
THE ADVENT of large scale coal surface mining was generally precipitated by the increased coal demand and the technological innovation associated with World War II. Several surface mining control laws were enacted in the Appalachian coal states in the 1940s. By modern standards, however, this first generation of laws was crude and ineffective, and did little more than require some dirt be thrown back into the exhausted pits. Not until the late 1950s did there develop a significant public environmental consciousness and technical appreciation of the difficult problems of acid water, land reclamation, and revegetation. In the early 1960s, the first comprehensive and effective reclamation laws were enacted in Pennsylvania, stimulating a whole new series of state surface mining control statutes and eventual pressure for federal controls in the 1970s.

This paper examines the development and implementation of surface mining and reclamation in Pennsylvania, within the context of these post-1960 environmental perceptions. Since anthracite coal mining is a local phenomenon of declining significance, this study focuses on bituminous coal surface mining in west-central Pennsylvania which bears a broader significance for Pennsylvania’s environment and the eventual development of federal surface mining controls. Since Pennsylvania was the first to benefit from substantive surface mining controls, it provides a vehicle for studying the rudimentary political organization of both environmental and coal interest groups.

By 1961, hundreds of miles of streams and thousands of acres of land had been disturbed or ruined by surface mining in Pennsylvania. Surface mining had been regulated perfunctorily for 16 years,
but the wastage of Pennsylvania's woodlands and clean streams had accelerated with the growth of the surface mining industry. Responding to these environmental problems, public pressure for corrective legislation accumulated. Pennsylvania's surface mining control legislation developed in two phases, in 1961 and 1963. In both years, the political battles were long and bitter.

The pressure for new surface mining regulatory policies was solidly focused in Allegheny County, where Pittsburgh is the major urban hub of western Pennsylvania. The majority of surface mining operations had developed in the nearby western counties. Spearheading this pressure was the state's principal sportsmen's organization, the Allegheny County Sportsmen's League, the activist branch of the Pennsylvania Federation of Sportsmen's Clubs. Besides the group's conservationist ideals, the Sportsmen had a vested interest in the woods and streams of Western Pennsylvania, many of which were being devastated by surface mining operations. Alert politicians on both sides of the partisan fence embraced this newly emerging political issue, especially in the Pittsburgh vicinity.

A second key factor in this surge of conservation enthusiasm in Allegheny County was the full blown crusade undertaken by Pittsburgh's leading newspaper, The Pittsburgh Press. The Press saturated its readers with nearly daily editorials and a constant barrage of news articles covering every action of the legislature and the 'strip mine lobby.' The Allegheny County Labor Alliance, backed by the United Steel Workers, the International Brotherhood of Electrical Workers, and the United Mine Workers, also supported regulatory legislation. Besides their conservationist motives, these unions sought to pressure the independent surface mine operators, none of whom were unionized. Still another reason for Pittsburgh's preeminence in the surface mining controversy was the fact that its economy was not tied in any way to the surface mining industry. Since most surface mine operators marketed their coal to rural electric generating plants or outside the state, Pittsburgh area politicians were under no constraints from local business constituents to bridle their regulatory enthusiasm. Finally, the urbanity of Allegheny County's population, influenced by several major educational institutions, stimulated a progressive political posture on behalf of surface mining reforms.

Beyond Allegheny County, support for the 1961 regulatory legislation came from Pennsylvania Federation of Sportsmen's Clubs, several newspapers, the UMWA, the State Grange, and the
Reclaimed Land in Indiana County. Courtesy of Pennsylvania Bureau of Surface Mine Reclamation
Departments of Health and Mines and Minerals Industries. This narrow base of support reflected the relatively embryonic development of public concern for such environmental issues as surface mining. Thus, even the limited legislative success achieved in 1961 is surprising in retrospect, especially considering the heavy handed political opposition of the coal interests.

Besides the surface mine operators themselves, other economic interests actively opposed new surface mining regulatory legislation. The two regional trade organizations of Pennsylvania’s surface mining industry lobbied against any form of legislation. Railroads, particularly the New York Central and the Pennsylvania Railroad, effectively backed the surface operators. These two giants testified at hearings and forecast grim economic problems for Pennsylvania if the proposed controls were enacted. Frank Saen, New York Central’s vice-president for coal sales, testified that the proposed regulations would eliminate eighty percent of Pennsylvania’s strip mining production. The crux of his argument was that “widespread layoffs would follow and extend even to white-collar workers.”

A representative of the Pennsylvania Railroad warned that “hundreds and perhaps thousands of employees” might have to be laid off. Executives of the smaller railroads, including the Bessemer & Lake Erie and the Pittsburgh & Shawmut, predicted “economic chaos” if the proposed bill passed. Other interests affiliated with surface mining, such as equipment manufacturers and operators, and commercial interests in regions heavily dependent on surface mining, were also active. In Clearfield County, where surface mining was the primary industry, both the Chamber of Commerce and the newspaper were, not surprisingly, opposed to controls.

Although both political parties claimed to support strong regulation, neither party appears to have been united, and conflicting amendments and opaque political deals thoroughly obscured partisan lines. Although the principal bill was authored by House


2. The Independent Mineral Producers Association (Director Frank Mohney) and the central Pennsylvania Open Pit Mining Association.


5. Ibid.

Democrats, the Democratic Lawrence Administration opposed its more vigorous provisions. Its controversial provisions dealt with limitations on acid water drainage, the size of the bond which insures reclamation, and the extent to which backfilling of the pit would reduce the highwall. In its original version, the bill provided for an increased bond of $500 per acre, backfilling to a slope no more than thirty degrees, and responsibility for acid mine drainage, even that which originated from abandoned deep mines underlying surface mine operations. Although numerous amendments were made, only three rollcall votes record the voting patterns. The first vote rejected an amendment to weaken the bill by 120 to 80. The second vote passed the assembly bill by an 150 to 50 margin. The third vote, 147 to 53, gave final passage to the bill after the senate had severely weakened it, and the Sportsmen had come out against it.

