

An Oral History Interview

with

**John Seiberling (part 1)**

Akron, Ohio

*conducted by*  
Julie Ferdon

September 11, 1998

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JF: This is Tape 25 of the Morris K. Udall Oral History Project. Good morning, it's Friday, September 11, 1998, and we're at the home of former congressman, John Seiberling, in Akron, Ohio. My name is Julie Ferdon, and I would like to welcome Congressman Seiberling to another in this series of oral history interviews.

Congressman, thank you for joining us. I'd like to begin with just a little bit of biographical information, if I might.

JS: Maybe you should check to see if your sound is coming through all right.

JF: If the level's okay? (checks indicator) Actually, I'm kind of loud here. See, I can watch the panels....

JS: You can backwind it and run it through.

JF: I'll be watching it throughout. I just watch it and turn it up and down (JS: Okay.) and don't worry about it when I do. (laughter)

You were born September 8, 1918, in Akron, is that correct?

JS: Right. I was born in the fourth story tower room at Stan Hywet Hall, which was my grandparents' home, which I'll give you a brochure about. It's now a museum. I was the first person born in that house, and my grandparents' first grandchild. It was a great place to grow up. My mother moved to the gatehouse after I was five, because she said, "I can't bring up children in this huge house," which was a sixty-five-room Tudor house. But we had the run of the place, which is several hundred acres of beautiful gardens and woods and bridle paths and so forth--a lot of kids in the neighborhood. I think that's where I got my first interest in saving parts of our natural landscape.

JF: Was it in the country?

JS: It was right on the edge of the city at that time. The city has since grown around it, to some extent. But from the higher points in the gardens, you can look north across the Cuyahoga Valley and you just see the same beautiful terrain that we saw when I was a child. I was glad, once I became a member of Congress, to have the opportunity to protect that beautiful area. The result is now the 32,000-acre Cuyahoga Valley National Recreation Area. But for my interest in the Cuyahoga Valley, I might never have gotten on the Interior Committee, but I was determined to get on it so I could do what I could to protect that beautiful area for our future generations, as well as the present generation.

JF: And you obviously took great advantage of being on the Interior Committee.

JS: Yes. Well, I did it on purpose. (both chuckle)

JF: Good for you!

JS: But then, thanks to Mo, I had the opportunity to work on a lot of other wonderful projects in my fourteen years on the committee. Mo's leadership and inspiration made a big difference there, also--as well as getting the support of a lot of the other members of the committee.

JF: Well, that's great! I'm probably going to be going somewhat chronological in this.

JS: Okay. Well, I'm sorry I sort of jumped the gun.

JF: No, don't. To me it's very important to know people's beginnings. In fact, my understanding is that Mo got involved and interested in the land, because of growing up in St. Johns, and that's where his interest stemmed from.

JS: Well, I do think one's background and family interests do make a difference. My grandfather was born on a farm west of Akron. And you know the old saying, "You can take the boy (chuckles) out of the country, but you can't take the country out of the boy." He became very interested in protecting natural areas. He hated to see any trees cut down, even, on his own property. My father was a great outdoorsman and hunter and fisher, and used to go up every winter and stay with the Indians in Northern Michigan, and fish through the ice and go hunting.

JF: What Indians would those have been?

JS: The Chippewa and Ojibwa. So it just seemed natural to me, growing up, if you saw some beautiful natural landscape, you ought to try to protect it and keep it that way. So that's just a little aside. I'd better start answering your questions.

JF: Well, tell me where you went to school.

JS: Well, I went to public schools in Akron. Then I went to Stanton Military Academy in the 1930s, for four years. Even though I later on became a very strong advocate for strengthening the U.N. and for peaceful methods of solving our problems, I think it was kind of a fortunate accident that I went to a military school, because it enabled me to do a better job in the Army in World War II. I then went to Harvard College and graduated in 1941.

JF: What was your major there?

JS: American history. Then after Pearl Harbor, I enlisted in the Army and eventually rose to the rank of major; spent three years overseas in Europe, was in charge of planning the motor transport supply operations for the Normandy invasion. Even though I was still in my early twenties, I had more authority then (chuckles) than I've ever had since!

JF: I was going to say, you got off to a roaring start!

JS: And then after the war, I went to Columbia Law School and graduated from Columbia Law School; practiced law in New York for five years; and then got the opportunity to go with the Goodyear Law Department in Akron.

JF: What area of law did you practice in New York?

JS: Anti-trust law, and corporate law, generally.

JF: So you moved back to Akron? (JS: Yes.) Was that 1955?

