

ms quote  
\* P 4 Add Silver Bay

P. 19 dele quote sign

P 16B become to become

P. 19 wing ~~part~~ dup  
P. 26 Add scribbling

misspelled  
\* P. 27 Bottom (Kuluthu, Report)

P. 30 Duplicate

P 31 Change each to every

P 29 "add" further "starting"

P 33 (bottom) strike

protect and / intention

P 34 commas around

"for one thing" "

P. 34 Check "getting" as orig  
(next line)

P 36 distant day



sets face it  
P. 38 (bottom) Spelling

P. 46 Add of country  
as attain noted

P. 49 salvation by slogan

P. 51 Add out

P. 52 Add high

P. 53 Del just  
Add " snow drifts \*

P. 54 Are to is .

P. 55 do for partly

P. 55 after corps  
Face the order

P. 55 Add among

P. 57 Add well

P. 57 being pressed change



add Mrs Day (add)

P 58 Boat. Held (see  
Add "over"

P 42 del me

P 41 hand note  
at top

Check P. 40 "cup sloppeth"  
over

48A Add "mormagins"

P 34 Check "pelling" in orig

P 36 distant than



Written by:

John D. Voelker

Ishpeming, Michigan

LAKE SUPERIOR -- IS IT SICK OR BEING SLANDERED?

By

Robert Traver

"The world's biggest beaver pond," an old fishing pal once described Lake Superior to me as we fly-fished for coasters along one of the many submerged rock beds that line its rugged shore. Coasters, for those deprived souls who do not know, are <sup>brook</sup> ~~beck~~ trout that spend most of their lives in the big lake and sometimes reach awesome proportions.

Hal was referring, as he went on to explain, not only to the lake's exciting sport fishing but to the equally exciting fact that in its cold gin-clear water the fisherman can often as not know when to strike simply by seeing the fish approach and take his deep-sunken fly as by feeling it do so—just as he <sup>can</sup> ~~is~~ sometimes ~~able to~~ do in certain spring-fed beaver ponds.

" 'World's biggest beaver pond' is good, Hal," I recall saying at the time, or something equally deathless. "And thank heaven it's so far from big cities and swarms of people it should stay that way a long time."



OK

Hal's rechristening of Lake Superior had taken place back maybe ten years ago, and since then we have fished the lake together many times. This past summer we again met to fish, this time at the mouth of one of our favorite trout streams and the big lake—always a likely spot. The lake this day indeed looked as calm as a vast beaver pond, with the gulls lazily wheeling and tacking, a distant ore boat with its <sup>trailing</sup> ~~thin~~ smoke plume looking like a floating cigar, and occasionally a big rising fish breaking the surface as it simultaneously boosted our pulse.

"You know something, pal," Hal said, gazing up along the rocky shoreline, "I've just dreamed up a new name for the world's biggest beaver pond."

"What's that, Hal?" I politely inquired, busily rigging up.

"The world's biggest outhouse," he replied.

Hal, a bit of a cynic, often grew rabid over the stalwart armies of litter bugs and beer-can heavers abroad in the land, so I braced myself for his latest blast. "How come?" I said.

"What's happened to the world's biggest beaver pond?"



"I'm afraid it's dying," he dolefully replied. "Just another victim of our national lust for big production, big payrolls, big profits and big prosperity at any price."

"You forgot big boobies," I said.

"And big boobies," Hal dutifully added.

"While I'm awed by your Agnewian alliteration," I said, "just what in hell are you driving at?"

"Pollution," Hal went on, wagging his head. "Pretty soon I guess we can say about Lake Superior what's so long been said about Lake Erie: people unlucky enough to fall into the place don't so much drown as rot."

"Maybe if it gets bad enough they could walk ashore," I suggested.

"The only place Lake Erie still lives is in the crossword puzzles," Hal countered. "There it's big."

"Suppose you climb down off your soap box and tell me what's happening to our old lake," I said, staring out at the distant horizon.

"Still looks purty as ever to me."

Hal gave me a disgusted look. "Sit down," he ordered, motioning me to join him on a handy wave-hewn rock. "Let me tell you just a few things that have been happening to the former world's champion beaver pond."



OK

Hal proceeded to give me an earful, first about the thousands of tons of taconite tailings—a sort of pulverized sandy waste made from the separation of iron ore from its host rock—that are daily being dumped into Lake Superior by the Reserve Mining Company just a few miles north of Duluth. He said that this massive pollution was nothing new but had been going on for years without any sign of abatement. "In fact," he went on, "conservationists are predicting that if it isn't stopped, and damned soon, Lake Superior will join Lake Erie as another doomed inland sea."

*at a place called Silver Bay.*



"Well, what do you know?" I said, shaking my head. "Where'd you get all the dope?"

"Out of the same newspaper you take—only I occasionally read more than the weather report for tomorrow's fishing."

"If I'm not too pooped I occasionally work the crossword," I said, fighting back. "Tell me more."

Hal told me how the Reserve Mining Company, a wholly-owned subsidiary of two Ohio corporations, Armco Steel and Republic Steel, was presently engaged in litigation with Minnesota's



OK

pollution control officials, challenging that state's anti-pollution regulations as "unreasonably restrictive" and further claiming that the tons of tailings it ~~annually~~ daily discharges into the lake are inert and stationary, only slightly discoloring the water but posing no real threat to marine life or to public health. "That case has been dragging along for months with no end in sight," he concluded.

"Maybe Reserve is right," I suggested. "After all, ~~Hal~~ there's no federal law making all big corporations invariably wrong."

"Except that the pollution merrily goes on," Hal continued, "at the rate of millions of tons annually—I said tons, chum, not pounds—and despite the mounting alarm of Wisconsin and Michigan conservation people, who claim that the massive Minnesota pollution is ~~unmistakably~~ spreading and already harmfully affecting their areas of the lake."

"But why doesn't somebody stop it?" I said. "The state or the government or somebody?"

CC  
"That's one of the big problems," Hal went on sadly. Nobody



OK

really seems to know who has the authority to question the thing or put a stop to it."

"It doesn't seem believable."

"The U. S. Army Corps of Engineers appears to claim exclusive authority over all discharges into the lake," Hal went on.

"Indeed it was that outfit that gave the mining company its federal permit to dump in the first place and which must soon pass on its revocation or renewal."

"Maybe the Army people will have the guts to stem the tide," I said hopefully.

"Maybe," Hal gloomily agreed. "But meanwhile I suggest you occasionally glance at your newspaper so you'll know what's happening to our lake in case they don't."

"Will do," I said, wrestling myself into my waders. "Maybe things aren't as bad as you think."

Hal spat and grunted and squinted up at the sky. "Let's go fishing," he said, and so we did.



OK

2

Concerned and more than a little disturbed by what Hal had told me, the very next day I began looking into what was happening to the beautiful lake beside which I had virtually been born and raised and in which both of us had so often happily fished. Not only did I begin reading the local paper but beagling out-of-town papers as well, <sup>of</sup> also <sup>besides</sup> visiting the local library and ~~even~~ <sup>even</sup> writing some of the people whose pollution articles I had <sup>books and</sup> <sup>articles</sup> read.

One thing clearly emerged: I had been dead wrong when I'd told Hal that maybe things weren't as bad as he thought. The sad truth, I soon discovered, was that he hadn't told ~~me~~ the half of it; things were not only as bad as he'd pictured them but far worse.