### Table 1
**Partisan Breakdown of Pennsylvania Assembly Votes on the 1961 Surface Mining Control Bill**

<table>
<thead>
<tr>
<th>Vote #1 Anti-regulation</th>
<th>Vote #1 Pro-regulation</th>
<th>Vote #2 Anti-regulation</th>
<th>Vote #2 Pro-regulation</th>
<th>Vote #3 Anti-regulation</th>
<th>Vote #3 Pro-regulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>80</td>
<td>120</td>
<td>50</td>
<td>150</td>
<td>147</td>
</tr>
<tr>
<td>Democrats</td>
<td>4</td>
<td>100</td>
<td>8</td>
<td>96</td>
<td>85</td>
</tr>
<tr>
<td>Republicans</td>
<td>76</td>
<td>20</td>
<td>42</td>
<td>54</td>
<td>62</td>
</tr>
</tbody>
</table>

As evident from table 1, Vote #1 was a Republican measure to weaken the bill. Of the twenty Republicans voting pro-regulation, however, four were from Allegheny County. Vote #2 was a Democratic measure supporting strong regulations, and the eight dissenting Democrats were all from surface mining counties. Illustrative of this group was Harris Breth, himself a surface miner from Clearfield County and a leading opponent of controls. Of the thirty-three representatives who consistently voted to weaken the bill, all but three were Republicans, and none were from either Allegheny County or Philadelphia. Every assemblyman from the top three surface mining counties voted repeatedly against controls, reflecting not only the political control of surface mine operators in their own counties, but also their unanimous opposition to any government intervention.

Assemblymen from Allegheny County and Philadelphia overwhelmingly supported control legislation. One-third of the Pittsburgh assemblymen crossed partisan lines and voted consistently in favor of strong surface mining controls. It seems clear that in 1961, the bulk of support for a strong Pennsylvania control law came from the two major urban areas, where Democrats predominated, but also where conservationists were prevalent and where economic interests were scarcely linked to the surface mining industry. Reflecting UMWA support for stringent controls, the assemblymen from Pennsylvania’s three major deep mining counties supported the conservationist measures. Deep mining interests which constituted ninety-five percent of UMWA membership could only benefit from costly economic strictures on surface mining, thereby slowing the trend away from labor-intensive deep mining.

After its passage through the assembly in a form satisfactory to most conservationists, the bill went to the senate, where it met real opposition. Again, it appeared that the Lawrence administration wanted credit for the bill, but got more than it bargained for from the assembly. As the result of a closed meeting between the governor’s secretary and several leading legislators, the bill was routed through the Committee on Local Government, rather than the Committee on Mines.8 The governor’s office, responding to critical media speculation, denied agreement with that decision. Nevertheless, Senator John Haluska (D-Cambria County), as Chairman of the Local Government Committee, became the central political figure in the 1961 legislative battle. According to his opponents, Haluska had openly boasted that the “strip mine bill was a dead goose now that it had gone to his committee.”9 Something of a scandal developed over Haluska’s close financial relationship with C. E. Powell, one of Pennsylvania’s ten largest surface coal operators. Haluska handled Powell’s insurance policies, had permanent use of a Powell company car, and had previously interceded with the state fish warden, helping Powell avoid prosecution for a negligent acid discharge which killed 1200 trout.10

During the summer, Haluska’s committee bottled up the regulatory bill by exercising every conceivable tactic for delay, and eventually reported the bill out, severely weakened by amendments. These amendments proposed to divide strip mined lands into

'productive' and 'non-productive' categories, lower backfilling requirements on 'non-productive' (wooded, hilly) lands, reduce the bond requirements from $500 to $360, and provide for a five degree tolerance in backfilling requirements. Pro-regulation advocates in both parties countered with amendments to restore the bill to its original form. But, no sooner had bipartisan support been organized, than it collapsed as an apparent deal was worked out between senators from surface mining counties and the eight-senator contingent of Democrats from Philadelphia, the so-called "Green Machine". Of those voting to kill the strong restoration amendments, eight were Philadelphia senators and eight were from twelve rural surface mining counties. In contrast, all of the Allegheny County area's nine senators voted in favor of the restoration amendments. Governor Lawrence, under tremendous media and conservationist pressure, promoted a 'compromise bill' which the senate approved by a 41 to 1 vote. Its provisions established a small bond increase, forty-five degree backfilling in 'productive' areas, and seventy degree backfilling in 'non-productive' areas.

When the bill returned to the assembly for final consideration, neither the Sportsmen nor anyone else could do much to reinstate the original provisions. In a series of high pressure meetings in the Governor's office, Joseph Yablonski of the UMWA tried to restore some rigorous measures. But fearing a negative house vote and under the pressure of pending adjournment of the legislature, those interests capitulated to the compromise bill. Recognizing the emasculated nature of the bill, stalwart defenders of strip mining jumped at the opportunity to "support" the final bill. Representative Varner of Clarion, who had introduced the largest number of amendments to weaken the bill, now concluded, "This version of the House bill 1438 is one that I am going to support . . . legislation is the art of the possible." Conversely, Representative Murphy, the bill's original author, spoke bitterly as he prepared to vote against his own disfigured creation: "This bill is as good as no bill at all . . . [It] will leave us in an even weaker position than the Act of 1945 (referring to the five-degree tolerance provision)."

11. Both the Pittsburgh Press and Minority Leader Fleming speculated about this sudden tie up between Philadelphia and surface mining counties.
mining interests had successfully coopted the thrust of public policy. The legislative battle over the 1961 Pennsylvania Surface Mine Reclamation Act is evidence that the old style politics were still operative. Close personal and money ties between mine operators and politicians were blatant and effective, while the conservationist forces were very limited in scope and experience. But changes were in the offing which would stand the conservationists in good stead in 1963 when they reintroduced surface mining legislation. The public, advised of the crude politics of the likes of Senator Haluska by an active media, were growing less tolerant of such corruption. Moreover, the environmental issue of strip mining was growing in the public awareness, and both parties realized the expediency of a strong platform stand on the issue in 1962.

Perhaps a more significant change was the political activation of well organized interest groups in the area of environmental policy. Within weeks of the passage of the 1961 Act, the Allegheny County Sportsmen undertook a political campaign against those legislators who had most actively supported the surface mining interests. Beginning in September, the Sportsmen directed a vigorous campaign to unseat the twenty-seven senators and fifty-one assemblymen who had voted against 'strip mine reform' in key instances. Local chapters of the Sportsmen's Federation were responsible for ousting local strip mine advocates during the pre-election campaigns early in 1962. The Sportsmen swung into action with an apparently new appreciation of their political strength and the kinds of local pressures that would facilitate successful conservation legislation in 1963. In Greensburg, Aliquippa, and elsewhere, Sportsmen spoke out against incumbent legislators who had stood by the surface mining interests. In Johnstown, at a Sportsmen's banquet, John Laudadio, executive secretary of the Allegheny County Sportsmen and himself a candidate for the assembly, called adamantly for Senator Haluska's defeat although his term was not to expire until 1964.

