

Obituary for Paul N. McCloskey, Jr.

September 29, 1927 – May 8, 2024



2007 Photo by Allen Iverson, The Chronicle

Paul N. “Pete” McCloskey, former Congressman, environmental champion, and partner in the San Francisco Bay Area law firm Cotchett, Pitre & McCarthy, died of congestive heart failure peacefully at his home in Winters, California, in the care of his wife of forty-two years, Helen, and their five dogs. He was 96.

McCloskey was a rarity in American politics— his actions were guided by his sense of justice, not by political ideology. He hated inequity and did not hesitate to take on members of his own political party.

“He stood for everyone without a voice, and was especially passionate about our environment - he was afraid of nothing or anyone who sought to take advantage of another,” said Joe Cotchett, his law partner since 2004. “He was the epitome of a leader, as demonstrated throughout his entire life.”

McCloskey was born in the Southern California city of Loma Linda, to a family with deep roots in California. His great-grandfather, orphaned during the Irish potato famine, came to San

Francisco in 1853. One grandfather was a U.S. attorney and captain of the National Guard unit that helped control rioting in San Francisco after the 1906 earthquake. His maternal grandfather was mayor of San Bernardino in the early 1900s.

McCloskey attended South Pasadena High School. As Valedictorian for his graduating class, he spoke in support of the formation of the United Nations. He earned his bachelor's degree in 1950 from Stanford University, as well as his law degree in 1953, the latter interrupted by his service in the US Marine Corps.

McCloskey joined the Marine Corps as an officer and famously led his rifle platoon during some of the most intense fighting of the Korean War, including six bayonet assaults. During his 10 months in North Korea, 58 of the 61 members of his platoon were either killed or wounded. He was awarded the Navy Cross for extraordinary heroism, the Nation's second-highest honor, and the highest award given by the Marine Corps. He was also awarded the Silver Star for bravery in combat, and two Purple Hearts.

From 1953 to 1960, he commanded a Marine Reserve Rifle Company, and participated in counter-insurgency training. He volunteered for the Vietnam War, however, after a fact-finding trip to the war-torn country in 1971, he reversed course and became an outspoken opponent of the war. He called the bombing in Cambodia a "greater evil than we have done to any country in the world."

"I don't think you can impose democracy or any system of government through the barrel of a gun without the people resenting what you are trying to impress on them," he told Rob Caughlan, who produced a video biography of McCloskey which aired on PBS entitled *Leading from the Front*, which was narrated by actor, friend and fellow war veteran turned anti-war activist Paul Newman.

"I've known some great men in my long life, but none that ever matched McCloskey," said Chuck Daly, a highly-decorated rifle platoon commander who served with McCloskey in Korea and later became a special assistant to President John F. Kennedy and director of the Kennedy Museum. "Pete was one of the finest Marines in the Korean War."

McCloskey retired from the Marine Corps Reserve in 1974 with the rank of Colonel.

McCloskey has lectured on constitutional and military ethics at the Army War College at Carlisle, Pennsylvania, and the Marine Corps Staff College at Quantico, Virginia.

Following the Korean War, McCloskey served as Deputy District attorney in Alameda County, then opened a law practice in 1956, which evolved into the Silicon Valley firm of Wilson, Sonsini. He also formed a law partnership with his old friend Lewis Butler of San Francisco. Butler & McCloskey handled only environmental cases. Butler said the two men made very little money, but "we saved Bay Area tidelands from a housing tract, the town of Volcano from

becoming a cement plant, Round Valley from the proposed Corps of Engineers Dos Rios dam and the Napa Valley from subdividing prime vineyards."

McCloskey also served as President of the Palo Alto Bar Association (1960), and President of the Conference of Barristers of the State Bar (1961). In that role, he and Judge Quentin L. Kopp, (Ret) wrote *Guide to Professional Conduct for the New Practitioner*, (State Bar, 1961).

McCloskey also served as Trustee of the Santa Clara Bar Association. He has taught Legal Ethics and Political Science as a guest professor at both Stanford University and Santa Clara Law School, as well as to younger students at Thacher School in Ojai.

In 1967, Pete McCloskey ran for Congress in a special election held following the death of the incumbent Congressman, defeating front-runner child actress Shirley Temple Black. From the beginning of his political career, McCloskey was a Republican maverick, remaining independent of party ideology and pressure.

A lifelong back-packer and fly-fisherman, McCloskey, often referred to as "a Teddy Roosevelt-style conservationist," was fiercely protective of wilderness. In 1970, along with US Senator Gaylord Nelson, he co-founded the first Earth Day, and in 1973, co-authored the Endangered Species Act. He served six years as Congressional Delegate to the International Whaling Conference and as Congressional Advisor to the Law of the Sea Treaty Delegation under Chairmen John Stevenson and Elliot Richardson.