First I learned—or rather re-learned from my grade-school days—that Lake Superior was the biggest body of fresh water in the world, being fed not only by scores of remote northern bush country rivers and streams in bordering Minnesota, Wisconsin, and Michigan but also from the very heartland of sub-artic Canada by such fabled streams as the Nipigon and many others. Again I learned that Superior was not only the key lake in the whole Great



OK

Lakes chain, but for the first time <sup>discerned</sup> learned that its five lakes hold one-fifth of all the fresh water left on earth. I learned that Lake Superior was indeed unique, the crown jewel, the aristocrat, the very queen of all inland seas... [The "one-fifth" figure above comes from page 71 of Our Polluted World by naturalist John Perry, N. Y. 1967.]

Digging deeper I learned that Lake Superior has more than 2500 miles of coastline, is fed by more than 200 streams and rivers, is by far the deepest of the Great Lakes, and covers an area ~~about~~ as broad as that of New Hampshire, Connecticut, Vermont, and Massachusetts combined—which themselves make up a good chunk of New England. [The foregoing is adapted from Senator Gaylord Nelson's foreward to Lake Superior, a new Harper <sup>and</sup> Row photo book by Charles Steinhacker.]

Digging still deeper I learned that not only had the Reserve Mining Company's massive discharge of tailings been going on steadily since 1956 but that in recent years Reserve was increasing the daily dose. In swift succession I learned the following:



OK

That at the original 1947 hearing before the Minnesota conservation commission on the brand new question of the state granting Reserve a permit to discharge its tailings into the lake at all Reserve had assured the state and produced expert testimony to show that its tailings would not be visible more than a mile from shore; that the quantity of tailings would be "insignificant" compared with the natural sediments deposited by Minnesota's streams; and that no soluble materials or chemicals would accompany its discharge.

Yet a 1968 study made by the <sup>U.S.</sup> Department of Interior found that polluted "green water" extended some 18 miles south of the plant and that Reserve's tailings were being deposited in variable densities over a much wider area and, further, that Reserve's daily discharge of tailings just about equalled the yearly sedimentary deposit made by all of Minnesota streams, that is, was roughly 365 times greater.

Another recent study by the National Water Quality Laboratory found that Reserve was daily adding about 160,000 pounds of dissolved solids along with its 67,000 tons of discharge and



OK

Reserve employees have since admitted that the company has periodically dumped substantial quantities of calcium chlor~~ide~~ and sulphuric acid, both harmful. In other words Reserve and its "experts" were apparently wrong on all counts back in 1947 and yet to this day <sup>the company</sup> it denies that its discharges are in any degree harmful. X

Thus as recently as May 1969 Reserve's president Edward Furness soberly told the first ~~Federal Enforcement~~ Conference on Lake Superior that his company's tailings are "inert, inorganic, insoluble in Lake Superior, and biologically inactive"; all this despite Interior's 1968 Report and a number of subsequent studies to the contrary and also in the face of a recent finding by the National Water Quality Laboratory that Reserve's tailings are biologically active in harmful concentrations of about one milligram per liter of water over a wide area of the lake.

(The three preceding paragraphs are adapted mostly from the statement prepared by the Northern Environmental Council (C.H. Stoddard) and presented before the third session of Lake



OK

Superior Pollution Control Enforcement Conference held at  
Duluth in August 1970.)

Interior's 1968 so-called "Stoddard" Report (after the man  
who headed it, Charles H. Stoddard) was the result of ten months  
of study by five agencies of Aquatic Interior. Analyzing the  
effect of the tailings on aquatic life were three of these  
agencies: Federal Water Pollution Control Administration, the  
Bureau of Sport Fisheries and Wildlife, and the Bureau of Commer-  
cial Fisheries; the Geological Survey analyzed the siltation;  
and the Bureau of Mines analyzed the chemical content of taconite  
and its wastes and studied alternative ways of disposing of it.

(Adapted from page 2 of Mecca's statement before the same FWPCA  
Conference held in Duluth in August 1970.)

*Minnesota Environmental Citizens Conventions Ass'n*

While I scarcely waded through the whole 1968 Report (the  
scientific findings ~~alone~~ <sup>alone</sup> ran to several hundred pages and the  
~~summary~~ <sup>summary</sup> to 36 pages) from what I did read several things came  
through loud and clear:

"Pollution is occurring" in Lake Superior from Reserve's  
dumping; the harmful "green water" turbidity presently extending



OK

miles south of Silver Bay is caused by suspended waste particles from Reserve's discharges; a substantial reduction in bottom fish food organisms was found, attributable to Reserve tailings; federal and state water standards were daily being violated; Reserve was violating its Minnesota permit for the discharge of tailings; and, finally, more and more rapidly the lake was becoming eutrophic.

That last word threw me until my dictionary told me it meant "Designating a body of water in which the increase of mineral and organic nutrients has reduced the dissolved oxygen, producing an environment that favors plant over animal life." As my old ~~friend~~ <sup>neighbor</sup> Tug Cooney might have said: "~~Eutrophic body of water is it? An' me niver dreamin' that some day I'd be lucky enough to be livin' beside wan.~~" [The dictionary quote is from the new Heritage.]

After that my spirits rose and fell like the needle on an <sup>oscillating</sup> ~~oscillating~~ <sup>barometer</sup> ~~barometer~~ off a tropical island during the monsoon. <sup>Spirits</sup> They rose sharply when I learned that the foregoing 1968 Report had been instigated by the then Secretary of Interior Stewart Udall in response to mounting public concern over pollution and



ok

also pursuant to an agreement reached in July 1967 between the Army and the Department of Interior whereby Interior undertook thenceforth to review the environmental effects of dredging, filling and excavation carried on under all permits issued by the Corps of Engineers.

This important agreement also spoke of the two departments joint responsibilities "to improve water quality through the prevention, control, and abatement of water pollution. *from...* federally licensed activities" and it established a policy of "full coordination and cooperation...on the above responsibilities at all organizational levels."

*These were brave words, and my*  
Spirits climbed a few more notches when I learned that the five Michigan low-grade iron ore properties producing similar wastes were *safely* disposing of them inland *while* and still *remaining* solvent and competitive; that the gigantic Erie Mining Company, operating virtually next door to Reserve on the same Mesabi Range and producing identical wastes, also disposed of them inland, as did the new U. S. Steel mine property in the same



general area; and finally that both the Stoddard Report and later studies showed that Reserve could physically and economically do the same thing despite Reserve's repeated claims that such alternative disposal would be too costly and force a total shut-down of its Minnesota holdings.

Spirits soared when I read a hard-hitting piece in the August Chicago magazine about Lake Michigan's own throes with pollution, telling how Jack Schmetterer, a gutsy top assistant U. S. Attorney in Chicago, finally despairing of what he ~~and his boss~~ felt was the "paper-toothed" virtually unenforceable water-pollution legislation recently passed by Congress, had dug up an old 1899 law known as the Refuse Act and under it had during March 1970 started a criminal prosecution against U. S. Steel and several of its local employees.

Spirits rose still further when I looked up and read this old 1899 law and found that it boldly and flatly forbade the dumping into any navigable waters of "any refuse matter of any kind or description whatever" and made all violations a criminal offense.

[ (33 U.S.Code Annotated, Section 407.) ]



Spirits dove when I discovered that during July 1970 (just two months after this historic Chicago prosecution was started) Attorney General Mitchell had sent out so-called "guidelines" to all U. S. District Attorneys telling them not to use this old 1899 Refuse Act against permanent polluters without specific authorization from the Washington office but <sup>that</sup> henceforth they should let the Department of Interior take care of any such complaints under the Water Pollution Control Act--which, drollly enough, was one of the ineffective "paper-toothed" new statutes that had persuaded Jack Schmetterer to start his criminal prosecution against U. S. Steel in the first place.