JS: [In] 1954. When I left Congress the end of 1986, some of my colleagues said, "You're going to stay in Washington, of course?" And I said, "Heck, no, I'm moving back to Akron." "Why would you want to do that?!" they said. I said, "Because it's a heck of a nice place to live! I have a lot of friends there."

JF: And it's home.

JS: Yes.

JF: So when you moved back to Akron, you worked in the Goodyear Law Department?

JS: Yes.

JF: Doing corporate sorts of legal things?

JS: Right.

JF: Now, in 1970, you were elected to Congress in the Fourteenth District. What inspired you to run for Congress at age fifty-two?

JS: Well, the Vietnam War was very upsetting to me. I felt we were on the wrong track, losing young men's lives, killing lots of native peoples, to no real purpose. Our congressman was a Republican who just went along with whatever the administration's foreign policy was--never accomplished very much. And I worked for various people, as a volunteer in their campaigns when they ran against him. I got more and more frustrated, because they couldn't seem to figure out how to beat him. So finally, in 1970, I decided I'd try doing it myself.

JF: Now, who was that?

JS: William Ayres was his name, A-Y-R-E-S, who was congressman for twenty years. His principal campaign platform was "Ayres Cares," which got him reelected ten times.

JF: Had you been politically active at all before you ran for Congress?

JS: Well, only to the extent of helping with other people running against Congressman Ayres. As a result of that--you know, political parties are anxious to have volunteers--I became active in the local Democratic Party. And also, another interest of mine.... (aside about eye) I became active in the regional planning commission, trying to see if I could, through that, help protect the Cuyahoga Valley, which I thought was really a beautiful area that needed preservation. Eventually I got elected president of the commission, and I learned a lot about land use planning, as a result, although I'd done a lot of reading on it myself--Lewis Mumford's books, and people like that. So by the time I got to Congress, I had some background in conservation and land use planning, through that channel.

JF: When you arrived in Congress....

JS: By the way, when I ran in 1970, Mo Udall agreed to come out and be the speaker at a fund-raising dinner here in Akron. That's when I first met Mo. He told me he'd checked with Stew beforehand, and found that I was really a genuine conservationist (chuckles), and not just a politician trying to make the right noises--and that's one reason he came out.

JF: How had you known Stew?

JS: I didn't know Stew. Well, I take that back. I had met Stew when he was still secretary of Interior, because through Congressman Charles Vanik of Cleveland, who was also interested in preserving the Cuyahoga Valley, I went down to Washington after the 1968 election, before President Johnson left office. Charlie Vanick and I went in to see Stew Udall to see if he would give some of his discretionary funds to start buying land in the Cuyahoga Valley to preserve it for national park purposes. And Stew did come up with some money--I think it was a couple hundred thousand dollars or something like that --to get it started. So that's how I met Stew.

JF: Okay. And so the first time you met Mo was when he came out for your fundraiser?

JS: In 1970, yes.

JF: What was your impression then?

JS: Well, I was very impressed. Mo was not only an impressive person physically, but a wonderful speaker, full of marvelous humor and jokes. So Mo was a great success here.

JF: When you arrived in Washington, Mo had written a book called *The Job of the Congressman* by then.

JS: Yes, very helpful book.

JF: Did you read that?

JS: Yes, indeed, I did. And Mo ran a little seminar for freshmen congressmen, too, which was very helpful.

JF: Did you attend that?

JS: Oh, yes.

JF: Now, was he actually running it then?

JS: Well, he spoke at it?. I think other members participated, too.

JF: Where was it held?

JS: In one of the committee rooms in, I forget, the Cannon Building, or someplace.

JF: Is that book still be used by congressmen, to your knowledge?

JS: I wouldn't be surprised. It certainly is the basics. But things have changed somewhat in Congress, but the basic operation stays the same.

JF: What committees were you first assigned to when you got there?

JS: Well, I was on the Judiciary Committee from the start, and went all through my sixteen years in Congress. But my first term I was also on the Science Committee, the science and astronautics--even though I had applied for the Interior Committee. After I was elected to a second term, I reapplied to get on the Interior Committee, and got Phil Burton and Mo and a few others to support my candidacy, and managed to get on.

JF: What year was that?

JS: In 1972.

JF: I know you and Mo worked on a number of bills together. The ones that, of course, stand out the most are the 1977 Surface Mining Control and Reclamation Act, and then the Alaska Lands Act. (JS: Yes.) If we might, I'd like to sort of begin with the Surface Mining Control Act, and talk about that. Let's start with who were the original sponsors, back in 1971?