This politicizing of the strip mining issue contributed to its inclusion as a prominent plank in the platforms of both parties. In April, Republican candidate William Scranton convincingly announced, "We will put through a strong strip mine law in the

17. Ibid., 23 June 1962.
1963 legislature and that's an absolute pledge.¹⁸ Likewise, the Democratic candidate, although standing on the Lawrence administration's record, recommended that the law could be strengthened.¹⁹ According to the Sportsmen, the 1962 election results proved the effectiveness of their campaign and the political liability of being a strip mining advocate. Four of the most active pro-strip mining legislators were defeated in the November elections. These included Breth of Clearfield, Varner of Clarion, Speaker of the House Hiram Andrews, and Senator Jo Hays of Clearfield, the man who had been second only to Haluska in weakening the 1961 legislation.

The aggregate figures, however, indicate that attrition in the senate was approximately the same for pro-strippers and pro-conservationists. But in the assembly, where grass roots pressure was perhaps more significant, the Sportsmen's campaign appeared to have been more effective. The assemblymen who had consistently voted to weaken surface mining controls in 1961 suffered a thirty-three percent attrition rate. In contrast, those who never voted to weaken the legislation showed an attrition of only fourteen percent—less than half of that for the Sportsmen's enemies. Democrat John Laudadio won an assembly seat, having campaigned almost exclusively on the surface mining issue as secretary of the Sportsmen's Federation. Republican William Scranton rode into the governor's office, partially on the back of the surface mining issue. The surface mining interests faced a difficult new legislative session.

Conservation interests were demanding legislation to control acid drainage and sedimentation, complete backfilling of the strip pit and reduction of the highwall. Governor Scranton, true to his campaign promises, appointed a bipartisan legislative committee to prepare new control legislation.²⁰ The committee's seven members were from the Allegheny County vicinity, once again reflecting the urban impetus for serious regulation. This committee prepared S. 176 which provided for backfilling to approximately original contour, cleaning up acid drainage, increased bonds, centralized enforcement and provision for property owners to share liability. These measures, in contrast to surface mining regulation in other states, were revolutionary.

¹⁸. Ibid., 1 April 1962.
¹⁹. Ibid., 6 September 1962.
²⁰. Ibid., 10 January 1963.
Support for these proposals developed over a substantially wider range of organized interest groups than had backed the 1961 legislation. Table 2 lists the civic and conservation groups newly involved in the 1963 surface mining debate. These new sources of vocal and active support for control legislation were vital to broadening the constituent base of support which had been too narrow in 1961 to sustain radically new legislation. However, most of these groups were western Pennsylvania interests, a provincial orientation which had been problematic in 1961 when eastern Pennsylvania voting blocks had not been secured since no constituent pressure had been developed in the east.

The surface mining interests responded to these pressures with a barrage of publicity and by renewing their traditional political influences. The two surface mining trade associations jointly formed the Pennsylvania Conservation Association, the express functions of which were allegedly to improve reclamation, seek better legislation, and be a watchdog against unscrupulous operators. In practice, the Pennsylvania Conservation Association, inspired by a Pittsburgh public relations firm, undertook a multimedia publicity campaign

**TABLE 2**

**Pennsylvania Interest Groups Actively Supporting Surface Mining Control Legislation in 1963**

*Conservation*
- Pennsylvania Federation of Sportsmen’s Clubs
- Save our State Conservation Association (Beaver Co.)
- Western Pennsylvania Conservancy
- National Wildlife Federation

*Civic Groups*
- South Beaver County Civic League
- Wyoming Valley Housewives
- State Association of Second Class Townships
- Mt. Lebanon League of Women Voters (Pittsburgh suburb)
- Butler County League of Women Voters

*Others*
- House Builders Association of Greater Pittsburgh
- International Brotherhood of Electrical Workers
- American Camping Association
SURFACE MINING REGULATION

intended to improve the image of surface miners and advertise past reclamation successes.\textsuperscript{21} Industry sponsored tours, for legislators and the governor, displayed the best examples of controlled surface mining and good reclamation. After one such air tour, Governor Scranton spoke at the Pittsburgh Airport, equivocating on his platform pledges. One week later, Lieutenant Governor Schafer introduced a substantially weakened bill in the assembly as a companion to the rigorous S. 176.

The Sportsmen immediately denounced Governor Scranton’s bill as having “pulled the rug from under” the tough reform bill.\textsuperscript{22} Representative William Buchanan, from the surface mining county of Indiana, sponsored the governor’s bill. Its provisions, summarized in table 3, would weaken every important control measure in the senate bill. Throughout western Pennsylvania, accusations of “ appeasement” were hurled at Governor Scranton. Although the differences between these two bills were substantial, both still represented ample improvement over the 1961 act, and were opposed by surface mining interests. But those interests, it was clear, were far weaker politically than had been the case during the previous session. In May, after months of stalemate, a compromise was settled on by the conservation and administration forces. The conservationist forces agreed to drop the water quality measure from their bill, to be dealt with in separate legislation. In return, provision for backfilling to ‘approximate original contour’ was reinserted in the administration bill. But in the course of floor debate, the property owners’ liability provision was exorcised along with the eminent domain clause (159 to 38). The thirty-eight assemblymen voting against this amendment were the absolute core of support for tough control legislation.\textsuperscript{23} They included nineteen of the pro-regulation core group from 1961, but none of the thirteen farmer-legislators who were adamantly opposed to joint liability.

The opponents of surface mining controls were substantially reduced in number from 1961, and were singularly unsuccessful in further weakening the governor’s bill with more amendments. Analysis of the voting on three major proposed amendments reveals the extent to which pro-surface mining support had eroded. These amendments, introduced by assemblymen from Clearfield and

\textsuperscript{21} Ibid., 7 June 1963.
\textsuperscript{22} Ibid., 22 February 1963.
Clarion counties (surface mining counties) were trounced 175 to 22, 174 to 23, and 179 to 18. Voting repeatedly for all three amendments was a hardcore group of fourteen Republicans, primarily from strip mining counties. None of the fourteen represented a major urban area. Thus, the core of pro-strip mining legislators had shrunk by more than fifty percent, from thirty-three in 1961 to fourteen in 1963. Only five legislators out of 249 voted against final passage of the bill. These few opposition votes were a mere shadow of the legislative power once wielded by the surface mining industry in Pennsylvania.

