A state's right to protect its environment

by Lionel_Van_Deerlin

OK, so I never spent a dime to see any of the Terminator's movies. But I'm beginning to like what I see in the California Governor's Office.

Arnold Schwarzenegger chose to be a Republican, yes - but he's avoided that familiar trap called party loyalty. One must reject the implication of a whimsical look at the governor in last Sunday's Los Angeles Times, titled "Benedict Arnold?" Suffice it to say Schwarzenegger is the first truly moderate California governor Republicans have given us since Earl Warren's election 65 years ago.

He's no patsy for the Bush White House. This was made clear when he announced California's intention to sue, if need be, to undo the damage of GOP regulatory meddling on behalf of the auto industry. The Environmental Protection Agency - once a beacon of leadership in such matters as clean air and the threat of global climate change - has again highlighted the Bush-Cheney misuse of government agencies to thwart social progress.

President Bush's first EPA director, remember, was New Jersey's moderate ex-governor, Christine Todd Whitman. His administration had been in place only a month when the new president reneged on a promise made to her - and to the world - that he'd reduce poorly controlled carbon dioxide emissions by U.S. industrial polluters.

To replace director Whitman, who at last felt she must resign, Bush selected a more malleable Stephen A. Johnson. This fellow is but the latest in a long line of public guardians who take their cue from three famed monkeys - the ones who see, hear and, in this administration, smell no evil. Sure enough, the new guy came through for Detroit's automakers six days before Christmas. Ignoring the warnings of veteran EPA staff who advised him to the contrary, Johnson ruled that California has no right to impose mileage standards on new cars any tougher than those contained in a recently enacted national energy bill.

Gov. Schwarzenegger didn't wait even one more shopping day to call the administration's bluff. He vowed that California will take the EPA to court, if it must, to uphold a states' rights principle unchallenged in 40 years.

We're talking 1967, and it is heartening to note that lead Republicans were on the right side when this issue prompted a key amendment to that year's Air Quality Act. Because California's fast-spreading metropolitan areas were being choked by smog, Republican Gov. Ronald Reagan knew we needed more immediate action than other states might to control the poisonous emissions from auto exhausts. With his longtime Hollywood pal, George Murphy, then in the Senate, Reagan stumped for what came to be called the California Amendment to a pending air quality bill.

Taken aback when the amendment was accepted without opposition in the Senate, Detroit's auto lobby prepared for battle as the bill moved to the House. Its smooth-talking hired hands argued that to impose separate standards for cars sold within a single state would put an impossible burden on auto manufacturers.

The argument was nonsense then, as it is today. With more than 10 percent of U.S. population, the state of California - were it a separate nation - would be the sixth or seventh in size. To sell in such a market, carmakers would gladly adjust to style changes - like putting a steering wheel on the right side, not the left.

California's quest was for an easily achieved adjustment in tailpipe controls that might make freeway life more livable. But to hear Detroit tell it, you'd have supposed our state was bent on ceding the auto industry to Japan and Sweden. As they well knew, foreign manufacturers were already meeting Golden State standards.

But the fight went forward. The key House committee, then called Interstate and Foreign Commerce, contained only two Californians, myself and the late dynamic (and more senior) John Moss of Sacramento. Having failed to anticipate Motor Town's challenge, we got rolled in our committee, which forwarded the Senate's bill to the House floor minus the California Amendment - with Moss and Van Deerlin a highly vocal minority of two.

But there's a happy epilogue. California's full congressional delegation, then 38 in number, waged a truly bipartisan fight against the industry's locust-like horde of special interest pleaders. Working both sides of the aisle, we won floor restoration of the California Amendment, 152-58. Our state's right to set emission standards on new cars was established for all time.

The EPA knows it, and George Bush must know it. If not, Gov. Schwarzenegger is about to remind them.

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