Spirits hit bottom as I tried vainly to penetrate the rationale of this curious move by the nation's top law enforcement officer in muzzling the use of the one legal weapon that had any teeth in it and which just might have curbed some of the country's worst pollution. Spirits clanked around on bottom when next I learned that Jack Schmetterer had quit his job and returned to private law practice, that no progress has been made in the pending U. S. Steel prosecution started by him, and that, so far as I could learn, <sup>virtually</sup> no



new criminal prosecutions under the old 1899 act have since been authorized by Washington either in Chicago or elsewhere, *except* as hereafter noted.

Part of my dismay over learning about Washington's effective squelching of the Chicago prosecution came from my initial surge of hope that the same old 1899 law might also have been used to curb the Reserve pollution of Lake Superior--all this despite the fact that Reserve had first cagily gotten dumping permits from both the state of Minnesota and the U. S. Army Corps of Engineers.

This flickering hope had arisen when about the same time I learned that the Army Corps had routinely issued Reserve its first dumping permit back in 1948 (under other provisions of the same old 1899 law), and had renewed it in 1950 and again in 1960, both times without any hearings, and at all times imposing but one lone condi-

tion: that Reserve's dumping not obstruct navigation! *(In fairness I should add that even as late as 1960 few people realized the harm this dumping was doing.)*

At first I had been inclined to hoot derisively at this picture

of <sup>the</sup> ~~this~~ stalwart guardian of the sanctity of our navigable waters <sup>the Army Corps,</sup> in

effect telling the jolly polluter to pollute away all he wanted so

long as it would still float a boat. Then as I re-read the old 1899



statute, it gradually swept over me that the Corps was at least half right; that its main if not exclusive statutory concern with any navigable waters anywhere was indeed <sup>that of</sup> ~~with~~ maintaining the navigability of those waters. In fact the ~~com~~ic care with which the Corps had expressed this <sup>concern</sup> ~~in~~ its Reserve <sup>dumping</sup> permits was what gave me my first clue to the possible limits of that authority, namely, that it could never legally permit the dumping of refuse.

The more I pondered the matter the more convinced I became that in a determined legal showdown any dumping permit issued by the Corps to Reserve would not protect the latter from a criminal prosecution for dumping refuse into navigable waters. ~~I reached this conclusion because I felt and still feel that any sensible interpretation of the old law would never hold that the limited authority given to the Corps to permit the dumping of certain materials that did not obstruct navigation could ever extend to allowing the Corps to permit anyone ever to dump refuse into those waters.~~

→ Suppose--I asked myself, testing--that the Corps undertook to permit, say, all of Reserve's fleet of ore boats (if it has any, which I haven't checked) to dump raw sewage and oil wastes into Lake Superior,



*The question seemed to answer itself.*

provided only that it did not obstruct navigation? Congress had passed its share of mystifying and ambiguous legislation, I was ~~carefully~~ *carefully* aware, but I could not believe ~~that~~ *had* it meant in one breath bravely to ban the dumping of any and all refuse into navigable waters and in the next endow one small branch of the military brass with the power to negate that banning. But John Mitchell and his *bafling* "guidelines" had made the whole question academic, so with a sinking heart I pushed on with my bleak inquiry.

By now two things seemed crystal clear: one, the more one delved into the whole Reserve dumping permit situation the more ~~bafling and~~ depressing became the part of the U. S. Army Corps in the dismal picture; two, and also the more evident it ~~becomes~~ *became* that even if the Corps were right and it could indeed ever legally permit anyone to dump refuse into navigable waters, then that law should *either be* swiftly ~~be~~ changed or scrapped.

*dig deeper and*

Intrigued by the part of the Corps in the Reserve pollution, I next learned that only this past August the top head of the whole Army Corps, Gen. Frederick L. Clarke, while speaking that month to a conservation audience in Duluth, had told it that in considering the question of the renewal of Reserve's permit to continue



OK

dumping 67,000 tons of tailings into Lake Superior each day his  
 Corps was trying to weigh "the economic aspects of the Reserve  
 Mining Company operation against the deleterious effects that  
 are alleged with respect to the lake." He concluded: "I don't  
 think we are going to come out with a permit that forces  
 Reserve to shut down."

*and apparently occupational*  
 Despite the florid wooliness of this utterance I found it  
*bleakly*  
 disheartening, coming as it did from the man heading the sole  
 agency named under the 1899 act ostensibly to protect our navi-  
 gable waters. Particularly dismaying did I find his use of the  
 word "alleged" in speaking of the harmful effects of Reserve's  
 pollution, especially in the face of the exhaustive 1968 report  
 of Interior--made, remember, pursuant to *Interior's* the 1967 agreement  
 with his own Army--categorically finding widespread pollution  
 by Reserve.

That wasn't all. If by the ambiguous concluding phrase  
 "shutting down Reserve" the General meant shutting down on its  
 pollution, he *do so,* should, under both the Army-Interior agreement  
 and the ensuing 1968 Report made especially to guide him. If



instead he meant to convey the idea that the only alternative to continued pollution is that Reserve would have to shut down its entire Minnesota operation he was wrong, as the same 1968 Report ~~should~~ plainly ~~have~~ told him--not to mention subsequent studies, the Michigan low-grade mining experience and that of Reserve's own Minnesota competitors. (When, about then, I learned from the U. S. Bureau of Mines own figures, included in the 1968 Report, that Reserve was profitting an additional \$3,300,00.00 each year by continuing its massive pollution, my enchantment <sup>was</sup> ~~became~~ boundless.)

*aside from certain additional*  
*For [unclear]*

That I was not alone in my growing misgivings over the role of the Army Corps of Engineers in this whole pollution mess I discovered when I read an account of a recent spirited editorial in a Superior, Wisconsin trade publication, the Cooperative Builder, paying its respects to that guardian of our navigable waters.

"Some time back," it abruptly erupted, "we asked editorially whether the Army Corps of Engineers owned America. We had come to wonder after studying volumes of material on how



→ Justice William O. Douglas in a 1968 speech to a conservative group was a trifle more succinct. "The Army Corps of Engineers," he tersely declared, "is public enemy number one." [Quoted in an article by Hugh H. Hays reprinted in Politics and Environment, edited by Walt Anderson, Wadsworth Publ. Co., Pacific Palisades, Cal. 1970]

[the Corps] are 'rearranging' American's natural waterways, regardless of the devastating effects of their beaverings on the ecology of America, a land which used to be called beautiful." I Dele \*

"Somewhere on Earth or in the Heavens," the blast continued, "a body can be found that can successfully control the Army Corps of Engineers...It is a pressure group so powerful that it has won victories over strong presidents such as Roosevelt and Truman and over the Hoover Commission, who all tried to clip its wings and failed. According to Gen. Clarke, however the [Reserve] case goes, the final word will rest with the all-powerful Army Corps of Engineers." X

→ Digging deeper I was charmed to find that Reserve had understanding friends other than in the military. This became evident when the 1968 Report was first made public in mid-January 1969. Prior to that Reserve had had nothing but praise for the study in progress, in fact using it to mollify the mounting number of its critics by assuring them that it would confirm Reserve's own tests showing no harmful effects. When the adverse Report came out, however, Reserve officials promptly joined in a chorus of criticism of it, as perhaps might be expected.



