The Bancroft Library University of California/Berkeley
Regional Oral History Office
Sierra Club History Series

Richard M. Leonard

MOUNTAINEER, LAWYER, ENVIRONMENTALIST

Volume I

With an Introduction by
Francis P. Farquhar

An Interview Conducted by
Susan R. Schrepfer

Copy No. 1

Richard M. Leonard
1965

Photograph by Doris Leonard,
Bridge & Leonard

THE ORAL HISTORY PROGRAM OF THE SIERRA CLUB

In fall 1969 and spring 1970 a self-appointed committee of Sierra Clubbers met several times to consider two vexing and related problems. The rapid membership growth of the club and its involvement in environmental issues on a national scale left neither time nor resources to document the club's internal and external history. Club records were stored in a number of locations and were inaccessible for research. Further, we were failing to take advantage of the relatively new technique of oral history by which the reminiscences of club leaders and members of long standing could be preserved.

The ad hoc committee's recommendation that a standing History Committee be established was approved by the Sierra Club Board of Directors in May 1970. That September the board designated The Bancroft Library of the University of California at Berkeley as the official depository of the club's archives. The large collection of records, photographs and other memorabilia known as the "Sierra Club Papers" is thus permanently protected, and The Bancroft is preparing a catalog of these holdings which will be invaluable to students of the conservation movement.

The History Committee then focused its energies on how to develop a significant oral history program. A six page questionnaire was mailed to members who had joined the club prior to 1931. More than half responded enabling the committee to identify numerous older members as likely prospects for oral interviews (some had hiked with John Muir!).

Those committee members who volunteered as interviewers were trained in this discipline by Willa Baum, head of The Bancroft's Regional Oral History Office and a nationally recognized authority in this field. Each oral history, whether short or long, requires selection and preparation of the interviewee, research into his or her career, the actual interviewing (which may need many sessions), transcription of tapes, editing, retyping, indexing, asking a close associate of the interviewee to write an introduction, binding, and copyrighting. It is a complex and lengthy process, but the results are most impressive.

At the 1974 Annual Dinner the first four completed oral histories were presented to the president of the Sierra Club (see following listing). Five more oral histories were presented at the 1975 Annual Dinner. These nine histories were almost entirely a volunteer effort up to the transcription stage.

At the 1976 Annual Dinner nine oral histories will be presented. In some instances the volunteer interviewers were members of the History Committee. But there were two new dimensions in this year's program:

First, five oral histories of Southern California Sierra Clubbers were done for academic credit by graduate and senior history students at California State University, Fullerton, under the direction of Dr. Gary L. Shumway;

Second, the remarkable two-volume oral history of Richard M. Leonard was accomplished in its entirety on a professional basis, the interviewer being Dr. Susan Schrepfer of the Regional Oral History Office.

Copies of Sierra Club oral interviews are placed at The Bancroft Library, at UCLA, and at the club's Colby Library, and may be purchased for the actual cost of photocopying, binding, and shipping, by club regional offices, chapters, and groups, as well as by other libraries and institutions.

Our heartfelt gratitude for their help in making the Sierra Club Oral History Program a success goes to those named above and to each interviewee and each interviewer; to everyone who has written an introduction to an oral history; to the Sierra Club Board of Directors for its recognition of the long-term importance of this effort; to the Trustees of the Sierra Club Foundation for generously providing the necessary funding; club and foundation staff, especially Michael McCloskey, Denny Wilcher, Colburn Wilbur, and librarians Janet Stake and Christie Hakim; and last but far from least, to the members of the History Committee, and particularly to Ann Lage who has coordinated the oral history effort since September 1974.

You are cordially invited to read and enjoy any or all the oral histories in the Sierra Club series. They now total eighteen, and more are in various stages of completion. By so doing you will learn much of the club's history which is available nowhere else, and of the fascinating careers and accomplishments of many outstanding club leaders and members. It is our fervent hope that these interviews will enable our present and future leadership to apply the lessons of past battles won and lost so that the club's "batting average" may ever increase!

Marshall H. Kuhn
Chairman, History Committee
1970 - 1976

San Francisco
May 1, 1976

SIERRA CLUB ORAL HISTORY PROJECT
May 1976

Regional Oral History Office, The Bancroft Library

Richard M. Leonard, Mountaineer, Lawyer, Environmentalist, 1976
Ansel Adams, in process
David Brower, in process
Edgar Wayburn, in process

Sierra Club History Committee

Elizabeth Marston Bade, Recollections of William F. Bade and the Early Sierra Club, 1976
Philip S. Bernays, Founding the Southern California Chapter, 1975
Harold C. Bradley, Furthering the Sierra Club Tradition, 1975
Harold E. Crowe, Sierra Club Physician, Baron, and President, 1975
Glen Dawson, Pioneer Rock Climber and Ski Mountaineer, 1975
Nora Evans, Sixty Years With the Sierra Club, 1976
Francis Farquhar, Sierra Club Mountaineer and Editor, 1974
C. Nelson Hackett, Lasting Impressions of the Early Sierra Club, 1975
Joel Hildebrand, Sierra Club Leader and Ski Mountaineer, 1974
Ruth E. Prager, Remembering the High Trips, 1976
Bestor Robinson, Thoughts on Conservation and the Sierra Club, 1974
James E. Rother, The Sierra Club in the Early 1900s, 1974
Lewis Clark, in process
Nathan Clark, in process
Helen LeConte, in process
George Marshall, in process
William E. Siri, in process

California State University, Fullerton--Southern Sierrans Project

J. Gordon Chelew, Reflections of an Angeles Chapter Member, 1921-1975, 1976
E. Stanley Jones, Sierra Club Officer and Angeles Chapter Leader, 1931-1975, 1976
Marion Jones, Reminiscences of the Southern California Sierra Club, 1927-1975, 1976
Dorothy Leavitt Pepper, High Trip High Jinks, 1976
Richard Searle, Grass Roots Sierra Club Leader, 1976

On February 15, 1976, at a meeting of the Trustees of the Sierra Club Foundation Marshall Kuhn, chairman of the Sierra Club History Committee, presented Richard Leonard with his bound personal copy of his oral history memoir. Mr. Leonard accepted with the following remarks:

THE SIERRA CLUB FOUNDATION

Trustees Meeting
2/15/76

ORAL HISTORY

In 1914 Will Colby wisely gathered together all of the printed material relating to the loss of Hetch Hetchy and had the documents bound as books. These totaled almost a "five-foot shelf" of permanently bound volumes. While I was Secretary of the Sierra Club, research scholars came from several eastern universities reviewing the history in those volumes, to try to determine how a city had robbed a nation and the people of the world of one of the most beautiful national park areas on earth. It was the foresight of Colby that prevented the scattering of those ephemeral historical bits that otherwise would have been lost forever.

So it is now, with the Oral History project of the great Bancroft Library. Memories of historical events that would fade long before the actors themselves, are kept alive in voice and type.

We are fortunate indeed that the History Committee was alert to record the memories of those great leaders of the Sierra Club who are no longer with us--Colby, Starr, Farquhar, and Bradley. Now the current participants in history--Ansel Adams, Phil Bernays, Harold Crowe, Glen Dawson, Newton Drury, Joel Hildebrand, George Marshall, and Bestor Robinson. Other

leaders will also be called upon to recall their knowledge of the history of the Sierra Club and the environmental movement.

To participate in recording of oral history is a fascinating experience and a thoughtful one, but surprisingly hard work. I was fortunate that the interviewer from the Bancroft Library was Dr. Susan Schrepfer, now Historian at Rutgers University. She had just completed an excellent study of the Forest Service of the United States, and so knew a great deal about the concerns of the environmentalists. In completing a very thorough two-volume interview with Newton Drury she was fully informed as to many of the great accomplishments and problems of the National Park Service. I soon found in my interview that she had carefully studied the early history of the Sierra Club by Holly Jones and all of the Bulletins and Director's minutes since then. She therefore knew precisely how to question in order to clarify an ambiguity from other sources. It was fascinating to work with one so well informed.

I mentioned that it was hard work. The interviews started November 10, 1972, and the final editing was completed June 16, 1975, two and a half years later, after rather continuous work on the part of both of us. I would estimate that it took about 1,800 hours.

It was well worth it, however, to record the history of the past 45 years of the Sierra Club. All histories are

subject to controversy, and this will be no exception. However, it will provide the basic material for analysis and comment by future historians.

I look forward to the Centennial of the Sierra Club.

RICHARD M. LEONARD
2/15/76

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INTRODUCTION

The character and career of Richard M. Leonard offer inspiration and guidance that are worthy of careful study. Dick was never a powerful athlete but through careful study and practice of techniques he performed some outstanding achievements in mountaineering, notably the first ascent of the Cathedral Spires in Yosemite. He began his rock climbing on Cragmont Rocks in north Berkeley; but after a time he transferred those activities into the Rock Climbing Section of the Sierra Club. His rock climbing techniques became an important contribution to the development of mountaineering.

His contribution to the Sierra Club did not end in physical activities but extended to the field of conservation. He became a director of the Sierra Club and later its Secretary and President. The foregoing activities were all carried on in connection with and in addition to the general practice of law. Together they constituted a life of tremendous activity and public service in addition to a happy family life.

We are fortunate in having Dick's reminiscences which give so much detail of his mountaineering and conservation achievements as well as his military career, all of which exemplify his devotion to sound techniques coupled with a broad vision of objective.

Francis P. Farquhar
Honorary President
Sierra Club
(1887-1974)

February, 1974
Berkeley, California

INTERVIEW HISTORY

Born on October 22, 1908, Richard Manning Leonard has been mountaineer, lawyer, and environmentalist. In all these efforts he has sought to balance the practical with the ideal, to temper the daring with the reasonable. Nowhere was this precarious path more evident than in his mountaineering. In the 1930s he made the first ascents of Leonard's Minaret, The Three Teeth, and the Higher and Lower Cathedral Spires, all in California's Sierra Nevada and all previously considered unclimbable. He accomplished these exploits, however, with a maximum degree of safety afforded by his development of the techniques of belaying the leader. With the rope and piton, and careful mathematical calculations, he minimized the risk without subtracting from the feat.

As a young wanderer in the high country, he came across registers and huts constructed by the Sierra Club. By 1930 he was a member, pioneering in the club's involvement in the science of scaling peaks. Following his lead, the club's mountaineering sections are still primarily devoted to fostering safety.

The Sierra Club of the 1930s was under the leadership of William E. Colby, a disciple of John Muir. The club's purpose was to acquaint people with the Sierra Nevada so they might share in protecting the beauty and the wilderness of this range. Dick Leonard was soon deeply involved in the cause. In 1936 he became chairman of the club's Outing Committee, supervising the famous High Trips. Two years later he joined the club's board of directors, a position he held until 1973.

Meanwhile, he had graduated from the University of California's Boalt School of Law. He was admitted to the California bar in 1933 and the United States Supreme Court bar in 1941. From 1933 until 1938 he functioned as chief attorney for the Regional Agricultural Credit Corporation. In 1938 he entered the private practice of law in San Francisco.

During the years of World War II, he left his law practice to volunteer for service as a Lieutenant of the Infantry Reserve. In the interview that follows he

describes how in the first years of the war he and fellow members of the Sierra Club and the American Alpine Club applied their combined knowledge of wilderness survival to a complete revision of the U.S. Army's 1918 clothing and equipment. Following this task, he applied for and received assignment to the jungle and mountains of Burma and India. His mission was Japanese Intelligence, the evaluation of the clothing and equipment of the continental Japanese army. He was promoted to major in 1945 and awarded the Bronze Star Medal.

After the war he returned to San Francisco and the Sierra Club. His leadership in the club was strengthened in the postwar period, especially after a conflict in 1949 with William Colby over the issue of roads in the Sierra Nevada. Leonard's purist view, shared by David Brower, prevailed, and Colby resigned, leaving the younger men to lead the club through the 1950s and the battle over Dinosaur National Monument. At the height of this latter battle, 1953 to 1955, Richard Leonard served as club president.

During the 1950s and 1960s the club and his legal career with the firm of Leonard and Dole consumed much of Leonard's energies. But not all. In 1948 he was elected to the Council of The Wilderness Society, a position he still holds. In 1962 and 1963 he served as vice-president of the society. He was elected as a member of the Save-the-Redwoods League Board of Directors in 1954 and as vice-president in 1966, positions he holds presently with nomination as president effective in 1975. In 1965 he was a participant in the White House Conference on Natural Beauty, and from 1963 until 1969 he served as vice-chairman of the committee on legislation of the International Union for the Conservation of Nature and Natural Resources. In the 1960s, he was also a founder of the Conservation Law Society of America, The Sierra Club Foundation, Trustees for Conservation, American Conservation Films, the Varian Foundation, and the Forest Genetics Research Foundation. In the 1950s and 1960s he received conservation awards from the California Conservation Council (1950), the Isaak Walton League of America (1954), American Motors (1964), and the American Scenic and Historic Preservation Society (1972).

Dick Leonard has on many occasions acted as an independent advisor to those federal and state agencies entrusted with land protection and utilization. For example, he and his wife Doris, also a leading conservationist in her own right, were invited to the 1939 and 1950 National Park Service's Superintendents Conferences. In 1962 Doris was appointed deputy secretary general of the First World Conference on National Parks, and Dick was rapporteur-general. Dick has been a member of the Yosemite National Park Master Team from 1967 through 1971. He has also functioned informally as an advisor to the United States Forest Service. On the state level he has served as a member of the California governor's Commission on Redwood Parks, from 1969 to date, as well as a member of the Scenic Highway Committee of the State of California, from 1963 to 1969.

Acting as liaison between environmentalists and such land agencies--two frequently warring factions, especially since the late 1950s--forced Leonard to closely analyze the nature of the relationship between pressure groups and public agencies. His own approach involves pressure for the highest ideals of conservative land use and wilderness preservation even including at times the defense of the rights of nature over those of man. Yet this pressure is never exerted so as to alienate or discredit public officials. This delicate balance demands the highest degree of facile communication, and Dick Leonard rues the tendency toward secrecy within federal agencies and the rejection of open discussion by many modern environmentalists, two developments he describes in detail in this interview.

Communication between environmentalists and industry is a similarly crucial tenet in Leonard's thinking, a tenet that was challenged by others in the Sierra Club in the late 1960s. Earlier in the decade Pacific Gas and Electric Company had purchased the Nipomo Dunes in California's San Luis Obispo County with the intention of locating a nuclear power plant on these coastal sands. Doris Leonard and her organization, Conservation Associates, led a fight to save the dunes. In the process, a compromise was worked out, with P.G. & E. sparing the dunes and naming Diablo Canyon as the alternate site. At a meeting on May 7-8, 1966, the Sierra Club Board of Directors voted its approval of the compromise.

A division within the club soon developed as a result of this vote. The issues, to the opponents of the compromise: should Diablo Canyon, as a coastal wilderness, be violated, and should the club go so far as to help P.G. & E. select atomic power plant sites, an act that seemed to imply sanctioning wilderness destruction and atomic power? To the Leonards and others the issues were: the salvation of Nipomo Dunes, the development of fruitful communication with industry, and after the May, 1966, vote, the protection of the Sierra Club's word, once given.

The schism over Diablo Canyon proved to be only the first act of a rift within the club, a rift that found Dick Leonard on one side with his friend and mountaineering companion, David R. Brower, on the other. On occasions past, as Leonard describes in the interview, these men had climbed together; they had fought together in previous environmental battles. Although Leonard was resolute in his drive in the late 1960s to control and eventually to remove David Brower as executive director of the Sierra Club, his path was not without great discomfort. The dilemma he faced is still evident in this interview, especially in his painstaking efforts to explain those aspects of David Brower's work that he deeply admired and those he felt compelled to reject. The fine line he chose to walk is obvious, too, in the very paradox of his resolute drive to remove David Brower contrasted with his constant tendency during this interview, made over three years after the executive director's departure from the club, to avoid hurting Brower and--as his wife Doris suggested--to err on the side of perhaps being "too soft on Dave."

When Leonard became involved with nature's defense in the 1930s and 1940s, environmental litigation was unknown. John Muir had had to rely upon a Congress influenced by public pressure. Today the Sierra Club alone has some eighty cases pending in the courts. Leonard was one of the leaders in this development. He applied the same exacting attention to detail and technique that he had displayed as a mountaineer to environmental problems. One result was his formation and presidency of the Conservation Law Society of America in 1963. Although this organization has now conceded the field to others, for many years it did the legal work for the Save-the Redwoods League, The

Wilderness Society, and the Sierra Club. Its cases have involved the crucial issue of legal standing in courts, the history of which Leonard traces fully in this interview.

At the request of Richard Leonard and the interviewer, Doris Leonard was prevailed upon to participate in that portion of the interview pertaining to Conservation Associates, formed in 1961. Neither she nor Conservation Associates has ever sought publicity, and she made the interview only after great hesitancy. The interview outlines the contributions she and her colleagues in this organization--George L. Collins and Mrs. Dorothy Varian--have made, especially in Arctic preservation and the establishment of a number of California state parks.

Mrs. Leonard is, however, an environmentalist of many hats. She has served as a voting member of the International Union for Conservation of Nature and Natural Resources; she is one of the founders of the Arctic International Wildlife Range Society. She served as a governor of The Nature Conservancy for six years and has been a life member of the Sierra Club for more than forty years. Her skill as a negotiator was recognized in September, 1973, with her election to the Board of Directors of Pacific Gas and Electric Company on the basis of her environmental background.

The actual interviews were made with Richard and Doris Leonard in the law office of Leonard and Dole in San Francisco's Mills Tower, five flights up from the Sierra Club. The sessions were held from November 10, 1972, through October 23, 1973. For each of these sessions, Leonard prepared with careful research and thought. The meticulous nature of the man is obvious in the fact that he painstakingly edited the manuscript twice to eliminate any possible redundancies, smooth the text, and update it through editorial insertions. There were, however, no significant revisions made in the content of the text. The transcript that follows is testimony to the patience, caution, and firm idealism of this man who seeks to evaluate the pros and cons of his own role in the heated environmental battles of the last forty-five years.

July, 1975
Department of History
Rutgers University
New Brunswick, New Jersey

Susan R. Schrepfer
Interviewer-Editor

MOUNTAINEERING

Early Interest in Natural Sciences

Susan Schrepfer: This is November 10, 1972, and the first session of our interview, Mr. Leonard. Would you like to begin by discussing your early years--your birth, childhood, and education?

Richard Leonard: I was born October 22, 1908, near Cleveland, Ohio, in a little town called Elyria. I was fortunate in spending the first twelve summers of my life on the shores of Lake Erie at my grandmother's vineyard. There I got my interest in natural things of the out-of-doors, because my mother's younger sister started me into natural science. She started me raising Monarch butterflies from caterpillars. She started me on life lists of birds, trees, and flowers.

[Heavy background noise.]

As you can see, the background noise in a large city is getting to be more and more of a problem. To my mind, that is one of the worst features of pollution that we have.

My education in the early years was that of being in a different school every year. My father was a civil engineer. Then in World War I, he volunteered for the Signal Corps because it had some new-fangled gadgets that would fly around and take pictures and carry messages. He got his wings under Claire Chenault in Texas. We were going to stay in the Signal Corps--the Air Corps by then--forever after.

RL: In 1920 we were at Wilbur Wright Field near Dayton, and we got orders transferring us to Texas. These orders were later changed to the Philippines. We were all delighted with that. I spent fifteen months in the Philippines, and while I was there I carried out the hobbies my aunt had taught me of entomology and raised from eggs some of the beautiful Atlas moths that were twelve inches in diameter. I didn't know what they ate, and so I gave them one hundred different species of plants. They finally decided on lemons. I raised quite a number of butterflies that way and finally sold them when I came back to the United States afterwards.