24. Ibid., pp. 871-74.
The surface mining industry frankly acknowledged its active opposition to the acts of 1961 and 1963, claiming that such opposition was mandated by unfair publicity and the conservationist's refusal to listen to economic reason. The newly formed Pennsylvania Coal Mining Association (PCMA) lobbied against the bills, and conducted advertising it felt was necessary to counteract the false impressions established by the news media. A survey of Western Pennsylvania mine operations revealed that about a third of the respondents were active politically with respect to the 1961 and 1963 legislation. Two of the larger PCMA members-directors explained their points of view. They felt that no one in or out of the legislature would sit down and talk about the control provisions and the problems they raised for operators. The few who did were "heckled to death", as was the case of Harris Breth.

Although the newspapers had complained bitterly about the heavy industry lobbying and "secret deals," the surface mine operators themselves felt that they accomplished nothing and that costly reclamation regulations eventually resulted in putting 75 to 100 of their number out of business. Nonetheless, those that continued to operate seem to have prospered, and readily acknowledge having been able to pass on the cost of reclamation. Furthermore, the resultant legislation and the failure of the surface mining interests to insert many favorable amendments into the 1963 bill suggests in retrospect that the traditional political ties and pressures had, at least to some degree, dried up and become inappropriate by 1963. The groundswell of public conservationist sentiment and the effectiveness of interest group pressures exerted by civic and environmental groups had guaranteed at least the necessary regulatory policy for an improved state control program.

This formative period for Pennsylvania's surface mining control policies reflects several elements of change in post-World War II America. Most obvious is the genesis of the environmental movement. The environmentalism that has become such a significant part

27. Interview with Ray Walker and H. R. Woolridge, surface mine operators and directors of the PCMA, August 1973.
28. Interview, Frank Mohney, PCMA.
29. Interview, H. R. Woolridge.
of the American scene since the 1960s is something more than merely a continuation of the pre-war conservation movement. In Pennsylvania and elsewhere in the early Sixties, new interest group coalitions were developing with a focus on environmental quality, rather than efficient use which keynoted conservationism. Moreover, these new interest groups, slowly at first, began developing mechanisms for effective political action. The Sportsmen's Federation's blacklisting was one such grass roots mechanism. Cooperation by environmentalist interest groups through larger coalitions developed later in the 1960s, but the rudiments of such cooperation are visible in Pennsylvania in 1964.

While Pennsylvania is to be credited for leading the way in surface mining reclamation reform, its early success is partially explained by the economic and political organization of the coal industry in Pennsylvania. Unlike such states as West Virginia, the surface mining industry in Pennsylvania contributed a relatively insignificant part of the state’s overall economic output. As such, financial linkages, and the resulting political linkages, between surface mining and other Pennsylvania industries was limited. The
Pennsylvania Coal Mining Association was limited to relatively small, independent operators. With a staff of three, it had little impact on policy formation. This situation sharply contrasts with that of West Virginia, where surface mining was a major element of that state's economic fabric. There, a broad economic and political coalition of railroads, mining and steel companies, banks, electric utilities, and equipment manufacturers formed the constituency of the West Virginia Surface Mining and Reclamation Association. That organized coalition, non-existent in Pennsylvania, was successful in preventing radical surface mining reforms for another decade.

After 1964, the locus of environmental politics shifted from the legislative to the administrative arena. The Bureau of Surface Mine Reclamation (BSMR), which became a division of the Pennsylvania Department of Environmental Resources in 1972, has been responsible for administering the Pennsylvania Surface Mining and Reclamation Act. The bureau's regulatory mandates under that act have since been supplemented by the acid drainage control provisions of the 1965 Clean Streams Act and by strip mine revegetation requirements provided by a 1971 amendment. The functional politics of environmental policy implementation were less spectacular than those of policy formation, but equally crucial to the eventual realization of public environmental goals. The central aspect of these administrative politics has been the pragmatic relationship between industry and the regulatory agency, resulting in environmental controls defined by a bargaining process.

The Pennsylvania Bureau of Surface Mining Reclamation has been a relatively compact watchdog agency, run by a staff of about a dozen in Harrisburg and another two dozen or so field inspectors. Its two principal functions have been to process mining permits and inspect and enforce the terms of those permits. Beyond in-house violation and permit revocation procedures, enforcement and appeals are handled outside the BSMR by the Environmental Strike Force and the Environmental Hearing Board. Since 1964, the bureau has supervised about 350 surface mine operators annually. In order to surface mine coal in Pennsylvania, an operator must obtain a license ($300 per year), a mine drainage permit, a mining permit, bonding ($500 per acre), and permission to mine from the land owner. The mine drainage permit is the central guideline for

30. These procedures were found in Pennsylvania Department of Environmental Resources forms ER-MI-BD-151, 152, 153.
the mine's operation. With bureau approval, this permit entails an elaborate plan, describing with geologic and property maps, the area to be mined, test boring and sample reports, run-off diversion channels, pumping equipment and storage capacity for accumulated water, sedimentation barriers, and descriptions of adjacent hydrologic sources. Accompanying this plan must be a preliminary report by the mining inspector, a Bureau of Fish and Wildlife report, and evidence that the operation has been announced in local newspapers. The operator must also acquire a mining permit, approved by the BSMR, which describes the reclamation plan in terms of backfill planning (e.g. original contour, terracing, or alternate use), backfill schedule, soil segregation provisions (topsoil to be separated from other overburden material), and revegetation. This mining permit, guaranteed by a per acre surety bond, covers only the immediate acreage, usually from two to fifteen acres, in the next phase of mining.

The second phase of this regulatory process is the inspection of operating conditions and the issuance of violations and 'cease orders.' In theory, depending on the nature of the violation, several different sanctions may result from the reporting of a violation. If the problems are minor, and are immediately remedied, no further action is taken. For a more serious violation, the BSMR issues a cease order, temporarily halting the mining operation. Where the problem is not immediately resolved, the BSMR calls a formal or informal hearing, which may result in resolution of the problem, or possibly in loss of the mining permit, loss of the mine drainage permit, failure to renew license, forfeiture of bond, and even legal action. In the event of a bureau hearing, mandated by only the most serious violations, the operator may defend or explain his problem, whereupon the bureau decides on the solution or penalty. If the operator chooses not to abide by the bureau's decision, he may appeal the case to the Environmental Hearing Board. If he ignores the hearing request, his bond is forfeited and operating license revoked.