Less expected, at least by me, was that on the same day the <sup>very</sup> Report came out the Congressman from Reserve's own district, John A. Blatnik (whom I'd long known of as a monotonously re-elected politician who made liberal noises but had never before suspected of being <sup>both a spell-reader and a</sup> part-time ecologist) branded the report as "completely false."

Another loyal and nicely placed Reserve fan was John Badalich, who was also executive director of Minnesota's own Pollution Control Agency, drolly enough, who stated that the report "contained errors," which despite his strategic position he neglected to specify. (Mr. Badalich may have since seen the light; late reports indicate that he is now actively pressing his state's own lake pollution case against Reserve.)

Some further critical remarks emanated from a state senator or two, besides some lesser fry, but perhaps Reserve's biggest anti-Report prize was Max Edwards, assistant secretary of Interior under Stewart Udall while the 1968 Report was in the progress. Gathering himself, Mr. Edwards told the world that the Report "contained errors"—which he also neglected to specify. His statement, however terse, was



found to be of such profundity, of such soaring eloquence and conviction, at least by Reserve, that he was promptly made Reserve's Washington counsel. [ (This and the 3 preceding paragraphs are adapted from Grant Merritt's hard-hitting article in the March 1970 Twin Citian. Merritt, a young Minneapolis lawyer and descendant of the old Merritt mining family, is currently chairman of Mecca's Lake Superior branch and I am in close touch with him. (Mr. Merritt's article also asserts that Mr. Edward's activities were being investigated in Washington for possible conflict of interest, but I do not include that here as I feel his lofty detachment is already sufficiently evident.) ]



Attached 2A to 39 OK.

3

x  
About then I felt a little ill so I dropped everything and raced for Lake Superior--without my fishing gear--and prowled for hours along a remote stretch of rugged shore. And as I prowled, feeling depressed and in a state of near despair, I wondered along with the philosopher Stuart Hampshire whether it might not be true, as he had recently speculated, "That human beings are unhappy animals, who deface their environment and spread ugliness and destruction around them, (and)...are an unstable accident of evolution..." (Quotation from Mr. Hampshire's new book, Modern Writers and Other Essays, Knopf, 1970.)

As I picked my way along a strip of rocky shore other equally cosmic thoughts assailed me. "How," I asked myself, "how can educated and ostensibly cultured men bring themselves to do what the Reserve people are doing and, beyond that, how in God's name can the rest of us let them do it?" And if nevertheless we could continue to <sup>let</sup> ~~allow~~ a small band of acquisitive men ~~to~~ <sup>for</sup> ruin the world's loveliest lake what <sup>real</sup> chance was there ~~of~~ <sup>for</sup> saving the rest of the country or indeed the world?



Had the grim specter of pollution in our land become merely an annoying public relations problem to those guilty of it, ~~and~~ <sup>one</sup> ~~problem~~ that would vanish not by stopping the pollution but by denying its existence, by ridiculing those who found pollution or by using its profits to win them over, by relentlessly employing the dark arts of lobbying, by crying doom and pleading poverty, by conjuring up the goblins of unemployment, by engaging in endless delaying litigation, by declaring over and over that black was white, in short by using every dreary dodge and trick and <sup>play</sup> in the whole dreary public-relations book to divert and distract attention from the ghastly truth? Just about then a haunting line from one of Auden's poems came back to me with the <sup>sting</sup> ~~force~~ of a lash: "Words have no word for words that are not true." [Quoted by Stuart Hampshire in his essay on Auden in his new book, <sup>on the previous page</sup> earlier cited, the title of the poem not being given.) I looked out blindly across my stricken lake and stumbled on.

The farther I walked the more dolorous grew my thoughts. Was it possible that all our wholesale polluting and assorted



swinishness was the symptom of some deeper malaise that could not get better until men got better? Might not the real sickness of men be that they were bent upon planetary suicide? Or was modern society spawning a new breed of plastic men who had lost--or never possessed--any reverence for nature? a breed of modern barbarians in Brooks Brothers suits who measured the morality of any course of action not by asking whether it was right but whether it was profitable and could be got away with?

I thought also of the ubiquitous litter bugs and armies of small-time slobs among us and wondered how they could ever be expected to mend their ways if a tiny band of callous fat cats could continue to rape the world's loveliest lake. And for that matter why should even a modest weekend lakeside cottager, who dutifully carried a litter bag, ~~in his car~~ ever bother to fix his leaky septic tank when these same fat cats could daily dump appalling torrents of <sup>pollution</sup> ~~raw poison~~ into the same lake? X

I thought of our increasingly riven society and of our troubled and questing young, so many of whom were exploring some pretty strange byways, granted, but who were just as



surely drawn if not driven there out of repulsion for those elders who by their gross and joyless materialism were turning so many of them away.

I felt a surge of resentment against those men who continued to do what they did because there was money in it and they had cunningly learned that in our indulgent and tolerant ~~free~~ society they were likely to get away with it, wilful men who seemed at the same time to be taunting and scornfully daring our already challenged and beleaguered democracy (which same democracy at ritualistic intervals they ever so resonantly extolled) to try and stop them. Finally I felt that it might just be high time for the rest of the country, young and old, to take up their dare.



4.

The next day found me back once again immersed in pollution and ~~suddenly~~ I collided abruptly with a rash of conferences, learning belatedly that ~~three~~<sup>four</sup> federal pollution control conferences alone had been held on the plight of Lake Superior since Interior's 1968 Report, besides many more modest state and local gatherings.

The first two of these federal conferences had been called by the then Secretary of Interior Stewart Udall and ~~were~~ both largely ignored by the governors of the three states principally

concerned—Minnesota, Wisconsin and Michigan—and one wistfully hoped that it was not because <sup>of</sup> but merely coincidental that they

belonged to a political party other than Mr. Udall's. Whatever the reason these meetings were consequently mostly harmless talk fests and largely a waste of time akin to that of missionaries

busily ~~harranguing and wooing~~ the already converted. After

predictably viewing the pollution of the lake with proper alarm <sup>and passing resolutions (which Reserve ignored)</sup> the frustrated conferees sensibly adjourned and went home.

The third conference, held this past August in Duluth, had been called by Stewart Udall's successor, Secretary of Interior



Walter Hickel, who after a delay of more than a year following the 1968 Report--or should one say 24,000,000 tons later?-- finally in February 1969 wrote General Clarke of the Army Corps of Engineers requesting him to revise Reserve's dumping permit to require disposal elsewhere. [Told me by Charles Stoddard, who headed the 1968 Report *and with whom I am ~~also~~ in touch*]

Despite the delay one found Secretary Hickel's action encouraging, first because he took it at all rather than calling, as he might have, for a brand new study and report; further because it more or less seemed to commit the new national administration (if not Mr. Mitchell) on the issue; also because it thus officially recognized and adopted the 1968 Report; and finally because it put the elusive and chameleon Army Corps of Engineers squarely on the spot. (This spark of encouragement was considerably dimmed when I recalled General Clarke's speech made <sup>*in Duluth*</sup> nearly <sup>*following the Report,*</sup> a year and a half <sup>*later*</sup> ~~later in Duluth~~ and which, indeed, make his cryptic utterances there all the more unreassuring.)

A further ray of hope flickered when, in April 1970, Interior's



federal water quality administration wound up a detailed study which bluntly concluded: "The scientific evidence clearly points to the fact that Lake Superior is being irreparably damaged by taconite tailings which are causing basic changes in the lake. The only question left is how these tailings can be disposed of harmlessly--not whether."