While we were in the Philippines, my father died suddenly. He was thirty-six years old and in perfect health. He nicked his chin shaving while in a ship off of Japan. He died in forty-eight hours. My mother, bless her soul, decided that she wasn't going back to Ohio. She picked Berkeley because of the schools. I was then fourteen and had two sisters just a little younger. She knew that I would be going to college soon, and that is how we ended up in California.

The Scouts and Francois Matthes

RL: I then became interested in scout work and was a leader of the scouts and was put in charge of hiking for the Berkeley scout council. In 1926 we hiked eighty-five miles, during a sixty hour period, into Yosemite and back over the dusty dirt roads that were there.

That experience has had a lot of influence upon my conservation work, because I can say definitely that after spending four years on the Yosemite Master Plan team just recently, Yosemite is more beautiful and wilder today than it was forty-six years ago. If things could not get better, it would not be worthwhile trying.

Similarly, in 1925, a cousin gave me a chance to be the naturalist at a large boy's camp near the

RL: Quentico Provincial Park of Ontario, Canada. Two-thirds of that land is water, and we covered about eight hundred miles of canoeing there. Thirty-one years later I returned with my wife and The Wilderness Society and some experts in that country. There, also, it was more beautiful and wilder after thirty-one years than it had been before.

The reason in both cases was that people have more sensitivity to the things that harm the country, and there is more effort to protect them. In the case of the Quetico, they had a lot of logging in the early days, and they had dams about ten or fifteen feet high made of logs. The logs had all rotted away, and the land had returned to its natural condition. Silmilarly, in Yosemite, the dust was six inches deep when I hiked in with the scouts as their leader. At that time, the dust was all over the azaleas, the meadows; it was just terrible.

In 1932, when I finished law school in Berkeley [J.D., University of California], Ansel Hall was chief naturalist of the National Park Service. He was helpful in scout work and was very generous in having a program whereby each city in California would send its best eagle scout on a trip for two months with an outstanding scientist, through one of the national parks.

In 1932 it was Francois Matthes, the great geologist who was the senior geologist of the United States Geological Survey. He had written the great report on the Yosemite Valley which confirmed John Muir's theory that the valley was brought to its present shape by glaciation. Whitney, the great head of the California Geological Survey, had said that the valley had been created by an earthquake fault. But Muir had said that it was created by, "snowflakes falling gently one by one." That this was so, Francois Matthes was able to demonstrate in 1913.

In 1932 we took Matthes for ten weeks through the High Sierra and covered most of the Yosemite National Park. We had sixteen teen-age boys and sixteen burros that I walked from one end of the park to the other. I had to teach the boys how to pack the burros and how to find them in the morning, which

RL: is even harder. Through Matthes the boys got a wonderful introduction to science, and Matthes was able to conduct his field explorations in various parts of the Yosemite.

Since then, I have been into Yosemite many times, which is one of the reasons I was selected for the Yosemite Master Plan Team. I have covered every square mile of Yosemite National Park; much of it many different times. I got to know it thoroughly. I explain this to show how some of that early work led into my present work forty years later.

In those early days I used to take some of the boys on climbs of some of the peaks. They had a scout camp on the Stanislaus River, called Wolfboro. I had helped to set it up in 1928. Then I took the boys on trips. We bought a couple of burros, a Jack and a Jenny, and so then we got lots of burros after that. We would take the boys back into the country and climb some of the peaks.

On the Dardenelles we found petrified wood, stumps of pine in the lava at 9,000 feet. I took a specimen to Dr. Ralph Chaney, the great paleobotanist at the University of California, who said it was the first time that fossils had been found in the western Sierra that high. Later, in the same year, near Berkeley, I found twelve different species of petrified wood in the fresh water lake of twelve million years ago that is now called the Orinda Formation. It stretches from the edge of the city of Berkeley to beyond the city of Orinda. I took those down to Dr. Chaney, and he identified them.

I might digress at this point to say that thirty years later I was elected to the board of directors of the Save-the-Redwoods League, and at the very first meeting, the president, Ralph Chaney, said to me, "Well, it's a different kind of wood this time, Dick." He was referring to redwood, and he had remembered after thirty years that I had brought that petrified wood to him from the Dardanelles in the Sierra and from Berkeley.

Traces of the Sierra Club

RL: From that early climbing, two other friends of mine and I rented burros in 1930 and went on a mountain trip in Kings Canyon National Park; it is almost the highest part of the Sierra Nevada. We climbed most of the high peaks. When I climbed them, each of the major peaks had a mountain register. People like to sign their names. So I found these registers were put up by the Sierra Club.

Also, when I got to Muir Pass, a 12,000 foot pass, there was a stone hut, built of beautiful Italian design of local stone, that had been placed there by the Sierra Club as an emergency refuge. It is about twelve miles from timber line on one side of the pass to timber line on the other side of the pass. If you get caught in a lightning storm high up, it can be pretty dangerous. I saw that the Sierra Club was doing this kind of work.

Then I learned that the Sierra Club had been able to obtain funds from the California legislature, through Senator Arthur Breed, who was a Sierra Club member, to construct a trail from Yosemite to Mount Whitney, and that trail was named for John Muir, who had died the year before, in 1914. The legislature in 1915 provided the funds, and the Sierra Club was able to arrange for the construction of the trail.

I felt I would like to support an organization that was doing such good work for the mountains and for the people. I therefore joined the Sierra Club in 1930. When I started to read some of the Sierra Club Bulletins to learn what they had been doing, I became more interested. For about two years, I didn't take any active part in the politics of the Sierra Club, because the board of directors was rather lofty and a young new member wouldn't know them.

But during my last year of law school, in 1932, I began to feel a need for some exercise. I was studying about sixteen hours a day, seven days a week, and I wasn't getting any exercise. So I decided that rock climbing sounded pretty interesting.

RL: We happened to live near Cragmont Rock Park, Berkeley, which is formed on the Hayward Fault and has some very steep and overhanging cliffs. I went to the Sierra Club library and started reading all I could on mountaineering.

Belaying the Leader

RL: I found that the European philosophy was that nobody could hold the fall of a leader. To put it another way, if you are climbing a mountain and you have an experienced person who leads the climb, he has a rope to the second man and the third man. Even if they do not have experience, the second and third are protected. But if the first man, the leader, should fall, say, twenty feet, he would fall twenty feet down to where the second climber was and then another twenty feet below him. If the second climber were on a ledge, that would be forty feet before anything could be done about it. To my logical, legal mind that did not seem sensible because it meant that if that one person fell, all three would be killed.

One of the policies of some of the English writers was that if the leader fell, since he knew that the other members of the party could not protect him, he had therefore violated his duty to the others because he was going to kill them, too, so they should cut the rope and get rid of him since he had betrayed them by falling. I thought that was a heck of a way to climb if you couldn't trust your own pals that you were with.

So we started at Cragmont Rock practicing climbing where a person would hold the rope above and then another person underneath an overhang would get up about six inches above the ground and then drop. He would drop about four or five inches and the first person would hold his weight. Then he would get up two or three feet and drop. It would be a far harder shock. The shock increases somewhat as the square of the distance, because it is the velocity times the weight of the man that causes the force.

RL: We kept getting up to higher and higher falls by this practice. Slowly over the years we got to a point where I was actually jumping off the top of a thirty-three foot overhang and dropping eighteen feet before the belayer holding the rope would start to check the fall. Then I would be held in the last eleven feet or so that was left before I would otherwise hit the ground. We finally realized that it was getting to a point where, if anything went wrong and you were dropped the full thirty-three feet, it would probably kill you. So we had to stop at that point.

When we tried climbing in the High Sierra, we found that we could study and practice this, and we felt very sincerely that no one should ever have to risk his life climbing. Some of the German climbers, in their publications, had stated that it was perfectly proper to risk life for a major climb. We did not think so.

When we tried to climb the Higher Cathedral Spire, which was an extremely difficult climb in Yosemite Valley and had never been attempted, this was in 1934, we got up to a point where we were not quite sure that we could hold a fall if it occurred; so we stopped and turned back. We weren't embarrassed, and we weren't cowardly. We just thought we were sensible.

We went back and studied and practiced some more at Cragmont. When we finally made the climb on the third attempt, we felt that we could have held the fall of any one of the three of us, if any of us had ever fallen. Actually, none of us did. Of course, roped climbing has to be on the theory that a fall could happen or else there is no use in having the rope. So that started rock climbing in the western United States.

SS: Was this with Bestor Robinson?

RL: Bestor Robinson and Jules Eichorn. We made the first ascent of the Higher Spire in April, 1934, and the first ascent of the Lower Cathedral Spire, which was even more difficult, in August, 1934.

The Rope and the Piton

RL In the time of Muir, people climbed without ropes. Muir made the first ascent, for instance, of Mt. Ritter, which was a difficult enough climb so that it killed three Sierra Club people last year. Muir got to a point where he could not go up and he could not go down. He was all alone, one hundred years ago, and the nearest person was probably at Yosemite Valley forty miles away. He finally went up because it is a little easier to go up than down since you can see where you are going.

When the rope was brought into climbing in the Sierra, a totally new standard of more difficult climbing was started. Robert L. M. Underhill, professor of philosophy at Harvard, and his wife--she was not married to him at the time, but she was a woman climber who had done a lot of climbing without men and had written some books on it--had climbed a great deal in Switzerland and some in England.

They brought the rope back from England to Harvard in 1931 and wrote an excellent paper in Appalachia on rope climbing. Then Francis Farquahar invited them to go on the Sierra Club High Trip in 1931. They brought the rope into the Sierra at that time.

It was because of Underhill's example and my desire to get some short exercise that I became interested in rock climbing. Rock climbing takes only about three hours or less, whatever you want. You don't have to go any distance because rocks for practice climbing are usually available locally. To my mind, it has always been the solution of a difficult problem, or trying to accomplish something that has never been done before, such as the climb of the Cathedral Spires, that provided the real joy of climbing.

The next year, 1933, we took climbing the president of the Aetna Life Insurance Company, who was out in the west on business. It happened that he was the chairman of the rock climbing section of the Connecticut Chapter of the Appalachian Mountain

RL: Club, and I was rock climbing chairman of the Sierra Club. We took him for the first ascents of the Three Teeth, 12,000 foot peaks, of the Sawtooth Ridge on the northern boundary of Yosemite. That was some of the most difficult climbing in the high country.

SS: I read in the Sierra Club Bulletin that you pioneered the use of pitons.

RL: Yes, when we first started the climb of the Cathedral Spires, we used nails. I've heard that they are still there--great big, long spikes about ten inches long. We would drive them into a crack, and then we would tie a loop of rope to the nail. We realized, because we were sensible, that that rope would not sustain a very heavy strain if a person fell more than about four or five feet. He would probably break the loop of rope or pull the nail out.

When we made our first attempt on the spire and found that it was so difficult and that it was overhanging eight hundred feet below us--we would fall eight hundred feet if we weren't careful--we retreated and then sent to Sporthaus Schuster in Munich for some pitons. They had been invented by a German by the name of Dulfer a year or two before, and we had read about them in the British Mountaineering Journal which had just come out.

The word piton is a French word. It has an eye and a thin blade that you can drive into a crack in the rock. We drove them into cracks in Cragmont Rock in Berkeley. The rope is snapped to the piton with a kind of big safety pin of steel that is about three-eighths to one-half inch thick. It is called a carabiner, with an open gate like a safety pin. You put your rope in there so that you have steel connecting you with the piton, which connects you to the rock.

I won't take time now, but in World War II my work in Washington, D.C., was to adapt the piton for the mountain troops of the United States. Germany, Italy, and Japan had expert alpine troops, and the United States had none and no equipment, we had only clothing and equipment for a war in Paris.

RL: During that work for the army, I was able to get tests of how strong the piton could be. It would hold a load of three thousand pounds. The carabiner, the safety pin, would hold a couple thousand pounds. The nylon rope would hold about three thousand pounds. The human body wouldn't stand that much, so the things you were working with were stronger than the human body.

What we had to do was to let the rope slide, and we determined--I wrote a small book on it--that if you allow the rope to slide as far as a person falls --for instance, if he falls five feet, you allow the rope to slide five feet more--it won't require a force of more than twice his weight to stop him.* In other words, the force on the man, rope, carabiner, and piton would only be about three hundred pounds for a one hundred fifty pound man. But if you stop the rope infinitely quickly by holding it over a rock, the falling body will develop a force infinitely great. That is why you have to let the rope slide.

We worked out a technique to take up the shock gradually and used it for this climb of Cathedral Spires with Jules, Bestor, and I. That changed the whole philosophy of climbing. Before our day no one had ever thought of attempting the Cathedral Spires. As far back as 1865, "the last unclimbed peak of Yosemite" had been climbed; Half Dome was climbed. It had been considered totally impossible. Things like the Cathedral Spires nobody even considered, because they knew you couldn't climb those.

SS: Did these changes--the piton, the rope, and later the nylon rope--increase the popularity of mountaineering in California?

RL: I think so. It has become extremely popular now. In fact, when we were in Yosemite forty years ago, we had maybe thirty or forty people a year who would be climbing. These were all Sierra Club people, friends of ours. We would take trips up there on

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*Richard M. Leonard, Belaying the Leader (Contor, 1946).

RL: May 30 and at Labor Day. Now I understand that the number runs up into several thousands that climb in Yosemite Valley each year, and they climb things that were impossible for us.

In all spheres of life performance gets better all the time. In Olympic running and swimming there are always new world records every meet, because people learn how to do it better. Also, from three and three quarter billion people on earth, naturally some of them are going to be more capable in those ways than the smaller number of people before. If you only have thirty or forty climbers in the thirties and several thousand in the seventies, out of those several thousand there will be some that will have better ability.

Also, the climbers nowadays go up and spend the entire summer climbing every single day, so that their muscles get to be extremely powerful. When we were climbing, we would leave the office at five in the afternoon, drive until midnight to get to Yosemite, get up at six o'clock, climb all day Saturday, climb all day Sunday, drive back to the office again about two o'clock Monday morning, sleep all day Monday and Tuesday in the office. Then we would work Wednesday and Thursday, and on Friday get ready to go up again.

When we were climbing, we were quite proud that we used the side of our foot when climbing on little ledges because it would have less of a strain, but nowadays these climbers put the tip of their toe on the ledges. That puts a terrific leverage on the ankle, of about pretty near eleven inches or more, as compared to two inches on the side. They have the strength, and that forces the body in closer to the rock and gives better balance. So climbing is getting better all the time.

SS: Was there any reluctance on the part of some rock climbers to use the piton?

RL: There was in Europe. When we made the first ascent of the Cathedral Spires, we were quite amused because the Alpine Journal, not the British alpine journal, but the Alpine Journal, the first one on earth, had a little comment that the summit of the Cathedral

RL: Spires had been reached, they understood, by the use of pitons, but it had not been climbed.

George D. Abraham, one of the leaders of British climbers, said that it is not sporting to use pitons though it's all right for climbers who are professional who are doing it for pay; but an amateur climber should do it for sport and not protect himself.

SS: In the Sierra Club Bulletin, you were talking about the attempts on Half Dome in the middle thirties, and you mentioned that you had a debate on the line between what was and what was not excessive use of pitons. What did you mean by that?

RL: Well, I guess that, on hindsight, it is almost a little reflection of the British theory that you can never use anything artificial, nothing that the mountain didn't have itself. On the highest spire, for instance, we had nearly eight hundred feet of climbing without pitons for direct aid and only about ten feet where we had to use the pitons for hand and footholds because there didn't happen to be natural holds available. We had said at the time that if anybody ever climbs it without having to use pitons as hand and footholds, they are doing a better job, and it has been climbed since then without the use of pitons for such artificial aid.

I don't think it has ever been climbed without pitons for protection. My own feeling was at that time, and still is today, that pitons for protection are morally right, because they do not make the climb any the less difficult. They are simply protection in case of some slip or accident.

To use a piton for a direct handhold or foothold is a different thing. That's why we kind of felt that it was wrong, forty years ago, to have to use them as kind of a ladder up Half Dome, or as they have done on El Capitan now. They sometimes have as many as several hundred pitons from bottom to top. I have had the National Park Service call me from Washington, D.C., and many other people, wanting to know if that is fair or proper. I said, "Yes, it is."

RL: It is just the same as getting to the summit of Mt. Everest with oxygen. For years the British tried it without oxygen and found that man, when he got to about twenty-eight thousand feet, could not make it. Three of the British climbers were lost and never heard from again. Now we have found that people can just become unconscious at those altitudes and not even know it ahead of time. So you can become unconscious and fall. Now it is considered proper to use oxygen and pitons, though there is increasing pride in climbing without aids.

The Committee on Rock Climbing, 1932

SS: Could you describe the origin of the Committee on Rock Climbing, launched by the Sierra Club's Bay Chapter in November, 1932?

RL: Well, that is kind of interesting. The Sierra Club was conservative, and the board of directors did not approve of rock climbing because they thought it might be dangerous. So they would not permit the Sierra Club to engage in rock climbing. So in March, 1932, I formed the Cragmont Climbing Club, just a group of us as friends, and we did our own climbing. Then Francis Farquhar became president of the Sierra Club, and Lewis Clark became the chairman of the San Francisco Bay Chapter. Both of them were mountaineers and members of the American Alpine Club and the Cragmont Climbing Club. By November the Sierra Club approved, and we formed the Rock Climbing Section. I was the first chairman and continued so until the war, ten years later.

In 1932, I abolished the Cragmont Climbing Club because I did not want to have any separation between that group of climbers and the Sierra Club. I felt there should be only one group, and I think it has been wise. Of course, almost every chapter has a Rock Climbing Section now. It has gone ahead very well. Teaching safety is the main purpose of the Sierra Club activity. Just last Sunday I saw about fifty of them on top of Pinnacle Rock right near Cragmont Rock. So the Berkeley rocks are still used for this purpose.

SS: You went over to Marin County in 1931 and had some type of climbing demonstration on the sea cliffs?*

RL: I think Jules Eichorn may have done some demonstrations in 1931 on the local-walks climb on the cliffs near Stinson Beach. That's where I first met Jules. I was fascinated to meet him as I had thought he was an old man of about sixty or seventy-five, because of his great reputation in climbing. But Jules was about twenty; he seemed so young at my elderly age of twenty-four. That's how we got acquainted. Jules had been with Robert Underhill the year before on the Sierra Club High Trip. You have done some good reading. I had almost forgotten about that.

Mt. Waddington

SS: I don't know that we want to go into even your more important climbs, but do you recall any outstanding incidents relating to the climbs or the men you climbed with, like Eichorn or Bestor Robinson?

RL: Well, our principal climbing attempt was after we read in the newspaper that some British and Canadian climbers had been trying to climb Mt. Waddington, the highest peak of provincial Canada. They had made ten attempts, and all ten had failed. So we said, "Gee, it is time that we went." It was a rock climb, so we figured we could rock climb there as well as anywhere else. But we had to go up a twenty-five mile glacier, starting at three feet below sea level. We had a sea plane and got out of the plane in salt water and started the climb up this twenty-five mile glacier to reach the snow summit at 13,000 feet. At that point, a very severe storm came in, and we had to retreat in the blizzard because of avalanches and couldn't make the rock summit. That was 1935. That was just three years after we had started climbing and the year after we had done the good climbing in Yosemite.

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*Sierra Club Bulletin, 17, no. 1 (February 1933): 105.

RL: We decided to go back and try again in 1936. Each trip was three weeks, and we slept on snow and ice 2,000 feet thick for two weeks at a time, cooking our meals with little kerosene primus stoves. This time we tried to climb it by an arete, which is a sharp ridge. It is a ridge because it is the soundest rock, and thus has fewer hand and foot holds than usual. But it is safe, since anything that falls passes by either side. It's only up to you whether you fall off. The easiest way to climb that side of the mountain was up what they call a couloir or gulley--a chute 3,000 feet long at an angle of about 65 degrees. Any rock or ice would come down that gulley so fast that you couldn't even see it. It would zoom, zoom, as it went by.