In practice, the Pennsylvania Surface Mining and Reclamation Act has been implemented in a far more flexible and less formal manner. Data in tables 4, 5, and 6 analyze the BSMR's enforcement record between 1965 and 1972. For comparison sake, surface mine operations during those years have been classified in seven

31. Explanation of the violation process is based on an interview in July 1973 with Charles Herwig, supervisor of the BSMR's violations section.
### TABLE 4
**SUMMARY ENFORCEMENT DATA ON OPERATIONS OF THE BUREAU OF SURFACE MINE RECLAMATION (1965–1972)**

<table>
<thead>
<tr>
<th>Size Groups of surface mine operators (tons/year)</th>
<th>Number of operators in group</th>
<th>Number of forfeitures per group</th>
<th>Percent of total forfeitures</th>
<th>Number of forfeitures with hearings</th>
<th>Percent of hearings result in forfeitures</th>
<th>Number of hearings</th>
<th>Percent of total hearings per group</th>
<th>Number of violators per group</th>
<th>Number of violations per group</th>
</tr>
</thead>
<tbody>
<tr>
<td>I (under 5000)</td>
<td>86</td>
<td>2,439</td>
<td>10</td>
<td>21%</td>
<td>5</td>
<td>55%</td>
<td>9</td>
<td>15%</td>
<td>41</td>
</tr>
<tr>
<td>II (5000-15,000)</td>
<td>106</td>
<td>9,019</td>
<td>13</td>
<td>27%</td>
<td>1</td>
<td>10%</td>
<td>10</td>
<td>17%</td>
<td>47</td>
</tr>
<tr>
<td>III (15,000-35,000)</td>
<td>69</td>
<td>24,165</td>
<td>9</td>
<td>18%</td>
<td>4</td>
<td>33%</td>
<td>12</td>
<td>20%</td>
<td>43</td>
</tr>
<tr>
<td>IV (35,000-65,000)</td>
<td>72</td>
<td>50,191</td>
<td>8</td>
<td>17%</td>
<td>3</td>
<td>60%</td>
<td>5</td>
<td>8%</td>
<td>49</td>
</tr>
<tr>
<td>V (65,000-150,000)</td>
<td>78</td>
<td>99,404</td>
<td>8</td>
<td>17%</td>
<td>4</td>
<td>25%</td>
<td>16</td>
<td>27%</td>
<td>60</td>
</tr>
<tr>
<td>VI (150,000-1 mil.)</td>
<td>51</td>
<td>265,490</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>7</td>
<td>11%</td>
<td>44</td>
</tr>
<tr>
<td>VII (1,000,000 + )</td>
<td>1</td>
<td>2,300,000</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>1</td>
<td>2%</td>
<td>1</td>
</tr>
<tr>
<td>TOTAL</td>
<td>463</td>
<td>85,872</td>
<td>48</td>
<td>100%</td>
<td>17</td>
<td>28% (av.)</td>
<td>60</td>
<td>100%</td>
<td>285</td>
</tr>
</tbody>
</table>

Average size of operator undergoing forfeiture—30,726 tpy
Average size of operator having hearing—98,378 tpy

**Data Source:** Compiled from Pennsylvania DER, Bureau of Surface Mine Reclamation permit files, violation records, and hearing records, Harrisburg, Pennsylvania.
size groupings. The data base includes 463 operators, 1238 major violations by 285 operators, and the bureau records of 60 hearings and 48 cases of bond forfeiture. This data was supplemented by subjective descriptions of BSMR enforcement obtained through a series of interviews.

No one operator size group was disproportionately burdened by violations. The percentage of violators in each group increases steadily with increasing production, as do the number of violations per group. Bureau officials logically explain this in light of the increased opportunities for violations as the size of a surface mine operation increases. The number of violations per violator has followed the same pattern because problem conditions often result in multiple violations. However, table 5 reveals that larger operators suffer disproportionately fewer violations relative to their tonnage output. A class VI operator produced fifteen times as much coal per violation received than did a class I operator. Supposedly, larger operators are more efficient and conscientious, and, at the same time, are not heaped with multiple violations when a single one is sufficient to force a shutdown and thereby provide an appropriate lever to force correction of correlated problems not reported as separate violations.

Politically organized operators who were members of the Pennsylvania Coal Mining Association seemed to have fared about the same in the violation process as the non-member mine operator. In class V, for example, the average was 3.4 violations per operator, while PCMA members averaged 3.6. But when violations are related to production tonnage, a substantial difference becomes evident. The PCMA class VI members averaged one violation per 39,000 tons, as compared to one violation per 31,392 tons for all class VI operators. Thus for class VI operators, PCMA membership meant 24 percent fewer violations per ton, probably suggesting that PCMA members were better informed regarding the laws, and perhaps even more conscientious.

The bargaining process, which is the pragmatic heart of environmental regulation, originated at the inspection-violation stage. Finding deficiencies at the mining site, inspectors have usually gone to the operator, assuming a satisfactory personal relationship existed, and tried to iron out the problem. This course of action was generally taken, according to bureau officials, in instances of

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32. Data based on twenty operators whose PCMA membership was determined. PCMA membership data remained confidential although every source was exhausted.
TABLE 5
ANALYSIS OF BSMR VIOLATIONS RECORDS

<table>
<thead>
<tr>
<th>Operator Size Group</th>
<th>Number in group</th>
<th>Percent of violators forfeiting</th>
<th>Number of violators</th>
<th>Number of violations per violator</th>
<th>Percent of group violations to hearings</th>
<th>Ratio of Average tons per violation</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>86</td>
<td>25%</td>
<td>41</td>
<td>90</td>
<td>2.2</td>
<td>47%</td>
</tr>
<tr>
<td>II</td>
<td>106</td>
<td>27%</td>
<td>47</td>
<td>104</td>
<td>2.2</td>
<td>44%</td>
</tr>
<tr>
<td>III</td>
<td>69</td>
<td>21%</td>
<td>43</td>
<td>138</td>
<td>3.2</td>
<td>62%</td>
</tr>
<tr>
<td>IV</td>
<td>72</td>
<td>16%</td>
<td>49</td>
<td>165</td>
<td>3.3</td>
<td>68%</td>
</tr>
<tr>
<td>V</td>
<td>78</td>
<td>13%</td>
<td>60</td>
<td>272</td>
<td>4.5</td>
<td>77%</td>
</tr>
<tr>
<td>VI</td>
<td>51</td>
<td>0%</td>
<td>44</td>
<td>431</td>
<td>9.8</td>
<td>86%</td>
</tr>
<tr>
<td>VII</td>
<td>1</td>
<td>0%</td>
<td>1</td>
<td>36</td>
<td>36.0</td>
<td>100%</td>
</tr>
</tbody>
</table>

Source: Compiled from Pennsylvania BSMR violations records, Harrisburg, Pa.