JS: Well, I'm not sure I can recall all of them, but let me give you a little of the background of this. First, personally, I remember in the thirties, traveling with my father through Southern Ohio, and seeing a lot of land that had been devastated by strip mining, and I remarked to him at the time, "Well, this is terrible! Why do they allow this to happen?!" I made up my mind if I ever had a chance to do anything about it, I would. So when I was elected to Congress, my first term there was a bill introduced by Ken Heckler of West Virginia, Congressman Ken Heckler, to completely ban all surface mining of coal. He got quite a few co-sponsors, including me. Congressman Wayne Hays of Ohio

introduced a bill which eventually became the vehicle which became law. The Hays approach was not to ban it, but to regulate it so that the land would be restored, and so forth. And Mo was one of the co-sponsors of that, I'm quite sure, and I was, too. But I took the position, personally, that the Heckler Bill should be the standard that we would try to have as a goal. Recognizing the political realities, we'd probably have to end up with something like the Hays Bill. But that was the background.

I know one of the other most active proponents with Mo, of strip mining legislation, was Congressman Philip Burton of California. In fact, I think Burton was more hard line than Mo, in wanting to get a really tough bill. Mo's one of these people who tried to work out a consensus. Phil Burton was more the bulldozer approach. But I think both approaches helped a great deal in getting the final result. As I recall, the bill was HR-3 that became the vehicle which was not the Heckler Bill, but the hard-line regulatory bill. It eventually got a different number, I guess, but I think that's what the original one was.

JF: I noticed that the bill was first introduced in 1971 (JS: Yes.) and it didn't pass until 1977. In the meantime, the Interior Committee had reported out bills at least four times; and it went through two presidential vetoes. (JS: Yes.) Why was it so difficult to pass?

JS: Well, the coal mining industry was dead set against it. Not only didn't they like the details, but they were against it in principle. They didn't want any regulation. And the Congress was in the process of transition, and the environmental movement was still sort of a growing thing--it hadn't reached full power. But a lot of the old-guard type of congressmen were still in charge of things. Some of the reforms, which through the Democratic Study Group were promulgated, starting in the Congress that was elected in 1970, and continuing through the Congress that was elected in 1972. Some of those internal reforms made it a lot easier getting good people on committees, and of course we had a lot of good people coming into the Congress at that time--new members who were not wedded to the old way of doing things. But I'll always remember the first hearing that they had on strip mining in the Interior Committee. At that time, the chairman of the committee was Wayne Aspinall of Colorado, who was the old-style supporter of the monied interests sort of person, as far as mining was concerned. The Heckler Bill and the regulatory bill were both before the committee. I guess it was the full committee had a hearing. Aspinall was there, and Jim Wright was then on the committee. And they were very hostile to the proponents of this legislation. Ken Heckler deliberately needled them and got them even more worked up.

As a result of the internal reforms in the Democratic caucus, which resulted in some rule changes in both caucus rules and House rules, we managed to get more conservation-minded people on the committee. I was one of them. So the committee became quite environmentally-minded, and the subcommittee, which handled mines and mining, became more environmentally-minded. So the committee took the lead and got some of this legislation through the House, though we ran into problems with the Rules Committee a couple of times, as I recall.

JF: I noticed in his book *Too Funny to Be President*, Mo stated that parliamentary procedures had killed the bill time and time again, despite the fact that it had popular support. Do you recall what the parliamentary maneuverings were?

JS: Well, I remember one of the big hurdles was to get the Rules Committee to give us a rule: namely, a rule permitting us to bring the bill up on the floor, because unless you could bring it up under the suspension calendar, which required a two-thirds majority in the House, you had to get a rule from the Rules Committee. And the Rules Committee was dominated by the old-style congressmen who represented a lot of the extractive industries. The chairman of the Rules Committee--I forget who it was at the time--was very, very conservative. I think it was somebody from Mississippi. But anyway, the record would show.

JF: I understand that the coal industry enlisted the help of all the electric utilities in this. What was that all about, and what was the result?

JS: Well, they could go to the utilities and say, "Look, this bill will result in increasing the price of coal, because of the environmental restrictions. And so that'll make you have to increase your rates or lower your profits." Of course that was a very effective argument with the utility companies.

JF: And was this throughout the country that they got involved?

JS: Oh, yes! And then they tried to get labor unions involved, too. But we had an interesting situation where most of the membership of the United Mine Workers were deep mine workers, and they saw the strip mining workers, who were not organized, as rivals. So we did get the United Mine Workers Union to support strong strip mining controls. But some of the other unions--bulldozer operators and so forth--did support the opponents of the legislation. So it was a fascinating mix of interests.

