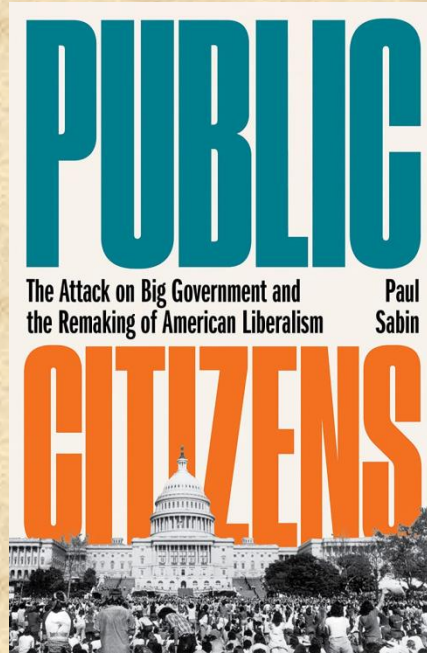


Public Interest Movements in the 1960s and 70s

Created by: Kenneth Ing

Public Interest Movements in the 1960s and 70s



**This Presentation Was
Created By Kenneth Ing**

**Most of this presentation
is based on insights found
in the book "Public
Citizens" by Paul Sabin**

Presentation Outline

Part 1 : After The Great Depression – A New Era and The New Deal

Part 2 : Early 1960s – Citizen Awakening

Part 3 : Middle 1960s – Congressional Awakening

Part 4 : Late 1960s – Explosion of Public Interest Movements

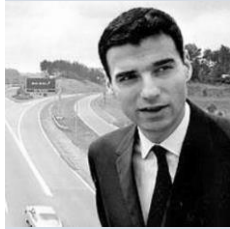
Part 5 : Early 1970s – Maturing of Public Interest Movements

Part 6 : Late 1970s – Disillusionment

Part 7 : Early 1990s – Disillusionment The Sequel

Part 8 : Legacy of the Public Interest Movements

Connect The Dots



Public Interest Movements

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This is not just a history lesson. I believe that the past influences the present. After tracking the history of the Public Interest Movements in the 60s and 70s, maybe I can connect some dots and shed some light on some political conundrums in the present day.

Connecting The Dots



Do You Trust The Government Will Do the Right Thing?

18%

Yes

82%

No

For instance, how did Congress become so dysfunctional?
Why do only 18% of the American People trust their government to do the right thing?
Why has the Democratic Party had trouble winning the Presidency?
Why does the Democratic Party have trouble uniting behind a common agenda?
Is the past influencing the present?

The New Deal – Business Watchdog



Reactions to the Great Depression:

1. **Big business could not be trusted!**
2. **The government could be a force for good.**

Public Interest Movements

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Our story is going to start by going back to the 1930s and thinking about the reactions to the Great Depression. This is really the beginning of a much stronger role for the Federal Government.

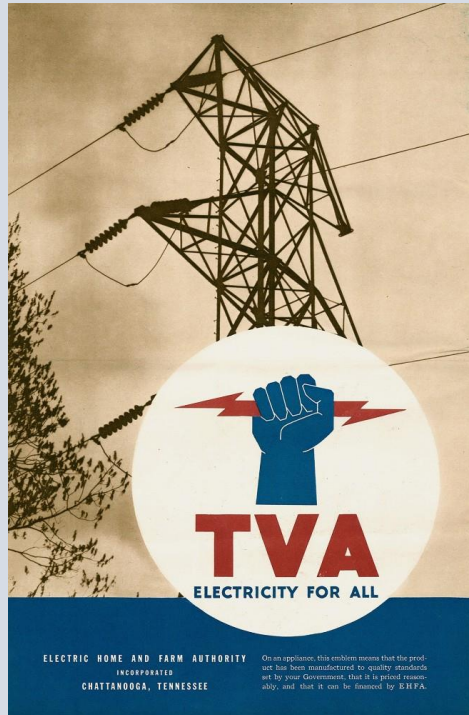
Big business had proven that they could not be trusted to act for the benefit of the country in economic affairs.

And, as we are all aware, President Franklin Roosevelt unbridled the Federal Government, providing a safety net for the people, and stimulating the economy by intentionally providing jobs doing public works.

The government could be a force for good.

This is the heart of Roosevelt's New Deal.

The New Deal – Prosperity



Enhanced Roles for Government:

1. Stability
2. Prosperity

I think it is helpful to attach a label to these enhanced roles for government.

The first is something I want to call Stability.

The other enhanced role for government is Prosperity.

The role of stability is one of prevention – prevent a Great Depression from happening again.

The role of Prosperity became a pro-active role – cultivate a political environment that spurred economic prosperity.

In other words, government should help prevent bad things from happening, and help make good things happen in the economy.

The New Deal – Stability



Stability goals:

1. **Prevent Monopolies**
(Business vs Business)
2. **Fair Trade**
(Business vs Business)
3. **Fair Labor Practices**
(Business vs Labor)
4. **Reasonable Wages**
(Business vs Labor)

To provide stability, the government's most visible weapon is regulation. What the federal government is doing is being an arbitrator between businesses. A referee. The government is also an arbitrator between business and labor.

A New Era – Prosperity



Prosperity goals:

1. High Employment
2. Economic Growth
3. Successful Businesses
4. Price Supports
5. Competitive Internationally
6. Infrastructure
7. Public Goods
8. Manage Use of Natural Resources

The federal government had a second goal, which is the pursuit of prosperity, especially economic prosperity. This a pro-active goal, trying to make good things happen in the economy.

A comment about the last role on the list - managing the use of natural resources. This is a tough balancing act – natural resources are a source of national wealth and can contribute to prosperity, but this is an area that is prone to short-sighted exploitation. With a prejudice towards prosperity, this is an area where the incentives for government were unbalanced, and as we will see, an area where there was the greatest need for a countervailing influence representing the environment.

A New Era – Prosperity



Prosperity Gauges:

- ✓ **Life Expectancy** rose from 60 to 70
- ✓ **H.S. Grad rate** from 50% to 75%
- ✓ **Wealth of top 1%** from 40% to 27%
- ✓ **Union Participation** 13% to 33%
- ✓ **Minimum Wage** from \$4.50 to \$8.00
- ✓ **Social Welfare spend** 7.6% to 11.5%

The government gets good grades for enabling general prosperity in the 40s and 50s. These are all fantastic developments, looked at from a macro perspective.

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Part 8 : Legacy of the Public Interest Movements

Now I will skip ahead to the early 1960s, what I call the period of Citizen Awakening

Citizen Awakening



Public Interest Movements

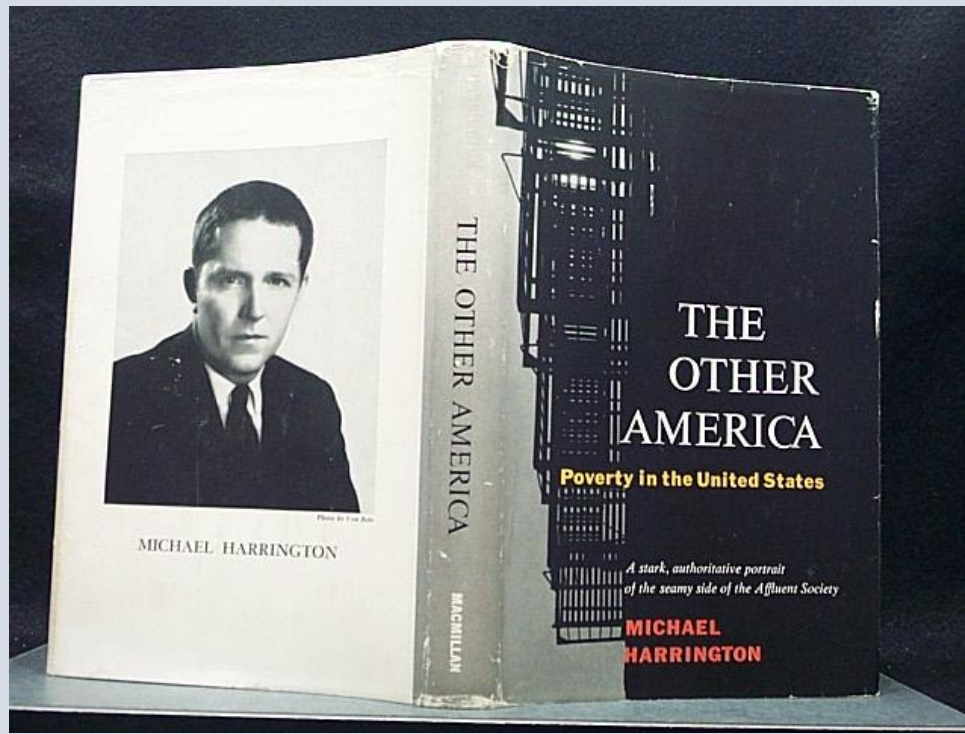
12

Riding into the 1960s, America was doing very well overall. Government had apparently done its job – things were stable, and things were prosperous.

But in a 1-year period around 1962, 4 books were published that popped this bubble of good feelings.

That hyper-focus of the government on stability and economic prosperity had left many areas of America neglected.

Citizen Awakening – Landmark Books



Landmark Books:

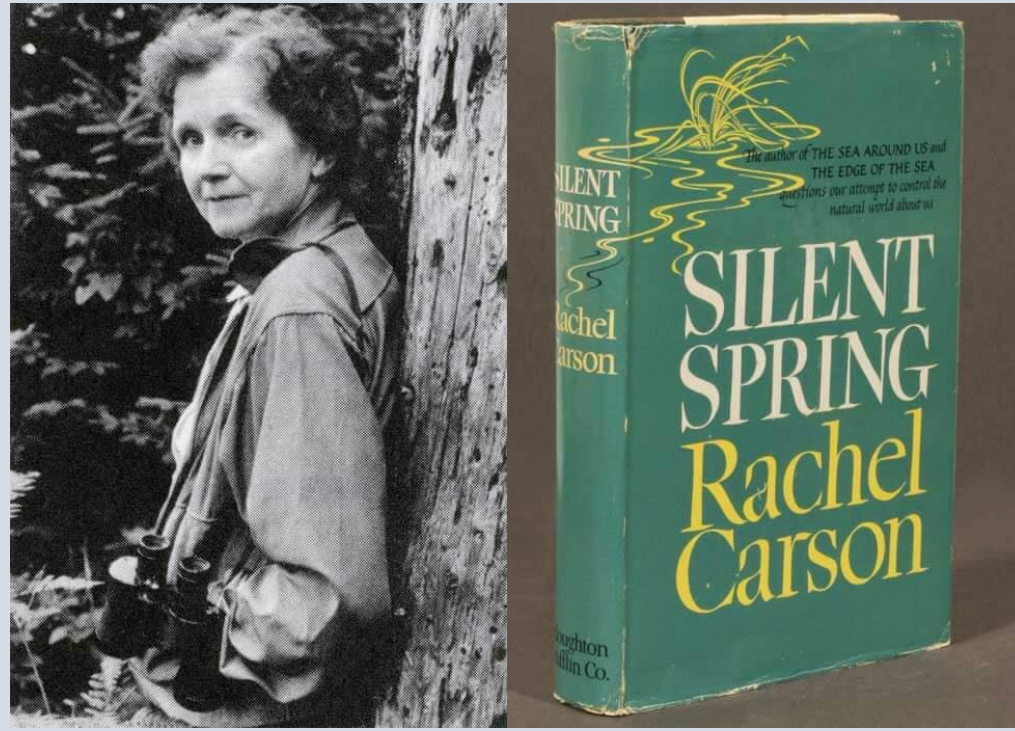
Michael Harrington

**“The Other America:
Poverty in the United States”**

**published in
March of 1962**

The first of these landmark books was Michael Harrington’s “The Other America: Poverty in the United States”, published in March of 1962. This book is claimed to have spurred President Kennedy and then President Johnson to wage the “War on Poverty”.

Citizen Awakening - Landmark Books



Landmark Books:

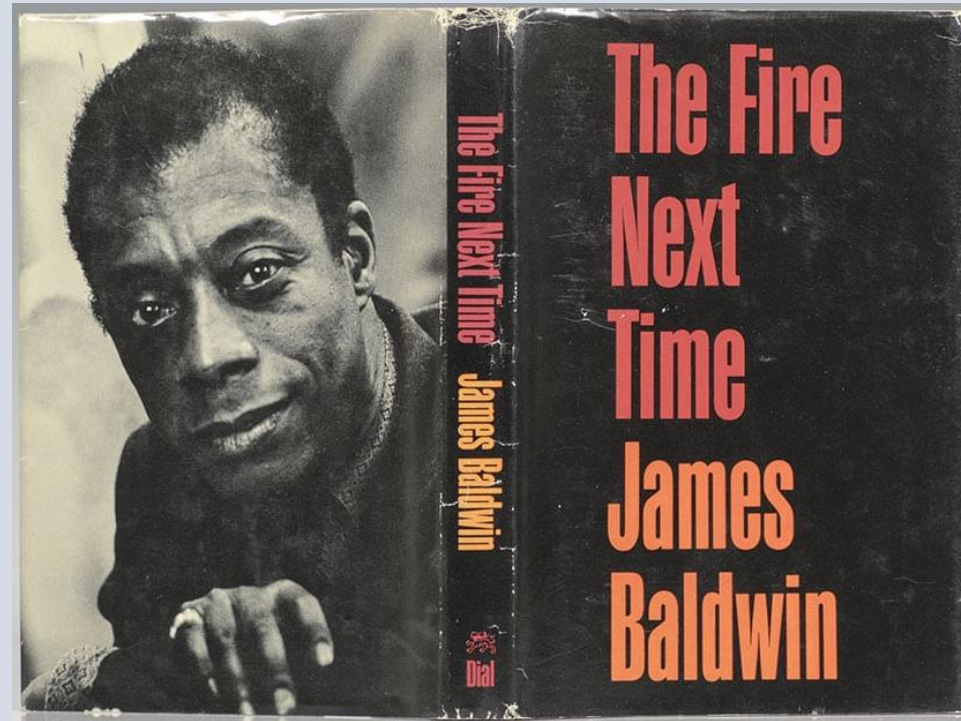
Rachel Carson

“Silent Spring”

**published in
September of 1962**

Rachel Carson’s iconic book “Silent Spring”, published in September of 1962, is credited with generating a half century of environmental activism.