TABLE 6
ANALYSIS OF BSMR ENFORCEMENT RECORD

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of forfeitures</th>
<th>Number of hearings</th>
<th>Penalties from hearings</th>
<th>No penalties</th>
<th>Formal hearings</th>
<th>Informal hearings</th>
<th>Percentage of hearings with no penalty</th>
<th>Percentage of informal hearings</th>
</tr>
</thead>
<tbody>
<tr>
<td>1972</td>
<td>2</td>
<td>1</td>
<td>-</td>
<td>1</td>
<td>1</td>
<td>-</td>
<td>100%</td>
<td>-</td>
</tr>
<tr>
<td>1971</td>
<td>3</td>
<td>1</td>
<td>-</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>1970</td>
<td>7</td>
<td>15</td>
<td>1</td>
<td>14</td>
<td>8</td>
<td>7</td>
<td>94%</td>
<td>47%</td>
</tr>
<tr>
<td>1969</td>
<td>3</td>
<td>21</td>
<td>2</td>
<td>19</td>
<td>12</td>
<td>9</td>
<td>90%</td>
<td>42%</td>
</tr>
<tr>
<td>1968</td>
<td>11</td>
<td>12</td>
<td>5</td>
<td>7</td>
<td>9</td>
<td>3</td>
<td>58%</td>
<td>25%</td>
</tr>
<tr>
<td>1967</td>
<td>11</td>
<td>10</td>
<td>9</td>
<td>1</td>
<td>10</td>
<td>-</td>
<td>10%</td>
<td>-</td>
</tr>
<tr>
<td>1966</td>
<td>11</td>
<td>3</td>
<td>3</td>
<td>-</td>
<td>3</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>1965</td>
<td>9</td>
<td>1</td>
<td>1</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

Source: Compiled from Pennsylvania BSMR violations records, Harrisburg, Pa.
minor and unintentional violations. The exchange between operator and inspector is not one sided. The operator may try to explain the problem, but the explanation can either be accepted or rejected. More often, a middle ground can be agreed upon, and this process may occur repeatedly if the inspector is anxious to avoid citing the operator for a violation. Once a formal violation has been reported to the Bureau, the mine operator is notified, and in instances of unintentional violation, he need only inform the Bureau of his intent to comply or of actual compliance and further action is dropped. In certain instances involving mine operation without proper permits or beyond the parameters of the permit, the operator is temporarily closed down. This is usually the only sanction, and can be corrected merely by filing the proper applications. If the operator's relations with the bureau had been satisfactory, then he could have the application processed more quickly than under normal circumstances, especially if he indicated financial stress. Even after the 30 day compliance period, a 'regular' operator is extended a final chance to arrange a compliance schedule before a hearing is called.

The BSMR's enforcement procedure has been premised on several operating principles defined by the bureau director, William Guckert: (1) Offer fairness to all parties; (2) offer equal-handed dealings; (3) expedite and cut through red tape; (4) correct situations without punishment; (5) keep operators in business if at all possible; and (6) clear up violations—don't prosecute or close down operations. It is the philosophy expressed in the latter three of these goals that has resulted in enforcement by a bargaining process. While bureau personnel seem to have recognized their responsibility to preserving Pennsylvania's natural environment, they have felt nearly as strong a responsibility for sustaining the industry which they regulate. In order to maintain the balance between these two goals, the BSMR, from inspector up to Director Guckert, has been willing to bargain. Static regulations are made fluid by daily modification to deal with the individual problems of each operation and, in fact, each violation. These informal allowances have become the working essence of the regulatory relationship in the Pennsylvania surface mining industry. There are sensible reasons, moreover, for avoiding the extreme sanction of bond forfeiture. In the event of bond forfeiture, the State assumes responsibility for completing reclamation, a job which costs the State two or three times the amount of the average bond of $500 an acre.

In terms of meeting the goal of correction of violations rather than punishing violators, the bargaining has worked well. In only 66 instances have any of the 1238 violations reached the serious stage of conducting a hearing. That is to say that about 95 percent of the time, violations of the state law have been corrected without any sanction applied other than temporary shutdowns of operations (usually a matter of a few days or less). The annual incidence of BSMR hearings peaked in 1969, and decreased precipitously after 1970. Bureau personnel explain this by the fact that troublesome operators had largely been weeded out or brought under control. Furthermore, the percentage of formal hearings and hearings resulting in some sort of penalty has decreased steadily (refer to Table 6). These changes signify a trend towards less formal prosecutions of the regulations and a concomitant increase in the use of informal, pragmatic bargaining to resolve problems.

Smaller operators have had disproportionately more hearings. This tendency, indicated in table 5, reflects the more serious problems encountered with small operators whose limited resources were often inadequate to meet water control requirements in particular. The largest operators (class VI) have been especially immune to hearings, having had no more than one per 61.6 violations. This likely reflects the large operator’s willingness to correct violations and perhaps somewhat deferential treatment by the bureau. The threat of ‘ceasing’ an operation has been particularly effective with larger operators whose multiple mining operations are all jeopardized by a single violation. The expense of opposing a bureau compliance request has rarely been justified by principle of costs of compliance.

Seventeen hearings have resulted in the ultimate penalty of bond forfeiture, eleven of which were due to the operators’ failure to attend the hearing. Thus, 87.5 percent of the 56 actual hearings were resolved in some way, without putting the operator out of business. In nine cases, besides those resulting in forfeiture, some form of penalty, usually license suspension, was determined for the errant operator. In the other forty cases, the BSMR exercised no sanctions, and the problem was simply resolved. These figures reemphasize Guckert’s operating rules four and six. In five hearing cases, the operator was represented by PCMA’s director, Frank Mohney. All five cases were resolved without penalty or forfeiture, four by informal agreement. The regulatory bargaining process is most evident

34. Discrepancy due to six hearing transcripts missing from files.
in these hearings conducted by the BSMR, the Department of Environmental Resources, and a Pennsylvania district attorney. In one hearing, for example, a class VI operator had mined beyond his permit area, and then ignored the inspector's 'cease order'. At the hearing, the operator, his attorney, and Frank Mohney of the PCMA all submitted to the bureau's charges. Director Guckert concluded that the operator had "willfully violated the inspector's order . . . ." Although this was "justification for suspending your license" said Guckert, "we do feel, however, that you have been penalized by ceasing your work . . . ." Nevertheless, the violation problem was rectified. In another hearing, second in a series of three for the same large operator, the miner agreed to complete reclamation of his mining site, from which he had already withdrawn his equipment. Mr. Guckert fumed, "I should have suspended his license; I should have prosecuted him." But the operator was given fifteen days to return his equipment and resume reclamation.