Other parties later climbed it by that route and had some severe accidents. We stayed out of it because we decided that it wasn't safe. There was nothing you could do about those falling rocks except not to be where they were. That is why we stayed out on the steep ridges, but the climbing was so slow that we weren't able to make it. Another party from the American Alpine Club made it the same year we were there. They climbed up the dangerous route and had a very severe rock fall during the dark: they couldn't see it either and were just lucky they weren't hit.

Norman Clyde

SS: Did you ever climb with Norman Clyde?

RL: Yes, Norman was our guide on Sierra Club High Trips for many years. This is one of the unfortunate things that I think ought to be recorded for the future, since this is history. I had to fire Norman in 1941. He had been our guide in 1937 in Canada on the High Trip, and in 1938, 1939, and 1940. In 1941, he was the dean of all climbers. He had climbed about one thousand peaks in the Sierra, many of them first ascents.

He was a wonderful old man, but a very crochety one. He had lost his job as a school teacher because one Halloween the kids taunted him too severely and he

RL: fired over their heads with a gun. The parents didn't think it was funny, and the school board fired him. From then on, he was somewhat of a hermit and did guiding work, writing, and exploration.

Another time he was in a car with Bestor Robinson heading for climbing in Death Valley. Horace Breed was in another car behind them and got impatient because Norman was going too slowly, so Horace pulled out in the desert and went past them in a big cloud of dust. Norman pulled out his pistol to shoot him for having passed him and left him with all that dust. Bestor grabbed the gun and was able to keep him from shooting his brother-in-law.

Well, I knew all of those things, but he seemed perfectly safe and sound in his mountaineering, and he was wonderful for several years. But in 1941, he was leading a party of inexperienced people up an easy mountain called Matterhorn Peak. It has a frightening name, but it is an easy climb. For some reason, maybe to give a thrill to his party, Norman took them across a steep snow bank on about a forty-five degree slope.

People forget, although Norman knew it, that if you fall one hundred feet on a forty-five degree ice slope, it's equal to falling fifty feet over an overhang. The results are the same when you hit the rocks at the bottom, because a fall on a slope of hard snow or ice at forty-five degrees accelerates at approximately half the speed of gravity, and so with a 100 foot slide, you end up with a fifty foot crash at the bottom. They were not roped because it was such an easy climb.

The last man was a little bit clumsy, and he broke the final step in the snow and started to slide. He crashed down into the rocks, fractured his pelvis in several places and cut his scalp so badly that it took the doctor that night, seventy-six stitches to put his scalp back on; it almost took his scalp off.

Norman was so angry that the man would be so stupid as to do that, that he said, "The hell with him. Let's go on with the climb." He was going to go on. [Clank, clank.] My wife says--I battered the lamp that I just hit--that I have French blood and talk with

RL: my hands when I get excited. Well, I was excited because Norman just said, "We are going to go off and leave him."

SS: Were you there?

RL: No, I wasn't there at the time of the fall. I was on another climb and had taken the day off, but Dave Brower was in charge for the day. Of course, the rest of the party wouldn't leave the man, so someone came dashing back to camp, and they got a stretcher and brought him back. We always had a doctor on these trips. The doctor, fortunately, was a very skillful surgeon, still is, Dr. Dexter Richards in Berkeley. He took seventy-six stitches in putting the poor man's scalp back on, and then he had to carry him for two days down to the highway at Tuolumne Meadows to get him to a hospital.

SS: This was on a High Trip?

RL: Sierra Club High Trip. Norman Clyde was our official guide. We were paying him, you see, giving him a free trip and paying him to take people on these climbs. I set up a kind of trial that night, and Dave Brower and I and some of the other experts went over it with Norman, and we fired him that moment. Most people don't know of this incident, and it shouldn't be published, but it should be recorded for history. Norman, poor soul, was born April 8, 1885, and died December 28, 1972.

SS: What was the date of that trip?

RL: That was 1941, in northern Yosemite. The accident occurred on Matterhorn Peak, at the north boundary of the Yosemite National Park.

SS: And the date of the shooting?

RL: Oh, about 1930 or 1931, maybe a little earlier.

THE SIERRA CLUB IN THE 1930s AND 1940s

The Young Turks Overrule Will Colby

Susan Schrepfer: Could you describe the character of the club when you joined in 1930? What kind of people joined and what were their motives--political as well as social?

Richard Leonard: Well, it was very quiet, yet it had always been very active politically in trying to preserve the parks and the environment. It started with John Muir protecting Yosemite National Park, which was created in 1890. Just two years later, there were five bills in Congress to allow grazing in the park and to eliminate the best of the sugar pine timber. So John Muir set up the organization for political purposes, to protect the parks, and that was the principal role at the time that I came into it in 1930.

In fact, the Sierra Club worked to establish the U.S. Forest Service for fifteen years before it was actually accomplished. It also worked for the establishment of the National Park Service in 1916. So the leadership of the club--Francis Farquhar, William Colby, and Walter Huber, and others--was always related to those activities.

They had a policy at that time, which I felt was wise, but has gotten out of control at the present time, to have only one or two principal campaigns a year. In other words, one campaign would be the Kings Canyon National Park, or another one might be the Glacier National Park. They tried not to overload the members with a lot of different kinds of things at once.

Leaders of 1938 Sierra Club high trip in the High Sierra. Left to right: Oliver Kehrlein, William E. Colby, Richard Leonard, Dave Brower. Photograph by Cedric Wright.

Bob Marshall Wilderness Area, 1953. Left to right: Richard Leonard, President, Sierra Club; Olaus Murie, President, The Wilderness Society; Sig Olson, National Parks Association. Photograph by Doris Leonard.

Dick Leonard and Bing, 1950. Photograph by Doris Leonard.

Richard Leonard in Yosemite Valley, September 1933. Bestor Robinson, photographer.

RL: I feel today that because problems are so severe and so frequent, they have to try to handle many, many more. I think, also, the leadership often becomes disappointed now when they find that people won't respond as well to a fire every month as they used to in the old days when we had a major campaign that would run three or four months at a time and then we would take on another campaign. So it is very difficult for the present leadership to be able to handle that great variety. When I first joined, the leadership was able to handle these things well. When they would ask the membership for letters usually half of the members would write. Hence, they would get a large proportion of the membership to write; but, of course, not as many in total numbers as they do today.

I think that most of the people joined to go on High Trips and some of the local walks with the San Francisco Bay Chapter and the Southern California Chapter. Those were the only two chapters that the Sierra Club had. So people joined for those two purposes and then became interested in the conservation problems. Maybe a third of the people joined because of the conservation work.

My own initial interest was just in the high mountain conservation work of the Sierra Club, as shown by the mountain registers and the Muir Trail and the Muir Hut. I did not take any part at all in the activities of the club for two years until I started rock climbing on my own and got the Sierra Club into that indirectly. So my joining the club was not for the social activities, but for the conservation side of it. I did not take any part in the leadership because at age twenty-two to twenty-five I didn't feel that I was old enough to be presumptuous enough to deal with Will Colby, who had run the Sierra Club since 1900.

The poor dear, Colby, finally resigned in his forty-ninth year as director [1949] because Dave Brower and I--the Young Turks--brought about the revolt of seven or eight of the directors that blocked the road into Kings Canyon National Park from going up into the upper part of the Kings River Canyon. John Muir felt, Colby said, that everybody should see the mountains. Dave and I felt that Muir was an intelligent enough man--although we had never known him--that

RL: he would recognize that sixty years later there were already so many people enjoying the mountains that they were overloading them and beginning to damage the beautiful country. We thought that the roads would be harmful.

In fact, only three years later, Brower and I were able to arrange the amendment of the articles of incorporation to eliminate the "purpose," as drafted by John Muir, "to render the mountains accessible." In his day the mountains weren't even mapped. The first maps of the Sierra Nevada were made by Sierra Club members, Joseph LeConte and Walter Huber, who were both engineers, and Will Colby and others who explored the high mountains and provided the only maps that were available.

The Sierra Club Board of Directors--if you go back to the early bulletins, many people would be shocked to know--had proposed roads up Tenaya Canyon and up into Little Yosemite and across Kearsarge Pass and all the highest passes of the Sierra Nevada, "to render them accessible." Dave and I felt that we had accomplished that purpose in sixty years and that now we should work to preserve some of the wilderness that had not been destroyed by roads.

So Will Colby finally said, "Well, nobody pays any attention to me anymore." He wanted to resign, and I said, "Will, you have got to stay for fifty years because nobody in the Sierra Club will ever be able to last for fifty years on the board again [Laughter]." He said, "Nope, nobody respects my judgement or that of John Muir. I am getting out." And so dear Colby resigned. All of us loved him deeply and elected him honorary president of the Sierra Club until his death in 1964.

That means a lot to me because today I can see it happening again [Laughter] when I was outvoted fourteen to one on the question of fighting the Point Arena nuclear plant up in Mendocino County, where I felt that the Sierra Club had no plans to protect the land there. No parks--state or county--were planned there. It is not park calibre. It is beautiful seacoast, but you have to have power somewhere. It seemed the lesser of several evils. But I was voted down.

RL: Of course, Colby is the only one who will ever reach forty-nine years on the board. I will have served thirty-five years, but I have to retire in May, 1973, because the young folks have amended the bylaws to provide that no director shall continue for more than six years without a break. Theoretically a director can then come back; and I could, but I won't. Probably three-fourths of those who end their term at six years won't continue. I don't object to it, though. I voted for it on the board of directors, and I voted for it personally because things are different now. I believe the young folks should run the organization.

I think the principal value of folks like me on the board of directors is to tell them what happened in the earlier years and how it related to present problems. For instance, on this suit to block the ski development at Mineral King, other members of the board asked whether the Sierra Club had voted in 1963 to object to any ski development or only to a large one. "Well," I said, "they had objected to any ski development, not a small one, but any. They had concluded that, while the area was not wild, it was beautiful somewhat wild country and should be protected as such."

The general feeling of the club has changed greatly from the old days. In the 1930s the membership was mostly middle-aged persons who enjoyed the mountains and trips and who more or less followed the advice of elders, the board of directors, on any conservation subject. But the members didn't take an active part in it themselves. The board of directors seemed to continue pretty much the same for years and years. But actually there were sixty-four directors before me and fifty-eight after, an average of two new directors each year.

From 1922 to 1956, we elected all fifteen directors each year. We didn't have a staggered term as we do at the present time. We finally concluded that people couldn't know fifteen people and elect them all intelligently. Therefore, if we would elect five each year for three years we would get a clearer choice of people.

RL: In 1973 the members will have to vote for an entire new slate--that is, five. All of the five now on the board will retire. Actually, the change-over has been more rapid than those who wanted the six-year term realized, because I am the senior member at thirty-five years, but the second in service is Will Siri, who will serve eighteen years, having first been elected in 1956.

SS: You and Dave Brower worked together against Colby on the Kings Canyon road. You mean that the club then voted against the road?

RL: Yes, the club voted to recommend to the National Park Service, and we were able to obtain an agreement with them, that the road would not go beyond Copper Creek, which is about half way up the valley. In fact, the Yosemite Master Plan Team has just about done the same thing in Yosemite, where the road into the upper part of the valley is now blocked to general traffic and only the bus goes up there. So the upper valley doesn't have the noise pollution that we have to shut out here in San Francisco. It doesn't have automobile pollution either, except from the buses. The incident illustrated the difference in point of view where Dave and I were more preservationist than even Colby.

SS: What was the date on that?

RL: 1947.

SS: Was this the only incident of this character or did this culminate a series of differences?

RL: No, that was the principal one as far as Colby was concerned. As I told you, I can see it again today where the younger members of the board voted to preserve the coast even though I felt a power plant on the coast there would do less damage than in the interior. Of course, now the younger folks say, "Well, you shouldn't have any power plants at all." I agree that you have to have stabilized population and stabilized use of energy, but you have to do that by education first. You can't do it by stopping the power plants and still allow the population to increase. That is the difference in point of view that we have.

RL: I guess that was somewhat Colby's point of view. He felt that people should get into the park. For instance, he said that even the president of the United States couldn't really get into his own Kings Canyon National Park, because Franklin Roosevelt was crippled by polio and he had to ride in a car and he couldn't walk.

SS: When you make a decision like this to vote a certain way, do you feel that you are voting upon your best judgment, having been elected by the membership, or do you feel that you are reflecting what the club membership seems to feel on this particular issue?

RL: My own philosophy is that each director should vote as an intelligent person, knowing more about the subject than most of the people that he represents. I feel very strongly that this should be the case with our Congress and the California legislature, that in general the people that we elect to represent us do know more about the subjects that are up before them than the people who elected them.

They do, of course, vote according to the general feelings of their constituents. They know darn well that if they vote consistently along other lines they won't be elected. I don't think that my own views have been unpopular because the last two times I was elected I received the highest vote that had been recorded up to that time.

Another instance is that Colby ended up as number fourteen out of fifteen and was almost dropped from the board of directors one time. I feel the real reason was that each person thought, everybody will vote for Colby so I will vote for somebody else. So poor Will almost got left out.

The Purist Trend Continues

SS: When you had this difference of opinion with Colby, did you feel that there was any reaction among the membership of the club to this change?

RL: No, I think they approved of it. The club has become

RL: increasingly more preservationist minded. That is true today. And that is my difference, you see. As an old-timer on the board I am less preservationist than the younger members of the board who simply say that there should be no more power plants on the coast, period.

SS: If the club membership has become increasingly preservationist, how is it that you received the highest vote in the last two elections and not one of the younger directors?

RL: That is a difficult question. I presume that I have been able to preserve sufficient balance between experience and new ideas so that the voters wish to have continuing broad experience on the board.

SS: Do you feel that there is any risk of losing the older members of the club? The History Committee of the club is sending out questionnaires to long-time members of the club, people who joined before 1930, and we asked, "Do you approve or disapprove of the club's current course?" A lot of the older people seem concerned about the possibility of a power shortage. Perhaps it is because they are older and generally live alone, making a power shortage more frightening. Do you think there is a risk of losing the support of such members?

RL: I think there is, and we do lose some. Francis Farquhar, honorary president, has been threatening to resign for years because he feels that the members have gone too far. For one thing, I strongly disapprove, as does Farquhar and, I think, most of the older members, of the modern young folk philosophy--maybe I use words young folk wrongly--that corporations are immoral, that business is immoral, and that corporations and businesses will deliberately pollute to save dollars and will deliberately harm the environment needlessly. I don't believe that at all because, actually, corporations are just people. American Tel and Tel, for instance, is two million people, the stockholders.

As somebody pointed out this noon, the Sierra Club is just people, too, it is a corporation. If corporations are immoral, so is the Sierra Club, from that

RL: point of view. People think of Standard Oil, P.G. & E., or American Tel and Tel as being entities that do evil things on their own. But they do evil things only if evil people do them and only if the stockholders don't care and don't correct the evil.

I feel that education is the way to handle these kinds of problems. I think that is one of the differences between the older people and some of the younger, more active ones in the Sierra Club. The more active ones tend to just condemn the system and say that it cannot be saved and it must be destroyed. I don't agree with that.

SS: Do you think that the leadership of the club in the 1930s would agree more with what you are saying now?

RL: Yes, definitely.

SS: Bringing us back again to the earlier period, you knew William Colby, Duncan McDuffie, William Bade, and other such leaders who are now just names, and not faces, to the rest of us. Do you recall any incidents or traits that are particularly characteristic or revealing of these men?

RL: I don't recall any particular incidents because there were so many, but I would say that each of them really was an outstanding person in the whole of California and often in the nation. Each one was the type who already was in Who's Who or today would have been. They were outstanding people. Each was a leader in his field.

William Colby was considered the greatest authority on mining and water law of his time. Duncan McDuffie was one of the great, early subdividers. He subdivided in a very nice way, with usually about an acre for each house and a lot of trees around it. Most of these homes that he arranged would be selling today in the $50,000 to $100,000 range. Francis Farquhar was the president of the California Society of Certified Public Accountants. Bestor Robinson was the chairman of the Advisory Committee to the secretary of the Interior for six years.

Walter Huber was a very outstanding engineer and later president of the American Institute of Civil

RL: Engineers. He was regional engineer for the Forest Service. This is in other histories but when a power company applied for a permit to blast the Devils Post Pile and make a dam out of it so that they could get the power flow over Rainbow Falls--it would have destroyed both the Devil's Postpile and the Rainbow Falls at the same time--Walter was alert enough to persuade President Taft to set it aside as a national monument. It is a national monument today because this young engineer in the Forest Service, a Sierra Club member, was able to save it.

Clair Tappaan was a superior court judge from Los Angeles. Ansel Adams could have been president of the Sierra Club but didn't want to be. He wanted to be freer than having the responsibility for running the political campaigns. He is very effective in his own style of campaigning. He does take part quite a bit. For instance, today I just got phone calls from Ansel and from Washington asking for help in keeping George Hartzog as director of the National Park Service. Dave Brower started a campaign about six months ago to have Hartzog fired as director.

I have known all of the directors of the Park Service since Mather, and each one of them has good points and bad. But each one of them, also, I would say has done eighty percent more good than harm, and that is true of Hartzog, too. The harm comes in their being forced to permit certain developments because a congressman or a senator of a particular state has so much power on the appropriations committee that the Park Service can't get any money if it doesn't permit it. Anyway, I wired the President and about twelve other influential people to try to keep Hartzog on, and Ansel has, too. So Ansel does a lot of good in that way.

Ansel is the old type because he was on the board of directors even before I was. He retired this year, before his term came up, because he had a heart attack and his doctor told him that he has to slow down. So Ansel has slowed down from one hundred and fifty percent above normal to about one hundred and ten percent.

SS: With men like McDuffie and Colby there was no thought of conflict between being a subdivider and being a

SS: member of the Sierra Club?

RL: No. McDuffie was highly respected by everyone. He was also a preservationist as president of the Save-the-Redwoods League.

SS: This tends to be a problem today, however.

RL: It does. For instance, the manner in which the Sierra Club board of directors makes policy with respect to oil disturbs me greatly. We lambaste the oil companies and say all sorts of derogatory things with respect to oil. Alex Hildebrand was a director of the Sierra Club for twelve years and club president. He was in charge of underground research for Standard Oil of California for many years. He retired from that and now has gone into farming, which he can afford to do.

Yet the current presidents of the Sierra Club, Sherwin, Berry, Wayburn, and Marshall, refuse to put Alex Hildebrand on an oil committee because he has been connected with the industry. I say, of course, that is exactly the kind of man we need, someone who has been a director of the Sierra Club for years and president. You know he is completely loyal to the Sierra Club, but he also knows the inside workings of the industry and precisely what is going on underground and why Santa Barbara spilled the oil all over the seacoast and what to do about it in the future. "No," they say, "he is tainted." He is somehow wrong because he has been with the industry.

SS: They are demanding a one hundred percent commitment.

RL: A hundred percent commitment, and often without the knowledge of what the other side is doing. Heck, in military work you want to know what the enemy is doing in order to be more effective yourself.

SS: I wonder why this change has occurred. Does it appear to these people to be more of a crisis situation that they feel that it must be an all or nothing fight?

RL: I am afraid it is the polarization that is occurring all over the world. I was very sorry to see it at Stockholm where the have-not nations were polarized against the United States and the wealthier nations on environmental matters.

RL: In part you see it in racism, where we started out in 1954 with the decision of the Supreme Court of the United States that all schools shall be fairly integrated. We have been fighting now for almost twenty years, and it looks like we are getting further away from it now than before, because these anti-busing amendments are going in, making it more difficult.