Citizen Awakening - Landmark Books



Landmark Books:

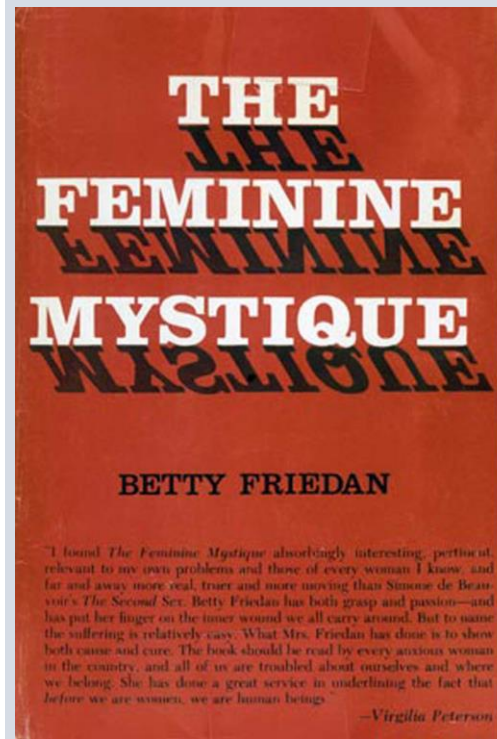
James's Baldwin

"The Fire Next Time"

**published in
January of 1963**

James Baldwin's "The Fire Next Time", published in January of 1963, foreshadowed the racial strains of the next half century.

Citizen Awakening - Landmark Books



Landmark Books:

Betty Friedan

**“The Feminine
Mystique”**

**published in
February of 1963**

Betty Friedan’s “The Feminine Mystique”, published in February of 1963, inspired a new feminist movement still salient a half century later.

Citizen Awakening – Civil Rights



Students for a Democratic Society (SDS)

Leader: Tom Hayden

“Port Huron Statement” - 1962

Tom Hayden was the intellectual and political leader of the Students for a Democratic Society, which focused on Civil Rights. Their “Port Huron Statement” written by Hayden in 1962 was very influential in describing how public interest movements could be effective.

However, the SDS was more of an agitating force, not prone to constructive engagement with power structures.

In fact, Michael Harrington was critical of the SDS because Harrington believed in working within the system, trying to leverage the political power of the Democratic Party.

Citizen Awakening – Women's Rights



**Presidential
Commission on the
Status of Women**

**Established 1961
by Executive Order**

**Eleanor Roosevelt
was 1st chairperson**

Issued Report Oct 1963

**Conferences were held
every year to follow up**

President Kennedy created the Presidential Commission on the Status of Women.
It was established 1961 by Executive Order.
Kennedy asked Eleanor Roosevelt to be its 1st chairperson.
The commission issued their report in October of 1963
After 1963, Conferences were held every year to follow up on the issues highlighted in the report.

Citizen Awakening – Women's Rights



John Kennedy:

New Frontier

The Equal Pay Act – 1963

Amended the Fair Labor Standards Act

Kennedy had his own catchy phrase to frame his social legislative goals, using the slogan The New Frontier. One of the legislative accomplishments was the Equal Pay Act in 1963, which was an amendment to the Fair Labor Standards Act. Most of Kennedy's New Frontier ambitions were inherited by Lyndon Johnson, where Johnson referred to them as his Great Society initiatives.

Citizen Awakening – Women’s Rights



**Presidential
Commission on the
Status of Women**

Public Interest Movements

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In the very little I read about the Presidential Commission on the Status of Women, this was actually kind of a political maneuver. The natural direction for a Democratic administration would be to keep pushing the Equal Rights Amendment. The ERA was politically controversial, so to get ahead of that pressure from Women’s Rights advocates, this commission was initiated. Its implied mission was to make recommendations that did NOT include pushing for the Equal Rights Amendment.

Citizen Awakening – Women’s Rights



At the 3rd annual conference, 28 Women decided to create a “NAACP for Women”

National Organization for Women (NOW) was founded in 1966

At the 3rd annual follow-up conference in 1966, 28 Women decided to create their own “NAACP for Women”. The National Organization for Women was founded a few months later, in the fall of 1966, to be a more vocal and aggressive advocate for Women’s Rights.

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Part 8 : Legacy of the Public Interest Movements

We now leave the early 60s behind. I consider the middle 1960s, during the Johnson administration, as the period of Congressional Awakening.

Congressional Awakening – The War on Poverty



Lyndon Johnson:

The War on Poverty

State of the Union address
to Congress in 1964

Johnson declared
“unconditional war on
poverty”

We first got an inkling of where President Lyndon Johnson wanted to take the country when, in the State of the Union address to Congress in 1964, the new president famously declared “unconditional war on poverty”. This was very astute marketing – even today many people will have heard of Johnson’s War on Poverty.

Congressional Awakening – Civil Rights



Lyndon Johnson:

The War on Poverty

The Great Society

1. Civil Rights Act – 1964

Senate Dems 46–21 (**69%**)
Republican 27–6 (**82%**)

House Dems 153–91 (**63%**)
Republican 136–35 (**80%**)

Johnson's slogan for his larger vision was "The Great Society".

There were a number of significant legislative victories in the next 3 years. The Civil Rights Act had actually been introduced in the House before President Kennedy's assassination, and a case could be made that it made such good progress in 1964 due to the sentimental aftereffect, almost like an homage to Kennedy.

I want to call your attention to the vote counts. The Civil Rights Act passed overwhelmingly, with bipartisan support. 4 out of 5 of Republicans voted for it. 2 out of 3 Democrats also approved.

Congressional Awakening – Civil Rights



Lyndon Johnson:

The War on Poverty

The Great Society

- 1. Civil Rights Act - 1964**
- 2. Voting Rights – 1965**

House Dems 217–54 (80%)

Republicans 111–20 (85%)

Senate Dems 49–17 (74%)

Republicans 30–1 (97%)

After Johnson's re-election in 1965, the momentum for reforms continued, and the Voting Rights Act was passed in 1965. The percentages were even higher this time around – 80% of Democrats and 85% of Republicans.

One explanation for that is that Barry Goldwater's presidential campaign had negative coattails, in that his rhetoric stole support for other conservative candidates.

More Democrats flooded into Congress. 2/3 of Congress was Democrat, giving Johnson two years of solid support for his Great Society initiatives.

Congressional Awakening – Poverty



Lyndon Johnson:

The War on Poverty

The Great Society

- 1. Civil Rights Act - 1964**
- 2. Voting Rights - 1965**
- 3. Medicare/Medicaid 65 (Amend Soc. Security)**

House (307–116)
Senate (70–24)

Johnson took advantage of this strong majority in Congress to pass amendments to the Social Security Act that established the Medicare and Medicaid programs in 1965. The vote was 73% in favor.

Congressional Awakening – Education



Lyndon Johnson:

The War on Poverty

The Great Society

- 1. Civil Rights Act - 1964**
- 2. Voting Rights - 1965**
- 3. Medicare/Medicaid 65**
- 4. Elem. & Secondary Education Act - 1965**

74% of Democrats &
85% of Republicans
voted for this bill

The agenda for the Great Society programs went beyond Civil Rights and Anti-Poverty. The Elementary and Secondary Education Act was passed in 1965.

Congressional Awakening – Immigration



Lyndon Johnson:

The War on Poverty

The Great Society

- 1. Civil Rights Act - 1964**
- 2. Voting Rights - 1965**
- 3. Medicare/Medicaid 65**
- 4. Elem. & Secondary Education Act - 1965**
- 5. Immigration & Nationality Act - 1965**

A very big change in America's immigration policy was enacted into law with the Immigration and Nationalization Act of 1965. The unique confluence of events, sentimentality about Kennedy's assassination, a polarizing Republican candidate, and an aggressive Progressive president, explains why we saw so many liberal reforms in those 3 years.

Congressional Awakening – Civil Rights



Lyndon Johnson:

Civil Rights Act of 1968

- a) **Indian Civil Rights Act**
- b) **Fair Housing Act**
- c) **Anti-Riot Act**

House Dems 150–88 (63%)

House Reps 100–84 (54%)

Senate Dems 42–17 (71%)

Senate Reps 29-3 (91%)

Just to fill out Johnson's legacy, the Civil Rights Act of 1968 filled in some gaps left over from the earlier acts. Looking at the vote counts, we can see that there was a hint of a backlash to the 1964-1966 initiatives. Since the House is completely replaced every 2 years, the drop in the percentage of supporters is most noticeable there. Republican support in 1964 was 80%. This time around it was 54%.

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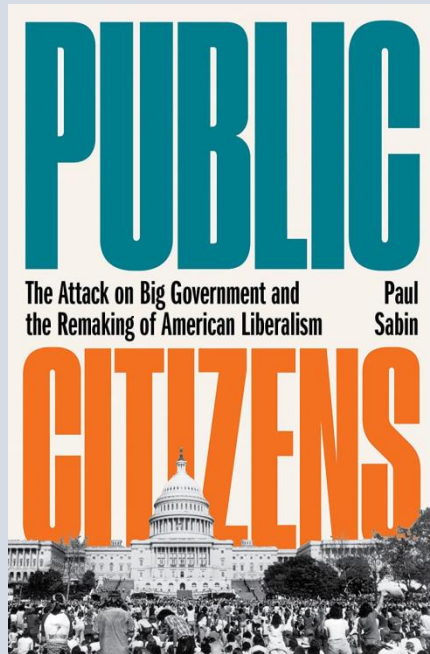
Part 6 : Late 1970s – Disillusionment

Part 7 : Early 1990s – Disillusionment The Sequel

Part 8 : Legacy of the Public Interest Movements

Now we start Part 4 – the late 1960s – when there was an explosion of public interest movements

Part 4 : Late 1960s – Explosion of Public Interest Movements



“Public Citizens”
By Paul Rubin
(2021)

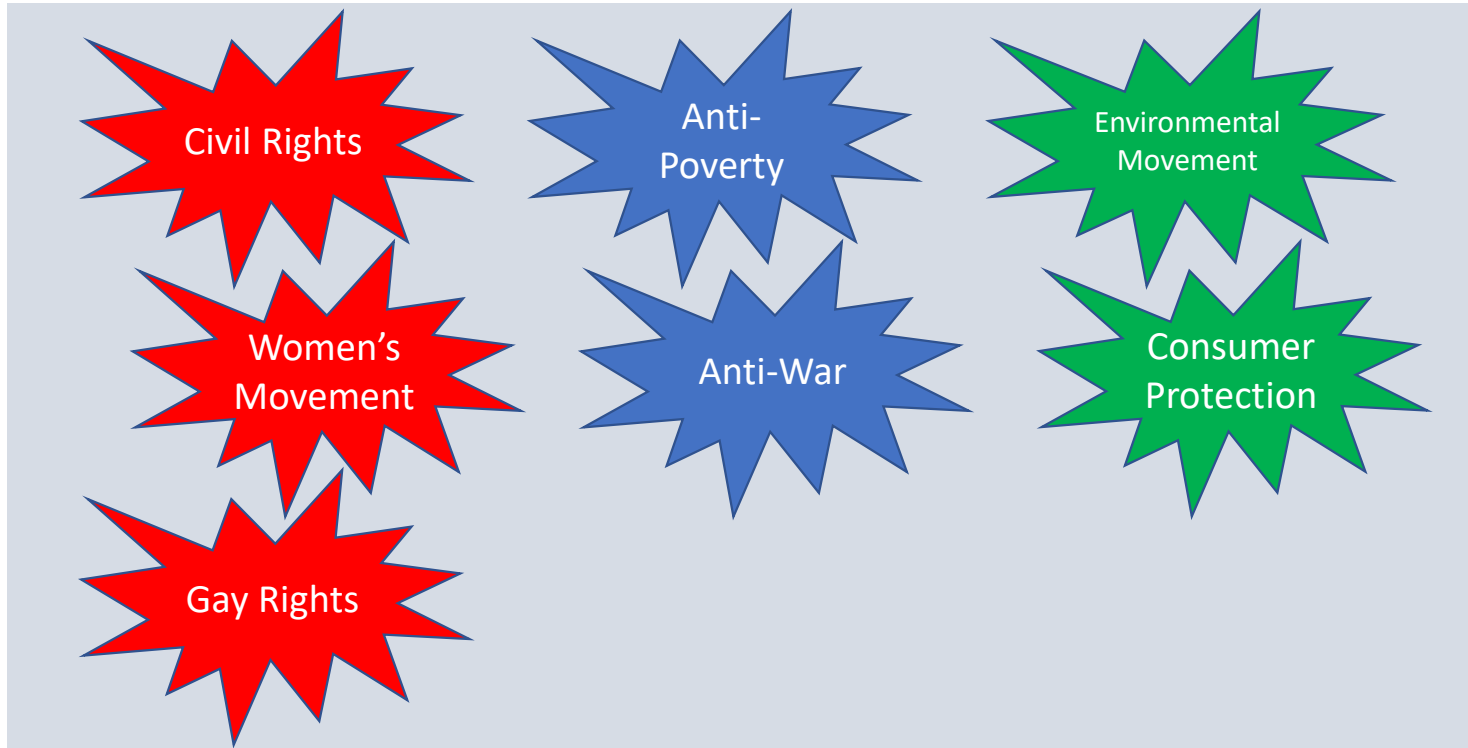
Centered on Ralph Nader

Early Trailblazer

Enduring Icon

We are going to follow the narrative of the book “Public Citizens” by Paul Rubin
The center of gravity in this book is Ralph Nader.
He was an early trailblazer and enduring icon of Public Interest Movements