While such enforcement seems pretty weak, it nonetheless resulted in eventual reclamation and allowed the operator to continue mining coal. In only three instances did operators staunchly oppose the bureau's judgment at the hearing. In one such case, the operator's attorney left with the parting remark, "We will see you in court." But Guckert could not be "bulldozed", and the operator finally submitted to correcting his acid drainage problems.

As these representative examples suggest, resolution of most hearing cases was achieved through bargaining rather than rigid application of the regulations. In most cases, mutually agreed upon compliance schedules were adopted, without additional sanctions. Although the bureau extended itself to accommodate the operator's individual problems, compliance was still achieved in most cases.

This functional relationship had not developed immediately after the laws were passed in 1963. According to the surface mine operators, influence politics had allegedly played a role in implementation for several years before Guckert became director of the BSMR. Most responsible operators had disdained those conditions which had forced them to get involved in less than savory political dealings, and had resulted in inequitable enforcement of the law. When William Guckert took over in 1968, the operators had been pessimistic, since

35. BSMR, Hearing Transcript Files, hearing on permit #73-16, January 1971.
36. Ibid., hearing on permit #30-67, January 1968.
37. Ibid., hearing on permit #212-4, July 1970.
38. Interview, H. R. Woolridge.
Guckert, as secretary of the Allegheny County Sportsmen’s League, had led the campaign for regulatory legislation in 1963, and was considered a mindless conservationist zealot. In fact, during his first year of administering the BSMR, he justified those fears by his “overly enthusiastic” application of every rigid detail of the law, regardless of extenuating circumstances and economic realities.

However, after some exposure to the technical exigencies continually encountered in surface mining operations, Guckert apparently settled into a more functionally pragmatic regulatory relationship with the operators. Several crucial underpinnings made the relationship work. Guckert was, by all accounts, absolutely committed to terminating the role of external political influence in the regulatory process. Moreover, according to most operators, the BSMR under Guckert favored no operators over others. The data on violations, hearings, and forfeiture distribution would seem to substantiate this point. Most important, the bureau sought to expedite the regulatory process with the minimum of red tape. These various factors guaranteed the operators unprecedented stability which they valued highly. Survey responses from Pennsylvania surface coal operators substantiate their satisfaction with the Guckert imposed stability, although most operators still felt that the bureau enforced the laws too strictly.

These conditions which served the surface mining industry were obtained at the cost of the bureau’s informal enforcement system, backed by Guckert’s manipulation of cross-permit pressures. The PCMA’s representative aptly described this regulatory relationship as a “double edged sword.” As the law was written, the mining permits, drainage permits, licenses, and violations were all interlocked. The interconnection is that while in violation, the operator may not be issued any new permits on correlated operations. The bureau must process permit alterations and cease orders resulting from violations. Not bound to expedite such changes, the BSMR has used its discretionary leeway to bring pressure on the operator to comply. Furthermore, an inspector has the discretion to “cease” an operation, which, in effect, is an immediate punishment resulting in temporary financial loss. When the threat of this power, to cease an operation for the smallest violation, is used coercively,

39. Interview, Frank Mohney, PCMA; also survey questionnaire data.
40. Ibid.
as many operators feel has been the case with Guckert's administration, it results in efficient and informal regulation. Through these "practical methods", red tape is avoided and decisions are made quickly. While such expedition of bureaucratic procedure has generally been favored by the operators, the other side of the coin—pressure tactics and circumvention of orthodox legal procedure—has been the price.

While the surface mining regulatory system in Pennsylvania has generally been geared to sustaining responsible operations, the extreme sanction of bond forfeiture and concomitant license revocation has been exercised in 57 instances (1965-1972). Slightly more than ten percent of the operators active in the eight years studied have been permanently shut down. Eighty-two percent of these forclosures were conceded without opposition by so-called fly-by-night operators, or by operators whose businesses had collapsed. Seventy percent of these occurred during the first years of regulation under the 1963 act. Nearly two thirds of these forfeitures involved small operators mining less than 35,000 tons per year. Many were of the strip-and-run variety, who took coal out of a single piece of property, never intending to perform satisfactory reclamation. Of the forfeiture cases which had hearings, most planned to comply or pleaded financial difficulties, and only one refused to accept the bureau's proposals. None appealed their demise to either the courts or the Environmental Hearing Board.

One other noteworthy ingredient in the Bureau of Surface Mine Reclamation's regulatory formula has been the bureaucratic impulse towards self-preservation and autonomy. As a more or less minor regulatory bureau within the larger Pennsylvania Department of Environmental Resources, the bureau has consistently acted to maintain its independence and to increase its autonomy. This characteristic was certainly a factor in Guckert's opposition to external political influences. Moreover, one function of the bureau's tight relationship with the surface mine operators and the informal, "practical methods" of enforcement that have emerged as part of that relationship, has been precisely to close out other administrative and even legislative inputs from the regulatory relationship. Prior to the Sanitary Water Board's absorption into the new DER, Guckert's bureau was invariably at odds with that board. On more than one occasion, Guckert used publicity, the tool for which was principally

41. Ibid.
the *Pittsburgh Press*, to denigrate the water board’s role with respect to surface mine operations as it impinged upon the BSMR’s prerogatives. The bureau has frequently clashed with the Fish Commission and occasionally with the Bureau of Forestry regarding interagency approval of mine drainage permits. Usually, this friction has arisen from criticism by either of these two bureaus of the BSMR’s permit plan approval in instances where provision for adequate environmental protection has appeared dubious. The BSMR, by dint of Guckert’s bluster, the bureau’s favorable record, its preeminence in this regulatory field, and the responsive support of the operators, has usually prevailed. In 1973, the Pennsylvania Environmental Hearing Board, on a rare occasion, sustained an operator’s appeal of a BSMR decision. Director Guckert, with the help of Fred Jones, the Conservation Editor of the *Pittsburgh Press*, and Representative John Laudadio, responded by bringing some heavy publicity pressure on the Hearing Board. The *Press* published a Laudadio letter to the Governor demanding the resignation of the hearing board’s chairman. This incident exemplifies not only the effectiveness of publicity as a political tool, but especially the intense bureaucratic impulse for defending the prerogatives of an agency’s own ballywick.