Despite the dolor of the above message itself the ray of hope lay in this further <sup>t</sup>committal of Secretary Hickel's department and, impliedly, of his administration, in the ~~revealing~~ light it sheds on the dependability of Reserve's repeated denials, and finally in the blunt warning ~~that~~ it gave the country and a preoccupied and largely moribund Congress that the wild pollution spree must ~~come to a rapid~~ stop.

Then one of the few really encouraging movements in this whole stately pollution minuet occurred abruptly on August 13, 1970 when this third federal pollution conference issued a blunt order requiring Reserve Mining Company to outline a plan by December 1, 1970 for altering its present discharge practices to meet



federal and state pollution standards—a polite way of telling Reserve that the long pollution honeymoon was over.

This action seemed important for several reasons: it was by far the boldest yet taken, it was unanimous, the conference had been called by Secretary Hickel, and for the first time the issue had taken on an unmistakably clear interstate stamp with the testimony there of Dr. Donald Mount, a respected federal water quality scientist, that not only were Reserve's tailings now invading Wisconsin's waters but endangering its residents as well.

Along the way I also learned that what pollution does to kill lakes and streams is a complicated story embracing all manner of involved and depresssing things but mainly a sharp decline in the oxygen content of the water caused by a consequent decline in photosynthesis by overfertilization resulting in increased plant growth in turn resulting in a still more speedy decrease in oxygen and <sup>further</sup>retarding of photosynthesis, thereby accelerating the increasing degeneration <sup>all</sup> in a sort of downhill rolling snowball effect. \*



I learned too that pollution particularly stimulates the massive growth of oxygen-consuming algae which not only help kill a lake ~~fast~~ during the ~~silent~~ ~~execution~~ ~~meanwhile~~ <sup>but which meanwhile</sup> ~~meanwhile~~ <sup>death struggle</sup> makes it dreadfully repellent and unsightly, whole massive clusters of the stuff often drifting close to and up on beaches in great stinking islands, thus accounting for the closing of all of Lake Ontario's beaches but one and the equally depressing stories more and more coming from the other Great Lakes. As Stewart Udall

I learned in ~~other words~~ <sup>short</sup> that a body of water was like a man or an oak or eagle in that it followed the same eternal life cycle of the plant and animal kingdoms, that is, birth, growth, death. What pollution did was simply to fantastically speed up that cycle, thus accounting for the almost incredible aging of Lake Erie, for example, by fifteen thousand years in 50 or, <sup>put</sup> another depressing way, by 300 years in one.

Almost inadvertently I also learned, as I had suspected, that Reserve's tailings were not the only pollutants going into the lake; that the combined sewage and detergent wastes of nearly 100 towns and cities were also steadily being discharged into

has recently written, "Of all the remarkable phenomena nature's hand, none has been so blotted -- nor in so short a time -- than the Great Lakes." From Pollution and Environment, edited by Walt Anderson, Knopf, New York, Inc., 1970, p. 107. [



the lake, along with the assorted wastes, mostly chemical from more than 60 industries; and that many of the boats that plied it were ~~daily~~ <sup>daily</sup> adding their mite of ~~untreated~~ sewage and garbage to the ghastly stew.

I learned also that bad as this additional pollution undeniably is (much of which <sup>fortunately</sup> is in the process of being stopped or curbed by state, provincial and local authorities) it is but a figurative drop in the bucket compared with Reserve's, and that Ecologists are in virtual agreement in sounding one melancholy note: that the non-Reserve pollution alone will not kill the lake but only hasten the death that a continued Reserve pollution alone will surely make inevitable. Put another way, I learned that Lake Superior was not only dying a little every day but was dying a little faster <sup>very</sup> each day, and that if Reserve's pollution wasn't stopped its doom would soon be sealed beyond all hope of rescue.

"Lake Superior is a delicate lake and...great caution must be exercised when weighing the potential danger to its ecology," the Federal Water Pollution Control Administration has recently



warned. When one recalls that in a mere 50 years Lake Erie's  
polluters have just about choked it to death by aging it by  
fifteen thousand years and then remembers that the Reserve  
crowd has been having at Lake Superior for nearly a third of  
that time, the pressing need for swift positive action seems  
all too tragically evident. (This and several of the preced-  
ing paragraphs were adapted in part from Gaylord Nelson's  
foreword to the new Harper & Row book, Lake Superior, already  
cited.)



As I drew near the end of my morbid delvings one big boom-  
ing fact struck me with billboard clarity, ~~and it was this:~~

preaching and persuasion wasn't stopping pollution, just as

conventions and conferences weren't, ~~and at the same time it~~ *and* *at the same time it* X

~~suddenly swept over me that~~ the only sure way men could be

brought around to stopping their unholy polluting--especially

when it was also profitable--~~was~~ *legally* to be made to stop it *by every resource*  
*of the law.*

This conclusion gave me no joy and in fact was dismaying

for one who ~~hated violence and force and repression, official~~

~~or otherwise, which were the tools of the totalitarians, and~~ *all favorite*

~~had instead~~ *had* long believed that in a democracy all men would

respond to education and enlightenment and could with patience

peaceably be persuaded to embrace the common weal. But our

pollution crisis had shown me otherwise, and I reluctantly

faced the fact that in that crisis more might be *at stake* ~~involved~~ than

the fate of any lake, vital as that was; that additionally

involved could well be the grim test of whether this dream

called democracy could *in time* ~~timely~~ act to ~~protect and~~ save itself... \*



From this bleak premise I groped to find what might be done, and out of my broodings several things rather clearly emerged, all based however on the one bedrock assumption, however sad, that men had to be made to abandon their obscene slobbery and that indeed the fate of all of us was bound up in our ability to face up to and successfully cope with that.

Among my ideas were these:

Our country's laws against pollution were mostly ambiguous, ~~crass~~ <sup>and cumbersome</sup> and in any case inadequate and needed either to be sharply revised or <sup>else</sup> scrapped and replaced with new laws that, for one thing, made the punishment fit the crime rather than apologetically <sup>pelting rose petals</sup> ~~throwing marshmallows~~ and <sup>plattitudes</sup> ~~platitudes~~ at our <sup>worst</sup> polluters.

And, since the pollution of navigable waters such as Lake Superior is a national (indeed international) concern and no state should be allowed to usurp that function (witness the grotesque charade of the prolonged Reserve litigation with Minnesota), Congress should swiftly step in and act.



That under any new law the U. S. Army Corps of Engineers should promptly be relieved of all future authority over our navigable waters <sup>especially</sup> and the granting of any permits (which in turn should be carefully reviewed) and authority vested in some public agency more amenable to public control and more <sup>-- let's face it --</sup> responsive to the public welfare, such as Interior or perhaps some new agency. \*

Finally, and to my mind one of the most important and crucial things needed in any new law, is a clear and unambiguous provision that when that agency after careful study should formally report harmful pollution of any navigable waters the Department of Justice not only might but must seek a temporary injunction against the accused polluter which <sup>injunction</sup> can be made permanent if after hearing (or admission by him) the polluter cannot refute it.

This is pretty strong legal medicine, conceded, but how can we ~~can~~ any longer afford the luxury of letting the polluter put the burden of proof on a threatened society? Even more



haywire is the presently indulged presumption of innocence  
enjoyed by the persistent polluter, which not only rewards  
and encourages him to use all the sly tricks of diversion

and (possibly fatal) delay but is akin to letting an attempted  
wife poisoner free to keep poisoning the poor woman until ~~he~~

*he might be found*  
is proven-guilty.

