



Transcript of Video Interview with Ellen Stern Harris, recorded August 2004.

This interview is part of Earth Alert's Heroes of the Coast video archive, featuring interviews with leading California coastal activists, past and present California Coastal Commissioners and Coastal Commission staff. For more information, visit www.earthalert.org.

JB (Janet Bridgers, Host): Welcome. I'm Janet Bridgers. Someone once thought it would be a good idea to save what is left of the California coast. And we're going to be visiting with that person. Our guest is Ellen Stern Harris, recognized by her peers as the Mother of the Coastal Act. Ellen, it's great to have you with us.

ESH: Well I'm delighted to be here. And this is a very happy occasion.

JB: Ellen, tell us, how did you have this idea?

ESH: Well I was serving on the L. A. and Ventura County Regional Water Quality Control Board. And every time we approved another pipe going out into the ocean from the effluent of a sewage treatment plant or an oil refinery, or a power plant with its thermal pollution, we were also approving...giving up another scenic and recreational piece of our coast. And pretty soon, we weren't going to have the pleasures for our children that we had had for ourselves. Because as a child, going to the beach was my idea of the greatest treat. (Pointing to big beautiful sea shells on the table) These were the kind of sea shells we were then able to get before the water was so polluted. And so, I started thinking about are we going to do.

And then one day, I was driving through Malibu and my kids noticed that they couldn't find the ocean anywhere because it had all been blocked off like a Chinese wall, with a whole bunch of houses and no space in between. You could have been anywhere and not even know you were near the ocean. So I got the idea about taking the model of the State Water Resources Control Board, that has all these regional boards under it. And the State Board does the planning and is the appeals agency, whereas the regional boards are convenient for the local residents to go to and plead their case, saying "please don't do this or please do that," or whatever. So once I got that idea, I told it to a friend of mine and he said you should also look...

JB: And who was that friend of yours?

ESH: That friend of mine is William Davoren and he lives in Tiburon. And he was then heading, for the Department of the Interior, Secretary of the Interior Udall, he was in charge of all of Region 9—that means, all the western states including all the way out to Guam. And he said, "go take a look at the Bay Conservation and Development Commission and see if you like that as part of your model. So I did. And so, in thinking about this, I decided to drive up and down the coast, talking to people I knew who lived on the coast, like a great heroine of mine, Margaret Owings, who founded Friends of the Sea Otter. She was then serving on the State's Parks Commission, doing wonderful work. And she thought it was a great idea. Then I went and spoke to Senator Farr, who was head of Senate Natural Resources and lived in Monterey, and he thought it was a good idea. And I talked to my friend Alan Sieroty, who was a State Senator from Beverly Hills, where I'm from.

JB: And when did this happen and kind of what was the span of time that it took place in?

ESH: Oh, it took a lot of time, so this would have been in the 60s, probably in the mid-60s. And the best we could do was to get then-Assemblyman Pete Wilson to agree to submit a study bill, so it wouldn't do anything other than tell you what the problems are. Well, he couldn't even get that passed, because no one in the legislature because all of the polluters and all of those people building all those big industrial plants on the coast were major campaign contributors, so they could see that they didn't want that.

JB: You took a dramatic alternative step then.

ESH: Right, what we did was we tried to get legislation passed, and Alan Sieroty had his top deputy, who was also a lawyer, draft what he thought such legislation should contain to help us manage this cancer-like growth on the coast, and with that, we were able to get public hearings, legislative hearings, so people could come from all over and discuss this. Assemblyman Knox co-sponsored this with Alan Sieroty, our senator. So the legislative record was built, which was very interesting. And then many people came up and said, "we don't like this, or we do like that." And it made us aware of who our adversaries might be, and who our supporters might be. And of course, the legislature killed it and the governor never would have signed it. And so here we are, and so it was decided to try to turn this work into a proposition, to put it on the ballot for the people to vote on.

JB: What year was this?

ESH: This would have been, I'm guessing, maybe '70. And so I convened at my dining table 14 people from up and down the coast who were active, people like Don May, and Alan, and Peter, and Dr. Rimmon Fay, the marine biologist who contributed so much to our understanding in the public interest about marine biology, and people from all parts of the coast. It was a really great gathering. And Dr. Richard Ball, who was at the time the head of the executive committee, or the conservation committee for the Angeles Chapter of the Sierra Club, which is 60,000 members in Los Angeles and Orange County. And he happened to be a researcher out at Rand at the time.