Part 4 : Late 1960s – Explosion of Public Interest Movements



Public Interest Movements

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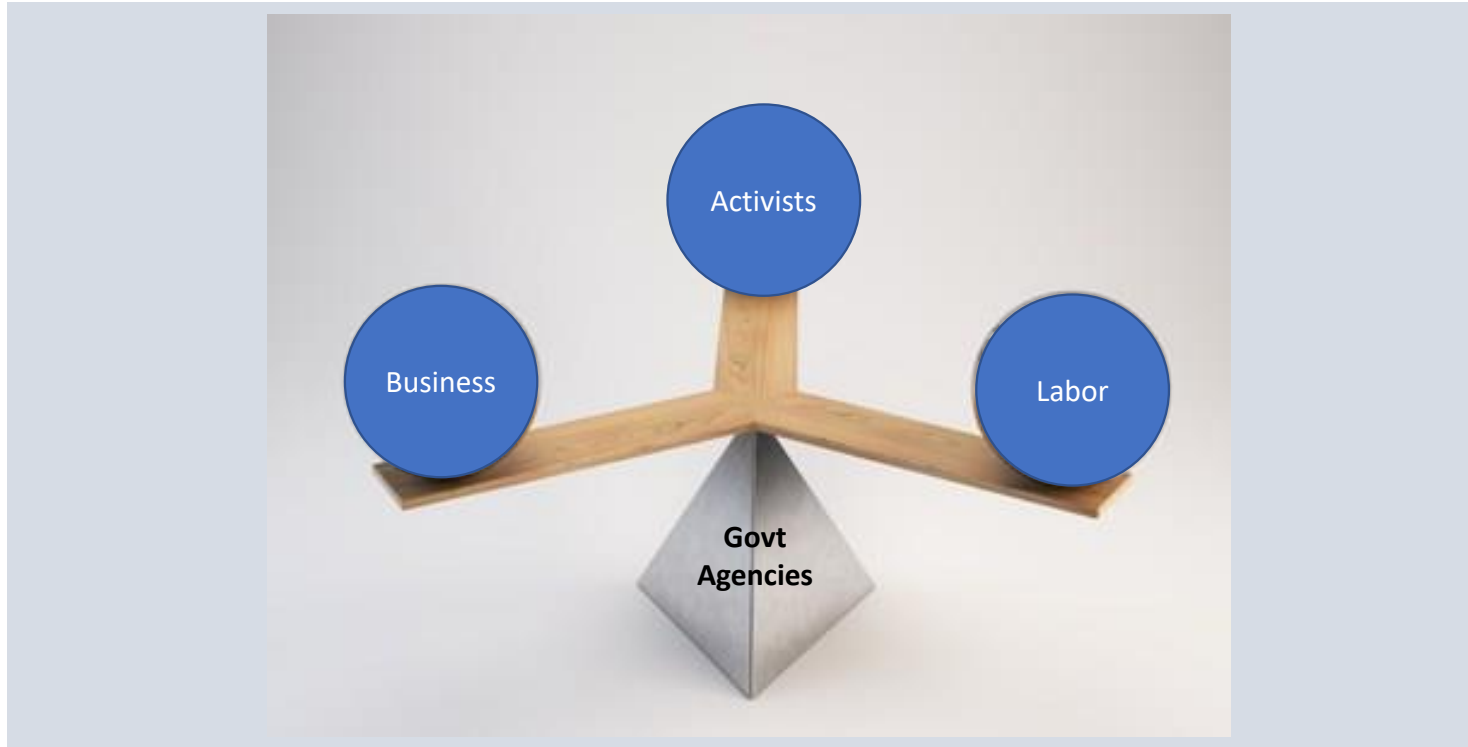
Let's ponder all of the different causes that activists in the 1960s took up. Of course, the ones I show are just some of the major ones, but they illustrate the point I want to make.

The three on the left, in red, have an easily identifiable constituency. They are identity-based.

The ones on the right, in green, have no identity-based constituency. They are everyone's responsibility and thus nobody need feel a personal responsibility.

The two in the middle, anti-poverty and anti-war, are in-betweeners.

Part 4 : Late 1960s – Explosion of Public Interest Movements

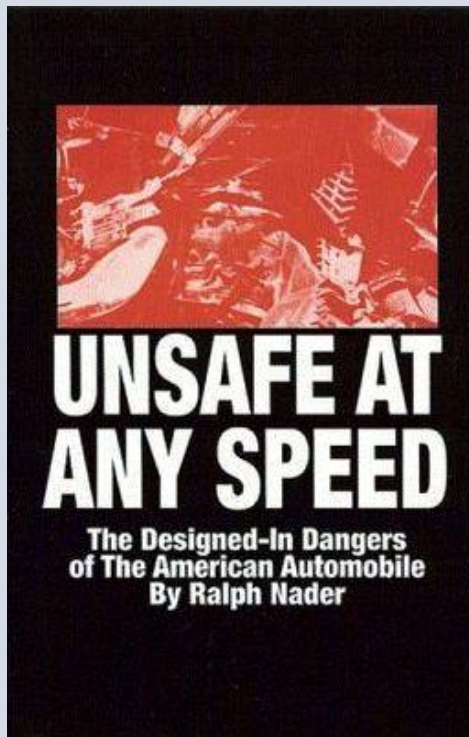


Public Interest Movements

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What happened in the early 1960s is that people became starkly aware that the federal government was not an advocacy body. It was an arbitration body. There were really only 3 players in the game – business, labor, and the government. Government and business had become much too cozy. Labor was a countervailing force, but only for ITS interests. American citizens have many interests that do not involve stability nor national prosperity, and these interests just did not have a place at the table. There needed to be another countervailing force in the game, a fourth force to do battle with business, labor, and the government. Democratic government cannot function right without activists providing an equal power to represent the broader public interest.

Public Interest – Legislative Pressure



Ralph Nader
“Unsafe at Any Speed”
Published in 1965
Harassed by G.M.

Ralph Nader’s book “Unsafe at any Speed”, published in 1965, launched Nader’s career, and kickstarted a public interest movement representing consumer interests – in particular, consumer safety. Nader’s book provoked an over-reaction by the auto industry, and the controversy raised Nader’s profile, raising the profile of the issue of automobile safety, and ultimately got Nader in front of Congress.

Public Interest – Legislative Pressure



**National Traffic and
Motor Vehicle Safety
Act of 1966**

Public Interest Movements

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Ralph Nader's book exposed numerous questionable manufacturing and design practices of automobile manufacturers. The book spurred the passage of the National Traffic and Motor Vehicle Safety Act of 1966. This was a landmark piece of legislation – for the first time, standards were being set and the executive branch had the responsibility to see that they were being followed. The federal government was not just managing competition anymore.

Public Interest – Legislative Pressure



**National Traffic and
Motor Vehicle Safety
Act of 1966**

**Wholesome Meat Act
of 1967**

**Natural Gas Pipeline
Safety**

**Radiation from X-rays
and Television**

Public Interest Movements

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Nader's next success was getting the Wholesome Meat Act passed in 1967. Note in this picture on the left that Ralph is leaning over an old fellow in a wheelchair. That is Upton Sinclair. The Wholesome Meat Act could be thought of as a culmination of a crusade Sinclair unleashed when he wrote "The Jungle" in 1906.

Nader was also successful in getting legislation through Congress addressing Natural Gas Pipeline Safety and protection against excessive radiation from x-rays and televisions. He was casting a wide net, all in the public interest domain of consumer protection.

Public Interest – Legislative Pressure



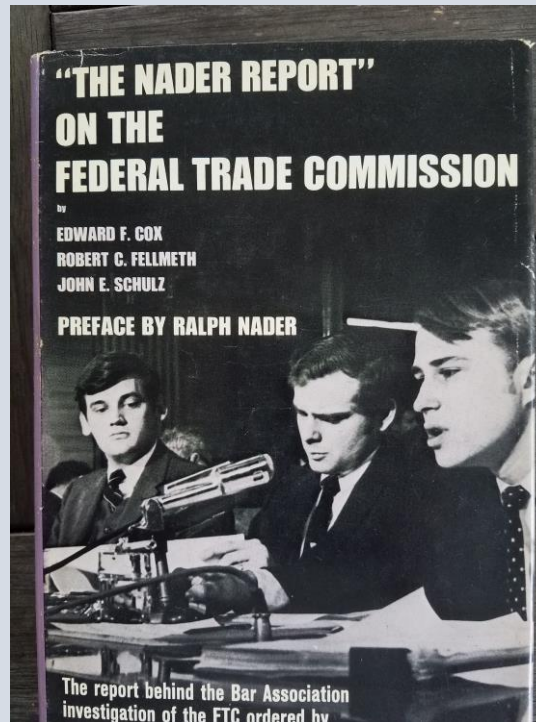
Recruiting Law Students

**The Center for Study of
Responsive Law**

(Est. 1968)

Ralph Nader leveraged his public profile by going to high-end Eastern law schools and recruiting students. Nader astutely leveraged youth discontent over the Vietnam war and civil rights. He would fire them up and encourage them to apply to be summer interns for his organizations. Organizations that were actually DOING something to change things. In 1968 Nader set up a non-profit organization called The Center for Study of Responsive Law. Those really bright and motivated summer interns from law schools would work on deeply researching various public interest domains, with a goal of writing exposes on each topic.

Public Interest – Legislative Pressure

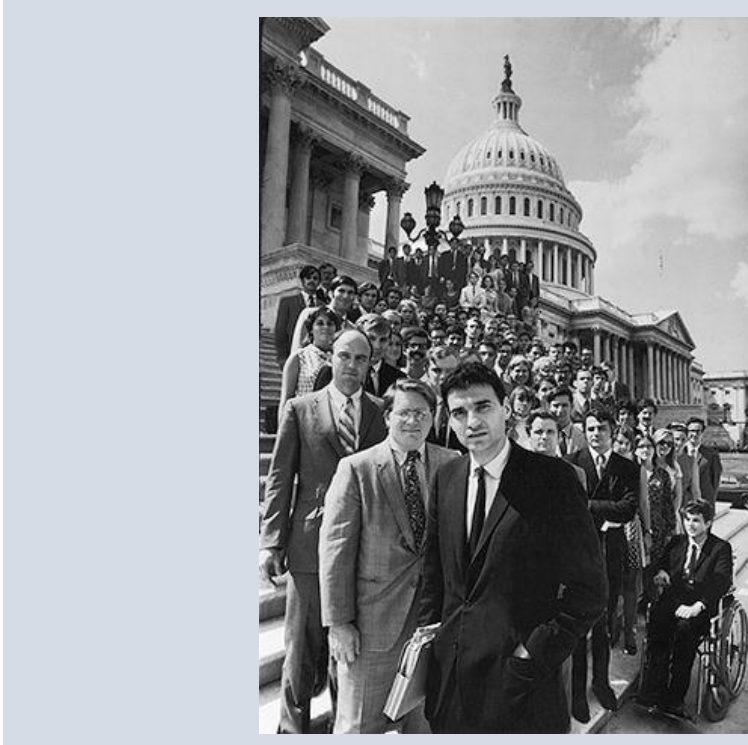


The Nader Report on the Federal Trade Commission (FTC)

Published in Jan 1969

The first target of these “research and expose” projects was an attack on the Federal Trade Commission. Nader wanted to pressure the FTC into becoming more of a “protect the consumer” organization. This was the first time Nader attacked government itself, instead of attacking businesses and industry. He wanted the FTC to get tough, stop being satisfied with issuing advisory opinions, consent decrees, promises to cease and desist, relying on voluntary compliance. The tactic worked – Congress responded by giving the FTC enhanced enforcement powers and mandated greater citizen participation in Agency proceedings.

Public Interest – Legislative Pressure



Nader's Raiders

1969 – 1,000 applications

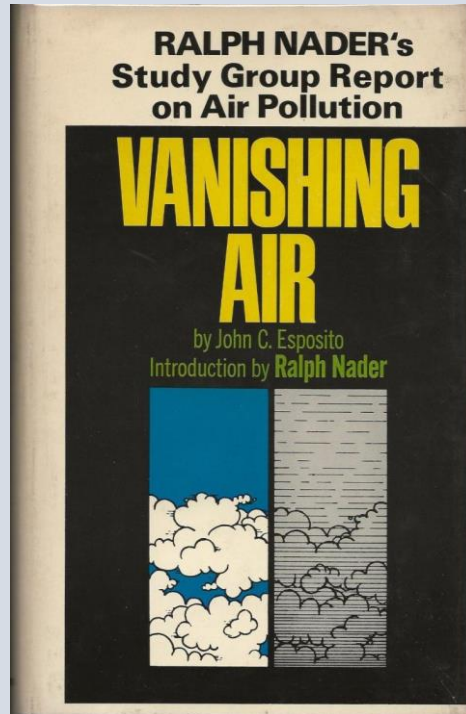
Wanted:

- ✓ **Moral outrage**
- ✓ **Laborious research ethic**

1970 – 30,000 applications

This army of short-term recruits to his causes were given the name Nader's Raiders. In 1969 he got 1000 applications for his internships and chose the 95 that exhibited the best combination of moral outrage and a laborious research work ethic. The next year, in 1970, 30,000 applications were received. Nader chose 200 of the best. This is a brilliant strategy – he is tapping into the best of the best.