"With a twinkle in his eye but a titanium backbone, Pete McCloskey spent his whole life campaigning for peace, justice, and a livable future," said Denis Hayes, who organized the first Earth Day. "A powerful champion of endangered species, Pete, ironically, became one: the last remaining progressive, green, anti-war Republican."

In 1972, McCloskey ran against President Richard Nixon for the Republican nomination on an anti-war platform. After Nixon won re-election, McCloskey was the first GOP lawmaker to call for Nixon's impeachment for obstruction of justice when details of the Watergate scandal came out.

McCloskey, a strong proponent of universal national service, initiated legislation for mandatory service, both civilian and military, with no exemptions for the privileged. The bill had strong bipartisan support but then-President Reagan announced he would veto the bill.

Following trips to the Middle East in the late 1970s, three Republicans, Senators Charles Percy, Congressman Paul Findley, and Pete McCloskey, independent of one another, returned with the strong conviction that American foreign policy in the region was unbalanced and would prove over the long run to be disastrous for Israel, for US interests, and for the Palestinian people. McCloskey and a handful of other Members of Congress proposed cuts in aid to Israel for its continuing expansion of settlements in the Occupied Territories of the West Bank, in violation of international law. McCloskey's farewell speech in Congress was in support of a change in the

US's Middle East policies to one recognizing both Israel's security issues and the necessity of a recognized State for the Palestinian people.

McCloskey was re-elected to the House seven times before unsuccessfully running for the Republican nomination to the United States Senate in 1982, losing to Pete Wilson, who went on to defeat Jerry Brown in the general election.

McCloskey helped end conservative Reverend Pat Robertson's presidential run in 1988, revealing that the televangelist was not a "combat veteran" as he had claimed. McCloskey documented how Robertson's father, U.S. Senator A. Willis Robertson of Virginia, had used his political influence to get his son out of combat duty by having him sent to Japan for safety during the war.

In 1989, McCloskey and former Congressman Paul Findley founded the Council for the National Interest, a non-profit organization that advocates for major changes in US policy in the Middle East to promote both regional peace and the long-term US national interest, with an emphasis on the need to address the plight of the Palestinian people.

President George H.W. Bush appointed McCloskey to the Commission on National and Community Service in 1990. McCloskey was confirmed by the US Senate and elected as the first Chairman of the Commission, serving until the election of President Clinton. The Commission's work led to the creation of Americorps by Congress in 1994.

In 1999 and 2000, Mr. McCloskey served on the Department of Defense Advisory Board for the investigation into the No Gun Ri massacre at the start of the Korean War in 1950, and was awarded the Secretary's Outstanding Public Service medal for this work.

In 2004, his friend and fellow veteran, Joe Cotchett of Cotchett, Pitre & McCarthy, invited McCloskey to be of counsel to the firm. Cotchett, an Army veteran, liked to joke about how the two men bonded four decades ago over their politics and military service. Cotchett jumped out of planes while McCloskey had shrapnel in his body from combat in Korea. Specializing in condemnation and environmental litigation, and with over 100 jury trials under his belt, McCloskey was delighted to join the Cotchett firm, with its strong social and environmental justice mission.

In 2006, McCloskey again bucked his party, running against seven-term Republican Rep. Richard Pombo of Tracy, accusing the congressman and the California Republican leadership of being corrupted by power. After losing in the primary, he endorsed Pombo's Democratic opponent, Jerry McNerney, who won the general election by virtually the same number of voters who had voted for McCloskey over Pombo in the primary election, and who had crossed party lines in the general election.

Disgusted with the Bush-Cheney Administration's Iraq war and adoption of a policy of condoning torture in violation of the Geneva Conventions, McCloskey became a Democrat in 2007.

McCloskey played a prominent role in a successful lawsuit filed by him with Joe Cotchett that forced venture capitalist Vinod Khosla to provide public access to Martins Beach, near Half Moon Bay. The U.S. Supreme Court declined to hear Khosla's appeal. Additionally, he and Joe Cotchett won a lawsuit filed on behalf of several environmental groups against the Environmental Protection Agency and Cargill Inc., for failing to protect Redwood City's salt ponds under the Clean Water Act. In April, the EPA and Cargill withdrew appeals of the court's ruling, which said the EPA "misapplied the law" when it tried to repeal federal protections for wetlands and ponds. He also took a leadership role in a lawsuit filed by the Surfrider Foundation against pollution from pulp mills in Northern California. McCloskey was extremely active in national environmental lawsuits filed by the Cotchett firm - they won one of the largest clean water actions in American history.

