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## Powerline: The First Battle of America's Energy War

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POWERLINE: THE FIRST BATTLE OF AMERICA'S ENERGY WAR. By *Barry M. Casper* and *Paul David Wellstone*. Amherst: The University of Massachusetts Press. 1981. Pp. ix, 314. Cloth \$18.75; paper \$7.95.

*Powerline* is must reading for utility lawyers, regulators, and anyone who participates in the formulation of energy policy. Casper and Wellstone examine an aspect of energy policy that, if considered at all, is usually an afterthought: the impact of our nation's "hard energy path"<sup>1</sup> on the people who live near large energy facilities. In

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1. British physicist Amory Lovins has detailed two different paths to the developed world's energy future and the attendant sociopolitical consequences of each path. The "hard energy path" is characterized by an emphasis on technological solutions of increasingly larger scales: nuclear power plants and new means of fossil fuel utilization. The "soft energy path" focuses on "end use needs" and on matching those needs with smaller-scale generation and transmis-

the process, they illuminate the clash of fundamental values implicit in technological decision-making and raise disturbing questions about the ability of present decision-making structures to reconcile competing values without alienating affected parties.<sup>2</sup>

The book's focal point is the resistance of Minnesota farmers to a proposed high voltage powerline designed to bring electricity from a massive coal-fired powerplant in North Dakota to Minneapolis and St. Paul. The CU powerline, as it came to be known, was the first test of Minnesota's heralded Environmental Policy<sup>3</sup> and Power Plant Siting Acts.<sup>4</sup> These acts centralized the siting process and provided for public hearings and citizens' advisory committees. Although the new process seemed to be a model for democratic decision-making, several important decisions about where to build the line were made before the public had a chance to participate. First, the line's end points were fixed; the questions of where it would enter Minnesota and where it would terminate near the Twin Cities would not be affected by public comments. Second, public comment was limited to the desirability of the four alternative corridors specified by the state. Third, the Environmental Quality Council (EQC) excluded all municipalities from the powerline's route.

The power companies' technical arguments supporting their preferred route revealed the value choices implicit in the routing process. They had divided every county into square mile boxes and assigned each box an "avoidance rating" — the higher the number, the more desirable it was to avoid routing the powerline through the box. Airfields, state parks, federal lands, and lakes were excluded entirely from routing consideration; state-owned lands, interstate highways, and forest lands were rated five, four, and three, respectively. Farm land was rated zero (p. 64).

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sion systems. A. LOVINS, *SOFT ENERGY PATHS* 38-46 (1979). The primary argument for the "soft energy path" is the adverse sociopolitical effect of the "hard energy path." *Id.* at 147-59. *Powerline* can be accurately viewed as a case study of those consequences. The correlation with Lovins's predictions is remarkable.

2. In addition to the alienation of loyal citizens, Lovins presents a comprehensive indictment of the "hard energy path":

[T]he hard path . . . demands strong, interventionist central control, bypasses traditional market mechanisms, concentrates political and economic power, encourages urbanization, persistently distorts political structures and social priorities, increases bureaucratization and alienation, compromises professional ethics, is probably inimical to greater distributional equity within and among nations, inequitably divorces costs from benefits, enhances vulnerability and the paramilitarization of civilian life, introduces major economic and social risks, reinforces current trends towards centrifugal politics and the decline of federalism, and nurtures — even requires — elitist technocracy whose exercise erodes the legitimacy of democratic government.

A. LOVINS, *supra* note 2, at 148 (footnotes omitted). Listed in this manner, Lovins's fears seem apocalyptic; the presence of virtually every one of these consequences in *Powerline* suggests that he should be taken more seriously.

3. MINN. STAT. §§ 116D.01-116D.07 (1973).

4. MINN. STAT. §§ 116C.51-116C.69 (1973).

In the farmers' minds, the issue assumed symbolic significance — city versus country. They were outraged by the power companies' avoidance ratings and believed that these ratings allowed urban areas to avoid the consequences of wasteful energy habits (p. 71). But since they were unable to quarrel with either the avoidance ratings or the decision to build the powerline in the initial round of public hearings, and lacked the expertise to challenge the companies' assertions about the line's safety, the farmers were reduced to asking the Council to "build it on someone else's property, not mine" (p. 79). In the end, the EQC accepted the staff's recommendation and approved a route that included every inch of the power companies' original proposal (p. 88). The farmers were then allowed to challenge the need for the line, but that experience proved equally frustrating. In June of 1976, a final route was designated and a construction permit granted (p. 127).