*\*  
↓  
day  
that distant time when*

My work was nearly done but with the approach of the  
autumnal electoral rains I detected one hopeful and mildly  
humorous note: everyone suddenly seemed to be trying to  
~~clamber~~ *leap* aboard the environmental bandwagon, ~~and I delayed~~  
~~the completion of this article in order to try to keep up~~  
~~with the fast-breaking developments, of which the following~~  
seem among the more significant *late* developments.

Item: Although General Clarke of the Army Corps of  
Engineers did not see fit to heed Secretary *Nickle's* 1969  
letter to do something about the Reserve dumping permit he  
has since set up a so-called national advisory board on environ-  
mental problems, including on it, of all people, Charles H.  
Stoddard, who headed the *controversial* ten-month study resulting in



Interior's 1968 Report which His Generalship had for so long so resolutely ignored. What might come out of it I suspect only God and General Clarke know—though I ~~also~~ <sup>all</sup> ~~suspect~~ may have that order wrong...

Comment: On the surface this action looks ~~like~~ heartening ~~ing conciliatory gesture~~ but, recalling some of the past ambivalent actions of the General and his Corps, several questions occur. First, why does General Clarke need any advisory board at all when under the 1967 Army-Interior agreement he already had Interior to investigate and guide him? And doubly ditto, in view of Interior's <sup>1968</sup> Report? Or was this new board created to save face and help buttress a possibly already contemplated Corps decision against renewing Reserve's permit? Or instead is it simply more dreary evidence of the sly "call another conference" technique of delay and foot-dragging that has plagued this whole problem all along?

One hastens to add that conferences are all very fine, frequently highly informative and productive, and in keeping



with a long democratic tradition. But my faith in the phenomena has perhaps <sup>big and little</sup> inevitably become a little shaken when I recall all the ~~huddles and~~ conferences that have already been held on Lake Superior's pollution (without reducing Reserve's dumping by a single ounce), and also recall the nine years likewise consumed in ~~huddling~~ huddling over Lake Erie, and particularly when I recall that when the very last spoonful of scalloped potatoes had been served at the very last supper at the very last conference the red-faced conferees belatedly discovered that meanwhile poor Erie had quietly expired...

Item: In late October President Nixon appointed William <sup>Ruckelshaus,</sup> Ruckelshaus, who was described by one newspaper as an "aggressive young moderate", to run the Administration's antipollution efforts [taken from an article by Robert B. Semple, Jr. on Nov. 15, 1970 in the Week in Review section of the N. Y. Times], and thereafter Mr. Ruckelshaus duly appeared on national television and earnestly promised to enforce the county's laws <sup>R</sup> against pollution. <sup>^</sup> (I heard and saw him.) \*



Question: But how can this nicely timed appointment and these encouraging words possibly jibe with Attorney General Mitchell's "guidelines" of this past July telling all his federal prosecutors to lay off prosecuting permanent polluters and rather let the Department of Interior take care of them. <sup>?</sup>

Item: Shortly before Thanksgiving the N. Y. Times predicted that Interior Secretary Hickel would soon be replaced; on the evening of November 24th he appeared with Mike Wallace on C.B.S.'s "Sixty Minutes" program and rather wistfully discussed his uncertain job status; and the very next day, November 25th President Nixon fired him and said he would be replaced by Rogers Morton, a jolly and engaging-looking man, surely, but whose recent experience for his ~~important~~ new job appears ~~partly at least~~ <sup>mostly</sup> to have been gained as national chairman of the Republican party, a job that notoriously requires the consequent wooing for campaign funds of some of our richest industrialists—some of whom by the



sheerest chance, might also have been stockholders in and even policy makers of some of our country's most distinguished polluters. And again by the sheerest coincidence Mr. Morton is being appointed to head the very same Department of Interior that one faintly recalls Mr. Mitchell said (in those famous guidelines, remember?) should be left to take care of our worst polluters.

Mr. Morton's appointment, I have since learned, is being opposed by the League of Conservation Clubs, which rates him in the lower tenth in the House on conservation issues, and also by the Sierra Club which, ironically enough, on the very day it concluded its impressive indictment of Mr. Morton's anti-conservation record, experienced the double rebuff of watching the committee before which it had just testified favorably report out his nomination for full

Senate action (Latter tidbit heard over national television on

January 27, 1971.)

*the next day the cup of conservatism sloppeth over -- by a unanimous vote the Senate confirmed the*

Item: Out of the blue the week before Thanksgiving Wisconsin

Congressman Henry Reuss, long well known for his anti-pollution

effort, announced from Washington that the Army Corps of Engineers

had just started new federal prosecutions under the old 1899 refuse

*Super memorandum*



statute mentioned earlier against 50 defendants who <sup>were</sup> ~~were~~ allegedly  
dumping mercury into various rivers and lakes, this, one gathered,  
without the blessing of Mr. Mitchell.

My small glow of encouragement was quickly dimmed when I  
read further that the Corps biggest gripe seemed to be that the  
alleged pollution was being done without a permit, making me wonder  
just when mercury had become less lethal when dumped under the



~~[There is no page 41 because my secretary inadvertently omitted it]~~ <sup>so numbering</sup>

auspices of a permit. I also wondered why the Corps, while it was about it, hadn't gone for really big game and revoked the permit and prosecuted one of the country's champion polluters, Reserve Mining Company. When I remembered Mr. Mitchell's "guidelines" and the bleak fact that there had been no progress in the stagnant Chicago prosecution my small glow of hope all but flickered out.

Question: Has the Army Corps of Engineers really had a change of heart or was this action just a diversionary sop to still the mounting clamor of the anti-pollutionists?

~~question: To paraphrase an old saw, isn't there also many a slip twixt the bringing of a criminal prosecution and the trial?~~

Item: In the November election new governors who had campaigned on anti-pollution planks were elected in Minnesota and Wisconsin, replacing incumbents of the opposite party who were said to have been something less than avid in their anti-pollution zeal during their own terms, and in Michigan the finally re-elected incumbent received a bad scare.

Comment: While I have already expressed some reservations about the utility of successfully combatting massive pollution of



Navigable waters by holding conferences, ~~or depending upon state~~  
~~action,~~ I take ~~a grain of~~ comfort in speculating that the mere  
fact of this dramatic election switch may not be entirely lost  
on those ~~nimble~~ politicians in Washington who, whatever their  
private reluctance to do anything decisive about pollution, are  
accomplished experts in the difficult feat of keeping an eye on  
the ballot box while at the same time keeping an ear to the  
ground. Some politicians deviate into grace, I have observed,  
and thus the recent election may silently be one of the most  
hopeful new omens of all. In fact there are already faint signs  
on the horizon, no bigger than a campaign button...

December presented the cause of <sup>saving</sup> Lake Superior with little  
in the way of Christmas cheer. First, the Reserve Mining Company  
without explanation failed to meet the December 1st deadline to  
submit an alternative disposal plan as ordered on August 13th by  
the third federal pollution control conference held at Duluth.

Then in mid-December the district court of Lake County,  
Minnesota ruled in favor of Reserve Mining Company in its long-  
pending litigation with Minnesota, the judge (in the face of all



the scientific evidence to the contrary) ruling that in his

opinion the 15 years of discharge "has had no measurable

adverse effects upon...the Lake..." The <sup>red-faced</sup> state attorney

general predictably said he would appeal, and off and away

they ~~go~~ <sup>went on another long legal hayride --</sup> again while meantime quietly flows the daily <sup>dosage</sup> tons of

taconite tailings...