I think it is a polarization problem where industry is evil and environmentalism is the angel and savior. I don't think that Colby and the others ever felt that way. They just tried to stop specific raids on the forests or a raid on a park for a dam or grazing. Maybe there weren't so many raids. Maybe that sense of frustration is important today, where the young folks see that raids--or what looks to them like raids, but which are really the desire of other people to use assets we were going to use--makes them feel polarized.

The Origin and the Demise of the High Trip

SS: Back to the club's history in the 1930s and 1940s. You were chairman of the Outing Committee from 1936 to 1952. Could you describe the history of the changes in the High Trips? The High Trips no longer occur; they have changed character. Could you explain their demise and the problems that you had with what has been called the recreational saturation point? You wrote an article about the problem of protecting the mountain meadows from the hikers and their animals.

RL: John Muir asked Will Colby to start the High Trips in 1901. Colby was just about twenty-four years old at the time. Muir's purpose was political; it was primarily to get people into the mountains so that he could say that the Yosemite Valley and Sequoia were being used, that people were seeing it, that it wasn't being locked up from the rest of the people. Also, so that the two hundred people that went each year on those High Trips would all then be enthusiastic enough to get others to write Congress to protect Yosemite or the Sequoia, or to participate in the big battle that took from 1890 to 1920 to get the Kern River into Sequoia National Park.

RL: People forget that the Kern River was not always part of the park. Sequoia National Park was originally only a little square of about twenty miles on each side, where the Big Trees were. It was only for the trees; it contained none of the rest of the mountains. Colby and the Sierra Club and Muir, during his lifetime, worked hard to protect all that. So that was the purpose of starting the trips.

Colby faithfully carried them on for thirty-six years. It is interesting to note that we only had three chairmen of the Outing Committee in the first seventy-two years, and we got our fourth chairman just this year when Stewart Kimball retired after twenty years and Jerry South was appointed.

The board of directors of the Sierra Club was so conservative in 1901 that it would not allow the Sierra Club to have the risk of the outings. So they provided in the bylaws that no Sierra Club funds could ever be used for the outings. Colby carried them on at his own risk, taking the chance of losing money and so forth, and bought the pots and pans for the first year.

Finally, Francis Farquhar became president. He was president of the California Society of Certified Public Accountants. So he demanded that Colby make an accounting of the money from the two hundred people who went on these trips. I guess maybe in those days it was fifty dollars each. How was that ten thousand dollars spent? Colby said the hell with it, if he had handled it all those years on his own, taking all the risk, then he wasn't going to make an accounting for anybody. So he resigned from the Outing Committee. At that time Colby, Ansel Adams, and Francis Tappaan, who later became president, were the three members of the Outing Committee. All three of them resigned.

I was then appointed in December, 1936. I was appointed chairman principally because of my taking those sixteen boy scouts for ten weeks with Francois Matthes and because of the two trips to Mount Waddington, where I had prepared the food lists for long periods of time. So I asked Colby for his food list, equipment list, and so forth. He had none. He had never kept any. He simply asked the largest store in San Francisco, Goldberg-Bowen, a very good grocery store, one hundred years old and still existing, to

RL: prepare the food list and ship the food to where the trips were going to be held. I considered it too expensive.

At any rate, Colby turned over to me $2,800, which was the accumulation he had made over that thirty-six years. I, as a young lawyer, took out liability insurance and worried about the provision in the bylaws that no Sierra Club money could be used. What if I lost more than $2,800? It would have to come out of my pocket. So I told all the people on the trip that if there was a deficit on the trip they would have to make it up by an assessment later.

In the sixteen years that I handled it, we never lost money. Now the reserve fund is up to about $120,000. The board of directors, on October 22, 1972, agreed that that amount should never go below $80,000 because it should be roughly ten percent of the money that is involved in the outings. The total now is $800,000 to $900,000 every year.

When I took over the High Trip, Colby had two hundred people on the trip. I began to feel that was getting pretty large, with the number of other people who were in the mountains. During those thirty-six years when Colby ran the trips, usually the Sierra Club was the only party in the mountains the whole summer. Nobody else. So there was no problem of overloading.

I felt that we could spread it out a bit if we could have other kinds of trips. So I asked Dave Brower to start the knapsack trips, and Oliver Kehrlein, the base camp trips, where you go into a beautiful spot, pack in, and then all the animals leave so they won't eat up the meadows. Then the people would hike and enjoy the wild country from that place for two weeks. Then Milton Hildebrand, son of president Joel Hildebrand, started the burro trips, because burros use less food than mules and a different kind of food. They eat short, dry grass up on the slopes of the mountains.

Those trips have gradually spread out until there are now all kinds of trips--canoe trips and raft trips on the Colorado River and everywhere. The club has 462 trips for 1973. We have trips all over the United

RL: States, the Allagash in Maine, the Quetico in Ontario, and all up through British Columbia. We even have them into other foreign countries--the Galapagos, Nepal, Yugoslavia, Norway, and Kenya. The purpose of all of these has been, not to be a travel agency or to make trips just for fun, but to provide trips into those countries by knapsacking or means that are of an outdoor nature that you cannot get from travel agencies.

This will take the load off the Sierra, because even today the Sierra trips are signed up first. They are completely signed up within a month after they are announced, and then we have a waiting list double the number of people for the next several months until the trip is ready to go. By having these other trips we try to take care of the desire of the people and yet not beat up the Sierra.

As you may know, the Sierra Club Outing Committee and The Sierra Club Foundation have spent about $60,000 so far for a study by the California State University at San Jose by a professional group there on what impact there actually is on the wilderness. One of the factors being considered is the number of people per group. Does a larger number of people in one group have a smaller impact per person because they are better managed and are able to do certain things together--fires, for instance--than smaller parties? That study is still going on. We are applying to the National Science Foundation this year for financial support to carry these studies on into the future.

So the outings have gotten up to a point where four thousand five hundred people last year went on the outings. We are trying to spread them out both geographically and in time. We have trips now in all months of the year; by using the tropics and the desert regions, you can go in the winter months. Then you avoid the desert regions in the summer and go up into the Sierra to the far north.

SS: Do you think that you have successfully lessened the impact on the mountain meadows in the Sierra now?

RL: Not yet. The parks are still trying to take action on that. I have been writing every superintendent of Yosemite for the last forty years to stop the grazing

RL: in the Yosemite meadows. They are still grazing commercial stock on the meadows of southern Yosemite. I was shocked to find that out when I was on the Yosemite Master Plan Team, because I was assured some years before that it had all been ended or would be soon.

The Yosemite Park and Curry Company has stock at the stables in Yosemite Valley and at Tuolumne Meadows where they feed them alfalfa during the summer, but then in the fall on their way down to the foothills they graze them on the meadows. They hate to see those beautiful meadows going to waste [Laughter.] When the park permits commercial grazing of the meadow every year, it is not the same healthy meadow as is a virgin meadow that is grazed only by deer or, in the old days, by elk. I am still arguing that with them. I am getting closer and closer, I think, to a point where it will terminate.

The Sierra Club Foundation owns Zumwalt Meadow, the only meadow on the Kings Canyon valley floor. It is a beautiful meadow with grass four or five feet tall and gorgeous flowers, such as evening primrose and tiger lilies. The meadow has never been grazed in the fifty years the Sierra Club has owned it. When we started trips from there we would pack hay to the meadow and feed the stock, off to one side on the sand, even though it costs money to bring alfalfa up there. So that meadow is in gorgeous condition and shows what other meadows could be like if they weren't continually grazed.

The Save-the-Sierra Club Battle of 1946

SS: In 1946 there occurred the Save-the-Sierra Club battle, as you called it, where there evidently was a conflict within the club.

RL: Yes. It was the only internal conflict we had from Hetch Hetchy until recent times. Just after the end of the war, at the December meeting of 1945, Ansel Adams made a motion to abolish the Southern California Chapter. At that time the club had only the San

RL: Francisco Bay and the Southern California chapters. He made the motion on the ground that the chapter was just a social group, giving dances and local walks and so forth, and wasn't doing any conservation work. Ansel was very sincere about it and very indignant. It raised such a row that the motion wasn't seconded and nothing happened.

At that time the Southern California Chapter had one-third the membership of the club, and it had one-third of the fifteen directors. So the directors from southern California decided that they were going to go out and get eight directors and have a majority on the board. This was the first campaign within the Sierra Club. The southern chapter started that campaign among their own members to vote all in a block for eight directors. If they all voted for a block and the rest of the club voted in a random manner, then they would have their eight directors.

I had just returned from the war, and Dave Brower had just returned, too, from the Mountain Troops. So Dave and I and Alex Hildebrand, who is just about our age--all young folks in our thirties--got together. We got Will Colby, McDuffie, and all the old-timers, Francis Farquhar, too--we had others on the outside, but we provided the energy and the fireworks--and we telephoned every member of the Sierra Club.

When the ballots came in, we had fired every single member of the board from Southern California, except Phil Bernays, who had been president of the club and who had been the founder of the chapter in 1911. We had all recommended voting for him, because it wouldn't have been proper to have wiped them out completely. We didn't really expect to win that kind of a lopsided victory [Laughter.]

It has been kind of unfortunate in a way. It has never raised animosity since then. But today there are no directors from southern California, and southern California still has about one-third the membership. We now have directors from Alabama, Arizona, the District of Columbia, Kentucky, Maine, Massachusetts, Nevada, Ohio, Oregon, and Utah. In fact, the majority of the board now is from outside of California. But none of them are

RL: from southern California.

Racial Prejudice, Followed by McCarthyism

SS: There was some question about the screening of members by the Southern California Chapter?

RL: Yes. That was one of the reasons for Ansel's motion, the racist and ethnic problems. The Southern California Chapter deliberately refused to allow blacks, Chicanos, Orientals, or Jews to be members of the Sierra Club. [Laughter.] You would never think it possible today, and, of course, it wouldn't be. This was back in the early 1940s. Again, Dave Brower and I and some of the younger ones got together, and the board of directors unanimously objected to that racial prejudice and denounced it. Nevertheless, such prejudice still continued to be a problem in the chapter. For instance, a very fine Mexican applied for membership and was turned down in southern California. So he joined from up here and is still a member thirty years after.

People ask us today even, "How many blacks do we have?" It is kind of like so many similar questions that come up in government and industry. We really don't know because we don't keep records that way. But unfortunately, I don't know of any. I do know, for instance, that at Varian Associates, we have a lot of competent blacks. You would think they would be interested in the club, but you rarely see them or Orientals in the mountains either. I don't know quite why it is because the Japanese are certainly very interested in the mountains in their own country, but you normally don't see them in the Sierra.

SS: So the racial issue was eventually settled?

RL: The racial issue is completely settled now in the Sierra Club, and it is accepted everywhere that any person who wants to join is thoroughly welcome. In fact, we feel a bit embarrassed that we actually do not have very many minority people as members, certainly not in proportion to the population of the United States.

RL: We have committees that work specifically with minority groups and the ghetto or inner-city groups, trying to introduce them to the mountains and give them some enjoyment of the life outside of the cities, but it hasn't been very successful yet. I just don't know why. All I can say is that the Sierra Club wants to be helpful in that field and doesn't yet know how to accomplish it.

After the revolt of the Southern California Chapter and the difficulty with their racial policies, we also had a similar problem there. It was at the time of McCarthy in Washington and communist hysteria. The Birch Society did not exist then, but there were people with that type of thinking in the Sierra Club in the Southern California Chapter.

These people proposed an amendment to the bylaws of the Sierra Club that every applicant for membership would have to sign a loyalty oath before being permitted to join the Sierra Club, stating that the applicant was not a Communist and never had been. They also publicly accused the board of directors of having a Communist on the board. Francis Farquhar was president then [1948-1949]. He was so indignant that he went personally down to Orange County and demanded that the accusers furnish their proof or retract, and so they retracted.

SS: Is the name of the accused a matter of record?

RL: No, it was never stated. They just charged that a Communist was a member of the board. It's that old trick again that McCarthy used to play in Congress when he said to the Senate, "I have in my hand a list of eighty-nine Communists in the State Department," and then he never would name them.

That is why Farquhar was so indignant at that time. But that's died out, too. The proposed Communist-oath bylaw was severely defeated. I guess it shows that the Sierra Club is made up of humans and has all the faults and virtues and values of humans. So it is a cross section, and that is my own philosophy of corporations in general--P.G. & E. or anybody else. So those are the two principal Sierra Club problems of that kind.

WORLD WAR II EXPERIENCES

Take-Over of the Japanese Banks

Susan Schrepfer: Your first task during World War II was the take-over of Japanese banks in California.

Richard Leonard: Yes. I was attorney for the superintendent of banks at the time of Pearl Harbor. It was on a Sunday that Pearl Harbor was destroyed by stealth. I called up the superintendent of banks and told him that we had better take over the Japanese banks before the public did. So at eight o'clock Monday morning I had typed out a little simple take-over notice for the State of California, and, with a couple of thumbtacks, we pinned it on the door of the Yokohama Specie Bank and the Sumitomo Bank.

About an hour later, an agent of the United States Treasury Department arrived to take over for the Alien Property Custodian. We told him that he was about an hour too late. The Supreme Court upheld us, and so the superintendent of banks liquidated these two banks, mostly after I went on active duty three months later.

SS: Has there been litigation since?

RL: The banks were in excellent condition. It was very interesting as legal precedent because to take over a foreign bank had never been done anywhere on earth before. In World War I, the American Treasury had taken over a German insurance company in Hawaii and turned it over to a Hawaiian bank to manage. The bank did a sloppy job of it and lost several hundred thousand dollars. After World War I, a German citizen was just as good as an

RL: American citizen before the courts of the United States, which, to the credit of the courts, are very impartial. So the courts held that Hawaiian bank liable for the several hundred thousand dollars in damages for negligence.

So I simply handled it on the basis of being a trust and reported to the court all the time on what we were doing and getting approvals for each major step. All the leading law firms in San Francisco came to me to find out the proper procedure. I kept making it up out of my own head, because it had never been done anywhere and there was no precedent. It worked out fine. The people who had money in the bank were paid in full, and some money was left over for the stockholders in Japan.

It just happened that most of the creditors and depositors were the Hollywood movie companies. They would show their movies in Japan in the 1930s, but Japan would not allow them to take the yen, the money, out of the country. They could get it out only by purchase of silk and other Japanese products. Of course, the silk would be overpriced, so the movie companies finally made a compromise whereby they could get the money to San Francisco on a ten-year time plan.

SS: So there were no ill feelings or guilt feelings or complications resulting from this episode?

RL: No, not from that. There were very severe guilt feelings, on our part, for having arrested American citizens of Japanese ancestry, locking them up in concentration camps that were not much better than those in Germany. Ansel Adams of the Sierra Club made a magnificent book on the subject of the concentration camp at Manzanar in the Owens Valley underneath the shadow of Mt. Whitney. It is a very powerful study. The American government, Congress, finally paid about $60,000,000 in damages, which, of course didn't take care of the ethnical and psychological damage.

SS: Was the money returned to the stockholders and depositors immediately or after the war?

RL: After the war. It was held for a time, you see, to pay American civilians for the losses that they incurred in the Philippines, in Hawaii, and in Japan. In other words, where Japan had confiscated any American savings or funds,

RL: then these Japanese funds in San Francisco were offset against those American private losses. Finally, those were all settled by agreement between the two countries, so the private people were mostly taken care of.

SS: The lawyers in San Francisco who came to see you were taking care of other banks or Japanese businesses?

RL: They were often representing either Japanese businesses or banks that had loans on the businesses or goods that were being shipped and hadn't arrived or did arrive and thus caused the problem of what to do with the money. All sorts of questions were brought about by a sudden war.

SS: Were you in the service, or were you acting as a private citizen at this time?

RL: I was still a private citizen. I was attorney for the superintendent of banks who had private legal counsel. He was my client, along with a number of other clients, too.

I will say this, the Japanese were stupid in their estimation of the psychology of the people of the United States. They thought that after they destroyed the effectiveness of the Pacific fleet at Pearl Harbor, that we would immediately give up and allow them a free hand in the far Pacific. But if they had gone down and continued as they started to do, to take Vietnam and Singapore from the French and the British, the people of the United States would still be arguing today as to whether or not we were simply pulling the chestnuts out of the fire for Britain and France, as in World War I. But when the Japanese attacked Pearl Harbor, the Americans became completely unified. It became a war that had to be won. I think that the present concern toward the war in Vietnam is a totally different situation.

The Sierra Club and Arctic and Mountain Warfare

RL: I applied for active duty immediately after Pearl Harbor, since I had a commission in infantry clear back to 1930

RL: out of ROTC at the University of California, Berkeley. However, as early as October, 1941, I was back in Washington, D.C., with Bestor Robinson to try to help the United States get prepared for the war that seemed inevitable.

The Germans, Italians, and Japanese all had expert alpine divisions, well trained and fully equipped for fighting in the mountains. But the United States had nothing except equipment with which to fight a war in Paris. Everything that the United States had was of a 1918 design.

But in the Far East the Japanese Zero plane, the name of which came from their calendar of 1940, was a very modern plane, and it wiped out every British and American plane in the entire Pacific Ocean, all the way down to Australia. The Japanese sank two British heavy cruisers, the Prince of Wales and the Resolute, down off Singapore. That was the first time an airplane had sunk a heavy battleship in combat. Our work in October, 1941, was to get the army started with basic things such as sleeping bags, because they had nothing other than ordinary GI blankets to sleep in the snow or in the arctic. We got them started, and as soon as Pearl Harbor occurred I applied for active duty.

But the dear army red tape took until March, 1942, when I got a wire Thursday afternoon to report for duty Monday morning for four and a half years away from my law practice and young family. I knew that I was going back to continue work on clothing and equipment. After a short detour in Oakland, I arrived in Washington. Bestor Robinson was the commander of the "cold climate technical unit," and I was his executive officer. We worked under General Georges Doriot. Georges was a professor of business administration at Harvard. He was in charge of research and development for the Quartermaster Corps.

I had the fascinating opportunity to work with the Massachusetts Institute of Technology and the National Bureau of Standards in designing the nylon rope that we planned to use for all mountain troops. At that time, I was able to test every fiber that was known to man, including Italian hemp, the Manila hemp, linen, and nylon.

RL: After testing about a dozen different fibers, it turned out that nylon was by far the best. Some of the newer synthetic fibers since then, such as perlon, were not available in 1942.

I also helped work out clothing and equipment for arctic and mountain troops. We had working with us some of the top arctic experts of the world--Vilhjalmur Stefansson and Sir Hubert Wilkins. It was rather interesting that Stefansson insisted that the whole U.S. Army should eat pemmican because that was the most effective kind of food. Of course, the troops wouldn't eat it.

In fact, they wouldn't even eat their vitamin C until we put it into a fig bar so it was attractive to them. We tried putting it in lemonade, but they weren't interested in it and would throw it away. But by putting it in a fig bar they got their vitamin C, which happened to be the vitamin that was the most scarce in food for troops. When I later got into Japanese intelligence, I found that the Japanese were as careful as we were with respect to food and vitamins. They discovered vitamin B1.

At any rate, we got the arctic and the mountain equipment in good shape. All of that came from the experience of the Sierra Club and our good friends in the American Alpine Club. At that time I was western vice-president of the Alpine Club, so we got their experts to help us, also.

SS: You started outfitting the alpine divisions before Pearl Harbor?

RL: Two months before. We knew that the United States had nothing with which to go ahead, and we knew also that it would take six months to a year to produce the necessary sleeping bags and other cold weather equipment.

SS: You did this as a private citizen?

RL: Yes. Just as a private citizen, as a volunteer to help them.

SS: Your feeling was that war was imminent?

