

eral blocks inland from the coast. But whatever the motivation, it was a heavy-handed display of firepower for the offense of not selling two parcels as a pair.

Even many people not directly subject to the commission's dictates suffer an adverse financial effect. In 1982, Professor Frech of Santa Barbara, focusing on Ventura County, documented how the commission's land-use restrictions made housing and rentals less affordable as far as 7.5 miles in from the shore.

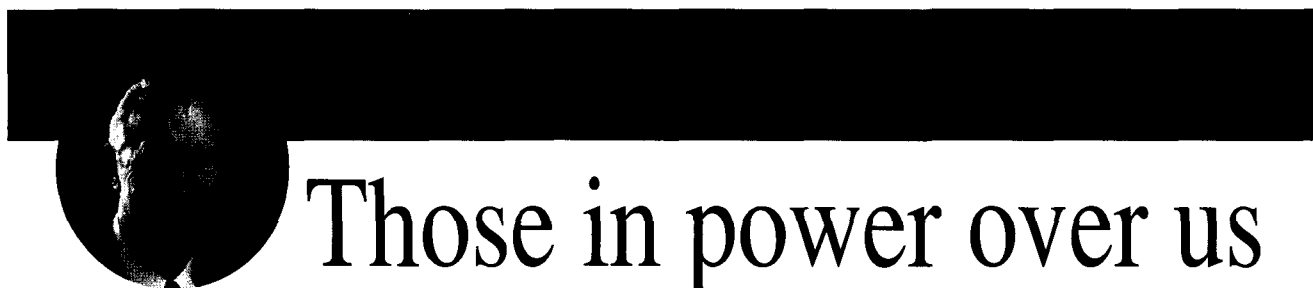
Because the aesthetic advantages of these land-use policies were confined to the area just around the coast, Frech concluded that people renting or seeking to buy in neighborhoods several miles inland were confronted with new costs without any compensating benefits. These people, the losers in the equation, tended to be less-well-off financially. He theorized that this is one reason that low-income people "were especially likely to vote against the Coastal Initiative" when it was on the ballot in 1972.

Years have gone by, but Frech's findings still apply: Coastal Commission land-use restrictions still make housing costlier than it need be.

There is a better strategy for aesthetic and ecological protection than the hyper-regulatory model embodied by the Coastal Commission. The superior approach was noted by the Supreme Court in the Nollan case, where Justice Antonin Scalia said that if government "wants an easement across (the landowners') property, it must pay for it." In other words, get the public sector to buy environmentally sensitive land, rather than to seize it, in all but name, through intrusive regulation.

Better yet, private conservancy groups could be encouraged to purchase and maintain lands that are appropriate for protection.

These strategies have the benefit of safeguarding not just natural areas but another of our fragile heritages: property rights and personal freedom. OFF



## Those in power over us

### Sierra Club identity crisis

*Extremely green, a money-making machine, but with few real accomplishments to show.*

M. DAVID STIRLING

**D**ESPITE THE failures of hardcore environmental organizations to diminish George W. Bush's convincing re-election victory, several are again attacking the administration in hopes of obstructing the president's second-term environmental agenda. And, as the wildfire season in our forests rapidly approaches, the Sierra Club is again leading the effort.

#### OPPOSING HEALTHY FORESTS

The focal point of the Sierra Club's attack is the Giant Sequoia National Monument in south-central California. In a recent mailing to hundreds of thousands of households nationwide, Sierra Club Executive Director Carl Pope decries Bush's "Healthy For-

est" logging plan for "allowing commercial loggers to blaze through ancient forests with chainsaws, cutting large, old trees" .... "The mighty Sequoias have lasted for over 3,500 years and are the oldest organisms on Earth. Don't let them be destroyed in just two terms of the George W. Bush Administration" .... "When industrial interests and the health of our natural resources are at odds, the Bush Administration chooses industry almost every time." The mailing asks recipients to sign and mail "Save the Giant Sequoias" peti-

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***What the Sierra Club mailing didn't say was how it promoted and lobbied for the destructive 'human hands-off' forest management policies of the Clinton-Gore Administration.***

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tions to President Bush, to join the Sierra Club, and, of course, to send money.

What the Sierra Club's mailing didn't say was how it promoted and lobbied for the destructive "human hands-off" forest management policies of the Clinton-Gore Administration — an approach that led to the excessive build-up of dead and dying trees in our nation's forests. As a result, fires that in the absence of such dried trees would have stayed near the forest floor and burned mainly low-lying underbrush, instead "climbed" the dead and dying trees, reaching the crowns of healthy trees, and consumed them. Not only were those exceedingly hot fires difficult or impossible to control, they left the forest floor barren of the organic nutrients that conduce natural forest regeneration.

**T**HE SIERRA CLUB's mailing certainly didn't mention that in 2001, when the new Bush Administration first began efforts to clear dead and dying trees, build firefighting access roads, and construct firebreaks, it was the numerous strategically-targeted administrative appeals and lawsuits by the Sierra Club and other environmental groups that delayed and prevented many sound and essential projects from going forward.