Public Interest – Legislative Pressure



“Vanishing Air”

Published in July 1970

Clean Air Act of 1970

The next deeply researched report was *Vanishing Air*, published on July 20th, 1970. These reports are well researched and the case to be made before Congress was well crafted by Nader’s Raiders from the Eastern law schools. The reports were very effective. Congress passed the landmark Clean Air Act in 1970 partly in reaction to books like this.

Public Interest – Legislative Pressure



Attack your allies

Not your enemies

**Power needs to feel
insecure**

The strategy Nader used in pushing for the Clean Air Act is noteworthy. You would think that with Congress dominated by Democrats who are in principle sympathetic to these causes, that Nader would prioritize building positive constructive relationships with the Democratic leaders. His strategy was the opposite – he would be the hardest on committed liberals. Nader felt that the more liberal you already are, the more likely that you can be pushed further left, because you were afraid of being labeled as not being “liberal enough”. This worked in this case, as the leading Democrat that needed to be persuaded, Edmund Muskie, ultimately reacted to Nader’s attacks on him by backing a more aggressive bill than expected. This demonstrates one of Nader’s maxims – power needs to feel insecure.

Public Interest – Legislative Pressure



Clean Air Act of 1970

EPA created Dec 1970

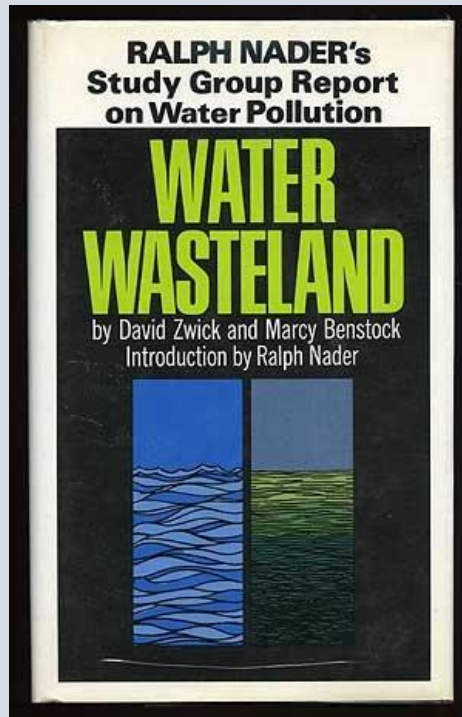
**Pictured:
William Ruckelshaus
1st Head of the EPA**

**Congress made the law
“Government-Proof”**

There is one aspect to the Clean Air Act of 1970 that is groundbreaking. This is the first bill from Congress that made a deliberate attempt to make a law “government-proof”.

What that means is that Congress themselves specify in the bill exactly what the standards are and demand that they be enforced. Very little discretion is left for the executive branch to mess things up, either by neglect or political whims. In fact, it is written into the law that American citizens can sue the executive branch if they do not do their job in enforcing these mandates from Congress.

Public Interest – Legislative Pressure



“Water Wasteland”

Published April 1971

Clean Water Act of 1972

**Congress says citizens can
sue the government to
enforce the law**

The next research report was Water Wasteland, published in April of 1971. This eventually resulted in Congress passing the Clean Water Act of 1972.

The formula is the same as with the Clean Air Act. Congress sets the standards, the executive branch just enforces them, and citizens can sue if the government does not do its job.

Public Interest – Legislative Pressure

1965	1966	1967	1968	1969	1970	1971	1972
New	New	New	New	New	New	New	New
Law	Law	Law	Law	Law	Law	Law	Law

The Big Picture

**Achieving change via the
Legislative Process**

Now is the time to pull back and look at the big picture.

History related in a blow-by-blow manner is boring, but it does lay the foundation for seeing larger trends.

There is something extraordinary about how Ralph Nader is effecting change, at least at this stage in his career.

Every one of his successes up to this point has come from persuading Congress to write new legislation. Not just new legislation, tough legislation. In the present day, in 2021, we cannot even fathom persuading Congress to do anything for the common good. What is so noteworthy is that at this point Nader is not using the courts to effect change.

Public Interest – Using The Courts



**Achieving change via the
Judicial System**

Public Interest Movements

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This is a really important point. Laws protecting the public good need something in them the courts can weigh in on, and somebody needs to be able to file a lawsuit over a law not being enforced adequately. Believe it or not, this was not the case before this time period we are looking at.

There are two crucial questions in play. Who can sue? And what kinds of damages can you sue over?

Public Interest – Using The Courts



Who can sue?

Mostly the Government

**What kinds of damages
can citizens sue for?**

Only Economic Damages

Before the late 1960s, these were the answers...

Who can sue? In many cases, only the government could sue to enforce public interest laws.

What kinds of damages can you sue for? In cases where individual citizens COULD sue, they would have to have been financially damaged. In other words, the only harm you can claim is economic harm.

This is particularly relevant in environmental law. How does an individual citizen demonstrate direct economic harm from pollution in the air? From dirty water? From vanishing species?

Public Interest – Using The Courts



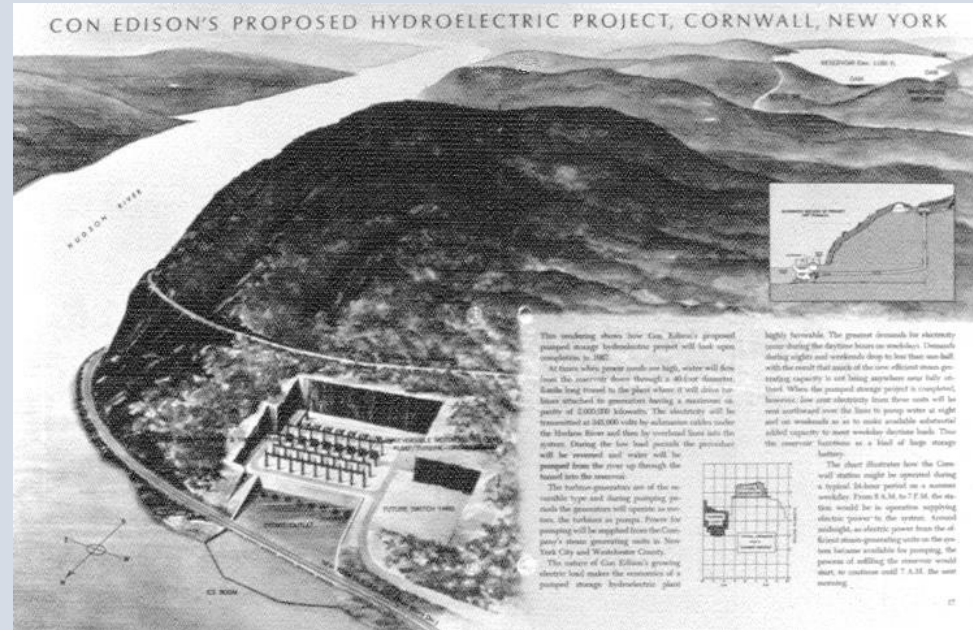
Warren Burger
United Church of Christ
vs
FCC
(1966)

Public Interest Movements

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Paul Rubin traces the unlocking of this dilemma back to 1966. Future Supreme Court chief justice Warren Burger wrote an opinion on a case called United Church of Christ vs Federal Communications Commission. Burger wrote that federal agencies like the FCC did not always effectively represent the public, and their failures left a void for outside third parties to fill. He encouraged allowing citizen lawsuits and citizen participation in agency decision making. While this was just an opinion, not carrying the force of law, it was very influential in getting this new paradigm into mainstream discussions.

Public Interest – Using The Courts



Scenic Hudson Preservation Conference Versus Federal Power Commission (1965)

Public Interest Movements

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About the same time, there was a pivotal lawsuit filed in New York that bored another hole into the status quo. In the case Scenic Hudson Preservation Conference versus Federal Power Commission, conservation activists wanted to block approval for a proposed hydropower facility. The government argued that these activists could not sue because 1) they were not personally injured, and 2) they were not financially injured. Somehow the federal court granted legal standing to the activists. Merely allowing the litigation to proceed was a shocking win for the conservation movement and inspired great hope that the courts could be leveraged to fight environmental issues.

Public Interest – Using The Courts



Natural Resources Defense Council

(Est. 1970)

This success led directly to the founding of the Natural Resources Defense Council in 1970. The NRDC became perhaps the most prominent national public interest organization working on environmental issues, and still operates today.

Public Interest – Using The Courts



**Environmental Defense
Fund**

(Est. 1967)

Public Interest Movements

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While I am giving shout-outs to the environmental advocacy groups formed in the late 1960s, I should mention the Environmental Defense Fund, which was formed in 1967. The founders were responsible for getting DDT banned for the first time, saving the Osprey on Long Island. The EDF is also still active today.

Public Interest – Using The Courts



Public Interest Movements

Who can sue?

Citizens!

What kinds of damages
can citizens sue for?

Non-Economic!

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The environmental movement took these endorsements and ran with them. Whereas Ralph Nader was working the legislative angle via Congress, other activist groups focused on using the courts to force change. This also highlights why the stronger legislation Congress produced under Nader's pressure was so important – it wrote into laws like the Clean Air Act and Clean Water Acts explicit ratification of the idea that citizens could sue the government and that they did not have to be personally economically impacted to do so.

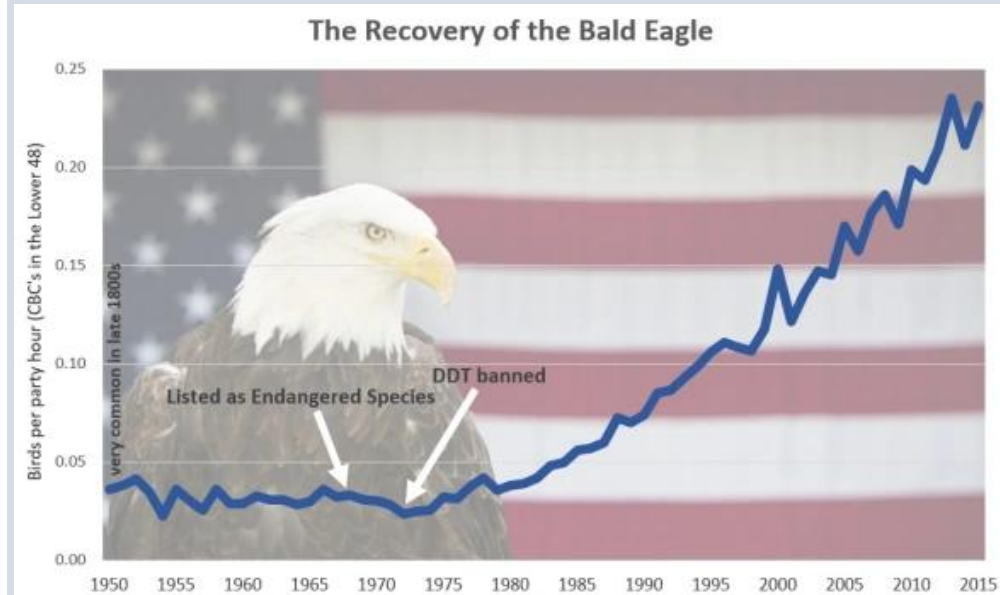
Public Interest – Using The Courts



In Court
Size doesn't matter!

One of the big deals about clearing a path through the courts is because the courts are available to anyone. You don't have to be big or have a lot of money to go toe-to-toe with big business or the government. Many public interest groups were small and struggled to finance themselves. Having the courts available to them was a game changer, and, frankly, changed the whole country.

Public Interest – Using The Courts



Endangered Species Act

(1973)

Senate : 92-0
House : 390-12

Public Interest Movements

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Perhaps the high-water mark for the Environmental movement and Congress's Progressive surge was the passing of the Endangered Species Act in 1973. While the Audubon Society certainly had a role in this legislation, Congress really did not appear to need much of a push.

It passed 92-0 in the Senate and 390-12 in the House.

This bill is the epitome of Congress's new philosophy of setting aggressive standards that provide a lot of leverage for citizen groups to force the Executive branch to enforce the standards.

As the residents of central Oregon can attest, this Act ended up being a very powerful tool for environmental groups to wield.

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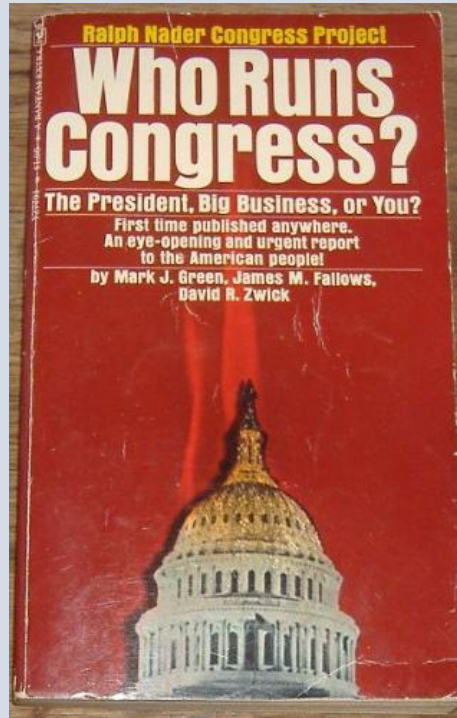
Part 6 : Late 1970s – Disillusionment

Part 7 : Early 1990s – Disillusionment The Sequel

Part 8 : Legacy of the Public Interest Movements

Now we enter Part 5, in the early 1970s, when the public interest movements matured

Professional Activism – Reforming Congress



“Who Runs Congress?”