So we did this, between Peter Douglas's draft from the legislation and all of our suggestions around that table, we floated up and down the state... You have to remember there was no email. There was no fax. So what we did was we mailed confidential drafts and everybody wrote in the margins. "No, I don't like this and here's what I want instead and blah, blah, blah." And finally we were able to get it to where there was a large amount of agreement. However, we realized who our opponents were from listening to those public hearings we'd had on proposed legislation and the elected officials were going to kill any proposition we had unless they were represented on the commission. And of course we were worried that if they were, everything would be bought off by campaign contributors again. And the whole idea was to move away from that. But nevertheless, we knew we had to do that. And sure enough, those conflicts of interest came to plague us.

JB: Really? So the campaign itself was, we know, very successful. Why was it so successful?

ESH: Well, timing is everything in life, and especially in legislation. And this was the era of the blowout at Platform A, which was Union Oil's offshore drilling platform, which completely blackened the coast with terrible tar and birds dying covered with oil, and killed off everything. And it was called "the environmental shot heard 'round the world," because we suddenly became aware of the perils to our environment by these kinds of things. And then the Chairman of the Board of Union Oil just tried to fluff it off, and that made people madder. And pretty soon you had a sense of rage by the people that their coast wasn't being looked after.

So, it made it popular as a notion that had not been thought through before, and we were able to have some marvelous ads. The industries, like the utilities, Edison, put in their billing envelope, "Don't vote for Proposition 20, because it will wall off the coast, and you'll never get to it, blah blah." And they were doing commercials like that on television.

But in those days, we had something called "fairness" and "equal time," which the special interests managed to do away with after this, because it was so effective. We were able to get none other than the very conservative Charlton Heston to come out and do a counter commercial in which it appeared he was coming down to say, "Thou shalt not vote no on Proposition 20," as if this was the 11th commandment because of his great role as Moses in the Ten Commandments. He was so authoritative with his voice on the importance of voting "yes" on Proposition 20.

And we had the most marvelous and most dedicated volunteer signature gatherers. I don't think there's ever been a movement quite like that since because, subsequently, the League of Women Voters, who were available for those things and other good people, the women after no fault divorce learned that they had to be responsible for their own economic future and had to get jobs. So subsequently we haven't had as much volunteer participation as we had in that era, which made it so wonderful.

JB: Now the initiative created the Coastal Act or it followed in some way.

ESH: It created the Coastal Act by a large majority of the vote of the people. It was not a close vote. It was a large vote. It was wonderful. So then we had to do these appointments and we had arranged to divide the appointing authority. We thought, "what if we get a really bad governor and he just wants to trash the coast?" Well, we're going to divide it. So some of the appointments were by the governor, some of them were by the Speaker Pro Tem who heads the Senate and some were the Assembly Speaker. When I say the Pro Tem, it was literally the Rules Committee, but the Pro Tem controls that. So we were able to have a variety of sources to go back to and say, "look, you appointed this person and they're doing these terrible things." But on the other hand, the special interests would go to the appointing authorities and say, "yank that conservationist off there." And it was awful, because that often happened. So the conflicts of interest became one of the major impediments to really preserving the coast and one of the main objectives was to make the coast affordable for all. And now, all too often, it's become a luxury enclave.

JB: Now we're going to come back to the special interests, but the original structure of the California Coastal Commission, which was created by the Coastal Act, tell us about the original structure and then what happened.

ESH: Well, modeled after my experience with the Regional Water Quality Control Board, we had a number of regional commissions, and it made it wonderful, because the people in Orange County didn't have to fly to San Francisco or Sacramento, or wherever, and the people in Eureka didn't have to fly down to San Diego. I mean the whole thing was more manageable, because the special interests, the lobbyists always have an expense account. They can fly wherever they want and they can stay overnight and go to good hotels and restaurants and these other people have to give up a day's wages to plead their case before the Commission.

JB: I want to make this point more clear because what people watching may not realize is that when an item comes up before the Coastal Commission, in those days, it came up before the regional board for the region they were in first. No longer true.

ESH: That's right.

JB: No longer true.