"Mere words cannot convey the magnitude of Pete's environmental legacy," said Lennie Roberts, a legislative advocate for the environmental group Green Foothills. "As a warrior for Planet Earth, he has given us cleaned-up water, cleaned up the air, and protections for endangered species."

McCloskey, having experienced the physical and psychological trauma of war, had great compassion for the victims of gun violence. On Christmas 2011, he presented Rep. Jackie Speier, then a democrat member of congress from Burlingame, with one of his Purple Hearts for surviving being shot five times during a 1978 investigation of People's Temple founder Jim Jones in Guyana. "For him to give me one of his Purple Hearts, it took my breath away," said Speier, who has the medal framed in her office in Washington D.C. "That's an extraordinary gift, a gesture that makes me smile about humanity. He's a war hero, but incredibly humble about it." Speier said McCloskey was in the habit of calling her to give advice, offer counsel, and discuss the issue of undue corporate and dark money influence over American politics. "He's one of America's giants in public life," Speier said.

"Pete was a true American hero -- a man of profound courage and integrity who always followed his conscience to reach the right and just result," said Frank Pitre, his law partner.

In 2014, McCloskey returned to North Korea with a delegation headed by Donald Gregg, former US Ambassador to South Korea, and there met with Ji Young Choon, a three-star general he had fought against in a bloody battle. They hugged each other and wept. "I feel I've had an experience I've wanted to have for 64 years, which is to shake hands with one of the young kids I fought against and tell them how bravely they fought," McCloskey told the San Francisco Chronicle after the meeting. "We agreed that we didn't want our children, grandchildren or great-grandchildren to ever fight in a war." Ambassador Gregg explained the inclusion of McCloskey on the trip: "He was known as the Beowulf of the 5th Marines. But he wanted to make peace. So, we thought, what a terrific addition he would be. And he was tremendous."

Rob Caughlan, who campaigned for McCloskey during his first run for congress, said his friend told him about a recurring nightmare he had later in life in which he looked into the terrified eyes of a group of young soldiers sitting in a ditch just before he gunned them down. The war "had an effect on his whole life," Caughlan said. "The reason he was such an activist for peace was because of what he experienced in war."

Interviewed about McCloskey's trip, his wife Helen, who had traveled previously to Korea with her husband to hike the very terrain he had fought on, told the Los Angeles Times that to quell the residue of a war fought so closely and personally, it was necessary for McCloskey "to stand face to face with a contemporary who had experienced the same war." She added: "For Pete, psychologically and emotionally, to be able to embrace an enemy combatant was healing and profound. The encounter might just allow him to live a fuller life."

The experience encapsulated the unique blend of courage and compassion that has animated the career of McCloskey, a war hero who spent the rest of his life fighting for peace, championing the environment, and standing up for unrepresented underdogs.

He was "the bravest man I have ever known, both in war and politics," said Butler, his former law partner.

McCloskey has written numerous books, among them *The U.S. Constitution*, (BRL, 1961); and *Truth and Untruth - Political Deceit in America* (Simon & Schuster, 1971). In 1991, he and his wife published a number of books under their own label, Eaglet Books: *The Taking of Hill 610*, (Eaglet Books, 1992); *A Year in a Marine Rifle Company*, (Eaglet Books, 2013). *An Honest Public Servant: A Brief Biography of Manuel Lujan* (Eaglet Books, 2018); and *The Story of the First Earth Day, 1970*, (Eaglet Books, 2020). He and his wife co-authored a fifth book, to be released later this year, *Assault on the USS Liberty*.

McCloskey and his wife Helen have lived for the past three decades on a working organic farm in Yolo County, from which base they joined forces engaging in environmental causes, both serving on a number of non-profit boards.

Intrigued by their unique marriage, McCloskey's niece, filmmaker Alix Blair recently premiered her documentary film entitled *Helen and the Bear*. Blair said: "Just as he lived his life with courage, action, and compassion, Pete brought those qualities to their marriage. The film is a celebration of his open-heartedness."

Pete is survived by his wife Helen Hooper McCloskey, and his children from his prior marriage to Caroline Wadsworth: Nancy, Peter, John, and Kathleen McCloskey, as well as numerous grandchildren, great-grandchildren, nieces and nephews.

Donations in Mr. McCloskey's honor may be made to UN Crisis Relief: <https://crisisrelief.un.org/opt-crisis> and Medicines Sans Frontières /Doctors Without Borders: [Doctorswithoutborders.org](https://doctorswithoutborders.org)