RL: It seemed inevitable. It seemed as if it would be with the Japanese who also had expert alpine divisions.

After we got the arctic and mountain divisions well equipped, then, because we were going to invade North Africa, we had to prepare for desert warfare. The United States Army had nothing for that. Since we had had some experience in the desert of California--though not a knowledge of the Sahara--we then got expert desert archaeologists who helped us on how to get along in the desert and how to choose the right kind of clothing and equipment.

Then I had some fascinating outdoor experiences when I went out to the Desert Training Center in the Mohave Desert in July, 1944. I chose July because it was the hottest month. I took my thermometers and all my equipment with me to know exactly what the troops were getting into. We had two hundred thousand troops training there under General Patton. These troops were preparing for the invasion of North Africa, which, of course, was the Sahara Desert.

I had always had long arguments with Oliver Kehrlein, one of the leaders of the Sierra Club High Trips with me. He later became one of the directors of the Sierra Club. Oliver insisted that no one should drink any water at any time during the day. You should always wait until nightfall. I insisted that it was wrong, that somehow it would hurt the blood supply, and that the way to avoid the damage that a sudden quantity of water could do was by never getting to the point where you needed a lot of water.

I had the theory that you took a Sierra Club cup on your belt and every time you came to a little stream, which is about every eighth or quarter of a mile in the Sierra, you dip a half a cup of water and drink a half cup at a time. You never got dehydrated.

The doctors from the University of Rochester had a group of volunteers in the desert at Blythe. These were young fellows--nineteen or twenty years of age--who would actually drive themselves to destruction in the desert until their internal temperatures would go up to 104° or 105°. They would have died if they did not have expert medical treatment. They had the expert treatment. But these boys would force themselves to go around

RL: and around the desert track until they got to that condition because they then got three weeks of sick leave in Los Angeles with wine, women, and song. They had to do almost the same thing for General Patton, anyway. In the course of that we found that a person did damage the blood supply very severely.

My wife is an expert first-aid instructor, and I had had senior first aid. We had always wondered why it was that in heat exhaustion a person was cold and clammy and looked like he had just lost a quart of blood or so. He looked like someone who had been in a severe accident, cutting off an arm or other heavy loss of blood. It turns out from this careful medical work that that is exactly what happens in the desert.

The patient has lost a quart of blood by evaporation of its water content. When the temperature of the body starts to go up rapidly, the only way to prevent the rise is by the evaporation of water. You can't get the water from the tissues fast enough so it comes out of the blood supply. Then the blood is much thicker--you've lost a quart of liquid--and so the heart has a much more difficult time pumping it around. That's why a person looks like he has lost a lot of blood and sometimes dies from that.

I gave this as an instance of how the Sierra Club experiences in mountaineering, in sleeping in the snow at temperatures far below zero, or in hiking in the desert in Death Valley were put to use for the rest of the people in the country.

I completed three years of this research and development in Washington to enable our troops and allies to operate effectively in any climate or terrain on earth.

Then I asked for duty in Burma. I couldn't get it because we already had a crew there on special Japanese combat intelligence. We then received a message in Washington that the captain in charge and two of his men were on a British freighter going into Calcutta when the freighter was sunk by the Japanese. They were picked up by a submarine which then submerged leaving them on deck. So I got the opportunity to go over and take their place. Of course, my dear wife, Doris, didn't know anything about this or where I was going.

RL: At any rate, the duty I asked for in Burma had finally come through. I wanted to work with a mainland Japanese army because most of the Japanese in the islands were marines and navy. I also was fascinated by the immense climatic variations of Burma. It has one of the heaviest rainfalls on earth, 450 inches a year, yet part of Burma is desert. It rises from sea level to 20,000 feet, with snow and glaciers, and yet it is the second hottest place on earth.

My work was to determine what kind of clothing and equipment the Japanese army had and what we could learn. I cite an excellent example. I led Sierra Club trips for ten years, always with from twenty to forty pack animals, and on that 1932 trip with Francois Matthes I had sixteen burros and packed them for ten weeks. So I served on the pack mule committee of the U.S. Army for the entire war. We had all experts. The trouble with U.S. Army pack mules was that General Pershing, in chasing Pancho Villa in 1916, had a saddle designed for his pack mule. And all the pack animals in the United States ever after that had to be bought to fit that saddle. All these mules were the same shape, weight, and color, and they all lived on Missouri feed.

The Japanese were brilliant because they had a pack saddle that would expand or contract all the way from the huge 1,200 pound Indonesian Dutch horses to the little tiny Mongolian ponies, which were only half the size. The Japanese would take the saddles along and fit them to the animals they captured. Then they would also use local feed because the local horses were used to that.

As advisor to all of the cavalry and mule troops that were sent overseas, I had found that when they shipped American mules to Burma, most of them died. They couldn't live on Burmese feed, and you couldn't get enough unspoiled American alfalfa to Burma to feed them. But the Japanese invaded India and almost conquered it with the animals that they captured locally and put their ingenious saddles on. It was that type of new thinking that I was looking for.

The United States and Great Britain considered that we were the best textile manufacturers on earth. We worked together the whole war trying to get a fabric that would be water repellent and still wouldn't sweat. We finally got it during the last year of the war, to

RL: late to use it. But I captured Japanese uniforms that had a much superior fabric that they had carefully dated as far back as 1938. You see, they started their war with China in 1937, and when they found that they were not winning it as quickly as they thought they would, they realized that they would have to modernize their whole army. So from 1938 to 1940, they modernized everything they had. By 1941 they were ready to take on the United States and Great Britain.

To sum it up, it was my Sierra Club experience and knowledge that I was able to use during the whole war. For instance, in Burma it was my wilderness training that was valuable, too, because we were three hundred miles behind the Japanese lines. We had eight thousand Japanese troops between us and our base. We didn't worry about it because we were supplied by air. So we kept on.

But we always knew that some time we might be cut off from our supplies, and then we would have to hike through the jungle for a few hundred miles to get back to India. I always felt at that time that I could have made it, that I could have covered that much distance and would have been able to live off the land and stay alive in spite of conditions. The dangerous things there were not the rhinoceros or tigers, but humans, mosquitos, and amoeba.

SS: The amoeba?

RL: Amoeba, for amoebic dysentery. Those and malaria were the only things that were really dangerous there.

SS: I don't have any other questions about World War II. Is there anything you want to add?

RL: I should mention that there were over one thousand Sierra Club members on active duty. Many of their names are listed in the 1942 through 1946 Sierra Club Bulletins. For instance, Dave Brower became a captain of combat intelligence with the Tenth Mountain Division. They had their most active time in Italy where they broke the German line astride the Apennines, a high mountain range down the center of Italy. By being up on those high mountains where they could shell all the roads and railroads down below, the Germans were able to keep the

RL: British from moving northward for two full years.

The men in the Tenth Mountain Division were trained to climb snow and ice on extremely steep cliffs at night. They attacked at night in January, 1945, and were able to drive the Germans back and break the line. That led then to the capture of Italy clear up to the Alps at the time that the surrender came from the north in May and June. The Sierra Club did a lot of good with their experiences in survival under difficult conditions of natural hazard.

It was rather interesting why I finally ended the war on Japanese combat intelligence in Burma rather than with the Tenth Mountain Division in Italy. Early in the war the commanding general of Army Ground Forces asked for me by name for the Tenth Mountain Division. General Doriot would not let me go. He had enough prestige to be able to prevent me from leaving. The air force later asked if they could borrow me to teach their men how to survive if they had to parachute into the mountains, and he said sure. One day I got a call from a young woman in the army. She said, "Captain Leonard, when are you going to South Carolina?" I said, "South Carolina, what for?" She said, "Well, you were transferred to the air force about three weeks ago." I said, "Why in the heck don't they tell a guy. Send me the orders."

She sent me the orders, and the dear air force in their high-handed way had, instead of borrowing me, simply had me transferred from General Doriot over to the air force. So I asked him what I should do about it. Oh, he was angry. He said, "You stay where you are. I am closer to you than they are." So he had the orders reversed, and I stayed on with this interesting work, and after requesting duty still under his command in Burma, ended the war there as a major of Enemy Equipment Intelligence Service.

KINGS CANYON NATIONAL PARK, 1930s and 1940s

Ickes Woos Sierra Club Support for Gearhart Bill

Susan Schrepfer: I don't know whether or not we have time to go into the Gearhart Bill.

Richard Leonard: No, I think that is short enough. It is far enough back--thirty-forty years--that I don't have very much detail of it. I can state this, that the National Parks Association and some of the other conservation groups, in fact, The Wilderness Society, opposed the Kings Canyon National Park at that time. They said that the Sierra Club was a sell-out in approving national park status without Cedar Grove and Tehipite Valley, both very beautiful areas.

During the first few years that the Kings Canyon National Park was proposed, the majority of the Sierra Club board had felt that the National Park Service tended to overdevelop the areas. The Forest Service, at that time, possibly because of that feeling of conservationists, had set up a wilderness program through Aldo Leopold and Bob Marshall. The Forest Service was completely sincere at that time, and I still think the service was sincere in setting up wilderness areas that are to be kept totally wild.

The Park Service refused to do so at that time and still refuses today, being forced to only by Congress. The Sierra Club was afraid that a national park in that area would be developed too much and get too many tourists and ruin the wild country, whereas the Forest Service had pledged to keep it as wilderness. So the Sierra Club supported the Forest Service

RL: wilderness policy for Kings Canyon for many years.

Finally, Harold Ickes came out a month or two after I had been appointed to the board of directors in 1938. Francis Farquhar invited all of the board to meet with Ickes at the Bohemian Club for dinner one evening, and we had a long talk for about two hours. Ickes was pretty much of a preservationist himself. So he agreed that this would be a wilderness park.

He even proposed that the title of the bill be the John Muir Wilderness Park. Then the sponsors of the bill decided to drop the John Muir, and it became Kings Canyon Wilderness Park. During the long process in Congress the wilderness got eliminated, probably just because it seemed to congressmen, and maybe to the Park Service, to be too long a title and that it would be managed as wilderness anyway. So the Sierra Club supported the Gearhart bill at that time.

But Cedar Grove and Tehipite Valley were under federal power withdrawals for dams for power production for the City of Los Angeles. The city had power withdrawals clear up to Rae Lakes (named for Rachel Colby) at 11,000 feet in the high country, to try to store every little bit of water that could produce power. Well, the Sierra Club felt that if we succeeded in establishing most of the area as a park, we could get those two small areas added later. You would have an objective then--to put these into the park--whereas if you didn't have a park you wouldn't have anything to add the small areas to.

The City of Los Angeles had these power withdrawals, dating back to 1920. These Kings Canyon National Park battles were from 1933 on to February, 1940, when it became a park. It wasn't politically or legally possible at that late date to eliminate those 1920 filings. So we decided that we would take the park anyway and add those power filing areas later. On hindsight, of course, the wisdom of this is absolutely clear, and I still think it was clear on foresight.

Anyway, two things happened. First, the Bureau of Reclamation proposed to put in a rather large dam of one-half million acre feet down at Pine Flat, about twenty miles below Kings Canyon Park, where the river comes out into the flats of the valley, just before it

RL: leaves the mountains. Most of the cost of such a dam would be repaid by the farmers through water charges. The Army Engineers wanted the job. They are very competitive, so they decided to build it at one million acre feet and give the extra half million storage as flood protection to the farmers of the Kings River without charge.

President Roosevelt forbade this. He said that it was just a waste and a gift of federal money for the benefit of some farmers on the river and not in the national interest. The Army Engineers, in effect, told Roosevelt to go to hell, and they went to Congress and got the double-sized dam authorized. Roosevelt died during the battle.

Harry Truman--Roosevelt and Truman were not softies as you know--then ordered them again not to build it. The Engineers told President Truman also to go to hell. Can you imagine the Army Engineers doing that to the commander-in-chief, and having the power to make it stick? By gosh, they did. Congress authorized the Army Engineers to build the dam, and Truman didn't have the courage to veto the billion dollar Rivers and Harbors Bill of which it was a part, as Eisenhower and Nixon did. Nixon vetoed this year another Rivers and Harbors Bill, involving a billion dollars, with everything in it. But the Pine Flat Dam on the Kings was only part of a billion dollar program, so Truman signed it. The Army Engineers won their battle with their commander-in-chief.

The reason it is important to this story is that the storage at Tehipite and Cedar Grove was to be only about 50,000 acre feet each, and that amount compared to one million acre feet lower down the river is so tiny that it doesn't matter any more. So with that extra one-half million acre feet, there was just no sense in putting little dams further up the stream.

Then there was a second factor that saved Cedar Grove and Tehipite. David Brower, principally with his work when I was club president, started the battle to save the Dinosaur National Monument. The Bureau of Reclamation had a bill in Congress to build a six hundred foot dam within the national monument.

RL: Dave Brower led the national battle that stalled the upper Colorado project of five billion dollars for five full years in Congress.

Finally, we worked out a compromise whereby Congress agreed to put a clause in the law that no part of the Upper Colorado Project would ever harm any national park or monument. When that was put in, the five billion dollar bill passed with 120 votes switched from no to yes just because of that provision to save the national parks.

The importance to Kings Canyon is that the City of Los Angeles then said, "What the hell, there is no use of carrying on these ancient 1920 power filings within the Kings Canyon National Park. Dams will never be permitted, so let's get some halos by voluntarily giving the power rights back to the government." So the City of Los Angeles gave up Cedar Grove and Tehipite and the filings in the upper Kings Canyon. The local irrigation district finally, through Eivind Scoyen's skillful work as superintendent of the park, gave up their claims. Then, with no opposition whatever, Tehipite and Cedar Grove were added to the park.

SS: There were some questions as to whether or not Harold Ickes had made a bargain with some of the water power interests in Fresno area for their support of his bill.

RL: Yes, he did. The Sierra Club was part of it. Frank Kittredge, who was later on the Sierra Club board in 1953 and 1954, handled that for Harold Ickes. In 1939 and 1940 he was regional director of the National Park Service for the West, and he handled the negotiations with the water people. It was agreed that their rights to dams at Cedar Grove and Tehipite would be protected if they would agree to the creation of the park. So they withdrew their opposition, and the park bill was passed.

Then, as I said, Eivind Scoyen, who is an honorary member of the Sierra Club, became superintendent of Kings Canyon and Sequoia Parks. He had the wonderful faculty of joining the local Kiwanis Club, Rotary Club, and so forth and showing up every month in all

RL: the local communities and talking to the water people. He finally got them to agree to that, with this million acre feet of storage at Pine Flat Dam provided by the Army Engineers, they didn't need to have the storage up there at Cedar Grove and Tehipite, so they voluntarily gave them up.

It was agreed at the time of the bill in Congress in 1939 and 1940 that Tehipite and Cedar Grove would be left out of the park. That is why the National Parks Association was accusing the Sierra Club of double-dealing. I feel that the Sierra Club's conclusion was an intelligent acceptance of the fact that those power rights dated back to 1920 and you couldn't do anything about them.

Today the Sierra Club and the full environment movement would not have political power to take Kings Canyon National Park away from the Forest Service if we wanted to. Yet, by taking it in two steps we were able to get it. That's the difference in philosophy in some of these campaigns. I feel that you've got to get started on something first, and get something exciting like Kings Canyon National Park to which you can add Tehipite and Cedar Grove, and then you have something to work with over the years.

The Uncomprising Yard

SS: Do you think that Robert Sterling Yard, who in essence was the National Parks Association, was really too stiff-necked?

RL: Much too stiff-necked, and he could have done an awful lot of harm. Maybe he didn't actually do harm, because he was not able to prevail. But the association tried to block the Everglades National Park because the bill in Congress recognized prior oil and gas reservations for fifteen years. The fifteen years disappeared and no oil and gas was found and now it's a wonderful national park. It never could have been created if those oil and gas reservations had not been recognized. They were there before the park, and it's only

RL: fair to recognize them.

That's the problem again with some people like Yard and some others of the present day who try to judge these things in pure black and white and say that you cannot compromise. Those are private rights that were already there in Kings Canyon and in the Everglades.

The association also opposed the Olympic National Park because the park didn't take in enough of the seacoast. It took in a lot of seacoast, the most seacoast we had ever had in any park at that time, but it didn't take in as much as Robert Sterling Yard thought was ideal. We are still trying to add to it.

SS: Do you think that the National Parks Association under Yard served any useful function, or was his usefulness offset by the harm that he might have done?

RL: No, I would say on balance that it was useful. I say this for this reason. Dave Brower has been just as extreme on things, and I remember the Izaak Walton League writing in their publication, "Thank God for David Brower; he is so extreme he makes the Izaak Walton League look reasonable." Yard was the same way.

Frank Kittredge, who handled the Kings Canyon Bill, told the board of directors of the Sierra Club once, "A bureaucrat is held upright by pressure from all sides. The administrator always has to compromise between the ideal and what he has money for or political strength to get. If the timber interests are on one side and you call that black, and if the Sierra Club isn't way over on the white side but instead somewhere in the grey, then the compromise will be part way between the gray and black instead of between the white and black."

I have no real objection to these extreme statements. I don't feel badly about the Sierra Club objecting to Point Arena for the same reason. They are being extreme but there are other pressures maybe even greater than the Sierra Club that will force the Point Arena development through eventually. But the point of view of the Sierra Club is going to be so extreme that the PG&E will spend much more effort to

RL: build a beautiful plant and one as harmless as possible, just because they know that they are under severe criticism already.

SS: I had wondered at times whether Yard, particularly in the thirties, wasn't too extreme, perhaps fanatical. He did rave a good bit.

RL: I think it would have been tragic if he had had the political power to block the Kings Canyon Park or the Everglades Park. Since he didn't, I think his extreme views were probably good. It's always hard to balance it, even now. Often you don't know which ones you lost in the past because of being too extreme. I can't remember any that we did lose. I would say, then, that on balance it turned out to be good.

SS: So you don't think that the Kings Canyon Park violated park standards?

RL: Not at all. Actually it is wild now. This is in part due to that unfortunate battle with Will Colby where Dave Brower and I finally prevailed. We did not do it alone. We got an eight to seven vote of the board. We persuaded six others to vote with us, and six voted with Colby, which left him on the losing side and kept the road from going as far into Kings Canyon. We kept it wilder than Colby wanted. So it was much more toward the wilderness national park philosophy, and the Park Service had agreed to it.

I think right now that the limit to the road is almost unchangeable and that it will be fixed by Congress pretty soon, when they establish a wilderness policy for Kings Canyon Park. If they draw the wilderness boundary at a point just beyond the road a reasonable ways, then a road can't go into that protected wilderness area without an act of Congress. That would be very difficult to obtain.

The title "Wilderness National Park" probably was put in in deference to the National Parks Association's point of view and also in deference to the Sierra Club's point of view that we had supported the Forest Service against the development views of the Park Service.

SS: Was this clause, "Wilderness Park," just dropped from the title or from the body of the legislation also?

RL: I think that in the body of the legislation there is still reference to it. I looked it up a few years ago.

I would like to add here that the Sierra Club board, on January, 1939, passed a resolution that stated in detail those points of view and pointed out one of the principal arguments that I had made.* The Forest Service had an excellent wilderness policy provided for, but it could be changed anytime the chief of the Forest Service or the secretary of Agriculture is changed. It had no protection in law, whereas a wilderness park would have protection as a national park by an act of Congress.

Secondly, the national park would prevent any future power claims and the Forest Service could not prevent those. As a national forest there could be future power claims or old ones developed, whereas no future claims can be filed in a national park and the old ones, once they expired, could not be re-established. Thus we would have a good chance of getting power claims out of a national park, which is what finally happened.

The Leonards and the Park Service

SS: You attended the conference in Santa Fe in 1939 of the superintendents of all the national parks. How is it that you attended this conference? Were you the only nonpark personnel?