And, of course, the mailing failed to inform its recipients that in 2002 alone the Sierra Club-favored unsound forest management practices contributed to the conflagration of more than seven million forest acres, the destruction of countless numbers and species of wildlife, and the degradation of thousands of acres of watershed and forest streams: all natural resources the organization hypocritically says it defends. Naturally the fund-raising appeal also left out Southern California's 2003 fires that took the lives of 22 residents and firefighters, besides destroying 3,577 homes and nearly 745,000 public and private forest acres.

In the aftermath of those devastating fires — in a telling repudiation of the environmentalists' bizarre agenda — Bush's Healthy Forest Restoration Act was finally passed *unanimously* by the United States Senate and by the House of Representatives on a bipartisan 286-140 vote. It is the start of this forest restoration program in the Giant Sequoia National Monument — where, by the way, no old growth trees have been felled in many years — the Sierra Club is now exploiting to launch its latest attack on Bush.

#### **OPPOSING BUSH JUDGES**

The Sierra Club targets more than just healthy forests. Another of its nationwide hit-pieces blasts the president's nominee to the Ninth Circuit Court of Appeals, William Myers III. Myers was one of a long list of judicial nominees minority Senate Democrats have been filibustering since 2004. At this writing, he is the first of Bush's "re-nominations" to be pending a full Senate confirmation vote. According to the Sierra Club, Myers' nomination must be killed because of his "record of hostility toward laws protecting the environment."

As Bush's top Interior Department lawyer, and earlier as a private lawyer in Idaho representing rural business interests, Myers has shown he knows the nation's environmental laws have been used to impose a harsh "pro-species — anti-people" bias, which, if not balanced, will lead to economic stagnation and increased loss of livelihoods, private property rights, and lives — both human and species.

To the Sierra Club's great horror, Myers believes that when the government prohibits or severely restricts a property owner's use of land because it is habitat for a protected plant or wildlife species under the Endangered Species Act, the government has taken the property for "a public use," *i.e.*, species protection, and therefore owes the property owner "just compensation." (The Fifth Amendment: "... nor shall government take private property for public use, without just compensation.")

Yet, Myers' sound reasoning is anathema to the Club's "environmentalist" (*i.e.*, unrestrained government) politics. According to the Sierra Club's attack piece: "(Myers) argues ... that property rights are ... 'fundamental,' ... in which case the government may not intrude upon them, except in very narrow circumstances. This view ... would doom environmental protection." This is a telling statement. It shows that, although Americans support real environmental protection, the Sierra Club knows that their brand of arrogant Big Government environmentalism, pushing

people around without regard for their rights, would be “doomed” without the help of unelected judges willing to ignore the legal protections afforded all Americans by the U.S. Constitution.

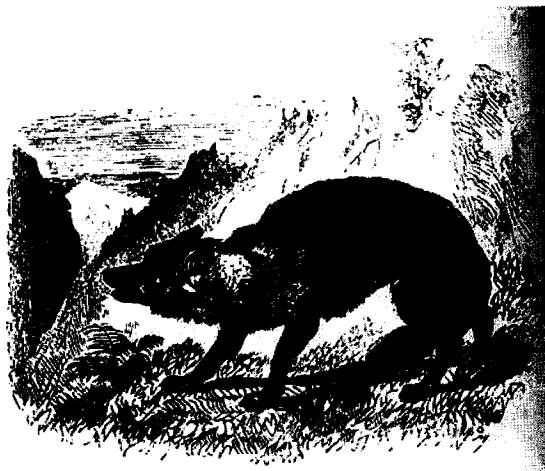
### MONEY-MAKING FORMULA

According to GuideStar, the national database of nonprofit organizations, the Sierra Club, together with Earth Justice Legal Defense Fund (its legal arm), received donations totaling more than \$66 million in 2003, ending the year with combined assets of nearly \$160 million. Thus we find one explanation for the Club’s fire-breathing, false diatribe attacking policies that actually protect the environment: they’re reliable money producers, employing a proven formula to scare uninformed, gullible, or ideologically frenzied Americans into sending vast sums to fuel an unpopular, extreme, anti-human political agenda. And the Sierra Club, of course, is but one of several large, wealthy organizations using an “environmentalist” cover to finance left-wing politics. Even if their “little truth/big-scare” tactics don’t actually derail the president’s programs or deny his judicial appointments, they lose nothing they’ve had since Clinton-Gore anyway, and can be counted on to bring in millions of dollars.