ESH: Because Governor Deukmejian abolished the regional commissions. So now, as we are taping this, people of very modest means had to drive from the central coast of California all the way down to San Pedro to plead the case of Los Osos, which is a charming Central California coastal community of people of modest means. A third of them are renters, a third of them over 65 years old, and a third of them are low income and many of them are all three. And the most expensive per capita sewage treatment plant has just been imposed upon them by edict, by different agencies, and they can't afford it. So what will happen is if they get the approval of the Coastal Commission, which they're hoping. We don't even know the outcome at this hour. That they will not get that approval, it will mean these people won't be able to afford to stay in their homes where they've been for decades. It will mean that the beneficiaries will be the builders, the developers, the real estate agents and the upper income people who will then move in because they can afford this expensive new system. Not only that, but they're planning to put it in the center of the community, opposite the Catholic Church and adjacent to the public library and blocking the view of the coast. It is just obscene and this is the kind of the thing that happens when you aren't paying a lot of attention.

Now these people have been paying attention. They're marvelous. Eight hundred of them, individuals, showed up to get their picture taken by an aerial shot by a plane going overhead, and also by a crane. It's the most wonderful photograph you'll ever see. It's just charming, and I'm praying that they'll be able to save Los Osos because it's so much like Malibu. Four times Malibu turned down a massive sewage treatment plant that the L.A. County Board of Supervisors wanted to impose. Finally, it got them to go for incorporation into their own city, and at that time, in 1987, the median income in Malibu was only \$25,000/per household. So, of course, what has happened? What has happened is that there is never any more coast, and there's less and less availability and it is parceled out to those with higher means, unless you live in Oregon.

JB: Well, you're talking about the dynamics, and that was a point that I wanted to bring up. One of the reasons that coastal activism becomes increasingly more important is because as more of the coast gets taken up, all of it becomes more expensive.

ESH: Now Oregon had the foresight to buy most of their coast. Makes a difference...

JB: Really? Can we roll the clock back?

ESH: I wish and the issue really is one of affordability. In my concept, since I was lucky enough that my parents could rent a lovely little beach cottage at Del Mar and I was lucky enough to have a lovely little paper mache shack in Malibu so that my kids could have that experience, it didn't have to be lavish. It just had to be...to wake up and hear the roar of the surf, and to splash and collect shells when the day made it possible because we didn't have such pollution that ate away the shells, but I want it back for every family, even those who live inland in Riverside, San Bernardino, those who live in South Central L.A., East L.A., I wanted everyone to be able to afford to come down to the coast and to spend maybe the weekend in maybe low income accommodations, but adjacent to the coast...pensions they're called in Europe. And I wanted lots of access ways so that people could get to the beach, because the State Constitution says that we the people own the coast up to the mean high tide line. Now you shouldn't have to get a rowboat to get up the dry sand. You're not supposed to be on the dry sand. So the real issue now is how are we going to implement the intent of Proposition 20.

JB: Would you care to comment on the effectiveness of the Commission in the past 30 years, and their fights, or conflicts with different governors?

ESH: Well, it's not just the governors. Sometimes it's Speaker Willie Brown and somebody voted against one of his campaign contributors and it was the old vaudevillian hook to pull the actor off the stage...that person who cast a vote of her conscience was removed that very moment. It was appalling, so we need to have people appointed for a term so they are not fearful and so they can vote their conscience and not worry that they're going to be removed for doing so.

JB: But is that the case?

ESH: No, it's not the case.

JB: And what do you see happening with the current governor [referring to Gov. Arnold Schwarzenegger]?

ESH: Well, there's hopefulness on the one hand. There's public pressure and embarrassment on the other hand. There's the conscience of his in-laws and his wife and there are some good people who are hopefully able to get through. But we're going to be experiencing difficult times and until more people are vocal and let the governor know that this is not acceptable and that they object, and not enough is being done to protect the coast for people of all incomes and...But if he doesn't do more, well, you see the problem is he can win the election on his own money and he has enough to do so.

Also, celebrity itself has a tremendous value in terms of winning elections, which we learned with Ronald Reagan, and we learned before that with the soft-shoe dancer who was our U.S.

Senator George Burns, or was it George Murphy? George Murphy. And so we see that celebrity has an edge in fighting to win public office. But if we had clean money campaigning, then more good people could afford to participate and we might have better appointees as a result, because they would not be really obligated to special interests, because how they got elected was not taking special interest money but going about getting a large number of signatures, along with a \$5 bill for each one, taking that money to the Secretary of State, being qualified as a clean money qualified candidate, and then state funds are expended on this campaign. And we've seen it in Maine, and it's been absolutely marvelous because now a majority of the legislators are clean money candidates and they just passed universal health care.