JF: Interesting, yes! I know one of the major issues was jobs, increased unemployment. (JS: Yes.) You represented a predominantly blue-collar constituency (JS: Right.) didn't you? How did you deal with that, and how did your constituents feel about the bill?

JS: Well, I introduced some legislation to provide for an abandoned mine reclamation fund, which would hire people who were displaced by strip mining legislation, to operate bulldozers and so forth, to reclaim the hundreds of thousands of acres that had been ruined by strip mining. So my thought was, if we have a charge on coal mined by strip mining, to raise a fund to employ people to reclaim the land that had already been destroyed--the so-called "orphan lands"--that that way we could offset the concern of some of the people that the legislation might cost jobs. As a matter of fact, my bill eventually was incorporated into the final law that was passed, and there is a reclamation fund still today. It's based on a tax on both strip-mine and deep-mine coal. The strip-mine coal tax, as I recall, finally ended up as twenty-five cents a ton, and the deep-mine coal was fifteen cents a ton--because I also wanted a differential, so that strip-mine coal would pay a higher tax. That's how I dealt with that problem.

JF: You introduced an amendment concerning the situation where the surface land was owned by one person, and the subsurface coal by another. (JS: Yes.) Could you describe the situation and how your amendment dealt with it?

JS: Well, there was a problem out West with federal land, where the federal government had granted mineral rights to certain businesses. In other words, the right to mine the minerals. But the surface rights had been granted to ranchers or people in agriculture. And so you had a conflict if a coal mining company came in and strip-mined land, that that would in effect destroy the rights that the surface owner had--whether he was owner of the surface or a lessee from the government. My feeling was--and I think the feeling of most of the people who supported the legislation--that the surface owner's rights should take precedence, unless it could be shown that he had waived his rights, or knew at the time he acquired them, that he might lose them.

This put Mo in a difficult spot, because some of the big business enterprises in Arizona were involved in mining. So that was one of the few places where Mo and I were on opposite sides of the issue. We eventually did work out some compromises, but that was a very tough situation for Mo. The compromise we finally worked out was that the matter would be handled in accordance with state law, but that if the state courts found that there was no intention to permit surface mining in a particular case, that then the state law would prevail. And there were some precedents in West Virginia and Kentucky, as I recall, that we felt would give us a little peg to try to protect the rights of the surface owner--a legal precedent, in other words. But that's how we finally had to resolve it, because the rights of somebody who'd already paid for the minerals seemed to have a very strong appeal to members of Congress.

JF: I'm curious personally: was Mo's difficulty based on his constituents? In other words, if he didn't have mining constituents to look at, would he have agreed with you?

JS: I always assumed that that was the case, but I never tried to figure it out, down to the last detail.

JF: Given the tremendous controversy that surrounded this bill, and the variety of issues and variety of players and all, what did you and Mo do to achieve consensus?

JS: Well, the usual effort to try to sit down with the other side and figure out where you could reach some kind of common agreement. Beyond that, the only other solution is to line up the votes and if you have enough votes, you go ahead and ram something through. We did manage to build up a strong consensus in Congress, just as there was a consensus in the country to have effective strip mining controls. You may recall back in the seventies there was this tremendous surge in environmentalism in the country. That was reflected in the attitude of members of Congress, and a lot of new members were elected as a result, too. So we got more and more in the situation where we had the votes to do a lot of things. But, of course, when you get down to the details of writing legislation, then

that's where it really gets tough. But it wasn't until we elected a real environmentalist as president--Jimmy Carter--that we got anywhere with the strip mining legislation.

JF: After six years and three Senate-House conferences and two presidential vetoes by Ford, did you ever see Mo lose his patience or get angry?

JS: No, Mo is a remarkably patient person--more patient than I am, certainly more patient than Philip Burton. But I once said to Mo, Mo is the closest thing to a true Christian that I knew in the Congress of the United States. So I said to Mo, "Sometimes, Mo, you're too Christian! (laughs) when we need to really be a little bit unkind to the opposition." But I think that was one of Mo's great assets. When Mo got up to speak on an issue, everyone recognized that here was a guy who would go the extra mile in order to try to reach consensus.

JF: What were President Ford's vetoes based on, if you know? And how was he brought around in the end?

JS: He wasn't!

JF: He wasn't?

JS: No. The only way we got it passed was to get rid of President Ford.

JF: So Carter was the one who signed the final bill?

JS: That's right, yes. Well, I mean, I think very highly of Gerry Ford as a person, but he represented a political philosophy of being strongly pro-business, even when business was wrong. I guess that's the only way I could explain it.

JF: Did passage of this bill involve any field trips?

