal rules issued in the closing days of the Clinton era, pending review. In February, the Fish and Wildlife Service withdrew a "supplemental biological opinion" aimed at sheltering salmon and trout in the Columbia and Snake River basins. Environmentalists mostly let that slide, but they went ballistic when the administration abandoned the Kyoto treaty on global warming, which barely stood a chance of being approved by the Senate. And for good reason: The measures the protocol called for would have severely cramped the U.S. economy. The treaty failed to hold all countries to the same standards, and it has not been ratified by any other nation except Romania.

Then the Environmental Protection Agency withdrew a

pro-business, in favor of a balanced-budget amendment, against raising the minimum wage. But her views are not monolithic. She supports abortion rights, and as Colorado Attorney General she de-emphasized civil asset forfeiture—under which the property of an individual accused of drug trafficking can be seized by law enforcement and sold, even if the individual is never convicted.

Norton's interest in private property and privacy extends to her personal life. She is considered shy, and her recreational habits reflect that trait. A 1996 *Denver Rocky Mountain News* story reported that she enjoys "Myst," a computer game played solo in which the player wanders through deserted places solving puzzles. She and her husband enjoy hiking and backpacking, and her other interests include skiing and golf.

Friends and opponents alike describe her as serious, focused, and methodical. Larry MacDonnell, former director of the Natural Resources Law

pending standard—once again a last-minute Clinton diktat—sharply lowering the permissible level of arsenic in drinking water. Bush stood on firm scientific ground: The AEI-Brookings Joint Center for Regulatory Studies examined the tighter standard and found it would save, in all probability, fewer than a dozen lives a year, at an annual cost of \$65 million. But Democrats, environmentalists, and the media had a field day. “Many will die from arsenic-related cancers and other diseases, yet George Bush apparently doesn’t care,” said the Natural Resources Defense Council’s Erik Olson. The Democratic Party aired an ad showing a little girl holding a glass of water and asking her mommy for more arsenic. Within a month, the administration said it would implement tighter new rules after all, though not as tight as Clinton’s.

The Bush environmental approach has been, on the whole, quite middle of the road. In a May speech in Sequoia National Park in California, the President said his administration “will adopt a new spirit of respect and cooperation because, in the end, that is the better way to protect the environment we all share.” He spoke of the need “to use the land well and sometimes not to use it at all,” and thereby “protect the claims of nature while also protecting the legal rights of property owners.” The administration has increased financing for federal parks, asked a federal appeals court to uphold a Clinton-era plan to regulate mercury pollution, endorsed a court settlement banning personal watercraft in national parks, approved efficiency standards for washing machines, water heaters, and air conditioners, let stand a wetlands rule plus regulations governing the reporting of lead emissions, and said it would press older power plants to reduce emissions to lessen haze in national parks. Hardly the actions of people bent on raping the planet.

Nevertheless, environmental groups portray the administration as riding in the hip pocket of big business. Few of them believe anyone can seriously support both free markets and the environment. Yet the Bush approach represents the vanguard of a conservative revolution that attempts to reconcile private property and free-market economics with environmental protection. Senior White House adviser Karl Rove says the President wishes to preserve a clean environment in a “practical” manner, and during her confirmation hearings, Norton spoke of public-private partnerships and striking balances. Smith of the Competitive Enterprise Institute believes the general Norton strategy will be one of privatization and devolution—turning power back to the states or localities—although, he says, she will “walk gingerly” on privatizing federal holdings. Norton has argued for “environmental federalism,” giving control of regulation to states and localities, which are in a better position to know the conditions on the ground (or in the air or water).

Free-market analysts contend that heavy-handed, top-down regulation can actually prove counterproductive. Consider vehicle fuel economy standards. A vehicle that gets better gas mileage pollutes less. But better mileage also reduces the cost per mile driven, so individuals with economy cars tend to travel more. This is referred to as the rebound effect. Similarly, because the discovery of an endangered species can shut down all use of a piece of land, owners have a strong incentive to make their property as inhospitable as possible to any creature that might want to stop by or stay.

How to address the problem? One possibility might be

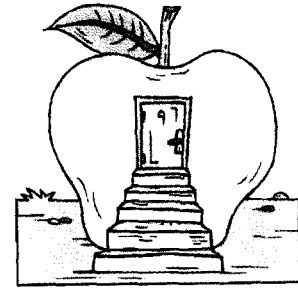
“species ranching.” Interested parties could be compensated for protecting rare plants or animals, and perhaps even be directly encouraged to farm threatened species. “Incentives matter,” says Terry Anderson of the Political Economy Research Center (PERC). One example of just how much they matter can be seen in emissions trading credits. These create healthy incentives by allowing the owners of a plant not emitting the maximum allowable level of a given pollutant to sell the difference to other plants. This establishes a financial inducement for finding the ways to reduce emissions. A credit-trading system for acid rain, created in 1990, was expected to see a credit cost of about \$1,000 per ton of byproducts. In reality, the credits trade for one-tenth of that. As a result, acid-rain emissions fell faster during the past decade than the Clean Air Act supporters anticipated, despite rising consumption of coal. (Environmentalists who wish to lower the level of pollution even more could buy credits when they become available and simply not use them.)

PERC, which has done much of the spadework on free-market environmentalism, suggests numerous ways to bring the power of market forces to environmental protection. It points out that when hunters are able to pay a fee to hunt on a particular piece of land, the landowner will improve the habitat—his property—to attract more game. One PERC report notes that International Paper established a wildlife and recreation program on timber property in the South. The fees it brought in soon amounted to one-quarter of the company’s profits from the region. The habitat was improved, and wildlife flourished—without a single government edict.

