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## Preface

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## PREFACE

We salute the North Dakota Law Review's spring 1978 issue and its fourth natural resources symposium. It is an honor to be invited to make the opening statement on behalf of this worthwhile endeavor.

It is a fact that some of our most desirable and versatile energy resources are exhaustible. Easy access to those resources that we have enjoyed since World War II will gradually come to an end and new energy sources must be found soon to replace them. This presents all citizens with a common challenge and a need to plan wisely, together, for the future. There are many difficult decisions ahead. The Nation's elected and appointed leaders, legislators, jurists, and individual citizens everywhere must be enabled to make wise judgments on the use of energy resources, and the environmental and economic effects of those decisions.

The fragility of the United States' energy situation has been underscored by the difficulties that we have witnessed in recent years. We are all dependent upon a very delicate logistical system that is, for the most part, increasingly dependent upon the flow of petroleum from overseas sources. It is not so much that we are running out of oil as it is that the voracious demands for oil exceed the worldwide productive capacity; supply can't keep pace. In order to maintain our world reserves, we would have to discover a new North Slope every six months, or a new North Sea every 1½ years, a new Kuwait every three years, or a new Saudi Arabia every seven or eight years. We cannot maintain our present rate of consumption. Gradually, on a worldwide basis, we are drawing down our reserves. What may very well be called the "Age of Oil" will be seen as coinciding almost precisely with the twentieth century and it will have to end. Toward the end of this century we will discover that we will have to replace oil with other fuels. Forecasts made each year are more depressing than those of the previous year.

The shift away from oil (and natural gas) as this Nation's primary energy resource is inevitable. Its timing becomes increasingly critical with each estimate of future world oil production. At present, world production is about sixty million barrels a day. Although earlier estimates are higher, world oil production may not reach more than seventy million barrels a day in the future. These figures underscore the need for adaptation in American society before the early or mid-

1980s, when the worldwide shortage in petroleum availability will make itself felt. At that time, the major oil-producing nations are likely to have severe difficulties in supplying all the increases in demand expected to occur in the United States and elsewhere throughout the 1980s. When this occurs our society will need every energy option that can be pursued prudently. Technologies must be developed to tap the inexhaustible resources of the sun, the oceans, and waste products. Of course, we intend to make much more use of coal reserves. There will be some continued emphasis on nuclear power also. All of this reflects a slow dawning of recognition of the gravity of the problem that is faced by the United States.

The development of renewable and inexhaustible sources of energy will be essential if we really take advantage of the lead times that we still have available before the Nation runs into the most intractable of its energy problems.

To bring about changes in the pattern of energy use, we must take advantage over the next eight to ten years of the lead time and recognize what those lead times involve. If we fail to do this, we will run into serious energy supply problems sometime in the 1980s. Under such circumstances we would be forced to act precipitously. We would have far greater direct government involvement in decisions that would have been better left to individuals and to corporations, and we would be acting belatedly.

We may not be able, in the mid-1980s to guarantee access to supply at whatever price, irrespective of other policies. We already know what steps are necessary for us to take. So, it is less a question of the formulation of policies than a common determination to see that those policies are carried on effectively, painful as it may be to do so.

Given the nature of our body politic, it becomes quite difficult to achieve the results of making sacrifices now against a goal which is in the somewhat more distant future. We already know what the substance of our policies must be—conservation, shifting to more abundant sources of supply, the more rapid development of alternative sources of energy. The principal problem is one of sense of purpose, and the development of the political will to achieve that end.

The President has done something rare and unique in a democracy. He has asked for present day sacrifices to deal with the problem that goes well beyond the next election. He has suggested that it is necessary to achieve a cohesion and a consensus that usually comes in times of great national stress, such as war. We must again be a united people in order to deal with this most difficult transition for our society. Normally, in a democracy there is a tendency to try to get by with too little or too late; to put off the day of reckoning. Whatever the political costs, the President has laid the facts on the line.

Make no mistake, the future of our free society rests on the solu-

tion of this energy problem. This is the fundamental basis on which the President has chosen to take action. It is a reflection of his commitment and his determination. We intend to carry through; we cannot afford to fail. If we are to deal with these problems effectively, we shall have to do it as a united people. We shall have to acquire the vision and the steadfastness to live with these problems, not for a brief period but over several decades.

As long as we have a crisis that is not visible, it may be difficult to persuade the public at large that painful steps must be taken now to avoid an even more painful future. And, in a country based upon democratic principles, the arts of persuasion are the ones on which we must rely to heighten the awareness of the public and effect a change. This must be done before we are too far down the road. Too large a percentage of the American people do not recognize that we import oil at all—and therefore, do not recognize that we have a national energy problem. There is, of course, an intellectual appreciation that indeed we have an energy problem, but that is not a sufficient response. We have to deal with the problem.

Even under well-conceived and executed national plans, shifts in energy resource use patterns are bound to bring in their wake a number of conflicts with which the legislator, the counsellor, and the jurist will be faced and upon which they will be asked to render a judgment. Striking a compromise, frequently essential and highly desirable from the point of view of the legislator or the arbiter, may become increasingly difficult. Compromise may be faced with a harsh new environment. How do you reach compromise against a background of inexorable facts like the following: In a quarter of a century we may exhaust the natural gas underground; or, in a half of a century or less all of the petroleum; and, soon thereafter the natural fissionable uranium? As noted in a recent New York Times editorial, temporary oil gluts forecast for the present decade may provide a much needed respite, but would not be a reprieve. But, hope springs eternal, we have a great deal of wishful thinking.

As the President of the United States has indicated, energy is probably the most important domestic problem that we shall have to face during the next several years. Resolution of the energy problem will test our vision, our creativity, and our courage. Future generations will judge our strength of purpose and our resolve in meeting this challenge. They will judge us, not by our statements but on whether we use the years ahead to provide a safe and secure energy future for our Nation. This fourth energy and natural resource symposium will help in the major task of successfully addressing this challenge.

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Department of Energy*