JB: I want you to reiterate that for us, for our listeners. This can happen!

ESH: It can and did happen.

JB: Okay. Was that an initiative that passed that?

ESH: I believe that it was.

JB: It had to be, wouldn't it?

ESH: You would certainly expect that it was, and I believe that it was. But the important thing is that for the first time they were able to get unanimity, or sufficient votes because the HMOs and the insurance companies could not come in and buy off with campaign funds these same legislators with worry that these legislators would be worried [sic] that the next time they came up for re-election, the HMOs would finance their competitor. So now they were free to vote their conscience and look after the needs of the people. And that is such a salutatory thing.

JB: Now, exactly how does that relate to the protection of the coast and the Coastal Commission?

ESH: Because those people who are elected with clean money can afford to appoint good people. They're not obligated to the special interests who want bad people. And, of course, now we see that the special interests are very angry that Arizona's initiative for clean money that is working so beautifully...their own governor is a clean money candidate, and all the candidates, I think there were nine of them, who ran with her as clean money candidates for the governor's spot, there was only one person who ran on the special interests money, and he did not do well, so now the special interests have gone to court to try to repeal the clean money initiative for Arizona and this is going to be a very big fight.

JB: So this is the first court action in terms of it?

ESH: No, this will be the second. The first one and that got through, and that was okay, but this one is a much more serious attack and people in California who want California clean money campaigning to come about are giving money to the Arizona clean money campaign, because they see the inter-relationship because if they go down, it will be that harder for us.

JB: And this is not just partisan, right? We saw that with the last governor [referring to Gov. Gray Davis], that the Coastal Commission was affected by his partisan politics?

ESH: I would say that the Clean Money Campaign is recognized and appreciated by all shades of the political spectrum. Because Republicans who are running for office are often out-financed by the special interests picking another Republican, so they don't have a level playing field either. So it's not just the liberals or the Democrats. It's everybody will have a fairer chance at succeeding so that average people can run for office and win. So you don't have to be born to money...In fact you can't even use your inherited money, or your privately owned money, if you become a clean money candidate.

Well now, our current governor would probably decline because he has so much money and celebrity. So I'm trying to be figuring out how can we account for notoriety or for celebrity...Do we take off a certain number of points?

JB: Do we handicap the race?

ESH: Looks like that. But it's a very complex and difficult thing but we know we have to do something because this is not working. And our children and grandchildren will not thank us for the mess we've left of this coast we don't put aside enough money to buy up when we can.

JB: How have managed not to become cynical?

ESH: I guess I just feel that as long as you're on the playing field, there are opportunities that will open up. It's when you give up from becoming cynical that you end up in great despair, probably a deep depression, which it would be easy to sink into, but on the other hand, if you take the same energy, and put it into things like you're trying to do to let people know what the opportunities are, and things like I'm trying to do, like help save Los Osos, so there won't be another enclave for the very rich. When I go down the coast and stay at the Montage Hotel for just an afternoon, and I realize what it costs to stay there for a night, I drive home the same night. It's just not in the cards for my budget. But I love the coast and I'm fortunate to have a friend, Carol, in the Malibu Colony who lets me come visit her, but how sad for those who don't have a friend who cares.

JB: What would you like to give as a message to the public about how they can become involved in coastal issues?

ESH: Well, I think the first thing is to pay attention to what is happening in your own stretch of the coast. And you can go to the Coastal Commission's own website to see what's coming up on the next agenda, where that meeting is taking place, whether or not there's something you would like to write to the commissioners about, and I believe you're going to be running the Coastal Commission's website, which as I understand is www.coastal.ca.gov and it will appear on the credits.

And see what's happening and see what interests you? Now maybe one of the things that interests you the most is the concern that they are going to be building more desalination plants

to supply ever more development, which will assure ever more traffic and smog. And it will take up another beach.

JB: I urge all of the viewers to remember that the coast, the California coast is the signature feature of California. It belongs to all of us, but please don't take it for granted.

[end of interview]

[Note: ESH incorrectly stated in the interview that Gov. Deukmejian abolished the regional Coastal Commissions. The regional commissions were always slated to sunset after creation of the State Coastal Plan, which was submitted to the Legislature in 1976.]