RL: Doris and I and Harlean James, who was representing the American Planning and Civic Association, were the only outsiders invited to his conference. The conference was a five-day meeting in Santa Fe, New Mexico.

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*For this resolution as passed by Sierra Club Board of Directors on January 13, 1939, see Appendix A, p. 434.

RL: The superintendents of every national park in the United States were there, including all of the top people from Washington and the regional offices. In this way, Doris and I got to know everybody in the National Park Service at that time.

We were invited again to the 1950 superintendent's conference in Yosemite. Then we were invited this year [1972] to the Second World Conference on National Parks, in Yellowstone and the Tetons. It was rather interesting, at our age of sixty-four, that there was nobody at the World Conference who was still in the Park Service who had been at the Santa Fe conference in 1939. Doris and I were thirty-one at that time, and anybody in the Park Service who was only thirty-one had not yet risen high enough to be at that conference. Those who had been in the service long enough to be invited were all retired by 1972.

The 1939 conference gave us an opportunity to get to know everybody in the service. We talked with them very frankly on many subjects. This is particularly true of Doris. She is very highly respected by the Park Service, Forest Service, Sport Fisheries and Wildlife, and all the other agencies. When she or I have criticisms, we try to put them in a constructive way. We don't call names, particularly in public.

Dave Brower used to do so. So the Park and Forest Services didn't trust Dave and didn't want to work, in general, with the recent leadership of the Sierra Club for the same reason. There is too much of a feeling among the directors of the Sierra Club since 1968 that the Park Service and Forest Service operate better if you frighten them and make them realize that the Sierra Club is the most powerful public opinion body in the United States as to the environment, and I think it is. But I don't believe you get as much accomplished that way.

On the other hand, I have to admit that the Forest Service this year was going to advertise contracts to log all the land that had not been established as wilderness. The decision was to be effective June 30, 1972. So the Sierra Club filed suit about June 15 and got an order of the court stopping them from logging the country that had not previously been logged.

RL: After court hearings on it, the Forest Service finally agreed that a full public review would be provided of every single program that would log or put new roads into an area that is now wild. So there is a case where the Sierra Club has obtained results by force that maybe couldn't have been achieved by negotiation. I still feel, however, as a matter of basic principle, that you get more by convincing the other side, and the public, as to what is logical than you do by the use of force, whether it is by litigation or otherwise.

But because of our attendance at the conferences of 1939 and 1950 and many other smaller conferences, we have known all of these people in Park and Forest Service and still know most of them. We have known well every director of the Park Service, except Stephen Mather, and most of the top men of the Forest Service. We work with them closely at the present time.

SS: How were you selected to attend the 1939 conference?

RL: I am not sure. I was on the board of directors of the Sierra Club at that time. In 1932 I was the leader of a naturalist trip for Ansel Hall, the chief naturalist of the Park Service, when we took Francois Matthes on that ten-weeks trip through Yosemite.

Later, I worked closely with the Park Service. As secretary of the Sierra Club I had bought some of the land at Wawona with club money at times when the Park Service didn't have any money. Wawona was a subdivision inside Yosemite National Park. At times one of the little old ladies who owned land there would die, and the heirs who got the property and who lived in the East didn't give a darn about the land and just wanted cash. They would sell fairly cheaply at that time, but the Park Service never had any money on such short notice. So I would buy the land with Sierra Club funds, as authorized by the executive committee. The Sierra Club would hold it until the Park Service got the money. Then we would sell it to the Park Service at their appraised value or our cost, which ever was lower. Sometimes we would have to take a loss because the heirs wanted more money than the Park Service thought it was worth. In general, that has

RL: worked out very well.

One of Doris's principal activities at the present time is buying land for state and national parks when they don't have the money and when an opportunity comes. So often land that could be valuable for parks will be held for thirty, forty, fifty years. But when somebody dies or there is some change in personal position, then the land is available for purchase, and that is the only time that you can get it. So you need to work fast at that time.

I gave a talk at the Santa Fe conference and showed the kodachrome movie that Dave Brower and I had taken of the Kings Canyon Primitive Area of the Forest Service. As you noted earlier, the Forest Service was trying hard to keep the area, and the Sierra Club did feel at that time that the Park Service would tend to overdevelop it. That is why the wording, "Wilderness National Park," was originally included in the title of the bill to create Kings Canyon National Park. The Park Service agreed to keep it wild, and, to the credit of the service the park is still wild. The road still has not gone more than three or four miles into the Kings Canyon, and there are no roads anywhere else in the entire park. So the Park Service fulfilled its pledges, and it was because of those pledges that the Sierra Club agreed to support the park.

The movie that was shown to the park people was also shown that fall to the United States Senate committee that was considering the bill, so that the committee could see how beautiful the country was. Dave Brower and I took the movie and did about equal photography on it. Dave did most of the scenic work. My work was more of the close up--flowers, plants, wildlife.

Legal Standing an Issue in 1948

SS: Haven't there been several subsequent crises over the issue of keeping the Kings Canyon National Park in wilderness condition? In 1948 you appeared before

SS: the Federal Power Commission to defend Kings Canyon against the claims by the City of Los Angeles.

RL: That is the express reason why I, as a lawyer, told the Forest Service that much as I loved them--I did admire them and still do--they did not have the legal power to prevent the City of Los Angeles or anybody else from developing the water power. The National Park Service has legal power, because in 1920 Congress passed an act providing that no water development could be placed in any national park existing at that time. Then we kept on approving new national parks, and that law didn't apply to the parks created after 1920. So in 1935 the Sierra Club was able to get another act passed providing that the Federal Power Act would not apply to any national park.

The problem was that the water rights held by the City of Los Angeles and some private interests dated clear back to 1920. The Fifth Amendment to the Constitution, which people usually think of as applying to Mafia who won't testify, also protects private rights from being taken by the public without just compensation. And, of course, the City of Los Angeles is a private party as far as the rest of the public is concerned. All those private rights existed long before the national park was created in 1940.

The water interests had plans for two large dams. They planned a reservoir right at the base of beautiful Tehipite Dome, and another reservoir at Cedar Grove. Then, Los Angeles had water rights and plans for dams clear up to eleven thousand feet, little tiny lakes that wouldn't do any good as storage for water. Rather interestingly, in 1948, because of the park act, the City of Los Angeles applied for a permit to build the dams to make sure that their rights were clear. I appeared before the Federal Power Commission. The commission ruled that the Sierra Club had no standing to intervene. Standing has become a very important issue in recent times. It is a technical term that means one must be personally damaged or injured by whatever is being done before one can complain. The Federal Power Commission said that the Sierra Club wasn't harmed any more than anybody else in the United States.

So I got out a Sierra Club cup and dipped up a cup

RL: of water and said, "Here. A cup of Kings River water. The Sierra Club owns from one side of that canyon to the other side at Zumwalt Meadow. The river runs right through the center of our property." "Okay," the commission ruled, "you have standing to intervene because of that cup of water out of the river."

The decision of the commission illustrates the old rule of law. One could not intervene and be heard concerning an application of a city to harm a national park. The environmental, national interest values of the national park could not be considered by the Federal Power Commission. But the materialistic, dollar values of the Sierra Club as the owner of land on the river would be given full consideration.

Since 1948 the courts of the nation have recognized how morally wrong the old rule was. The issue of standing to sue on environmental issues has been before the Supreme Court of the United States several times in the past few years.

It will be more appropriate to discuss this change in the interpretation of the law in connection with the lengthy litigation over a proposed major ski development at Mineral King.

Dinosaur Saves Kings

SS: There was another crisis over Kings Canyon in 1952.

RL: Oh, yes. I should mention that the Kings Canyon power rights came up again in 1952. I will discuss later the long battle for protection of Dinosaur National Monument, which I think completely changed the whole attitude and effectiveness of the Sierra Club. It was a magnificent national battle. The important thing there was that the Sierra Club and its allies held up a five billion dollar development program of dams on the Colorado River for five full years until the proponents of the dams agreed that no dam in the project would ever adversely affect a national park or monument. As soon as that amendment was agreed to in 1956, the next day sixty votes switched from no to yes

RL: in Congress and the Upper Colorado Project went through with a difference of one hundred and twenty votes.

The importance to Kings Canyon was, and the importance of fighting those kind of battles, is that clear across the nation, Los Angeles decided not to fight any longer for Kings Canyon dams. So to get some brownie points for being good guys, they voluntarily gave up their rights to Kings Canyon power withdrawals in 1956 or 1957, just after the victory in the Dinosaur National Monument. So that's how one victory often will result in other victories a long ways away. The Kings Canyon power withdrawals were eliminated by this action in Dinosaur National Monument, one thousand miles away.

THE SIERRA CLUB AND FEDERAL LAND AGENCIES

Club Opposes Compromise on Olympic National Park

Susan Schrepfer: The Olympic National Park issue came to a head in 1947 and involved the question of removing acreage from the Olympic National Park in order that it could be logged by private interests.

Richard Leonard: Yes. It used to be a part of the national forest until 1938, when Harold Ickes was able to get President Roosevelt to declare it a national monument. Shortly after that, it was made a national park. It took in some magnificent timber in what is called the Rain Forest, on the western side of the Olympics. I have been there. I hiked twenty-five miles up the Bogachiel Valley, which has Douglas-fir up to fourteen feet in diameter and cedars eight to ten feet in diameter, magnificent trees of all kinds.

Well, the timber companies in 1947 thought that they should get that timber because it was being wasted because it was overmature, decadent, and some of the trees were dying. They had nine bills in Congress ranging from about 100,000 acres to 350,000 acres to be removed from the park and then put into logging. Because there were nine bills, the National Park Service and the Secretary of the Interior had concluded that they couldn't win all of them, so they had compromised and agreed on a bill of about 250,000 acres to be removed.

Dave Brower and I, being young folks then, felt that was morally wrong and that the attitude of the American people had changed sufficiently, we thought,

RL: that we could beat those bills even against the approval of the secretary of the Interior. We started a campaign. Lowell Sumner was chief naturalist for the Park Service at that time and was an expert flier and aerial photographer. He took aerial photographs of all of this area that was to be eliminated, and Dave and I plotted out on those pictures the areas within the park that were going to be eliminated by those bills.

We showed the pictures of the northwest corner of the Olympic National Park, which is beautiful, with its timber contrasting dramatically with the absolutely bare, naked clear-cut ground of the national forest on the other side of the boundary. We pointed out that that was what would happen to those magnificent trees inside the park if they were eliminated from the park.

We devoted a whole issue of the Sierra Club Bulletin to that, one of the monthlies in 1947. It was a beautiful and powerful issue, with Dave doing the editorial work, I doing the legal writing, and Lowell Sumner the photography. We put on a campaign with all the conservation organizations in the nation, and, by gosh, we beat all of the bills in that session of Congress twenty-five years ago, and none have been introduced since then.

I believe the trees are completely safe now, because the interesting thing is that everything around the park was clearcut. So the new trees outside the park are fifty to one hundred feet tall, maybe less, but they average only ten inches to two feet in diameter. The trees inside the park are from eight to fifteen feet. The sawmills that used to handle those huge trees are gone. The "crop" of little trees are about a twenty to fifty year cycle, and when they get about ten inches in diameter they are all logged, and they start all over again with another crop. So the big trees in the park are now safe.

SS: I have a note here that the Olympic National Park was threatened by the Rainier Lumber Company in 1956.

RL: It was a threat to exchange some lumber, but it was blocked, also. The interesting thing is that in 1953, in one of his last acts, President Truman added 47,000

RL: acres to the park.

SS: Wasn't Olympic National Park also threatened by mining interests in the 1940s?

RL: Not seriously, because it's mostly volcanic. There is some minor type of mining, but it's not serious as it would be if it were copper or something truly valuable.

SS: You mentioned Newton Drury, who compromised on the Olympic National Park Issue. Was he weak?

RL: Well, many people called him weak. I feel that over the long term he has accomplished more good by being reasonable than he would have if he had been more extreme. Those things are difficult to judge. Later I was going to mention that every director of the parks I have known--and I have known all of them exept Steve Mather--had good points and weak points.

The only weak point about Newton was that he was afraid that if he didn't compromise on the 250,000 acre withdrawal, he would lose 350,000 acres. He thought that the lumber people had that much strength. I think the secretary's office talked or forced him into that, too, because, basically it was the decision of the secretary of the Interior. If the secretary hadn't believed that, Drury wouldn't have issued that consent, and he did.

We must remember also that Drury had a heavy responsiblity as director of the National Park Service. If he and the secretary guessed wrong as to how effective the political support of the conservationists might be, then Drury and the secretary would be blamed ever after for losing an extra 100,000 acres of the park. On the other hand, Brower and I were still in our thirties, without any responsiblity at all, except to fight the good fight.

I know that people have criticized Newt for that Olympic compromise, but we have to remember that he was able to save the cedars in Olympic National Park from the army and the air force during World War II. There was a lot of cedar there, which the air force insisted was absolutely essential, particularly when radar was first discovered, because the metal planes

RL: were easier to detect and, secondly, because the whole world was short of aluminum. The British were making what they called their mosquito planes out of wood, which seems strange. It was because of radar detection and lack of aluminum.

So they needed a lot of spruce. They wanted to use the spruce of the Olympic National Park. Drury would not permit it. He fought it so hard that he was able to save it. He pointed out that there was more spruce than needed up in Canada. So the Canadian spruce was used in areas that were not national parks and were going to be logged anyway.

National Park Standards

RL: Drury is basically a purist. He was the one who was able to eliminate Horace Albright's zoo in the Tetons in the early forties. I was with Albright in the Tetons at the world park conference in 1972, and he was still fretting about that. He said, "Now look, nobody can see a coyote or a grizzly bear or any of the wild animals of the park." I said, "Well, gee, Horace, they are all out there in the wild." He said, "Yes, but people can't see them. They have to go to Washington or San Diego Zoo to see what a buffalo looks like." I said, "Well, that's where they ought to go for zoos." [Laughter.] This was a total difference of opinion between Drury and Albright.

Albright was for feeding bears, too. And in 1972 he was still arguing that. He said, "Now look at all the trouble they are having with bears." What the scientists say is that the trouble with the bears in 1972 is that Horace Albright fed them all the earlier years and they got so they relied on garbage and were not scared of humans. Therefore, they were accustomed to humans giving them food, and when humans didn't give them food then they swatted the humans. If they hadn't been fed on garbage in the beginning, we wouldn't be having these problems today. Drury stopped the feeding of the bears in most national parks.

Drury tends to be much more of a purist. Horace Albright also had a herd of tule elk in Yosemite. Tule

RL: is the Spanish word for cattails. Tulare County means the land of the tules. Those elk lived in the marshes of Bakersfield and Fresno. Yet Albright had taken some of them up to Yosemite Valley, around the Ahwanee Hotel. Drury took them out of there and moved them over to the Owens Valley, where they have increased now to about three hundred head. Drury would not have a foreign animal in a national park.

SS: Would you say that the club members tended to favor Drury's stand on these issues, the purist position?

RL: Yes, very strongly. Today they are even firmer than that. The Sierra Club is extremely purist at the present time. In fact, it is one of the most extreme of all organizations.

You spoke of the conflict between conservation organizations and public officials. Frank Kittredge was the regional director of the Park Service and superintendent of Yosemite. He told the Sierra Club board of directors one time, "A bureaucrat is a government official held upright by pressure from all sides." He went on to say that if you consider the view of the exploiter as being black and the view of the purist as being white, if the Sierra Club doesn't stay much closer to the white side in all of its statements, then the administrator, the Park Service, which has to make the political compromises based on getting appropriations from Congress and other political realities, is going to have to compromise much closer to the black. It will be a darker grey compromise than it would be if the Sierra Club wasn't at the purist extreme.

I have always remembered that. As I said before, I do not believe in extreme statements just for that purpose, but I do agree with Kittredge that such statements do have value. Today the Sierra Club operates very strongly on the basis of extreme statements and positions; for instance, that there shall never be any additional power plants on the coast of California. Yet you can't have them inland because there isn't enough cooling water for them, which means you aren't going to have any power plants. The Sierra Club says, fine.

SS: What about cooling towers?

RL: They can have dry towers, but they are very expensive, and they look awful, too.

SS: In line with this question of the purists versus what you might call the recreationists, I noticed that in 1950 the club directors had a discussion as to whether or not buildings or accommodations should be constructed at Whitney Portals. I gather that the decision was put off until a later meeting because the directors of the club were not unanimous in their approval of these accommodations. Phil Bernays, Francis Farquhar, Alex Hildebrand, Oliver Kehrlein, Ike Livermore, and Bestor Robinson said that they felt that the accomodations should be built. You, Ansel Adams, Dave Brower, Lewis Clark, Harold Crowe, Glen Dawson, Charlotte Mauk, and Kimball were against it. Was this a characteristic split?

RL: I admire you for your research. Yes, it was. It was the type of split that lead to the resignation, I am sad to say, of Will Colby in 1949. Ansel, Brower and I, Kimball and Mauk, as the younger folks, tended to be much more purist. It has been borne out on hindsight now that we were right, because developments are now being gradually eliminated from essentially all of the older national parks. It is official Park Service policy.

For instance, I served four years on the Master Plan Team for Yosemite, as I mentioned earlier. One of the recommendations that I think will be approved is that as far as possible all buildings be removed from Yosemite Valley and taken up to Big Meadow or down to El Portal, somewhere out of the park. This summer they were carrying that policy out to quite an extent in Yellowstone.

Horace Albright has been one of my favorite conservationists for forty years. I admire him immensely, but this new park policy as to reducing the impact of developments hurt him deeply. He complained bitterly to me at the Centennial of the Park Service in Yellowstone. Here he was the first civilian superintendent of Yellowstone National Park, and he was the second director of the National Park Service. His

RL: views are still very highly regarded today, but they are out of date.

For instance, the Park Service had very carefully bypassed Old Faithful so that the transcontinental traffic doesn't go by Old Faithful but rather a mile or so away and you go in on a stubroad. He thought it was outrageous that the transcontinental people couldn't see Old Faithful. I said, "Horace, you don't want all those trucks going by Old Faithful while everybody is watching it, do you?" He said, "Sure, the truck drivers deserve to see Old Faithful." I said, "Well, they can, Horace, just by taking the turn off."

He replied, "Yes, but people won't know enough or care enough. You could drive through Yellowstone and see nothing but lodgepole pines the whole way, the way the road is laid out." I answered, "If that is all people care about, then maybe that is the way the transcontinental traffic should get through Yellowstone without bothering the people who want to see Old Faithful and other things of beauty."

It is a difference of opinion and modern views are coming very strongly toward the purist view. Conrad Wirth told me many years ago that the greatest mistake he made in his career as director was when he required the Yellowstone Company to put a sprinkler system into the Old Faithful Hotel, because it is a God-awful-looking thing, historic now. It is about seventy-five years old. But it is not more than a hundred yards away from Old Faithful. Wirth said that if he hadn't required the sprinkler system it would have burned down long ago and the Park Service wouldn't have the problem today.

SS: Did this division of opinion within the club constitute any type of problem? Did Francis Farquhar continue to hold opinions different from that of others, such as yourself, on questions of development within the national parks?

RL: No, Francis has been, I think, wonderfully flexible in his thinking and adaptable. I think this is

RL: illustrated in the very fine article in the Sierra Club Bulletin recently.* It is an interview in which they asked him about the views of the younger generation on these subjects, and he felt they were good. I do, too. It is a great credit to Francis that he doesn't feel hurt about the changes. I am sure that Horace does not feel hurt because he is too strong for that, but he sure feels indignant.

