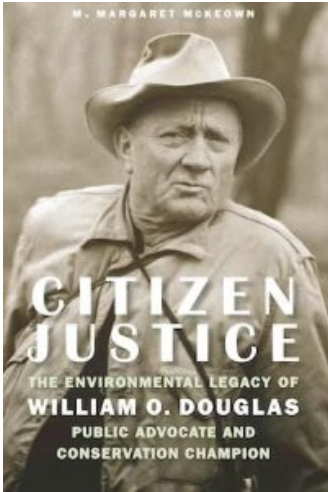


Before Rachel Carson

Margaret, McKeown, *Citizen Justice: The Environmental Legacy of William O. Douglas, Public Advocate and Environmental Champion* (Potomac Books, 2022)



Rachel Carson looms so large in environmental history, that monumental figures like Justice William O. Douglas, who helped build modern environmentalism, too often remain in the shadows. In [Citizen Justice: The Environmental Legacy of William O. Douglas](#), Margaret McKeown, a judge on the U.S. Court of Appeals for the Ninth Circuit and avid hiker and explorer, who also was a special assistant to the Secretary of the Interior, shines a bright light into that darkness. She lets us see Bill Douglas in boots, backpack and floppy hat leading protest hikes across a twentieth-century, sprawling America being dammed, paved, and polluted at the expense of wilderness.



McKeown believes, rightly, that Douglas's greatest contribution to American life, and he has many, is his environmental record, not his image as Wild Bill (the title of one of three biographies). Douglas led a colorful and controversial life that included four marriages and serious drinking, including late night martinis as a favored New Deal poker crony of FDR. Douglas was also a Yale Law professor, the head of the Securities and Exchange Commission (SEC) who took on corporate corruption, a Presidential aspirant, civil libertarian, and the subject of a 1970 impeachment investigation led by the not-so-nice Gerald Ford.



Ford tried to smear Douglas through his connection to Albert Parvin, a foundation head for whom Douglas was a paid board member. Using innuendo, Ford implied that both Parvin and Douglas were associated with communism and the Mafia. After six-months, no impeachable or other offenses were found. The House subcommittee voted to drop the case.

Instead, McKeown focuses on Douglas's voluminous environmental writing, legal opinions, and action as a public advocate. A prolific and amazingly rapid writer, Justice Douglas produced some fifty books, including the environmental classics, *Of Men and Mountains*, *My Wilderness: The Pacific West*, and *A Wilderness Bill of Rights*. But it was his first public protest, to save the C&O Canal along the Potomac River, that catapulted Douglas into the spotlight.



Douglas regularly sought solitude and refuge hiking along the C&O's towpath which had been restored by FDR's Civilian Conservation Corps during the 1930s. But after World War II, various development interests set their sights on the scenic, wooded, riverside canal. Eventually, plans were laid in 1954 to use the canal as the route for a highway that would open up the Maryland countryside for newly expanding suburbs. Douglas penned his opposition in the *Washington Post* — which enthusiastically endorsed the highway — challenging its editors and reporters to hike the length of the 184-mile-long canal with him so they would see and feel its beauty and change their minds.

McKeown offers a complete and compelling picture of the hike and its participants, which grew to include the heads of environmental organizations and noted naturalists, along with a *Post* contingent. By the time the remaining hikers reached Georgetown in Washington — they started in Cumberland, Maryland, at the northern end of the canal, so they would gain publicity at the finish line — they were greeted by a cheering throng of 50,000 people as the *Post* changed its stance to support saving the canal. Although the hikers had stopped for overnights in fine accommodations, on the trail, Douglas had literally set a blistering pace of nearly four miles per hour. Thirty-seven people walkers arrived in Georgetown, but only Douglas and eight others had made the entire trek.

Douglas was now renowned and welcomed in the environmental community, joining an Alaska expedition with the noted Olaus Murie (and his wife Mardy) whom he had met during the canal protests. Douglas was smitten by the Alaska wilderness, writing about it and advocating for it so strongly that he is, in effect, a father of the fabled Alaska National Refuge Area (ANWR). Although he purposely sought publicity and wrote for the popular press (including *Playboy*) to reach wider audiences, Douglas was no flash-in the pan protester.