During the years from 1965 to 1972, the Pennsylvania Bureau of Surface Mine Reclamation steadily developed a format for regulation characterized by two interdependent themes. The bureau gradually reinforced its autonomy by cutting off external inputs and by developing an internal system of informal, pragmatic enforcement. At the same time, by trying to work realistically with the industry it regulated, the bureau established a condition of relative stability on which the mine operators came to depend. In return, the industry has come to approve and support the bureau’s authority in order to protect a generally desirable status quo. This close relationship is, of course, mutually beneficial. It has, in fact, become a smoothly functioning ‘cliental’ relationship, similar in some ways to those federal level regulatory situations described by political scientist Samuel Huntington in his study, “Clientalism: A Study of Administrative Politics.”

The regulation of coal surface mining in Pennsylvania reflects several elements of the cliental relationship. The regulated industry


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has been pleased, for the most part, with the agency's performance, and actually complements and supports its work for the stability it has provided and for its effectiveness in ameliorating public disapprobation. The surface mine operators overwhelmingly agreed, in the survey and in interviews, that their public image had vastly improved by the bureau's administration of the Surface Mining and Reclamation Act. 44 A second applicable function of clientalism described by Huntington is the agency's effort to exempt its industrial clientele "from the application of general laws and policies enforced by noncliental agencies." 46 The BSMR successfully sought to insulate the mine operators from the Sanitary Water Board, the Fish Commission, and even the Environmental Hearing Board. The cliental group also tends to support two other elements of the relationship: "the concentration in the cliental agency of all governmental activities affecting themselves, [and] the independence of the agency from other branches of the government." 46 Under Guckert's direction, these measures have clearly been accomplished by the BSMR since 1968, and have been supported, although perhaps grudgingly, by the surface mining industry in Pennsylvania.

This study of surface mining regulation in Pennsylvania sheds light on the process through which the cliental relationship was developed. Studies by Marver Bernstein, Grant McConnell, and others have suggested that the steps of this process apply generally to the development of regulatory agencies. Initially, amid an outpouring of public concern for the environmental costs of surface mining, control policies were established in 1961 and 1963 which prescribed fairly rigid enforcement goals. The responsibility for implementation, however, was not mandated precisely by the Pennsylvania legislature. The act merely provided guidelines for BSMR regulation. After the early years of external political influences under the BSMR's first director, and the reform zeal of Guckert's first months, the public enthusiasm receded, and the bureau began dealing with, rather than dictating to, the surface mining industry. 47 It was at that point, perhaps 1969, when the data (table 6) reflects a sharp decrease in bond forfeitures and heavy load of hearings, that the bargaining process developed and began to define regulation.

44. Survey of Western Pennsylvania surface mine operators.
46. Ibid., p. v.
47. See, for example, Murray Edelman, The Symbolic Uses of Politics (Urbana: Univ. of Ill. Press, 1967).
This bargaining was evident not only from the hearings and the on-site discretionary functions of the inspectors, but particularly from the day-to-day operating procedure of the BSMR. The Pennsylvania Coal Mining Association's director, Frank Mohney, considered his role, besides being a lobbyist, as an intermediary between operators and the bureau. This viewpoint was shared by bureau staff as well. According to one staff member whose relationship with Mohney was less than agreeable, the PCMA man was in the bureau offices almost daily. He expedited permit applications, smoothed out detailed problems, checked on violations, and sought to iron out any differences arising therefrom. Moreover, Mohney was usually present at extra-informal meetings held in the BSMR offices between bureau staff and operators with problems. At these sessions, often preparatory to formal hearings, the details of a violation settlement have frequently been worked out through consensus and compromise. These mechanisms exemplify the format of regulation by bargaining.

The problem with this bargaining procedure, according to Matthew Holden, arises from "the accretion of many small exceptions in the policing process" which can amount to "a significant deviation from the policy norm from which the regulatory agency began." Furthermore, this leads to a situation where "large amounts of regulatory action have little or nothing to do with the achievement of any overall systematic result, and much to do with achieving a tolerable day-to-day working arrangement." This point is the crux of regulatory politics. The bargaining process is the pragmatic foundation of clientalism and the tightrope between achievement of mandated goals and industry cooptation of public policy.

The apparent necessity of the bargaining process and the inevitability of the cliental relationship are the two dimensions which define regulatory politics. To what extent has the environmental protection function of the Pennsylvania Surface Mining and Reclamation Act been neutralized by the advent of a cliental relationship between the surface mining industry and the BSMR and by enforcement through pragmatic bargaining? A precise answer would depend on whether the yard-stick were the ideal environmental condition or the minimum industrial practicability. There can be

48. Interview, Frank Moheny, PCMA; and interview with BSMR staff member who asked to remain unidentified.

little argument that the bureau's enforcement record has fallen short of the initial policy goals. A trip through the rural areas of western Pennsylvania's coal region testifies to that fact. But on the other hand, attainment of that goal in practice might well have cost the closure of most surface mine operations and severe damage to local economies, not to mention reducing the energy supply. A second substantive question is whether or not the regulatory relationship has become a conservative force which has cast administrative government in a role of sustaining the status quo. Once again, the answer depends on the perspective. Environmentalist detractors of the Pennsylvania Bureau of Surface Mine Reclamation view the decade of regulation since 1964 as merely the institutionalization of environmental degradation. The bureau's proponents, however, have seen the BSMR's legacy as a positive accomplishment of progressive environmental clean-up, precedential in contrast to the records of other Appalachian states. What is essential is that both questions ought to be considered within a framework of appreciation for the functional relationship between government and industry, and the forces guiding the steady change in that relationship.

YOU CAN REST TONIGHT, YOUR MILITIA IS AWAKE.

Executive Minutes, Thursday, January 30, 1794

The Memorialists who complained to the Governor, that the days set apart for exercising the Militia, are preverted to a scene of drinking, swearing, and fighting, and requested the Governor would substitute days of praying and thanksgiving were informed that the Governor cannot interfere in the manner and for the purposes set forth in the memorial.


Contributed by Ernest H. Schell, Temple University