In January still another federal pollution control confer-

ence, the fourth, was announced for the 14th in Duluth, and the

newly-elected governors of Wisconsin and Minnesota pledged their

support and attendance and said that Governor Milliken of Michi-

gan was <sup>also</sup> behind them. Both said they would ask the conference

to order Reserve to "develop" onshore disposal sites for its

taconite tailings. Governor Anderson of Minnesota also said

he would ask for a deadline of December 31, 1972 and Governor

Lucey agreed.

It is not clear from the newspaper account I read whether

this newest proposed deadline means the new date by which

Reserve shall have stopped all lake pollution or, as in the

last conference order it had on December 1st so blithely ignored,



shall have submitted an alternative disposal plan. Neither way is cause for dancing in the street. According to <sup>my</sup> abacus this would give Reserve 25 additional months of unrestricted pollution (from December 1, 1970) or 760 more days or, brace yourself, roughly 50,000,000 additional tons of pollution. Can a lake which is <sup>already</sup> said to be dying stand this additional dose of poison?

One does not so much imply a criticism of these earnest new governors as regret that they have so innocently fallen into the delaying "hold another conference" trap instead of directing their efforts to getting a moribund Congress off its dead butt and passing some new pollution legislation with real teeth in it and, moreover, investigating an administration that can to this day allow its chief law enforcement officer, the Attorney General, to get away with his scandalous guidelines blocking the one old federal law that just might help. So much for the gloomy Lake Superior pollution picture. Almost with relief I turned to the national scene where, on the surface at least, things looked a little brighter.



Since the election the Nixon administration has made several dramatic gestures in the pollution realm that can be regarded as encouraging or not depending on whether they truly represent a determined effort to curb pollution or are instead merely <sup>a</sup> cynical efforts to clamber aboard what might be called the faddishly vote-getting environmental bandwagon. There are signs pointing both ways.

*as already noted,*  
First was the appointment with appropriate fanfare of earnest-looking young William Ruckelshaus as head of the much-publicized new Environmental Protection Agency. The young man got off to a fast start, early in December bluntly ordering the three cities of Detroit, Cleveland and Atlanta to within 180 days clean up their present sewage disposal systems to conform to federal standards. About the same time he rather wistfully expressed the hope that Mr. Mitchell might "revise" his famous guidelines to encourage greater use of the old 1899 act because, as he added, the administrative procedures under the newer anti-pollution laws "are too cumbersome" <sup>me</sup>—which at least, however unconsciously, brought him into some sort of uneasy rapport with



the resigned federal assistant DA, Jack Schmetterer, who had earlier called those same new laws "paper-toothed" and whose historic Chicago prosecution under the same old 1899 law had been shot out from under him by these <sup>why</sup> same guidelines. (Mr. R's comments are taken from a pollution piece in the N.Y. Times for December 6, 1970 by E. W. Kenworthy.)

Again in mid-January the same Mr. Ruckelshaus bravely criticized the cumbersome, ambiguous and delaying effect of many of the newer federal anti-pollution laws, this before the National Press Club. Singling out and leveling at the recently-amended 1967 Clean Air Act as an example, he candidly declared: "Now, in 1971, not one grain of dust, not one liter of gaseous pollution, has yet been removed from the atmosphere of this nation as a direct result of the 1967 air legislation."

At an earlier session with many of the same reporters he reiterated his view that a cleanup of the Great Lakes would have a top priority. This is fightin' talk, and one cannot help but admire the young man for his guts and engaging candor. At the same time a groggy old pollution hand can't resist pointing



→ (Since I wrote the foregoing Mr. Ruckelshaus in a late January news interview branded the \$2500.00 maximum fine under this old act as "chickenfeed" and also came out for the use of the injunction in pollution cases.)  
[<sup>Break</sup> AP story in the Milwaukee Journal for Jan. 24, 1971]

out that he might also have told them that—to paraphrase his reported Press Club remarks—"Now, in 1971, Reserve Mining Company's daily dumping of 67,000 tons of pollutants into Lake Superior ever since 1956 ~~under any law~~ has not been reduced by one single ounce." And if he'd really wanted to live dangerously he might have taken a deep breath and added: "And my recent boss, John Mitchell, is precisely the guy who by his goddam guidelines pulled the rug out from under the one law that just might have stopped it."

But perhaps the young man remembered the recent fate of Secretary Hickel, who had earlier indulged the dangerous luxury of publicly speaking his mind. At least he wound up his Press Club remarks by again expressing the hope that the much-beguidelined old 1899 Refuse Act might be used more widely. He concluded by hinting that the President would have an interesting environmental message to submit to Congress in February.

~~At this writing one can only wonder what hopeful thing the President can possibly find to say about our mounting pollution crisis while his old law partner and reputed closest buddy and~~



At this writing one can only wonder what the President  
(the same man who concluded his 1968 nomination acceptance  
speech in Miami by declaring that "if we are to restore order  
and respect for law in this country, there's one place we're  
going to begin: We're going to have a new Attorney General  
of the United States of America,") can possibly find to say  
about our mounting pollution crisis while his old law partner  
and reputed ~~eloses~~ <sup>closest</sup> buddy and the

*encouraging*

*solving*





~~Present~~ Attorney General <sup>himself appointed</sup> can by his infamous guidelines <sup>still</sup> contrive to ~~this day~~ to keep the spigot of water pollution wide open all across the country. One can only pray that in his message the President will announce the ~~the~~ withdrawal <sup>of these guidelines</sup> along with their lardily arrogant implication of almost total business-oriented bias.

That would be a simple eloquent way to show a waiting nation whether all these <sup>lofty</sup> new Mister Clean noises emanating from Washington are for real or fake. <sup>whether they truly forestall the dawn of a new</sup> That, in fact, would be a day...

[ (The "news" substance of the preceding 4 paragraphs is drawn from a story by Richard Bradee of the Sentinel Washington Bureau carried in the Milwaukee Sentinel for January 13, 1971.) ]

\* \* \*

I had barely finished writing the foregoing paragraph, with which I planned to conclude the factual portion of this piece, when the next morning I went to town and found a bombshell front-page story in the January 15th issue of the Milwaukee Sentinel (which, I may add, is one of the few newspapers I have run across

*See copy on postcard in my collection of articles written by me for the Milwaukee Sentinel*

*made by my daughter*



that regularly carries stories on the country's pollution crisis) that the day before in Washington Congressman Henry S. Reuss of Wisconsin had raised a conflict of interest issue against Attorney General Mitchell over, as the article put it, his "lagging prosecution of industrial polluters, some of whom are Republic <sup>can</sup> campaign contributors."

The article went on to say that Mr. Reuss was "largely responsible for reviving an 1899 antipollution law" (which I hadn't realized) and that early in 1970 he had personally given U. S. Attorneys in Wisconsin evidence of "flagrant and continuous water pollution by 270 Wisconsin industries" and that to date no action had been taken against 268 of them.

"I call upon Attorney General Mitchell," Mr. Reuss continued, "to explain why he is holding up prosecution in each of the 268 cases referred to him." He then went on to assert that to his mind the Attorney General simply "doesn't like to enforce the law against industrial polluters, particularly if they are contributors to the Republic <sup>can</sup> war chest like General Motors, Dupont and Olin Mathieson..."