JS: Oh, yes! We had some wonderful field trips. We flew over West Virginia and Kentucky, and I personally had some field trips of my own in Ohio and Pennsylvania. Pennsylvania was the first state that enacted a really meaningful statute on strip mining. But I'm getting ahead of myself. We also had some trips to the West, and I can remember flying with Mo in helicopters over Arizona and Wyoming. I guess those were the two principal places at the time.

JF: Those wouldn't have been coal mines, would they?

JS: No. And also we flew over Utah. We were looking at copper mines, open-pit mines, because the legislation did deal with that, too, ultimately. We looked at coal mines in Wyoming, though. I can remember flying with Mo in these helicopters with the doors open and all that was holding me in was a seat belt! We're hanging out over open space. I got some interesting photographs. Photography was one of my hobbies, and I used photography to show pictures to my colleagues in Congress of the "chambers of horrors,"

exhibits of some really terrible strip mining messes that had just destroyed the surface of the land.

JF: So the pit mines were also included in the bill by the end?

JS: Yes, they were affected, but not as much. There were definite provisions for dealing with the problem of surface mining that was not coal mining. Those problems are quite different from the problems of coal mining; and they aren't as devastating in terms of the amount of land that's wrecked, but nevertheless, it was a concern of Mo's, as well as mine and other members.

Later on, after the strip mining law was passed, we again took a flight, or went on some field trips over West Virginia and Kentucky and Pennsylvania, to look at areas that had been strip mined and reclaimed, as well as those that had not been. In other words, we were doing oversight of how the act was being implemented back in 1984, 1985--I guess it was around there. And that was very illuminating. We learned a lot about how the act was being administered, et cetera.

Let me say that one of the problems that we were trying to address with the strip mining law was to have a national law that would set national basic standards, and then have it administered by the states. But some of the opponents said, "Well, let the states handle this." The problem was, if one state, like Pennsylvania -- and back under Governor [John] Gilligan, Ohio too -- enacted strong strip mining legislation, but they couldn't effectively enforce it as long as the mining companies were competing with companies in West Virginia and Kentucky where they had almost nonexistent legislation. So we made the point, which Congress recognized, that there had to be federal standards. There could be state enforcement of them, with oversight by the federal government. But there had to be federal standards or the states would all be competing with each other as to who could have the weakest standards. And that's a point that Mo made many times in our debates on the subject.

I remember when I went to Pennsylvania to the properties operated by the largest strip mining company in Pennsylvania at that time, the C and K Coal Company, they were doing a pretty good job of reclamation, but the president of the company told me that they were spending something like \$1,200 an acre on reclamation, because they said, "The land is valuable to us, and after it's reclaimed, we can use it again for farming or timber or whatnot. But," they said, "if we had strong strip mining legislation in other states comparable to Pennsylvania's, we'd spend twice as much per acre in reclaiming, and do a better job." So that was one of the reasons, I think, that some people in the industry--at least in states like Ohio and Pennsylvania, that were trying to develop strong laws--these people began to put the word out that it was in the interests of good operators, to have some kind of national standards.

JF: Yes. You mentioned a number of the players in terms of congressmen. What about staff? Who were some of the significant staff people for this bill?

JS: Well, on the.... I'm trying to remember. Well, one of the principal staff people--and I can't remember his name now.... As Mo always said, "Two things happen as you get older. One is, your memory weakens. And I forget the second."

JF: (laughs) Was Stanley Scoville involved at all?

JS: Well, to some extent. Don Crane, on the Democrat side. And on the Republican side.... What's his name? Peters? Well, we had a strong staffer on the Republican side. And we also had some support from Philip Ruppe who was one of the ranking Republicans on the committee--Congressman Ruppe of Michigan, R-U-P-P-E. I'm trying to remember the Republican staffer. Anyway, we did have some good staff people working on it. And Congressman Burton had one of his staff people working on it, too. So that helped a great deal.

JF: If you had this bill to do over again, is there anything that you would do differently?

JS: No, I think in general we did about the best that could be done. Significantly, one of the things that the Republican Congress has done, and the Republican president did, under Reagan, was to try to weaken the bill. And I'm sorry to say that the current administration, the Clinton administration, and Bruce Babbitt's Interior Department, are not doing a good job of enforcing that bill and carrying on the kind of oversight that the bill envisioned. I've inquired why to some of my friends in the environmental movement, and they said, "Because basically Babbitt is not interested in the regulatory side of the Interior Department. He's interested in national parks and that sort of thing."

JF: That's too bad.

JS: It is too bad.

JF: I'm going to take this opportunity to flip the tape over.

JS: Okay.