Minnesota's forward-looking public participation procedures only alienated the farmers. After their attempts to challenge the powerline in the courts failed (pp. 172-77), the farmers began to harass the surveyors. They blocked the surveyors' paths with large farm machinery and manure and ran chainsaws near them to disrupt radio communications. Gradually, the farmers' techniques became more sophisticated. With the arrival of George Crocker — an experienced antiwar activist — they began an organized program of non-violent civil disobedience. A confrontation seemed imminent when the governor ordered the largest mobilization of state troopers in Minnesota history, but the expected violence did not ensue, and the construction continued. By late summer of 1978, the towers had been erected, the companies had begun to string the powerline, and the farmers had escalated their private energy war. On August 2, 1978, the first tower fell. In all, fourteen of the mammoth towers succumbed to the "bolt weevils." The powerline's vital glass insulators became a favorite target of local marksmen. The power companies' response to this vandalism — hiring three hundred security guards — only intensified the farmers' opposition; as *Powerline* went to press, the companies were seeking to bring the line under federal jurisdiction in an attempt to improve the enforcement effort.

*Powerline* raises several questions about the processes by which large energy projects are approved and about American energy policy in general. It dramatically illustrates the problem of the "sacrificial lamb." Massive technological solutions to energy shortages intensify and localize the social costs of producing energy. The question of siting thus becomes controversial. Rural populations are often asked to make sacrifices to satisfy the nation's insatiable demand for energy, and a number of ways of addressing their legitimate objections have been devised. In some instances, society has

attempted to "buy off" rural areas by imposing a severance tax.<sup>5</sup> In other cases, states have attempted to reach accommodations that minimize social disruptions by involving the affected groups in the decision-making process.

As Casper and Wellstone indicate, this second approach often fails because the conflict results from a clash of values. The Minnesota farmers saw the powerline as a means of imposing urban-created problems on them. Its construction through rural areas (scrupulously avoiding any municipalities) allowed urban populations to avoid the consequences of their wasteful energy practices. "As long as people are shielded from the results of their actions," argued one opponent of the line, "no needed changes are ever going to be made" (p. 72). The farmers sought to raise fundamental questions about responsibility and our "hard energy path," but public participation was limited to carefully defined technical issues.

Public participation is also likely to be ineffective when many critical decisions are made before the public has a chance to present its case. Before the farmers were able to voice their concerns, the power companies had invested an enormous amount of money, and the powerline project had built up a powerful momentum. This momentum carried the day despite dramatic changes in one of the project's underlying assumptions regarding the price of coal (p. 118).

The effectiveness of public participation may also be limited by citizen groups' lack of money and expertise. The Minnesota farmers did not have the economic or technical resources to challenge the power companies' assertions about the health and safety effects of the powerline or about the future demand for energy. In an adversarial setting, therefore, the farmers were unable to rebut the arguments made by the companies' hired experts and big-city lawyers. Because the government's role was merely judicial, no real evidence was developed to counter the data generated by the power companies.

The social dislocation and alienation documented by Casper and Wellstone should lead to a rethinking of the "hard energy path." The Minnesota farmers' attempt to prompt such a rethinking, at least on a local level, failed because they were offered no forum in which to raise the issue. At the very least, *Powerline* should cause us to question the public participation model of decision-making. Unless a real opportunity to shape the decision-makers' thinking is afforded, the model may ultimately convert the most patriotic of citizens into environmental guerrillas.

Casper and Wellstone raise these difficult questions in a fascinating manner. Unfortunately, their biases interfere with the objectivity

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5. See, e.g., *Commonwealth Edison Co. v. Montana*, 101 S. Ct. 2946 (1981) (upholding Montana's severance tax on coal mined in the state, including coal mined on federal land).

of their tale and with the credibility of their message. Although the book masquerades as a work of serious social scholarship, at least one of the authors actually participated in the farmers' movement (pp. 245, 249). But *Powerline* is too important a book to write off as mere polemic. It details the political consciousness-raising and alienation of bedrock Americans. It reveals the value clashes implicit in seemingly technological decisions and raises troubling questions about America's energy policy. It suggests that the type of environmental "terrorism" experienced in West Germany and Japan may have a toehold in the United States. It is a harbinger of future clashes. If Minnesota farmers fought the first battle in America's energy war, *Powerline* is its manifesto.