As a federalist who believes in decentralizing government power wherever possible, Norton often refers to “the four C’s—consultation, cooperation, communication, all in the service of conservation.” As she told the National Newspaper Association in March, “A prime example of government not listening to people happened a few months ago, when—in their final hours—the previous administration suddenly designated over 1 million acres of national monuments. In 2000, the total amount of monument land designated equaled the size of the state of Connecticut. But the previous administration took little trouble to assure that the monuments can be maintained. They didn’t include a single dollar to hire a ranger to protect the monuments and guide people. They didn’t include a single dollar to build a visitor center. They didn’t even include money to put up one sign so visitors can actually find the new monuments. And worse yet, they didn’t work with local property owners, elected officials, and other people whose lives were affected.”

Rather than forcing a command-and-control approach to regulation, Gale Norton’s Interior Department may rely more on “compliance assistance,” through which regulators work hand-in-hand with the regulated to achieve environmental goals. Virginia adopted this approach during the tenure of then-Governor George Allen. The number of lawsuits filed and the amount of fines collected fell, and environmental advocates howled. Environmental conditions, however, improved.

And isn’t that, Gale Norton wonders (along with her boss George Bush), the whole point?



Back to School—In the Dining Room

By Isabel Lyman

PELHAM, MASSACHUSETTS—On a wintry morning, two masculine heads are hovering over a textbook on my scuffed dining room table. The heads begin talking about radicals. No, not the Che Guevara or Abbie Hoffman kind. Rather, the radicals familiar to students of algebra. Willard III, who is fifteen and goes by the family nickname “Bebé,” is being taught by his father and namesake Willard II (who goes by the nickname Wid). Dad’s tools for teaching his son math are old-fashioned but effective—pencil, paper, and oodles of sample problems. He requires mastery before advancement.

For the past year, my husband has worked part-time as a house painter and laborer while training for triathlons, but he devotes the bulk of his day to homeschooling Bébé. In addition to algebra, Wid conducts classes in physical science, the Bible, and Dirt Biking 101. On occasion, he will invite Mr. Bach, Mr. Chopin, and Mr. Rachmaninov to provide background concertos for his classes. He also escorts our younger child around western Massachusetts and southern Vermont to ice hockey games and snowboarding excursions.

I pitch in by dispensing fiction and non-fiction reading assignments, as well as checking compositions and driving Bébé to his job at a service station. The three of us often watch news shows like “The O’Reilly Factor” and discuss current events. One day a week, Bébé attends an American history seminar at the Victorian home of Whitney Robinson, age 14, a fellow homeschooler who lives nearby. Whitney is taught by her lawyer dad, who delivers the succinct weekly lectures.

Our family has been homeschooling for over a decade, and no year has resem-

bled the previous one. Dan, our elder son, was taught at home for many semesters while we lived on a small farm with chickens and cows. During a subsequent year, we went on sabbatical to Oklahoma and received a crash course in tornados and Sooners. When Dan turned sixteen, he yearned to try public school and play football. We grudgingly agreed to this experiment in school choice, and his experience—he just graduated from Amherst Regional High School—has only confirmed our opinion of government schools as tax-funded temples to socialism and adolescent foolishness.

My husband has worked as a high school teacher, a college math instructor, and a long-haul trucker. I think of him as a contemporary renaissance man, one of the few Americans who holds both a Ph.D. in civil engineering and a CDL (Commercial Driver’s License) for driving 18-wheelers. Last summer, when I accepted a job at the editorial department of a big city newspaper, Wid seized the moment to enthusiastically reinvent himself as Mr. Schoolmarm. Not only did Wid teach Bébé, he also volunteered at a homeschool cooperative (the only male amidst a sea of moms), teaching other teens Español and math. He also sorted laundry, threw football passes to Dan, mowed the lawn, and frequently brought me bagels and iced coffee for lunch.

After my newspaper stint, I turned my attention to writing a book. When the votes came in, there was an overwhelming consensus that Wid should continue being all dad, all the time. So the Lymans supplemented their living expenses by drawing down earlier investments in real estate and the stock market.

Our lifestyle sometimes raises eyebrows and provokes pointed questions.

*All dad,
all the time.*

Even in an age where clergy, cops, and social thinkers often lament the dearth of good fathers, alpha males turned homeschooling dads are a strange species. So, when Dr. Lyman explains to folks why he doesn’t have “a real job” he simply says, “My family is my job...at least for now.” He is investing his time, energy, and talents in his younger son’s academic education and his older son’s character training. He wears the hats of teacher, principal, custodian, bus driver, coach, guidance counselor, and editor.

Wid remains unfazed by the questions, and I am honored to have our family on the receiving end of all this stability. There certainly are tangible results to his efforts. Dan had impressive SAT scores and got accepted into the college of his choice; two of Bébé’s tough hockey teammates have asked their parents to homeschool them; our boys often spot grammar gaffes and debunk politically correct platitudes. And they have learned to value blue-collar, white-collar, and open-collar workers.

In the near future, Dan ponders a job in advertising and marketing. Bébé, who has money tucked away in trucking stocks, wants to create lots of wealth before he gets married. He says he wants to be available to homeschool his children. Hmm. I wonder where he got such a radical idea?

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