

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

TO : Messrs. Kiechel, Harrison, Hill,
Swarth and Warner

DATE: December 8, 1969

FROM : Shiro Kashiwa
Assistant Attorney General
Land and Natural Resources Division

SUBJECT:

The attached article taken from the December 7th edition of the Sunday Washington Post indicates that in 1970 the Land and Natural Resources Division may be one of the most active Divisions of the Department of Justice. Even in the applications of honor students for positions in Justice a greater percentage now prefer a position in Land and Natural Resources instead of the other Divisions they heretofore preferred. Definitely there is a change in the thinking throughout the country. The attached press release also indicates the change in thinking.

This definitely means that we must examine our own Division to see whether we are structured correctly to handle this.

Due to certain difficulties we have had with other Departments, we have not been too active in the area of pollution. We must do something to correct this. Suggestions are welcomed.

It will be necessary for us to immediately supply the Attorney General with material so that he can properly discuss our activities in the area of environmental improvement. We must supply him with the following information:

1. Land Acquisition Section.

Please write up something to show that we contribute greatly to the land acquisition program for recreation and conservation areas. I consider reservoir

programs as recreational in that, after the reservoir is established, the surrounding areas are definitely environmentally improved. We should have some figures quoting areas and locations showing that millions of dollars are being spent by way of land acquisition to promote recreational and conservation areas. Quote projects and locations now being acquired.

2. General Litigation Section.

First of all there is much to be said on pollution. Gather facts on what we have done and what we shall do on this. But it is all very important to bring this message - - that it is a privilege for a boy born and raised in the city to be able to enjoy the outdoor areas of this country. There is an attempt by some to cut down the enjoyment of certain areas to only a very few. An example of this is in the Mineral King litigation. I firmly believe that this type of area should be opened up so that the average citizen of the United States may enjoy it. We must have conservation but, at the same time, we should not be too restrictive. The policy should be to preserve but enjoy without destruction.

There should also be a comment on how we have participated in the activities of the Public Land Law Review Commission, the report of which will come out in July 1970. This is a monumental report and the Department of Justice has been working closely with the Commission. It will have far-reaching effects on recreational areas and environmental control. We should elaborate on this so that the Attorney General may have the facts relating to it.

3. Appellate Section.

Some of the projects of the Department of the Interior have been challenged by various organizations. It is the position of the Department that one must have standing to sue before the suit is filed. An undue curtailment of the powers of the Government will restrict the use of public lands. Hence, we have in several important cases brought up the issue of standing to sue.

4. Marine Resources Section.

It would be well to call the Attorney General's attention to the creation of this new Section. We have attempted to maintain the quality of the environment of the continental shelf, but at the same time encouraging commercial development with relation to the continental shelf. This and other types of attempts on our part should be mentioned.

Walter, after the Section heads prepare their respective articles, will you put them together for proper presentation to Mr. Landau of the Office of Public Information so that they may use them.

Nixon to Press Improvement In Quality of Environment

By Carroll Kilpatrick
Washington Post Staff Writer

The quality of the environment and the need to protect the nation's land, water and other physical resources is now expected to be a dominant Nixon administration theme next year.

The President began work several weeks ago on the State of the Union address—his first—which he will deliver to a joint meeting of Congress next month.

As the message began to take shape, the environment was the major domestic theme, officials said last week.

Mr. Nixon himself pulled aside the curtain a bit when he told the nation's governors and their wives that when he speaks to them next, in February, it would be on how to challenge young Americans "to move forward on the whole subject of the quality of life in America," including environment.

Earlier this year, Mr. Nixon established the Environmental Quality Council and has met a number of times with it.

In addition to attacking air and water pollution, the President said that the emphasis should be on "how we can move forward on all fronts so that life in this country in addition to being very rich and very strong can also have that extra dimension of idealism" that caught the imagination of the world at the time of the birth of the Republic.

A high official said that one example of what the President was talking about was a \$15-billion Interior Department plan to attack water pollution.

Secretary of the Interior Walter J. Hickel has proposed a plan whereby the federal government would cooperate with the states and local communities in attacking this serious problem. It would be a 20-

year, pay-as-you-go plan with the federal government guaranteeing the principal costs and the local governments guaranteeing the interest costs on the necessary bonds.

Hickel has estimated that it would cost \$10 billion to protect the rivers and lakes from the discharge of sanitary sewers and \$5 billion from the discharge of storm sewers. He said storm sewers can be almost as polluted as sanitary sewers.

Hickel has argued that a "national commitment" must be made, with the federal government providing guidance and the capital invest-

ment and local communities doing the work.

This fits the President's concept of the new federalism, Hickel believes. The pay-as-you-go feature amortizes the huge cost over a period of years, making it possible to launch the program without large initial expenditures.

Hickel also has recommended the establishment of a new Cabinet department, that would be known as the Department of Natural Resources and Environment, to take over much of Interior's work and other environment work scattered in other departments.

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