Bestor Robinson was always a developer and still is. Bestor was for the compromise bill giving up part of Olympic National Park. He was president of the Sierra Club. I made the motion before the board of directors to have Bestor Robinson argue the case for the Sierra Club at the hearings on the Olympic National Park. David Brower was strongly against it. He wanted me to argue it because I was against the bill and Bestor was for it. I said, "No, Dave, you have to recognize that Bestor is really one of the top lawyers of California, and no matter whether he agrees with his client or not, he is going to carry out the wishes of the client in an expert way." And he did get it killed, even though he personally was for it.

Bestor is far closer to Albright in his basic thinking. Farquhar is closer to the purist, much closer to Drury. Farquhar is on the board of directors of the Save-the-Redwoods League.

SS: How about Ansel Adams?

RL: Oh, Ansel is so pure he tried for at least ten years to resign before he finally accomplished the resignation after his heart attack. Every time he would want to resign, he knew me so well and seemed to respect my views that I was always able to talk him out of it. He would say that nobody paid any attention to him and his views. I would say, "Yes," quoting Kittredge again, "but you don't know how much more closer to the black we would have voted if it hadn't

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*Dave Bohn, "Francis Farquhar at 84 Speaks of the Sierra Club--Then and Now," Sierra Club Bulletin 57, No. 6 (June 1972): 8-14.

RL: been for you arguing for the absolute pure white position." In those days, the Sierra Club did compromise much more than it does today. Ansel was an absolute purist and still is.

SS: During the 1930s there was resentment on the part of some people associated with the Sierra Club toward the National Park Service. This resentment wasn't unique to the Sierra Club at all, but a question of national park standards. For example, Francis Farquhar published comments against the idea of the National Park Service taking over Point Lobos, fearing that they would not administer it in a satisfactory manner. Was this kind of feeling widespread within the club?

RL: Yes. I think it is even more prevalent today. I believe that feeling against the Park Service has strengthened rather than weakened. I have served the last three years on the governor's Redwood Parks Commission to study what to do about the divided jurisdiction between the Redwood National Park and the three magnificent redwood state parks that are inside the boundary of the Redwood National Park. Congress provided that the state parks could be acquired by the federal government only by gift.

The governor appointed this commission, and Ike Livermore was principally responsible for nominating the people. I represent the Conservation Law Society of America, Lawrence Merriam the National Park Service, although both are closely connected with the Save-the-Redwoods League. Then there is the head of the California State Board of Forestry; the head of the California State Parks Commission; the chairman of the board of supervisors of Humboldt County, where most of the Redwood National Park is; and the former chairman of the board of supervisors of Santa Cruz County, which has quite a number of redwood parks; and the president of one of the large redwood companies. So it's a very well-balanced group, and I think that the combination of a president of a redwood company, two supervisors of redwood counties, the National Park Service, the redwoods league, and California's forestry and the parks divisions is excellent.

Anyway, we have had meetings for three years, and in 1972 we finally had a meeting and voted six to one

RL: to recommend that the administration of the Redwood National Park be turned over to the state on the basis of a compromise that was worked out in Wisconsin. There the federal government and the state worked for a number of years to try to make an overall picture of the last great ice age that came down from Canada.

The great ice age of about 200,000 years ago came down as far as the Ohio River. The last surge, 10,000 years ago, came down as far as central Wisconsin. In Yosemite Valley it came down to Bridalviel Meadow. So the Wisconsin stage, only 10,000 years ago, coming all the way from Canada clear down that far in one solid sheet of ice is quite important. The state had six state parks there, and the federal government bought nine more. They put them together and agreed that the state would administer them with the federal government paying half the cost of administration and three-fourths of the cost of campsite improvements, roads, and other kinds of development.

I thought it was a very good system. I framed the resolution for the commission. I pointed out that the state parks have had long experience with redwood parks and the federal government has not and that it was not politically possible to expect the state to give the parks to the federal government at this time. In the meantime, the total area ought to be administered as one unit. The Wisconsin plan was a good possibility.

The basic question you asked is whether or not people fear that there may be more of a tendency to overdevelop under the national park system than under the state. As to the redwood parks, I will have to say that I feel that the federal government is purer in its concept of administration of a natural park than the state is. In fact, the chairman of the Humboldt County Board of Supervisors, Guy E. Rusher, argued against the federal government administering the entire area because it was going to keep its part of the park as wilderness. He said that was worthless because nobody could use a wilderness. He wanted more campgrounds and more roads. This is typical of the chamber of commerce type of pressure that continues to be exerted against any park administration.

The head of the California State Parks, Bill Mott, was in the commission meeting with us. He said that

RL: there ought to be some campgrounds in the parks. But he agreed that they should be removed from under the big trees and that there shouldn't be any more than they already have. So he took a moderate stand on development.

At Point Lobos, the state park system is very severe. You are not even allowed to walk off the paths. They have ropes around to keep you from wandering back and forth, harming the soil and the rather delicate flowers that live in that granite sand. So I fully agree with Francis that Point Lobos should not be a national park.

I think that for ten or twenty years the federal government should not administer the Redwood National Park. But Lawrence Merriam was quite hurt. Having been a director of two of the Regions of the Park Service and having been superintendent of Yosemite, he felt that the National Park Service was better qualified on how to interpret things and to tell the public what a redwood was. I replied that the state had been doing that for about twenty years and doing it very well.

One objection that I have to administration by the federal government was that there had been three superintendents at the Redwood National Park in the three years that this commission had been in office and none of them had ever met with the governor's commission, even though it was set up for the particular purpose of trying to get coordination between federal and state. We have met with the state park people every time but never the federal even though invited. When we went up to the Redwood National Park, the chief ranger was assigned to go out with us instead of the superintendent of the park. So the commission has never met anyone of the three superintendents of Redwood National Park. [Editorial note: In 1974 there have been five superintendents in six years.]

SS: There must be some reason.

RL: There is something wrong in changing superintendents so often that if a man ever did learn about the redwoods, he would be gone and be down in Yosemite or some place else. The federal administration is therefore

RL: much less competent in the redwoods than the state.

SS: The National Park Service must not want a strong superintendent in there.

RL: That could be. They are afraid of impairing their relationships with the timber men. At any rate, there are serious questions still as to whether the National Park Service doesn't have a tendency to over-develop things. They have spent $600,000 on the administration building.

SS: How about the problem of including areas of lesser caliber within the national parks system. In 1936 the club voted that perhaps these areas be given another classification or another name.

RL: I believe that lesser areas should not be called national parks, but I think I am in the minority. I arrive at that point of view principally from my rather long experience with the national parks of the world and having been a rapporteur of the First and Second World Conferences on National Parks. The United Nations has made a list of 1,204 national parks of the world, and everyone of them are outstanding national parks. Most of them are of the quality of Yosemite, Glacier, Yellowstone, and the Grand Canyon, but they are all higher than the quality of the Lake Mead Recreation Area and Lake Powell, etc.

SS: How about Shenandoah or the Great Smokies?

RL: I think Shenandoah is fine, but the Great Smokies are outstanding. It's a real park, because at least one-third of it is virgin hardwood timber and that is extremely rare. Shenandoah is almost all cut over, but so long ago, nearly one hundred years, that you would have to be a good botanist to tell that it has been cut over. However, when you start mixing in all of these recreation areas, I think it certainly confuses the world. It is rather amusing that I have to cite to a lot of people that the Redwood National Park is not one of those 1,200 national parks of the United Nations simply because it does not qualify.

SS: What was your feeling on the Great Basin national park proposal in eastern Nevada?

RL: I think it should be done. I supported it twenty years ago, and so did Dave. We still keep at it occasionally. I think we ought to get more pressure on it except that we have so many other things that seem to require more priority. At the present time nothing seems to be harming it.

That is one unfortunate feature of conservation. I guess it's only human. You are always trying to do more things than you really can; at least you should be trying, I guess, to do more things than you can. Thus we tend to wait until something becomes a real crisis before we take action. So if there was to be a dam or some logging or a mine, or something else in the Great Basin area, then we would immediately start getting it into a national park.

We have been trying for twenty or thirty years now. It is desert country. I have been there, and it is beautiful country. But it can't be logged, because there are only the ancient bristlecone pines. They are the oldest living things on earth. Some of these are four thousand years old in the proposed Great Basin national park.

It is being well protected by the Forest Service so far. There isn't enough grass to graze, and there are no minerals yet. So nothing is harming it at this time. I guess that is the reason that park status is not being accomplished. For one thing, there are always political problems about adding additional acreage to the national parks because so often it takes it away from the Forest Service. You mentioned that a number of times and we need to cover it a little more thoroughly, the conflict between the Forest Service and the Park Service.

I feel the Kings Canyon National Park is the best example of that conflict. I have explained my principal reasons for favoring park status. The Forest Service had declared it a primitive area and was going to keep it probably wilder than the Park Service would be expected to. But the Forest Service did not have the legal power to keep it wild.

Second, during the battle of 1938 and 1939, there

RL: was no assurance that another chief of the Forest Service would not just wipe the primitive area out and go ahead and put in roads and log it. That is all it took, just a signature of the chief, to change it. That is why we started the long battle towards the Wilderness Bill, to get congressional protection for wilderness areas. In those days, from about 1949 to 1964, when Howard Zahniser of The Wilderness Society and the Sierra Club were working so hard for the Wilderness Bill, the Forest Service supported it, I think sincerely.

Of course, we have to remember that the Forest Service started the wilderness system in 1924, at a time when there was no competition from the Park Service. So it was a genuine interest in wilderness. In fact, it was Aldo Leopold who started it, and knowing all about Leopold and his later work, you can realize that he was ahead of his time.

Then Bob Marshall became the second one in the Forest Service in charge of that at the Washington level. He pushed it. Then the Forest Service came into the battle with Harold Ickes, who wanted to get as many of the national parks as possible for the Department of the Interior. He got the Olympic National Park, and he finally got the Kings Canyon National Park.

In the first few years, the Sierra Club opposed the Kings Canyon National Park, principally because the directors felt that the Park Service would over-develop it. Harold Ickes called, which was kind of generous of him as the secretary of the Interior, to ask for a meeting with the Board of Directors of the Sierra Club. In December, 1938, just two months after I was appointed to the board, we met with him at the Bohemian Club as guests of Francis Farquhar. Ickes explained why he felt it was necessary to have a national park on the Kings and gave his pledge as secretary of the Interior that it would be kept as a wilderness park. On that basis, the club approved it. I added my argument then as a member of the board and as a lawyer that the Forest Service could not stop those power developments and that the Park Service could.

RL: The Wilderness Society and the National Parks Association were under Robert Sterling Yard. Yard was a writer for Stephen Mather. He had been set up with Mather's own money. If you remember, Stephen Mather was a millionaire from borax. He provided the money for the magazine The Living Wilderness of The Wilderness Society and the magazine of the National Parks Association. And Mather had one man kind of running both of them, which in those days enabled him to do twice as much good with the same amount of money.

Those organizations opposed the Olympic National Park, the Kings Canyon National Park, and the Everglades National Park. Yet they were supposed to be composed of park people. They opposed every one of those parks on what I felt at the time, and certainly on hindsight, was misplaced purity and might well have killed each park. They opposed the Kings Canyon National Park on the ground that Tehipite Valley and Cedar Grove were left out of the park in 1940 because of the power dam withdrawals.

I felt, as did the Sierra Club directors and most of the conservationists of the nation, that if we could get ninety-nine percent of the area into the national park, we could eventually get those small areas in also, because you would have something to add them to. But if you didn't have a park to add them to, there would not be any use in working on these old water withdrawals. If you were able to cancel the water withdrawal on Tehipite while it was in the Forest Service, somebody else could immediately file again because the Forest Service could not stop them. But once you stopped a power filing in a park, it would be stopped for good.

We were able to add Tehipite and Cedar Grove about twenty-five years later. Today I don't think it would be politically possible to take that much acreage away from the Forest Service, but in 1940 it was. So hindsight shows that it was very wise to make that compromise with purity.

In the Everglades, there were some mineral withdrawals for oil and gas exploration for fifteen years. Those years have gone by and no oil and gas was ever

RL: discovered, so the park is just as pure as the National Parks Association wanted it.

SS: Wasn't there some question as to whether or not the National Park Service was equipped to administer a park with the delicate biological problems of the Everglades?

RL: I think that is a fair statement for that time, but the trouble is that it doesn't consider the alternatives of who else would do it better. The service had the best opportunity to ask Congress for funds with which to be really scientifically capable, and that is exactly what has happened. With a fine park, you have a means for protecting it, and that is the important thing. If you've got something good, then you have an obligation and an incentive to make it better, and greater political strength to accomplish the protection.

Communications Failure

SS: You were a member of the Yosemite Advisory Committee for some time.

RL: Well, I was a member of the Yosemite Master Plan Team for the last four years. Far before that, some time in the 1930s, the Park Service set up a Yosemite Advisory Board, with Will Colby, Duncan McDuffie, and Professor John P. Buwalda, who was one of the eminent geologists of the California Institute of Technology. Those three were the advisory board, and they probably held meetings, oh, I would say at least twice a year, up in Yosemite.

It is important to the history of conservation and the Sierra Club to note that my feeling, with a lot of experience, and that of other conservationists is that advisory boards of this kind can be dangerous. Will Colby was secretary of the Sierra Club for forty-seven years and on the board of directors for forty-nine years. He told the board of directors bluntly that he could never discuss with them anything that went on in the Yosemite Advisory Board. So the advisory board provided no contact, you

RL: see, between the government and the conservationists. I feel that was wrong, and I told Colby so at the time, somewhat respectfully, because I was fairly young. It seemed wrong that there couldn't be communication between two groups who were not opposing each other.

In those days, the Sierra Club's main purpose was to protect and support the Park Service, and yet it couldn't do so because the information wasn't available. Every Park Service director, right through to Hartzog, who ends on December 31, 1972, has held the view that he would not tell conservationists what he was planning until he had made a final decision. I pointed out over and over again to every one of the directors, except Mather, that that is totally wrong. Once they have what they think is the final answer, then they are not receptive to different ideas.

It's the type of mind that we have criticized so severely, and the Park Service has criticized, in the Bureau of Reclamation. For instance, the bureau kept the Dinosaur dam secret until it was ready to put a bill into Congress. In many other cases, the Army Corps of Engineers, and the state divisions of highways try to keep their plans secret as long as possible so that by the time they become known, it's too late for anybody to protest. That is the real purpose of secrecy. I think that is wrong.

A rather interesting [Laughter] episode occurred October, 1972, at the annual meeting of the board of directors of The Wilderness Society, an organization that specialized in knowledge of wilderness. I have been on the board for twenty-four years. We came to the meeting advising the Forest Service and the Park Service of what The Wilderness Society would recommend the wilderness regulations should be.

When we got to the meeting, the staff handed the directors a sixty-five page document that had very carefully been prepared in April, six months earlier, and never circulated to the board of directors. I said at the beginning of the meeting that you can't possibly read sixty-five pages at the beginning of a discussion, and here you want us to discuss a lengthly draft of a complex subject and we haven't

RL: even seen it before. Why didn't we see it? Well, it wasn't final. They wanted to get it in better shape, and why didn't they get it in better shape? They didn't have time. That's the type of thinking. It wasn't an intent there to keep it a secret. But it's the nature, I guess, of a lot of people, but not mine, to try to get things in perfect shape before you present them to somebody else. I feel that early communication is more important than editorial perfection.

So, maybe I'm being a little unfair to the Park Service, the Bureau of Reclamation, or others, when I accuse them of trying to keep plans secret so that they can put something over on you. Maybe not. I think so, with respect to the Bureau of Reclamation and the Army Engineers, but that's because we have over the years built up an adversary position with respect to so many of their plans. You can see that is what happened with the Yosemite Advisory Board. That is the reason that I bring it up at this length.

It goes right up to October, 1972, and right up to December 31 with Hartzog as director of the Park Service. He doesn't like to make plans known. The Park Service and the Forest Service, by order of Congress through the Wilderness Act, do have to hold public hearings on their long range plans for protection of wilderness.

The Wilderness System

RL: We haven't yet discussed the Wilderness Act because it didn't become effective until 1964. Every single director of the Park Service, except Mather and two others who are dead, fought that act as hard as they could all the way through until it was passed in 1964. Those directors, all of whom I know well, included Horace Albright, Newton Drury, Conrad Wirth, and George Hartzog. Even after the act was passed by Congress, Hartzog still refused to carry it out.

As evidence of that, the Park Service is required

RL: by Congress to have one-third of the national parks classified as wilderness each three years of the ten year period from 1964 to 1974. In another couple of weeks it will be 1973, and they have only done about one-sixth of the total. They are supposed to have had two-thirds of it completed a year ago. They have been dragging their feet, basically because they feel that "father knows best" and that the Park Service has the expertise to know how to handle the parks.

You've asked whether wilderness areas were an effective system under the Forest Service. I pointed out that, in connection with the battle for Kings Canyon National Park, one of the prime reasons we urged that jurisdiction of the area should be transferred to a national park was that then it would have protection by an act of Congress against water plans, dams, and power. The Forest Service did not have such power to protect the wilderness area. Moreover, at any time the chief of the Forest Service could simply cancel the wilderness and put in roads, resorts, or anything else he wanted.

I believe the wilderness system was a completely sincere effort on the part of the Forest Service. Some people have felt that it was an effort to set up a recreational form of use of wild country that would be more attractive to conservationists than the more heavily developed Park Service concept. That actually did keep the Sierra Club from supporting the Kings Canyon National Park for a number of years until Secretary Harold Ickes met with the board of directors and promised that it would be kept as a wilderness park without substantial development. That promise has been carried out thus far.

Rivalry: Park and Forest Services

SS: There has been a lot of rivalry between the Park Service and the Forest Service.

RL: There has been powerful rivalry and it is still there today. It's going to be even greater in this next

RL: session of Congress, because Nixon has stated that he is going to recommend a department of conservation or department of energy and natural resources. That has been recommended ever since the time of Harold Ickes, forty years ago but has never been politically possible.

SS: Do you think it is a good idea?

RL: I'm not sure. That is an interesting reaction on my part. I have thought it over very carefully for a long time because I do feel that one should make an intelligent decision. You can see a lot of logic in putting the dams of the Army Engineers, the Bureau of Reclamation, and the Soil Conservation Service all into one bureau. But then you have such a huge amount of money available for producing dams and you don't have the criticism between them.

The Ramparts Dam on the Yukon River was proposed primarily because it would be the greatest dam on earth, the largest artificial lake on earth, and the greatest monument on earth to the Bureau of Reclamation. The Army Engineers ridiculed it. Their criticism as expert dam builders was so effective that it killed the dam, and they killed it primarily because they couldn't build it. That is why sometimes it is valuable to have different services.

Thus competition between the Park Service and the Forest Service has actually strengthened each of them and made each of them more effective in the long run. The Forest Service was determined that its wilderness areas would be administered so well that the people who love parks and want to preserve the country forever as parks would be willing to have an area stay wilderness under the Forest Service.

SS: Do you think it facilitated the development of the recreation program?

RL: Very strongly. I have admired the Army Engineers and, particularly, the Bureau of Reclamation because they recognized very early that, if they put recreation into their dams and development, they would have a lot of people and a lot of votes for them and they could charge off hundreds of millions of dollars of development costs as costs for recreation. They have gone

RL: towards that very effectively.

The Forest Service in general, I think, has been short-sighted in not realizing that recreation is actually going to be the greatest value to the national forests over the long run. With one vote for one person, most of the voting power is now going to be in the cities and not in the forest communities. So the Forest Service would be better off to emphasize recreation instead of the clear-cut type of logging that they have been battling out for the last ten years. I think that is gradually coming, but in the past the schools of forestry have taught board feet of timber and have not considered recreation as anything except a by-product that happens to be there because of beautiful land.