Published in 1972

In this chapter of the story we find Ralph Nader going after the big fish. He wanted to reform Congress itself. He assembled about 1000 researchers, and they created profiles of every member of Congress. The goal was to influence the 1972 elections by clearly exposing the political positioning of every Congressperson. This was called the Congress Project, and the results were later summarized in the book “Who Runs Congress?”. Boy, talk about sticking your fist into the beehive.

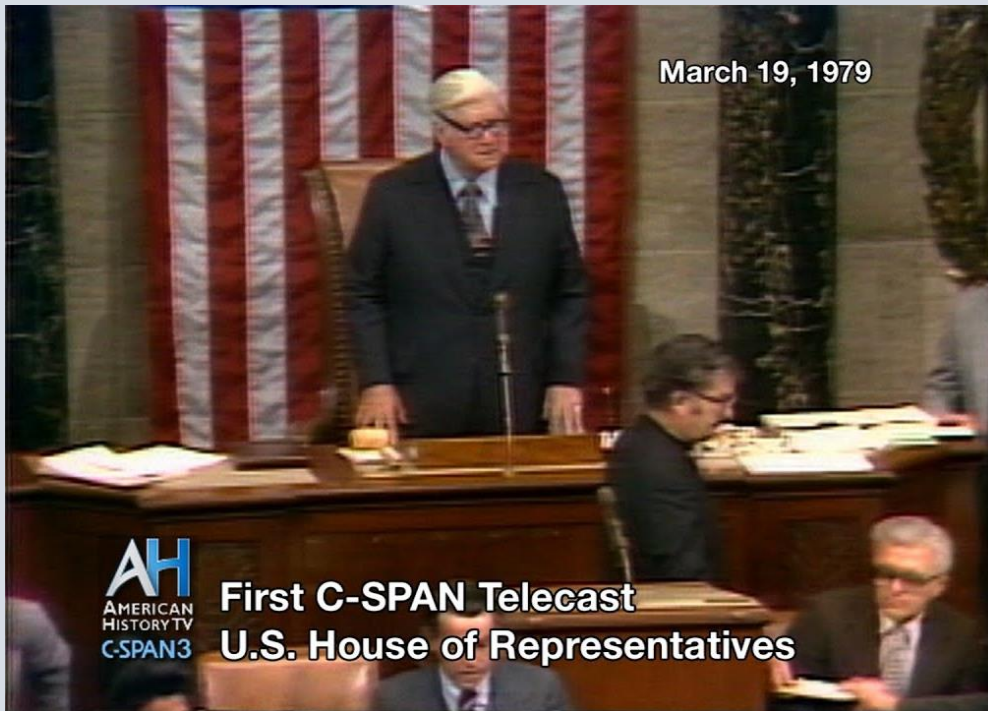
Professional Activism – Reforming Congress



Powerful Committee Chairmen

These efforts to reform Congress are classic examples of things that look good on paper but in real life there are unintended consequences that muddy the picture. For instance, you may not like the power that committee chairpersons hold, because it makes them susceptible to unhealthy relationships with powerful business interests. So you reform Congress to take power away from the committee chairpersons. The unintended consequence is that power then gets centralized onto the caucus leaders (think in terms of the power Mitch McConnell has today). Ultimately this led to Congress being less dynamic, with fewer points of view able to get any traction.

Professional Activism – Reforming Congress



The Sunshine Laws (Transparency in Govt.)

(1976)

In 1976 Congress passed what is called “The Sunshine Laws”, to provide transparency in government. The idea is that you don’t want back-room dealing, behind closed doors. The Sunshine Laws essentially said that the business of the government needs to be done out in the open.

This is where we got CSPAN from. But, hmm, those unintended consequences. The back and forth of negotiating compromises that lead to effective government do not work so well under the glare of CSPAN. In public, elected officials need to maintain a posture, project an ideological purity. Putting out a trial balloon to spur a possible compromise could be political suicide.

Professional Activism – Reforming Congress



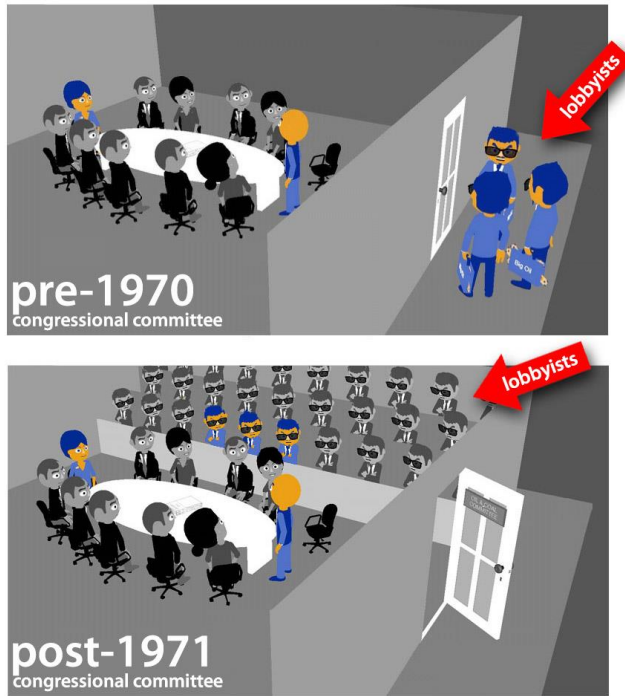
**Eliminate Earmarks
(Pork Barrel Spending)**

Public Interest Movements

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Another reform was to eliminate earmarks, or as some call it, “pork-barrel spending”. Earmarks are the currency of government, or, as one book I read described it, greases the wheels. I vote for your pet project, you vote for my pet project, we are both happy. With no favors to trade, how can a government really function?

Professional Activism – Reforming Congress



Campaign Finance Reform

Campaign Finance Reform had similar downsides. Laws were passed to limit campaign contributions. The result was that political funding got pushed into political action committees, known as PACs. This magnified the power of lobbyists and corporate interests.

Professional Activism – Reforming Congress



**PACIFIC LEGAL
FOUNDATION**



**Conservative Advocacy
Groups**

The success Nader and others had in giving citizens access to the government also opened the door for CONSERVATIVE interests to exert THEIR power. Conservative interests started emulating Nader and other public interest groups, using access to the courts, using access to the policy-making process in the government. What is good for the goose is good for the gander.

Professional Activism – Backlash



51/167 Acc 8/23/71

CONFIDENTIAL MEMORANDUM

ATTACK ON AMERICAN FREE ENTERPRISE SYSTEM

TO: Mr. Eugene B. Sydnor, Jr. DATE: August 23, 1971
Chairman
Education Committee
U.S. Chamber of Commerce

FROM: Lewis F. Powell, Jr.

This memorandum is submitted at your request as a basis for the discussion on August 24 with Mr. Booth and others at the U.S. Chamber of Commerce. The purpose is to identify the problem, and suggest possible avenues of action for further consideration.

Dimensions of the Attack

No thoughtful person can question that the American economic system is under broad attack.* This varies in scope, intensity, in the techniques employed, and in the level of visibility.

There always have been some who opposed the American system, and preferred socialism or some form of statism

*Various called: the "free enterprise system", "capitalism", and the "profit system". The American political system of democracy under the rule of law is also under attack, often by the same individuals and organizations who seek to undermine the enterprise system.

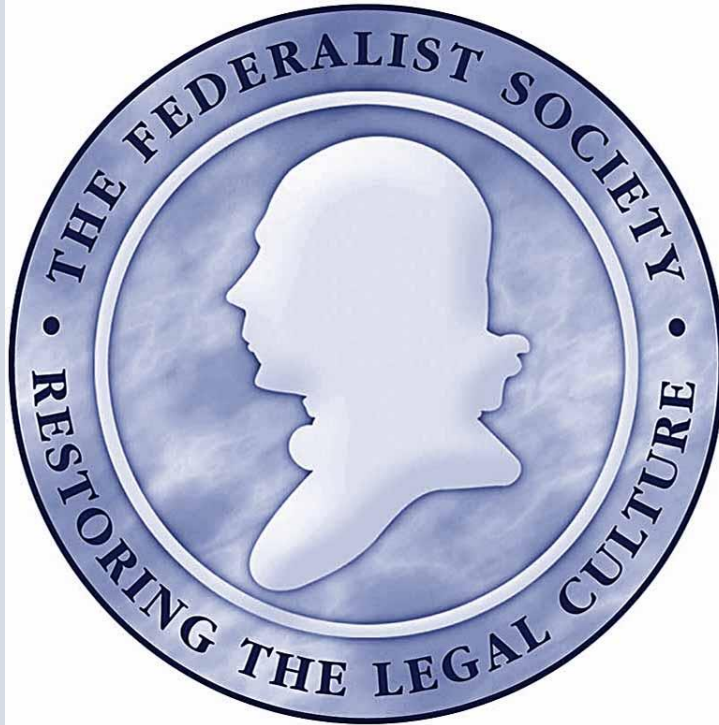
Justice Lewis Powell

**Letter to Chamber of
Commerce**

(1971)

In 1971 Justice Lewis Powell wrote a letter to the U.S. Chamber of Commerce group, urging business to fight back against public interest groups. This is widely considered to be the kickoff for a conservative renaissance. We would see the establishment of conservative think tanks, conservative political action committees, conservative legal funds. The momentum on the left woke up the right and they responded aggressively and very effectively. They were experts in playing the long game.

Professional Activism – Backlash

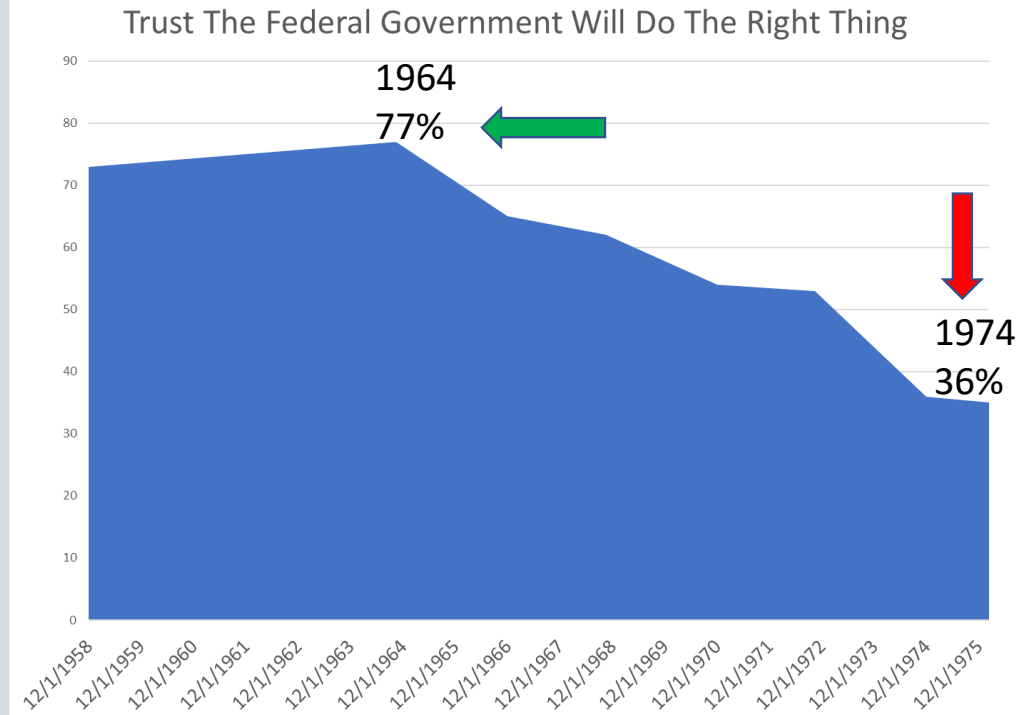


The Federalist Society

(est. 1982)

Consider for a second – by 1972, where is this ideological war being waged? The battleground was now in the courts. And the reason it was successful is because the courts were either sympathetic to the liberal cause, or resolutely impartial. The long game the conservatives started playing was to gain control of the courts. A decade later The Federalist Society was created, to incubate and indoctrinate the next generation of law students. There is no liberal equivalent to The Federalist Society.