### THE EXTREME GREENS

A 2004 report entitled “The Death of Environmentalism” by environmental politics strategists Michael Shellenberger and Ted Nordhaus\* raised a hue and cry on the left by characterizing the environmental movement of the last 15 years as largely a failure. “... environmental groups repeatedly have tried and failed,” wrote Shellenberger and Nordhaus, “to win national legislation that would reduce the threat of global warming. As a result, people in the environmental movement today find themselves politically less powerful than we were one and a half decades

ago.” The authors cited a 2000 survey that found 41 percent of Americans agreed that “(m)ost of the people actively involved in environmental groups are extremists, not reasonable people” — a jump from 32 percent in 1996. Interestingly, the authors went beyond the usual Bush- and conservative-bashing to identify what begins to sound like close-mindedness among their own forces as the cause of their movement’s problems. “Kevin Phillips,” they wrote, “recently argued in *Harper’s Magazine* that the decline of liberalism began because ‘liberal intellectuals and policy makers had become too sure of themselves, so lazy and complacent that they failed to pay attention to people who didn’t share their opinions.’ .... Environmentalists find themselves in the same place today.” That is: “... so certain about what the problem is” and about the correct “legislative solutions,”



that they come off, in public,

looking, well, “not reasonable” and “extreme.” What to do about this? “Environmentalists,” they advise, “need to tap into the creative worlds of myth-making, even religion, not to better sell narrow and technical policy proposals but rather to figure out who we are and who we need to be.”

This was all too much for the Sierra Club’s Pope†, who panned the report as “unfair, unclear and divisive.” Perhaps so, but not without a share of truth about a movement that increasingly seems more interested in building state power and diminishing human freedom than in the cause of healthy forests or wildlife protection. Bush’s common sense approach of balancing environmental concerns with real human needs matches most Americans’ position on these and related issues. Given the Sierra Club’s evidently continuing insistence on opposing everything from Healthy Forests to judges who respect constitutional rights, it appears likely that even more Americans will come to agree that these folks “are extremists, not reasonable people.”

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\* “The Death of Environmentalism,” released at an October 2004 meeting of the Environmental Grantmakers Association (See: [www.grist.org/news/maindish/2005/01/13/doe-reprint](http://www.grist.org/news/maindish/2005/01/13/doe-reprint)).

† “And Now for Something Completely Different, An in-depth response to ‘The Death of Environmentalism,’” 13 Jan 2005, (also at: [www.grist.org/news/maindish/2005/01/13/doe-reprint](http://www.grist.org/news/maindish/2005/01/13/doe-reprint)). His response appears to speak for much of the environmentalist community.

# SPIRIT OF THE RECALL

CPR's BI-MONTHLY REPORT ON CALIFORNIA'S 'BLOW UP THE BOXES' REVOLUTION

## Don't forget the people by Christopher Shelton

At this writing — early May — Governor Arnold Schwarzenegger's initially four-pronged reform program for California seems to be morphing into a pair of diverging movements, one headed down, the other up. They are:

1) the governor-led effort that suddenly finds itself, after more than a year of aggressive agenda-setting and buoyant public support, unable to focus or to give even the appearance of leading while seeing the governor's popularity (at least as expressed in opinion polls) decline sharply; and

2) the mostly forgotten, but now possibly re-emerging popular reform movement that brought about the recall in the first place. This movement which, of course, pre-dated Schwarzenegger's decision to run for governor, has now — despite Schwarzenegger's flagging leadership the last several weeks — nearly qualified two landmark initiatives: the first would reform redistricting to end lawmakers' self-interested drawing of their own district lines; the second — known as "paycheck protection" and not part of the governor's original reform package — would end state government's practice of taking from public employees' paychecks money to finance union (usually left-wing, nearly always pro-Democrat) politics.

Ever since his grandstand announcement of candidacy on late-night TV, Schwarzenegger has

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commanded virtually everyone's attention, as he continues to do now. And, as leader of the movement, he has, of course, played a pivotal role in setting its specific direction, maintaining its momentum, and articulating its message. But Schwarzenegger is still by no means the whole movement by himself. In addition, he has led it far enough that it has shown signs of an ability to survive and perhaps even grow on its own. Anyone wanting to understand California's post-recall politics, while scrutinizing the various battles directly involving the governor and his immediate adversaries — both within and outside his administration — must also keep an eye on the movement (that is, the millions of people fed up with most of what they see from state government), tracking the activities of its secondary leaders, most prominently Tom McClintock, but also including Lew Uhler, state Senator John Campbell, and Ted

Costa, and watching for emerging new leaders such as Bill Mundell, the Orange County businessman who personally financed a 2.4 million-piece mailing gathering signatures for redistricting reform. And don't forget its popular voice on talk radio and on the Internet.

### Champion attention-grabber

But first, as to Schwarzenegger: as in everything, he still shows he is champion at attracting our attention. This time, however, it is for successfully imitating an Indy race car dazzling one and all with its speed, style, grace, and sheer command of the situation and then suddenly, shockingly losing its wheels and skidding toward the grandstands. Perhaps a more accurate metaphor — since this is really a team sport, and two teams are involved — would be to a football game in which, you'd have to say, the end-of-first-quarter score is Democrats 17, team Schwarzenegger 0. Given