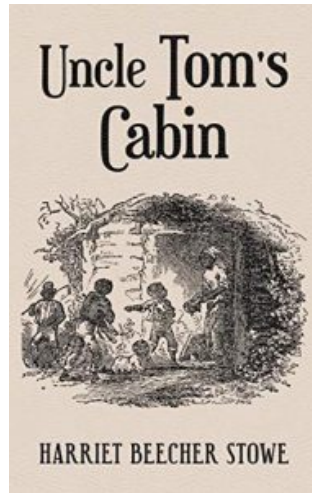
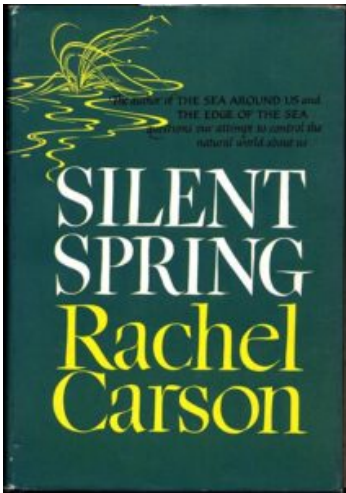


When a highway was planned that would destroy the scenic shoreline beauty of the Olympic Peninsula in Washington State, Douglas again led a lengthy protest hike (without comfortable stopovers). Although the highway was stopped, proponents kept at it and eventually renewed plans for a road along the beach that would bring tourism, development, and boost the economy. Douglas swung back into action with a hike of 160 participants backed by the Wilderness Society and the Olympic Park Associates. This time, however, the marchers had to struggle through steady rain and high tides along the beachfront. But they succeeded. The Olympic shoreline was designated as a wilderness area.

Douglas' ability to promote and protect the environment continued throughout his long career on the Supreme Court. McKeown, the judge, is particularly effective in recounting his strategies and stinging dissents with insights that make *Citizen Justice* a readable and useful introduction to environmental law and history. In Douglas' most passionate and quoted dissent where he asked, in *Sierra Club v. Morton*, "should trees have standing," McKeon lets us see and feel Douglas' thinking, drafting, and ability to skillfully draw upon a law review article by Douglas Stone that was designed to reach Douglas and bolster his arguments.

But perhaps the most effective and enduring contribution of William O. Douglas to the modern environmental movement is barely mentioned and would have made a strong central chapter in this short, stylishly written, and strategically focused book. Rachel Carson may have overshadowed environmentalists like Douglas, but much of her success with *Silent Spring*, the attention paid to it, and Carson's status as the founder of the modern movement stems from Douglas' political and publicity savvy.

Carson became involved in the fight against DDT through the attention to a lawsuit by ornithologist Robert A. Murphy begun at the instigation of Marjorie Spock whose organic gardens on the North Shore of Long Island had been needlessly and repeatedly sprayed. Spock organized her wealthy Long Island neighbors, including Murphy, to bring suit in a case that became known as *Murphy v. Benson* (1960). Murphy, Spock and her neighbors lost, but a brilliant, ringing, and stinging dissent by Douglas brought the issue to public attention. Then, in early 1962, as the *New Yorker* was about to run a section of *Silent Spring* prior to publication, Carson sought out chances to meet allies. She attended a dinner speech by Douglas for the National Parks Association. His subject was opposition to the Army Corps of Engineers' plan to dam the Potomac River. But Douglas waxed eloquent about how the Corps and the Manufacturing Chemists' Association shared the same anti-scientific and slippery strategy to appeal to and mislead the public. Those who doubted this, he said, "should read Rachel Carson's



forthcoming book, *Silent Spring*..." Douglas then sought out Carson at the end of his speech to tell her how much he was impressed by *Silent Spring*. Later, in a recommendation to the Book of the Month Club, Douglas called her work "the most important chronicle of this century for the human race." He topped it all off by declaring that *Silent Spring* was "the most revolutionary book" since Harriet Beecher Stowe's *Uncle Tom's Cabin*. A legend was born.

Carson and her literary agent Marie Rodell had plotted and planned



very successful public relations efforts for what Carson dubbed her "poison book," one she feared might never sell well. But given Douglas' fame and influence in Washington, *Silent Spring* launched like a rocket. Senators greeted Carson when she testified to Congress as if she *were* Harriet Beecher Stowe, whom Abraham Lincoln had called "the little lady who started it all." The veneration of Rachel Carson had begun. And William O. Douglas, the citizen justice, was central to it all.



— Bob Musil is the President & CEO of the Rachel Carson Council and author of *Rachel Carson and Her Sisters: Extraordinary Women Who Have Shaped America's Environment* (Rutgers, 2016) and *Washington in Spring: A Nature Journal for a Changing Capital* (Bartleby, 2016). He is also the editor of the forthcoming annotated edition from Rutgers University Press of Rachel Carson's *Under the Sea-Wind* with his Introduction, updated marine science, and historic and contemporary illustrations and photographs.