Social Contract Unraveling

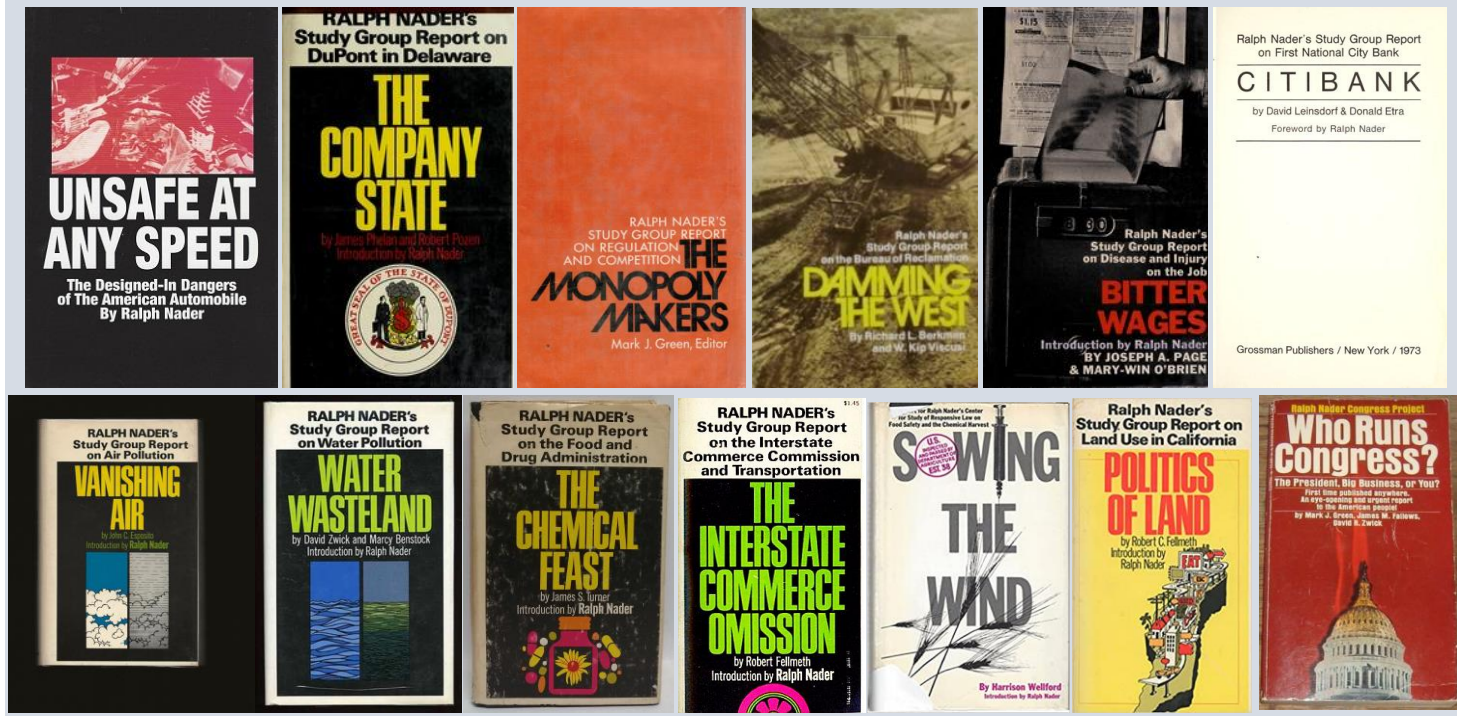


Public Interest Movements

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Before we talk about the Carter administration, we have another big-picture trend we need to absorb. As we entered the 1960s, confidence and trust were remarkably high. This includes interpersonal trust, inter-group comity, and especially trust and faith in government. 15 years later, trust had plummeted, especially trust in government. There were many causes of this erosion, but I think it is very plausible that the success of the activist groups were a big part of it.

Social Contract Unraveling



Public Interest Movements

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Ralph Nader and other leaders of advocacy groups were extremely successful at convincing the American public that the government was ineffective and not working for their interests. Nader was very successful at exposing the seemingly inevitable corruption of power that happens in representative government. This further eroded American citizen faith in its institutions. It was not the only reason, but I think it contributed.

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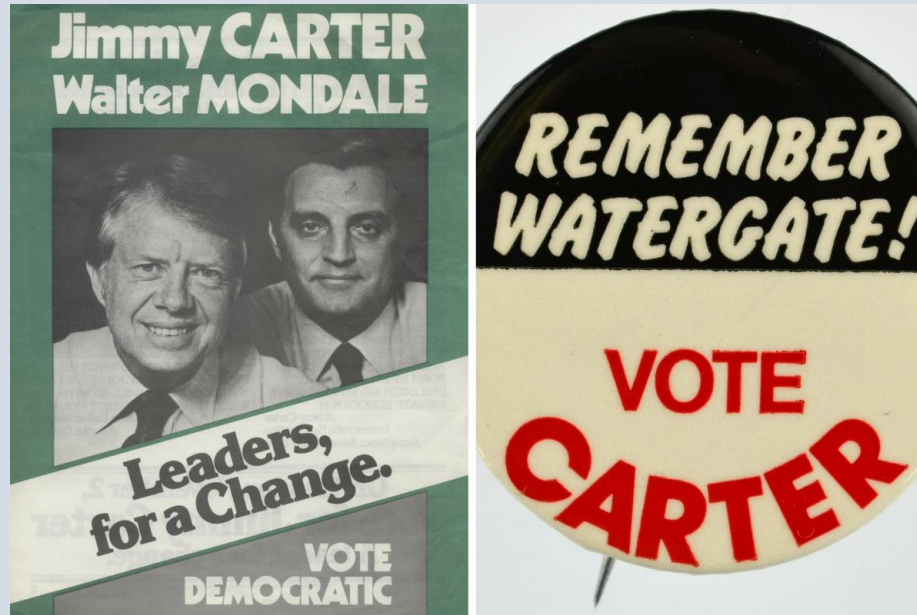
Part 6 : Late 1970s – Disillusionment

Part 7 : Early 1990s – Disillusionment The Sequel

Part 8 : Legacy of the Public Interest Movements

Now we skip ahead to the late 1970s, which I think is a period of disillusionment.

Liberal Disillusionment



Public Interest Movements

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We had lost trust in government because it had proven itself untrustworthy. But perhaps government just hadn't been done right. Into the White House comes the anti-Nixon. Jimmy Carter ran as a Washington outsider, promising to restore integrity to government, promising to rebuild trust.

'I'm no crook, didn't profit in office': Nixon

Hopes gas rationing is averted

By Aldo Beckman

UPI Press Service
LAKE BUENA VISTA, Fla., Nov. 17—President Nixon, declaring emphatically that he is "not a crook," said tonight that he has never obstructed justice and has never profited from all his years in public office.
He again denied any knowledge of the Watergate break-in or any knowledge of the Watergate cover-up, and expressed confidence that H. R. Halderman and John Ehrlichman, his former top aides who resigned from the White House staff in the wake of the Watergate scandal, "will come out all right" after all of the facts are known.
Nixon, while suggesting that it would be difficult to have any kind of gas rationing in peacetime that would be acceptable to Americans, fell short of promising there would be no rationing. (Story on page 1.)
BURKING AN hour-long question and answer session with 40 managing editors of the annual Associated Press Magazine Writers' convention in Florida.



President Nixon asks for another question during appearance before a group of newspaper editors at Disney World last night.

No Nixon to hate

No Vietnam war to hate

For activist groups, for public interest advocacy groups, we now enter unfamiliar territory. There is no Nixon to hate, no Vietnam War to hate. There had been some big wins over the past decade. And now we have a sympathetic president coming into power. A lot of the fuel propelling the activist movements is dissipating.

Liberal Disillusionment



**Many Nader protégés
join Carter Administration**

Hopes are high

Many of Nader's proteges, leaders of Liberal advocacy groups, eagerly joined the Carter administration. They look forward to finally having their hands on the wheel of power. Hopes were high.

Liberal Disillusionment



Jimmy Carter
Moderate
Governing is hard!

Public Interest Movements

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But there were two big problems. First of all, Jimmy Carter was a moderate. He was sympathetic to a lot of the activist causes, but his vision was far less radical than many of his most ardent supporters. Second of all, when you finally win power, you actually have to govern. Governing is hard. There are many constituencies, many power bases. This is the executive branch – you execute the laws - you don't make the laws. You need to generate results. America was faced with a lot of big challenges in the 2nd half of the 1970s. Inflation was a huge problem, energy supplies were a big problem, the economy was relatively anemic.

Liberal Disillusionment



Jimmy Carter

Moderate

Governing is hard!

Engineer

Jimmy Carter was an engineer. What he wanted to do was make it more efficient. He wanted to eliminate waste. He was sympathetic to the accusation that some of the regulation introduced over the past decade had been excessive, and he felt that was inefficient and wasteful. The word I would use to describe his goals is “right-sizing”. In Carter’s mind, there is the short game and the long game. The short game was to right-size government. The long game was to reclaim the public’s trust in government by demonstrating that it could be efficient and effective and not burdensome. By trimming some of the regulatory excesses out of the landmark laws from the prior decade Carter felt he was saving them from being overturned completely. He felt that restoring trust and confidence in government was the pre-requisite for later trying to expand government, then perhaps aiming for the lofty goals of the activist movements. But 1st things first.

Liberal Disillusionment



Public Interest Movements

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Jimmy Carter

Moderate

Governing is hard!

Engineer

Reformer

Sell-out!!!

Understandably, this was dismaying to activists like Ralph Nader. He quickly chastised Carter as a sell-out. Nader was too much of a purist – he couldn't really accept that to govern you often had to compromise, because you have to DO something. We had an energy crisis – OPEC had us in their clutches. Many of the potential solutions for loosening OPEC's grip involved approving energy initiatives in the U.S. that were environmental compromises. Furthermore, Carter had been a nuclear engineer in the Navy. He was optimistic about nuclear energy. This was in direct opposition to some of the environmental activists.

Liberal Disillusionment



Blocking Dam Construction Projects

Public Interest Movements

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Early in his term, Carter had taken a strong stance, blocking some dam building projects in the West. His own sensibilities were violated because these were classic pork-barrel projects – the dams were not essential, but they brought jobs to the states of influential Senators. So Carter vetoed the bills with those earmarks. This infuriated Congress, so they just passed the same bill again and sent it back up. Carter could see that he did not hold winning cards, so the second time around he folded, signing the bills with the pork intact.

Liberal Disillusionment



Not trying hard enough

Or

Wasting political capital?

From the point of view of the activists, Carter caved and did not put up enough of a fight. From Carter's point of view, he had used up valuable political capital for nothing, because he could not win that fight.

Liberal Disillusionment



Nader did not let up

**Power needs to be made
to feel insecure**

There was also some disillusionment flowing in the opposite direction. Many former advocates now worked in the government, and they were shocked and irritated when Nader would not cut them any slack. Looking at it dispassionately, this was the way it was supposed to be – advocacy groups are supposed to put pressure on the government to do more, do better, regardless of which party is in power.

I will repeat one of Nader's maxims – power needs to be made to feel insecure.

Liberal Disillusionment



**Tension between
Carter and Nader**

The bad blood between Nader and Carter went both ways. Nader was dismissive of Carter's focus on efficiency. Carter felt that Nader was unreasonable and not looking at the big picture because Nader did not have to live with the consequences.

Liberal Disillusionment



Idealists
vs
Pragmatists

The problem is that this was not just limited to hurt feelings and frustration. This tension between the aspirations of the idealists, and the pragmatism of the moderates, created a serious ideological split in the Democratic Party. Carter was a pragmatist. Nader was an idealist. Ted Kennedy was an idealist.

Liberal Disillusionment



Tension between Carter and Kennedy

Public Interest Movements

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The irreconcilable differences between Ted Kennedy and Carter, and this inability to reconcile idealism with pragmatism, had a lot to do with Carter losing his re-election bid to Ronald Reagan in 1980. Ted Kennedy eventually challenged Carter for the Democratic nomination. The sharp criticisms of Carter by Kennedy had the effect of reducing support for Carter.

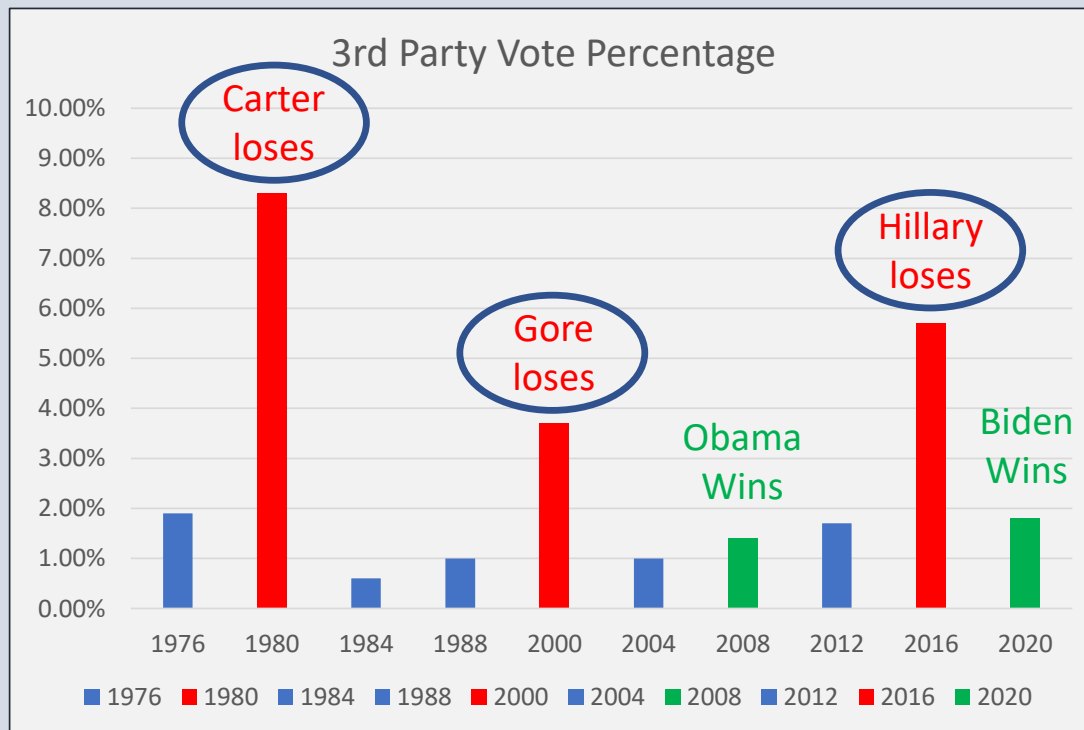
Liberal Disillusionment



**Tension between
Bernie Sanders and
Hillary Clinton**

This is reminiscent of how Bernie Sanders' sharp criticisms of Hillary Clinton probably had a role in the Democrats losing the presidency in 2016. I would say that Bernie is an idealist and Hillary is a pragmatist.