"The Attorney General was the chief fund raiser for President Nixon's last campaign," Mr. Reuss went on (which I also hadn't known). "He apparently looks forward to again assuming this post. His attitude toward prosecuting the polluting contributors certainly raises a question of conflict of interest."

"The mystery remains," Mr. Reuss concluded, "why is the Justice Department, supposedly devoted to law and order, taking no steps against these 268 violaters?" He could well have asked one further question: How many other pollution complaints were being sat on not only in Wisconsin but all across the country?

As I slowly drove home from town my thoughts were filled with mingled hope and despair. I reflected that I had been working on this pollution thing for months. While during that time I had learned that there were other people in Congress who felt much as Mr. Reuss did, I had also learned they were but a comparative handful. Moreover, to my knowledge, this was the first time that anyone there had really come out and blasted Mitchell and ~~his cronies and at last~~ called a spade a spade. But if I was right in my growing conviction that only swift and determined action by



Congress could save the country from being buried in slime and  
gook, what were the prospects? I could not honestly say they  
were bright. But bright or dim, that night when I had my first  
drink I lifted my glass and <sup>high</sup> toasted my Wisconsin neighbor Henry  
Reuss: "Here's to my own <sup>personal</sup> favorite new candidate for President!"





5

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\*

\*

On a mild afternoon in late January Hal and I met and snow-  
shoed up along the Lake Superior shore to one of our favorite  
fishing spots "just to take a look" as Hal put it—that being  
one of the milder forms of therapeutic masochism in which fisher-  
men indulge in winter ~~just~~ trying to keep moderately sane.

*forlorn*

*serpentine*

As we tramped along and around and over the windrows of  
wind-carved snow ~~drifts~~ I got Hal up to date on my recent pollution  
delvings including the latest developments and how I thought  
the worst of it might be stopped. I dwelt at length on my ideas  
for needed new legislation, including the use of the injunction.  
I lingered over my wife-poisoning analogy to banish the presump-  
tion of innocence *in pollution cases,* about which I felt particularly proud. "In  
fact I'm writing an article about it," I finally confessed.

"Maybe it will help a little."

Hal paused and glanced over his shoulder. "About all you'll  
probably accomplish is <sup>to</sup> start a run on Reserve Mining Company stock,"  
he said, wagging his head.

"Cynicism will get you nowhere," I said, "If all of us scoff



\*  
is

at stopping pollution not only our lake but the whole planet  
~~are~~ <sup>is probably</sup> doomed."

"Look," Hal persisted, "people who wouldn't throw a gum wrapper out a car window will mob and claw each other to buy stock in some of our pollutiest companies. Hell man, I read somewhere recently that a list of some of our best blue-chip stocks would compare almost mathematically with a list of our worst industrial polluters." He paused and pulled off a mitt and rapidly rubbed his thumb and forefinger together. "Get with it, man—didn't you know that <sup>steady</sup> dividends are one of the greatest little soothers of a troubled conscience in the land?"

"So you blame only our corporations, then?" I said.

"Hell no—I've just been telling you that in the clutch we're all a bunch of greedy polluting bastards. Listen to what the architect Edward <sup>~</sup>Durell Stone felt driven to say just a while back—it's so lovely I've learned it by heart: 'Everything betrays us as a bunch of catchpenny materialists devoted to a blatant, screeching commercialism. If you look around you, and you give a damn, it makes you want to commit suicide.' How about that?"

[I got the Stone quote from the N.Y. Times "Ideas and Men" column for Aug. 30, 1964.]

P. 177 of my Literary Notebook



"Real heartening," I said. "So at least you do <sup>partly</sup> relieve  
our corporations, then?"

"No again, dammitt. In fact our corporations are just what  
makes it doubly tough to stop the worst pollution."

"How come?"

"First because of those solacing dividends I just mentioned  
and further because corporations from their very nature divide  
guilt and impersonalize our worst slobbery. Don't you see? No  
one person alone can ever be blamed. How else do you think some  
of these ~~company~~ guys can <sup>face the ordeal of looking in</sup> ~~bear~~ ~~look at~~ their mirrors <sup>to</sup> ~~to~~ shave in  
the morning?"

"Then big corporations aren't our only polluters but simply  
<sup>among</sup> the hardest to stop?"

"At last you're getting the <sup>total</sup> picture, friend, which is what  
makes the outlook all the more bleak. Everyone is against pollu-  
tion—except when it costs him a dime. Cities suffer from much the  
same diffusion and dilution of responsibility and guilt as private  
companies, hence their legal name, municipal corporations."



Why, didn't I recently read that even your ~~own~~ home town is  
busily polluting the lake with its <sup>own</sup> high-class sewage?"

"I'd forgotten, but it's all too true," I confessed.

"And what are you doing about?" Hal demanded.

"Nothing," I confessed, hanging my head.

"And pursuing your pet poison analogy, if a man finally  
succeeds in killing his wife by feeding her poison every day  
we call it first-degree murder and clap him in the hoosegow,  
don't we?"

"Yes, of course, Hal."

"But when a private corporation for profit does the same  
thing with the world's loveliest lake we <sup>W</sup> regard it not only by  
giving it a rich competitive advantage over its non-polluting  
rivals but a yearly bonus of--what's the figure you gave me  
back there?"

"Three million three hundred thousand dollars," I said.

"Plus certain tax advantages I can't remember."

"Hm..." Hal mused, being one of those mathematical geniuses



who can tote ~~the~~ bar tabs in their heads. "That comes out roughly to about ten grand a day. Hell, Reserve could afford to pay the maximum fine of \$2500.00 every single day under that old 1899 act you've been telling me about and still net a neat profit of seventy-five hundred per day. And you say this has been going on for how many years?"

"Since 1956."

"Hm..." Hal again mused, again playing computer. "That comes to over 24,000,000 tons a year."

"I'm afraid that's so," I said.

"And also means that Reserve has already dumped <sup>will</sup> over one-fifth of a billion tons of tailings into the lake. ~~How~~ That must make them the all-time heavyweight champion polluter of the world. \*

"I'm afraid so," I repeated. "Although on a national scale its record is <sup>being pressed</sup> threatened by some of our best-known companies, so far as I can learn, and I've <sup>looked long and</sup> worked hard, Reserve Mining Company holds the dubious distinction of being the undisputed world champion polluter from a single source." \*



"And it still goes on?"

I nodded and turned toward the lake. <sup>thin</sup> The wintry sun was  
already going down and as I looked out across the far glitter  
and heave of the beautiful threatened lake it swept over me  
that it must have looked much the same on that distant day when  
the first man beheld it. There was one big difference: this  
beholding man was <sup>internally inside</sup> bleeding from the knowledge that <sup>today</sup> only a few <sup>on this day</sup>  
hundred miles away another small band of his fellow <sup>men</sup> were  
busily destroying it.

"How about a drink?" Hal said, fumbling in his knapsack.

"Hal," I said in small voice, ascending and plaintive,  
"then you don't really think we'll <sup>ever</sup> make it?"

"I wouldn't bet my best fly rod on it, chum. In fact in  
my book I'm afraid that if we don't first bomb or procreate  
ourselves to oblivion we'll ~~resourcefully contrive~~ <sup>probably</sup> to pollute  
our way there. We've already made one hell of a grand start."  
He passed me a bottle of whiskey. "Let's drink to the Lake <sup>loudly</sup>  
Superior we once knew."



"Yes," I said, raising the bottle and thinking of Stuart  
Hampshire's bleak speculation that man might be an evolutionary  
dud doomed to extinction. "Let's drink to our grand old lake  
while yet we may."