Liberal Disillusionment



Public Interest Movements

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I want to point out another similarity between 1980 and 2016.

Kennedy and Nader's criticism of Carter convinced a substantial number of potential Democratic voters to vote for 3rd party candidates, specifically John Anderson who ran on the Independent Party label.

Anderson got 6.6% of the popular vote. As we will see, in 2000 Nader ran against Gore, pulling Democratic votes off to a 3rd party, Nader's Green Party.

And a whopping 5.7% of the vote in 2016 went to 3rd party candidates.

You could make a case that it is not so much that Republicans win the presidency, but that Democrats lose the presidency, because disaffected voters express their disillusionment by voting for 3rd party candidates.

Liberal Disillusionment



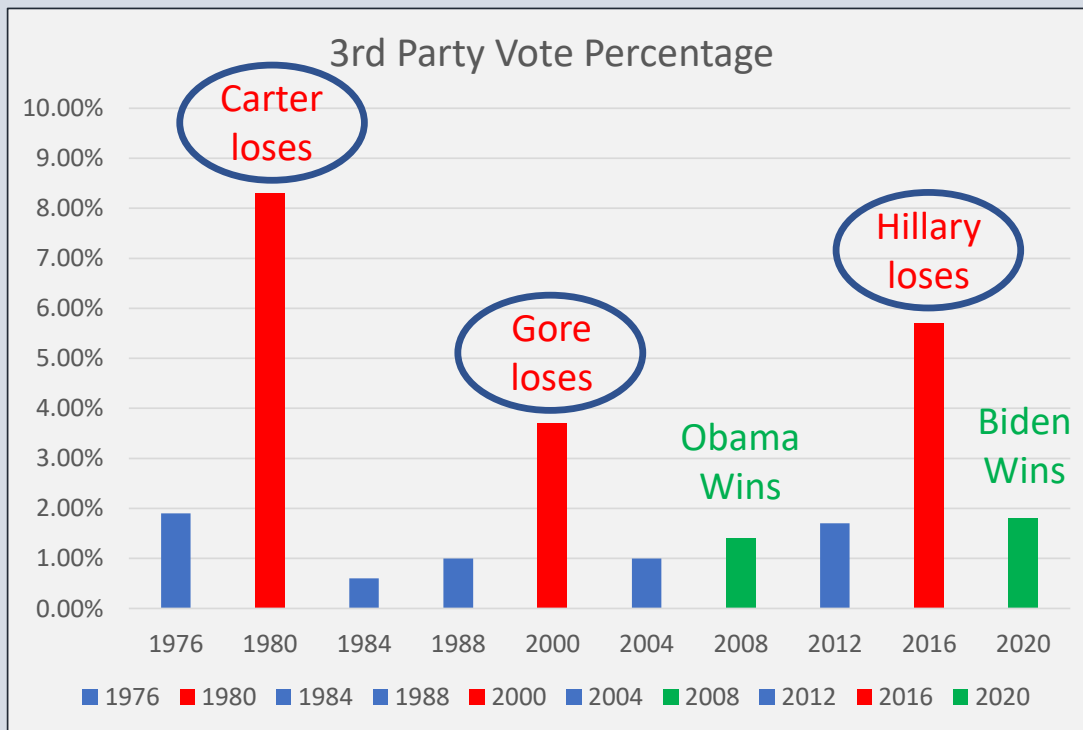
Democratic Leadership

Tip O'Neill

Speaker of the House

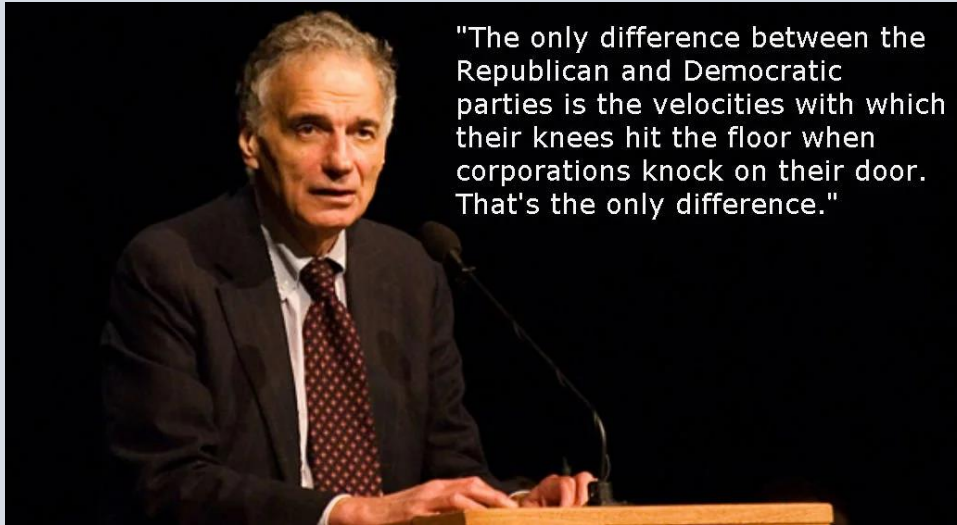
Nader, and perhaps Kennedy, probably felt that they did not have a lot to lose in 1980. Nader had been very effective under a Republican president, because the Democrats controlled both the House and the Senate. But the Democrats should not have been complacent. The Republicans flipped 12 Senate seats and gained the majority position in the Senate for the first time since 1954.

Liberal Disillusionment



This might be another theme. Perhaps so many disaffected Liberals voted for 3rd party candidates instead of Hillary because they thought it was going to be safe to do so. All Liberals expected Hillary to win handily because they couldn't imagine Donald Trump winning. Perhaps Liberals thought Al Gore was a shoe-in because the economy was strong in 2000 and George W. Bush didn't seem to be presidential material. Admittedly, this is completely my own speculation.

Liberal Disillusionment



Nader abandoned Carter

“The difference between Carter and Reagan is slim”

Astonishingly, Nader had even said that it really didn't matter who won – he said the difference between Carter and Reagan was slim. He said that both parties are basically the same, both beholden to industry influence. Nader is quoted as saying “Carter had raised oil prices, spoken out for nuclear power, and opened public lands for development. What more could Ronald Reagan do?” I think this is a crucial difference between being principled and being an ideologue. Nader was just too much of a purist and was incapable of swallowing hard and relaxing his standards in deference to the bigger picture. Saying there was no important difference between Carter and Reagan was unbelievably reckless, if you really cared for the liberal cause.

Liberalism on the Defensive



**Carter Vote in 1976 –
50.1%**

**Carter Vote in 1980 –
41.0%**

Considering that the Republican Party was on its deathbed just 5 years earlier, the reversal of fortunes of the two parties in 1980 is astounding. This is the only time a party did not hold on to the presidency for at least 8 years, since 1888 (well, the only time until Trump lost last year).

Liberalism on the Defensive

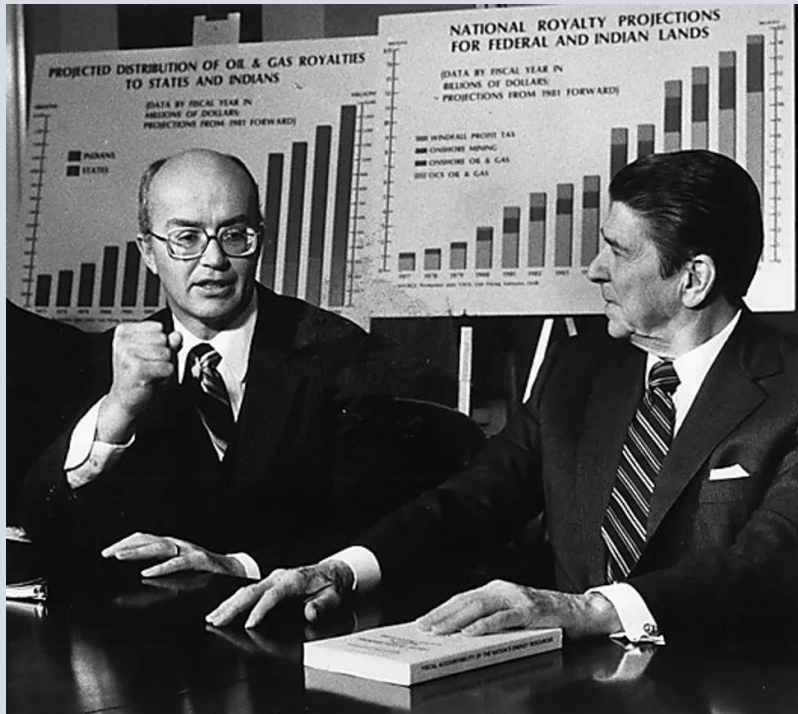


**Losing power
was beneficial
for the PI movements.**

**Memberships soared in
dismay over Reagan's
goals and extremists like
James Watt.**

If you were in the public interest advocacy business, losing power was actually beneficial. Reagan's victory was a shot in the arm. Memberships in organizations like the Sierra Club and the Audubon Society soared, such was the level of distress over Reagan's goals and alarm about extremists in his cabinet like James Watt.

Liberalism on the Defensive



Ultimately the successes of the PI movements held.

1970s laws stayed on the books, although weakened.

Even though Reagan was fervently anti-government, he was unsuccessful in dismantling the most prominent laws from the early 1970s. He could weaken them through tax enforcement, but Republicans in Congress were not YET ideologically committed to weakening the federal government, so the laws stayed on the books.

Liberalism on the Defensive



No new legislation.

Enforcement stalled.

Stalemate became the status quo for the next three decades.

Only 1990 Clear Air Act amendments were progress.

The public interest advocacy groups held the line but were not successful in getting new legislation passed. Stalemate became the status quo for the next three decades. Only the 1990 Clear Air Act Amendments could be considered as progress.

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Part 6 : Late 1970s – Disillusionment

Part 7 : Early 1990s – Disillusionment The Sequel

Part 8 : Legacy of the Public Interest Movements

In Part 7 I am going to skip ahead to the Clinton Administration. I am calling this period “Disillusionment The Sequel”.

Disillusionment The Sequel



Bill Clinton

Moderate

Compromises to govern

**Wants to optimize
the federal government
to rebuilt trust**

**He declared the era of big
government is over**

Clinton's ascension into the Presidency was a case of Deja-Vu.
Clinton is a moderate.
He sees the value of compromising so as to govern, and, just like Carter,
Clinton wanted to optimize government to rebuilt trust.
He declared the era of big government is over.

Disillusionment The Sequel



Vice-President Al Gore

**National Performance
Review
(Bureaucratic reform)**

Vice President Al Gore led a big bureaucratic reform effort they called the National Performance Review. The goal was not just to cut costs, but to make it more efficient.

Disillusionment The Sequel



Newt Gingrich

1994 “Revolution”

Clinton now on defense

**Trying to keep the 1970s
legislation from being
decimated.**

The stalemate resumed.

The Gingrich revolution in 1994 resulted in the Republicans taking over the House of Representatives for the first time since 1954. Clinton had to revert to playing defense, trying to keep the 1970s legislation from being decimated. The stalemate resumed.

Disillusionment The Sequel



Ralph Nader

**Green Party
Presidential Candidate
2000**

Another Deja-Vu

**Nader says no difference
between major parties**

**Slim difference between
Gore and Bush**

In 2000 Nader ran for the presidency against Al Gore, representing the Green Party.

In another case of Deja-Vu – Nader claimed there was no difference between the major parties, and only a slim difference between Gore and Bush.

Disillusionment The Sequel



Nader said:

**“If it were a choice
between a provocateur
and an anesthetizer, I’d
rather have a provocateur.
It would mobilize us.”**

Even more astounding, Nader declared that the country might be better off having the Republican George W Bush fire up the progressive movement. He was recalling how Reagan’s election in 1980 revitalized the public interest movements and membership rolls exploded. Nader felt that having a Democratic president who was not sufficiently liberal just lulled the left to sleep. He called it the anesthetizing effect. He said “If it were a choice between a provocateur and an anesthetizer, I’d rather have a provocateur. It would mobilize us.”

Disillusionment The Sequel



**Nader got
97000 votes in Florida**

**Bush margin of victory
was 537 votes in Florida**

**Nader never regretted
running against Gore**

**He just says
“Gore beat Gore”**

This time Nader the purist directly affected the election. He got 97,000 votes in Florida where the election margin was 537 votes. Nader never expressed regret about this, saying that Gore beat Gore.

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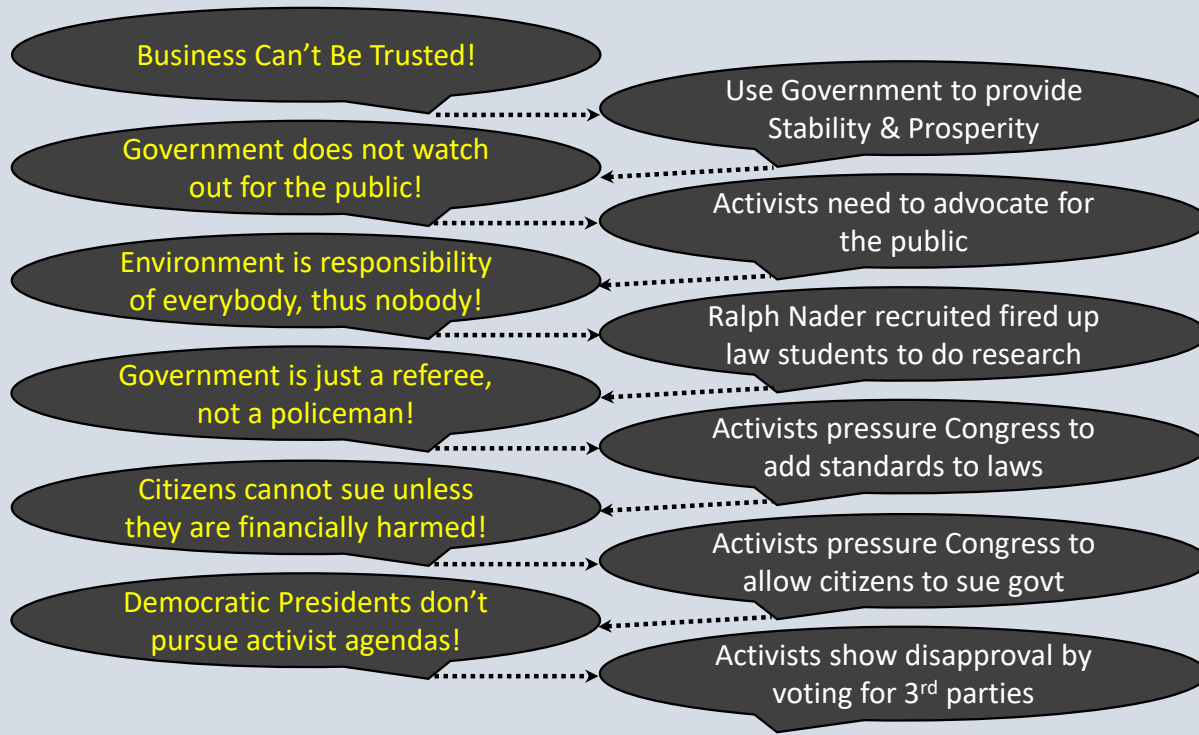
Part 6 : Late 1970s – Disillusionment

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Part 8 : Legacy of the Public Interest Movements


Now I want to finish up by pondering the legacy of the Public Interest Movements.

How We Got Here



I want to just summarize the highlights of what I have talked about. I call this "How We Got Here"
This is how I connect the dots.

Legacy

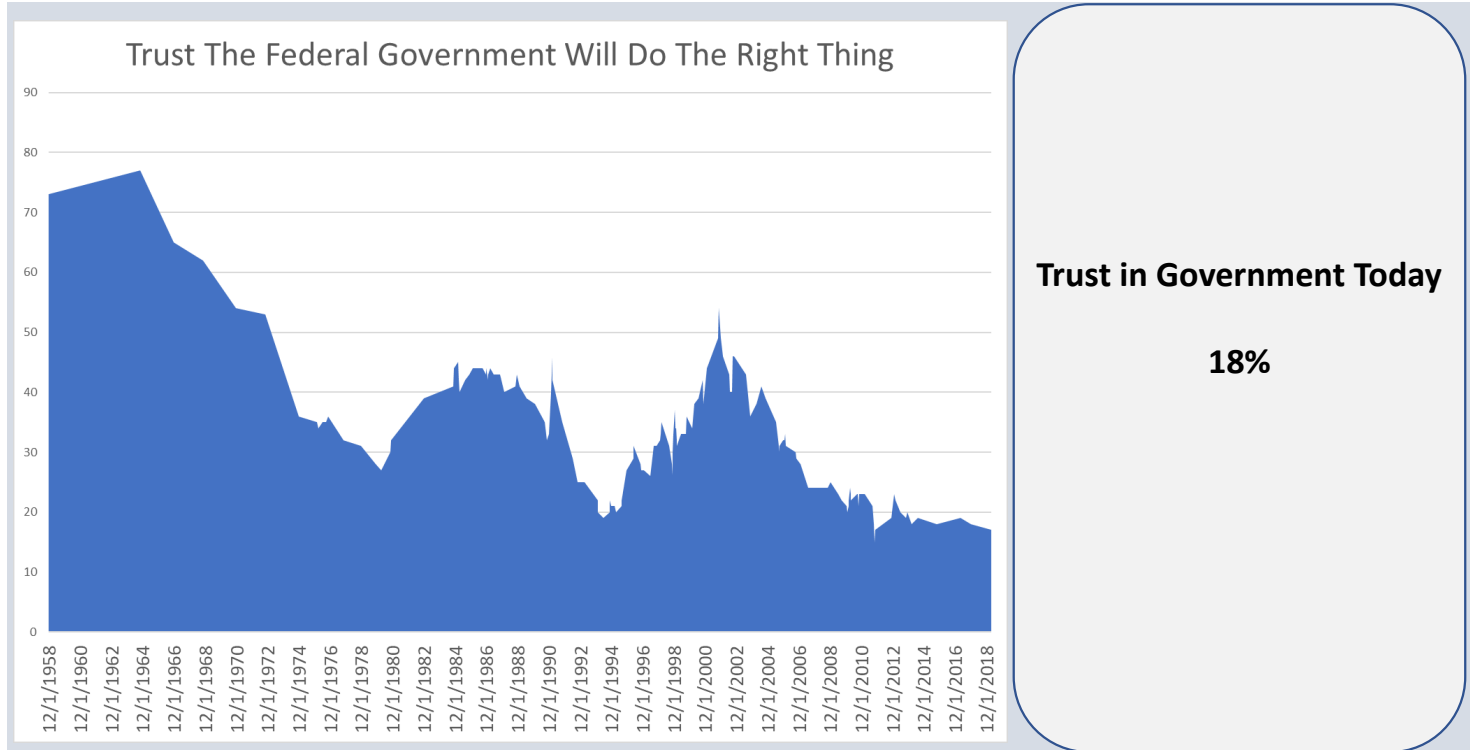


Public Interest Movements

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I think we really need to reckon with Ralph Nader's legacy. He was an ideological zealot, and his unrelenting drive pursuing change was very valuable. But he accumulated too much power, as an icon. His refusal to compromise his principles in service of the greater cause almost certainly delivered us George Bush the 2nd. While Nader alone did not deliver us Ronald Reagan, it is plausible to say that Liberal Idealists, as a faction, had a great deal to do with Carter losing.

Legacy



Trust in Government Today

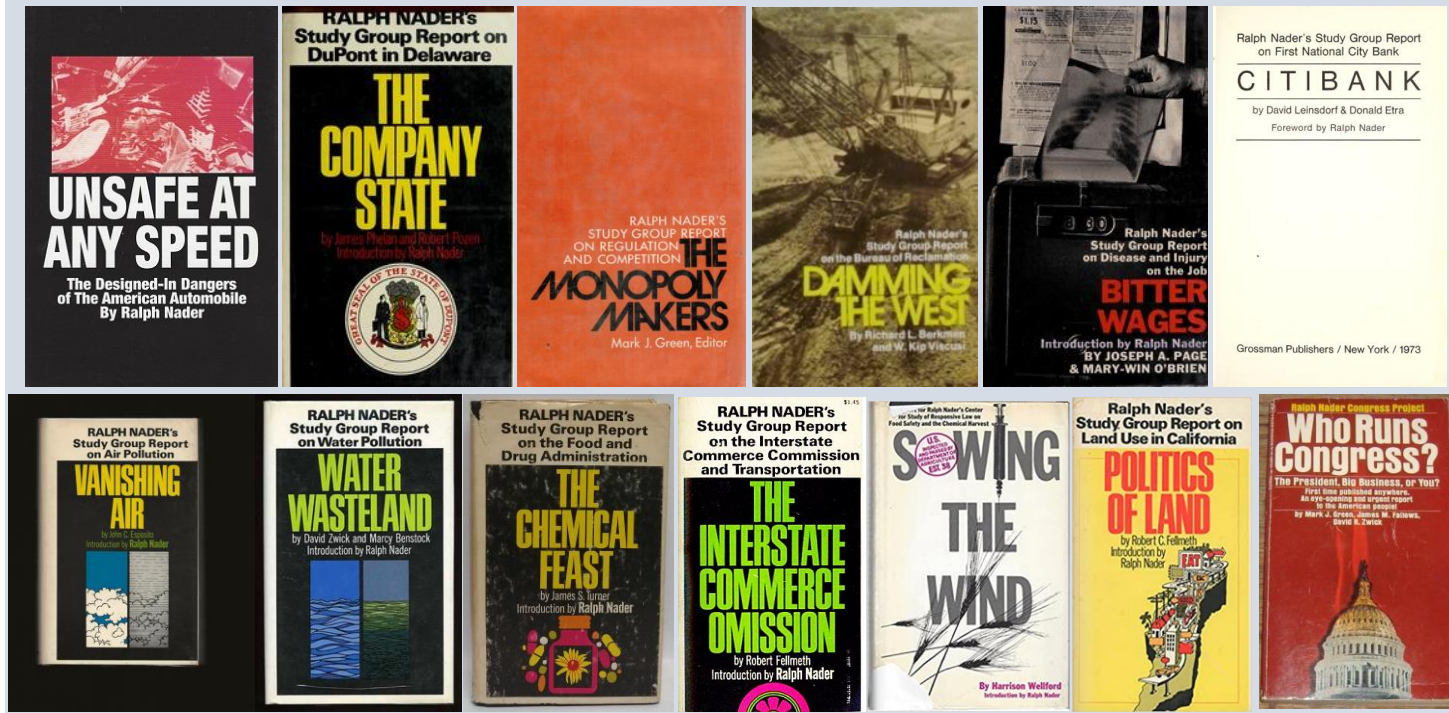
18%

Public Interest Movements

97

We also need to reckon with other unintended consequences of the public interest activist movements of the 1960s. They were so effective that they probably contributed to the dramatic plummeting in trust in government, which has never recovered.

Legacy



Public Interest Movements

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Remember back to this page? Government took broadside after broadside from Ralph Nader's investigative teams. Undoubtedly the targets all deserved the criticism. But this really had to have had a long-term effect on our faith in government. Ronald Reagan exploited this disillusionment in government and attached it to an ethic of extreme individualism, branding the government as the enemy. Once you lose your reputation, like government did in the late 1960s and early 1970s, it is extremely hard to get it back.



Congressional Gridlock

A case can be made that the Congressional reforms driven by activists over the past 50 years have made things worse than we started with. The gridlock in Congress is not all due to short-sighted politicians. It is now a dysfunctional system.

Legacy



Supreme Court today

**3 Liberals
6 Conservatives**

The successes of the movements on the left led to a backlash from the conservative side. By playing the long game, the conservatives have succeeded in taking over the ideological disposition of the federal courts and have managed to insert politics into the judiciary.

Legacy



Was there too much change, too fast?

Did the Liberals over-reach (unreasonable regulations)?

Did reforms of Congress make things worse?

Did idealists vs pragmatists division weaken the liberal momentum in 1980?

Did these movements we talked about push the country into too much change too fast, causing a backlash that the conservatives exploited? Did these movements over-reach, enacting legislation that was too slanted towards idealism and offending the public's sense of reasonableness? Did the reforms aimed at Congress lead to the polarized and paralyzed Congress we are stuck with today? Did the division of the Democratic party between idealists and pragmatists throttle the momentum the liberals had in the late 1970s? And in 2000? And in 2016?

These are unanswerable questions, as you can't prove counterfactuals like these. But I think they are worth pondering. As Winston Churchill wrote, "Those that fail to learn from history are doomed to repeat it."

Legacy

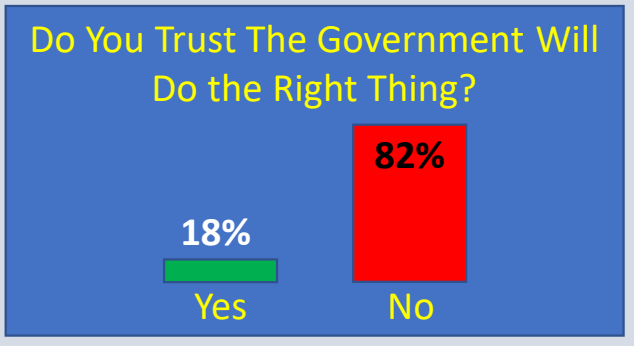
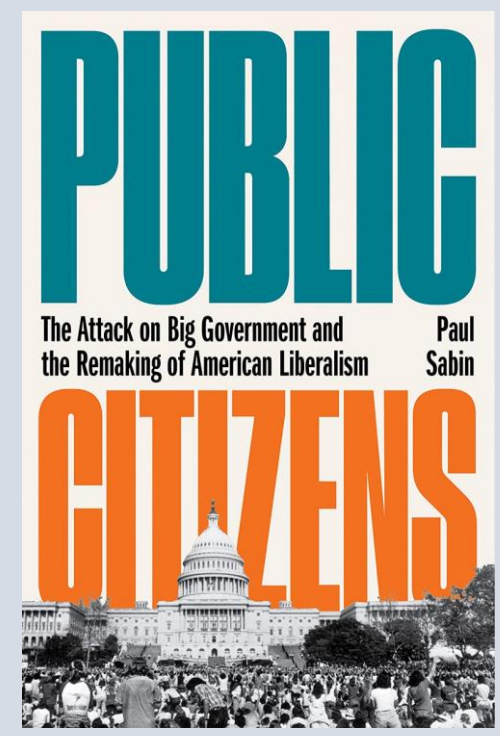


Pragmatists vs Idealists

Can Liberals Govern?

Paul Sabin ends his book on a similar down note. He feels that the left has never reconciled the dichotomy between high aspirations and the compromises necessary to govern. We are certainly seeing that tension play out in national politics today. There are principled Democratic moderates pursuing one vision, and principled Democratic idealists pursuing a different vision. It remains to be seen whether either faction will be able to achieve their goals.

Legacy



So, can Congress figure out how to function again?
Can Trust in government be restored?
Can Liberals Unite?
Paul Sabin does not offer solutions. I don't have the answers either.
I just think that having theories about how we got to this point can be helpful.

The End