Federal Secrecy and Discretion

SS: Let's go back to this question of secrecy between the conservation groups and the federal government. Has this secrecy also extended to the relationship between the federal conservation bureaus and the developers?

RL: I don't think so. That may be prejudice on our part because we are on the conservation-preservation side. There is always a bit of worry on the part of all humans, a paranoid fear, that the bad guys have an inside track to the decisions. I think, with respect to the timber interests and the Forest Service that it is clearly true. I believe that they do give unfair information to the loggers, and I feel that they gave unfair information and unfairly favorable treatment to the grazing people.

On the other hand, those are the sectors that so far have been able to produce the votes for the Forest Service budgets in Congress. They have highly organized lobbies, for instance, the National Association of Wool Growers, the American Cattlemen's Association, and a variety of timber-using interests. I have made millions of dollars of loans on cattle and sheep because the first ten years of my law practice were in agricultural finance.

RL: I remember a meeting in San Francisco in 1950 of the North American Wildlife Conference, which is a conference of about 1,500 specialists in wildlife management, sports interest, and preservation interests. A professor of agricultural economics at the University of Utah got up and gave a speech in which he pointed out that the conservationists should not be so hard on the cattlemen and the sheepmen because the poor little devils only earned 69¢ an hour for their work.

So I got up and pointed out that that is exactly what is wrong. Here they are operating on land that is so poor that it can only graze enough cattle or sheep to pay the poor guys 69¢ an hour. In the meantime they are destroying the water and the soil in the high country that will produce the good crops of ladino clover and irrigated pasture down in the valleys below. I said that from my own agricultural experience I know that you can grow three to four times as many pounds of meat and wool on irrigated pasture as you can up in the high country. They are harming the country by mining the soil in an irrational way.

So far those organizations through Congress have been able to block the increases in the price of the grazing leases. A grazing lease on private land used to run $1.50 to $2.00 per animal per month, but the grazing leases on government land used to be 10¢ per animal per month. Now they have been raised up to 40¢. They were to go up to higher figures by act of Congress, but the woolgrowers and cattlemen were able to get another act of Congress postponing it for a few years, the theory being that the poor cattlemen and sheepmen are in trouble because of cheap wool, lambs, and beef from Australia and New Zealand. To my mind that's where we ought to get our meat and wool instead of destroying our own country in order to get it. All of this gets back to your question. I do feel that there has been unfair treatment of the public.

SS: You mentioned that Colby refused to discuss what went on in the Yosemite Advisory Board. Was he actually sworn to secrecy?

RL: I'm not sure that it was quite that clear. However, it was very clear to him that the service would not be

RL: willing to discuss matters with him and the advisory board if he passed the information on. The Park Service then would refuse to discuss matters with the Sierra Club because they would say that they had already discussed it with the Yosemite Advisory Board.

I think the matter of these advisory boards is extremely important because in many of the bills before Congress today there is a feeling on the part of the conservation groups that since they've been kept in secret so long in the past, if they had advisory boards, they would have more information. I don't feel that is really true unless it is very carefully handled and unless it is also clear in the legislation that advisory boards are completely free to provide that information to the people.

When I agreed to serve as a member of the Yosemite Master Plan Team, I told Director Hartzog at the time that I considered that I would be free to answer any questions that came to me from any citizen, and he agreed. I must say that I have had less inquiry than I think I should have had from the Sierra Club and other groups, even though I have made it clear to them that I'm always available.

The Sierra Club has just established a new Yosemite committee of the Northern California Regional Conservation Committee, and a young lady, Barbara Chasteen, is the chairman. She called me this morning and asked if she could get a copy of the 200 page transcript of the first hearing of the Yosemite Master Plan about three years ago in Fresno. I said, of course, and I will bring it over here tomorrow and her husband can pick it up.

I have felt that I have the right to pass on any information that was made available to me. However, I have felt a little restrained in that I haven't felt that I can deliberately call meetings with the Sierra Club or write material to try, you might say, to affirmatively pass information on. But I have told them that I will always answer correctly any questions that they have. I have had some nice meetings with several Sierra Club chapters that have had enough interest to gather fifteen or twenty people to spend

RL: a whole afternoon discussing the plan.

It's rather interesting that the objections of the Sierra Club apparently have changed the master plan. Originally a bridge was planned across the lower part of Merced Gorge to carry the traffic from the Wawona Road over to the Tioga Road so that people could go from north to south in the park without going through the valley. The Sierra Club objected to that bridge so violently--although I think it is necessary--that the master plan probably will not have the bridge.

I will say that the Park Service in Yosemite and in Sequoia-Kings has been completely sincere in providing for wilderness classification of the maximum amount of land that really is wilderness. But somehow, even though planning teams have agreed upon that and the Park Service seems to have agreed, the service still is not willing to submit it to Congress and have it finalized in an act of Congress. That's the protection that the conservationists want, to have it in an act of Congress so the Park Service itself cannot change its mind in later years. The service can, of course, change its mind for good reason and go back to Congress and get a new act, but that requires more public hearings and a lot of work.

SS: Grant McConnell, the professor at the University of California, Santa Cruz, who has been active in the Sierra Club, particularly relative to the Cascades, has maintained that the federal bureaus have had too much discretionary power, that they have been too little controlled by the legislature. I gather you would agree.

RL: I do agree as to wilderness, which to my mind is a decision that is irrevocable. For instance, George Hartzog had planned to put a railroad across Olympic National Park, because when Olympic National Park was set up, it was agreed that there would be no roads across it. I admire Hartzog by the way and urge Nixon to keep him because I think overall he has done far more good than harm. But one of the bits of harm that he had planned on but never carried out was the railroad that would not be bad because it would not be a "road."

RL: I admit that it would be a little bit better because not everybody in their automobiles could go dashing across it and the number of trains could be controlled by the Park Service. Still it would destroy all of the wilderness country that it went through, and it would destroy it just as completely as if it were a highway. That was the basic concept that, somehow, Hartzog did not understand. The wilderness would be destroyed for a long, long time. You could take out the railroad, but it might be fifty or a hundred years before the wilderness would recover. Those are the irrevocable decisions.

I don't think that any legislature can decide minor details. I must make it clear, too, that the Yosemite Master Plan does not attempt to detail where the buildings should be in Yosemite Valley or where the roads shall be, but just the basic questions of where there shall be wilderness and where there shall be roads and development. The plan does recommend that most of the buildings shall be taken out of Yosemite Valley and most of the support people, except for the day-to-day help for the meals and lodgings. That type of decision is involved in the Yosemite Master Plan and not day-to-day operations. I would agree with you that there needs to be more control in the broad sense.

For a very long time Grant McConnell opposed the Cascades National Park simply because the Forest Service had really done a superb job of keeping the backcountry as wilderness. I would agree that ideally it would probably be wilder under the Forest Service than under the National Park Service. For one thing just the advertising of the name of the Cascades National Park will draw people from New York and Georgia and from Germany and Italy who would otherwise never go to just another national forest wilderness in Washington.

I pointed out to McConnell, however, that I worked hard for the Cascades National Park because the Forest Service wilderness policies were not permanent yet. They just had the signature of the Forest Service Chief and that could always be changed. Also, once the Cascades had protection as a national park there would no longer be logging. We have had logging, bad logging, in that country by timber sales by the

RL: Forest Service itself in areas where they originally said they would not. Again, the Forest Service has no legal authority to prevent power developments. The Park Service does have that control. Now that we have the Wilderness Act, the Park Service itself has no power any longer to put roads or tramways or other developments into areas that Congress has decided shall be wilderness.

The Minarets Mining Claim

SS: Isn't it also a problem with mining, for example, the question of the Minarets Wilderness Area?

RL: Let's discuss that a bit because that is quite a fascinating bit of history between Forest Service and Park Service.

SS: About 1950.

RL: Well, it goes way back before that to about 1854, a hundred years earlier. Silver and a little bit of gold, copper, lead, and zinc were discovered in that area, and the Minarets Mining Area was set up. In 1890 the entire area from Hetch Hetchy east to Mammoth Pass and south to the Hot Spring on Fish Creek became the original Yosemite National Park. The park was a huge area at that time, but essentially a square. The boundaries of the new national park were approximately thirty miles east of Yosemite Valley and twenty miles west, south, and north, just like Yellowstone.

People wonder why Yellowstone has that queer shape with a very small part of it in Idaho and Montana. The reason is that the original boundaries in 1872 were fifty miles on all sides of Yellowstone Lake. Yellowstone Park was established before the states were. The states were laid out on longitude and latitude, and they just happened to come just outside of the park. That's why you have, fortunately, a little bit of Idaho and a little bit of Montana in Yellowstone National Park.

SS: Why is that fortunate?

HL: Fortunately for Yellowstone because then there is the support of two more senators from Idaho and two more senators from Montana, who are anxious to protect and get appropriations for Yellowstone National Park.

Yosemite was also laid out in a big square. The park went quite a ways west into some fine yellow pine timber but, unfortunately, did not include the northern part of Yosemite, the area essentially above the Grand Canyon of the Tuolumne and north of Tuolumne Meadows. That very beautiful country was not part of the park even though it was part of the watershed.

So in 1905 the timber and mining interests set up a compromise and, against the battle of Colby and Muir, were able to get a bill through to eliminate the timber on the extreme western edge of Yosemite and the mining region over the Mount Dana-Minarets area. Then, as a gift to Muir, the Sierra Club, and conservationists, the northern part of Yosemite up to the hydrographic boundary was added to the park. This is beautiful country and should be in the park but had no value for either timber or mining. So that way, the timber interests got the west part, the mining people got 200,000 acres on the east of the hydrographic boundary, and conservationists got the northern part.

Then the whole of Yosemite Park came, as it is today, the hydrographic area. All the boundaries except the lowland west are on ridges, which is good. That's where they should be, except that the Minarets were removed from the park. Ansel Adams, as you know, is one of the greatest experts of America on natural beauty, and he has stated that the Minarets are as beautiful as the Tetons of Wyoming. I agree with him that they are gorgeous. I climbed one of them in 1932 when I made a first ascent. It is now named Leonard's Minaret. All of the Minarets are named for those who first climbed them because they are extremely sharp and difficult points. Because they are so sharp is why these particular peaks, glaciers, and lakes are so beautiful. They should be part of the park again.

The mining of the Minarets mining area never worked out. In all of that hundred years there has

RL: never been a single mine in that region that has paid any substantial money. In fact, it is interesting that on the east side of the Sierra, only one mine in all that country, including Bodie, has produced more gold and silver than it took in from Boston and New York. In other words, the investments from the East that went into those mines are greater than the gold and silver that came out of them in every single one except the Mae Lundy mine just north of Tioga Pass. However, quite a ways further south the great tungsten mines near Bishop, California, are still operating today. The Mae Lundy is gone.

The Forest Service in 1962 set up the Minarets Wilderness Area, approved in 1964 by Congress. In the heart of it is a mining claim, known as the Nidever Claim, so valuable that at one time the Alaska-Treadwell gold mining people had an option to buy it. By good fortune Will Colby, who was the greatest mining lawyer of his time, was the attorney for that company. He was secretary of the Sierra Club, and he hated desperately to see a mine in that area, so he hit upon a brilliant idea. He had it diamond drilled for an accurate survey of its total value.

They went in on pack mules carrying diamond drills and drilled it down for 800 feet. At the surface it's a broad expanse of the most brilliant beautiful gems that you could imagine--amethyst, turquoise, beautiful copper, silver, zinc, and lead minerals. They shine, and a prospector would say if it is that beautiful on the surface, think how valuable it is further down.

Well, it happened to be one of those folded layers of highly heated sedimentary rock on the east side of the Sierra granite where hot liquids had come up from the interior of the earth and the further they went to the top the richer the deposits were. Then the glaciers came and carved the whole formation off at the top. So the top surface was the richest, and when Colby diamond-drilled the vein all the way down, it got poorer and poorer as it went down. It turned out that there was about five million dollars worth of lead, zinc, and silver in the mining claim, but it would cost maybe eight million dollars to get it out.

RL: So Alaska-Treadwell never bought it. Colby turned those core-drilling assays over to me, and I kept them for years. I finally turned them over to the Bancroft Library, because I was sure that the Sierra Club would eventually throw them away.

This multimillion dollar mining claim is near Lake Ediza at the base of the Minarets, one of the most beautiful places in the wilderness area. In the late 1950s there was a proposal of the stockholders of the mining company to put in a road to get the ore out. The nearest existing road is about eight miles away. Under American law, the Forest Service, as owner of the land, cannot forbid the access road, but they can require construction in such manner as will do the least damage to the land.

The least damage could be in two ways. One would be by making the road just a jeep track on the surface with minimum cutting so that when the mining was over there would be nothing much left. Or make it a very high grade road that would then have less erosion, and the least damage from the use of the road although it would be permanent. But a high standard road would cost more. So it was decided to gamble on requiring a high grade road, which would cost five hundred thousand dollars. The owners of the claim didn't have the five hundred thousand dollars, and so they had to give up the road. Twenty years later the claim is still there and no ore has ever been taken out.

About that time there came the possibility of a strong campaign to get the Minarets area back into Yosemite National Park. Horace Albright was born in Bishop, California, which is just a few miles away from this mining claim. Albright is a mining man; so was Mather. Mather made his money in borax; Albright in phosphates.

Albright, as a mining man, had expert mining people on his staff. He authorized me in 1961-62 to spend a hundred thousand dollars to buy this claim, and he put his top geologist, Harry P. Gower, at work on it. He worked on it about two years. He finally tracked down the owners. The difficulty with trying to buy a mining claim is that the owner always dreams of what

RL: a gorgeous mine it is, but he never thinks about the cost of getting out the ore. So it wasn't possible to reach an agreement to buy.

The United States could theoretically condemn a mine. You can condemn any kind of property. But the Fifth Amendment to the Constitution requires the government to pay for taking private property for public good. Therefore, it is not practical to condemn a mine because the jury could be convinced that there could be so much value in the unknown ore that the award they would give could be too great. We couldn't get the claim at that time because of those problems. So we had to let it go until a later opportunity.

Marshall Kuhn, chairman of the History Committee, has since taken it up, and I have turned my files over to him. He has been working through the Nature Conservancy and hoping that they would be able to find the owner who might now, after twenty more years of discouragement, be willing to take a hundred thousand dollars for the claim. Once we get it, we will protect it.

As you pointed out, in the beginning of the discussion, the Forest Service has no power to prevent additional mines in wilderness areas until after December 31, 1983. If we bought this one we would have to keep working at it to keep the claim alive. If we ever stopped working this claim, so that we didn't put a hundred dollars worth of work into it a year, we would lose it. A hundred dollars worth of work today is no more than going up and looking at it. It used to be that one would have to go up and dig for a while. If you didn't keep it up, somebody else could claim that same piece of mining property.

But if we ever got the claim into the national park, then it could never be claimed again if it ever lapsed. In fact, in the Yosemite National Park we have some historic gold and silver mines on the north side of Tioga Pass. In 1883 they built the whole Tioga Road to get machinery up there. Those mines are there today unused, because they are part of the park. South of there, at Bloody Canyon where the Indians used to come in from Mono Lake, there is another mine.

RL: I have been to both of them. Now they are kept as historic monuments, because they are over a hundred years old. They are interesting parts of the mining history of that country.

I still feel, and so does Albright, that someday we will have the political ability to get the Minarets back into the park. In 1969 Robert W. Hackamack, chairman of the Tuolumne River Study Conference of the Sierra Club, made a suggestion that since Hetch Hetchy is such a headache in the national park and since the Forest Service is becoming more and more interested in water recreation, that maybe we could trade Hetch Hetchy Valley to the Forest Service for the Minarets. The Minarets have been designated by the Forest Service as wilderness.

I must say, to the credit of the good faith of the Forest Service and their intelligent interpretation of the Wilderness Act, that in spite of the fact there is about five to eight million dollars worth of silver and lead in that claim, it is part of the official wilderness area. No road will ever be built into it except by the owners of the claim, who still have the legal right to get the ore out if they want to and if they can pay for it. But the Forest Service will not develop any roads into the area.

SS: Robert Sterling Yard recommended many years ago that Hetch Hetchy be transferred to the Forest Service.

If a claim were maintained on an annual basis by the owner, even if it were transferred into a national park, the claim would still remain valid.

RL: Absolutely correct. Pre-existing rights are always valid. In fact, in Teton National Park and in Kings Canyon National Park there still are grazing rights that exist from pre-existing grazing. That is perfectly fair. In Kings Canyon they are on a lifetime basis, the owner being an old woman who is about eighty-six, so the grazing won't last much longer.

SS: Aren't the grazing rights negotiated whereas the mining rights would be taken care of by federal laws?

SS: In other words, you could negotiate what terms the grazing rights could continue on but not the mining rights.

RL: Correct. The trouble with mining rights is that they derived from early California gold rush days. In 1849 there was no law here whatsoever--a total anarchy--so the miners made their own rules. Finally, those informal mining customs were incorporated in an act of Congress in 1872, which is now exactly one hundred years ago. Basically, that act provides that mining is superior to all other rights on public land.

So the Forest Service has very little right to control mining. In fact, until 1956 both sides of the Sonora Pass Road leading up into the Sierra in Stanislaus National Forest were covered with mining claims on lava, which is totally worthless. Fraudulent people simply filed a mining claim to get control of the surface of twenty acres and then build a cabin on their claim. Then the cabin was part of the "improvement work" that was necessary to keep the mining claim alive. They advertise those claims in Los Angeles for sale; here is a cabin, and you don't have to pay taxes on it because the land is owned by the government. This fraud was stopped by a 1956 act of Congress separating mineral rights and surface of the land.

On mining law I was emphasizing that it was unfair in that it provides that mining is a superior right above all other rights since 1872. In fact, the five and ten million dollars worth of lead, silver, and zinc in that Lake Ediza ore deposit is not taxed at all. There is no tax on it to the county because the mining claim has never been patented. The reason the people haven't patented it, so as to own it themselves without the annual work requirements, is because once it was patented then they have to pay taxes on it. But by doing a hundred dollars worth of work a year, they just keep the claim alive. Of course, there is always the danger that if he happens to get sick some year and doesn't carry out the work somebody else may be alert enough to know it, jump the claim, and take over the entire value.

SS: The claimant has to personally do the work?

RL: He, or somebody doing it for him and filing the annual proof of work. As long as he has somebody in the family that knows about it and hires somebody or gets a friend to do it, there is no problem. But sometime I would expect that that chain of memory would run out and somebody else could take over. There are people in the local area who keep track of those things.

For instance, there are another dozen claims extending a mile to the north and a mile to the south of Lake Ediza, just on the chance that some of this ore extends underground. These claims run vertically into the earth as far as you can go. You can never tell what might be under there. In fact, the Homestake Mine in North Dakota is down to about eight thousand feet now. Some of the other mines in the world are also extremely deep.

SS: I did not understand the capacity that you functioned in when you made this decision to require that it be a high quality road into the Minarets.

RL: Well, I was secretary of the Sierra Club from 1946 until I became president in 1953. So it was in my capacity as an officer of the Sierra Club working with Millard Barnum, chief of the Lands Division of the California Region of the Forest Service, and with my special knowledge of this particular claim. I have been deeply interested in it for more than forty years. I told you earlier that I took Francois Matthes on his geological work in Yosemite for ten weeks. We started in the extreme northern part of Yosemite at Matterhorn Peak and then worked south all the way to the Minarets and this Lake Ediza mining claim. So partly because of my love of geology and my work with Matthes I became interested in this in 1932.

Horace Albright, having been born near there and having been director of the National Park Service, had been trying all of his life to get this Minarets area back into the national park. We all agreed that we had to get control of the claim before we got it into the park, because after it came into the park the claim would be a lot more valuable, both as a nuisance and also because it would be protected against anybody

RL: else jumping it. The issue is still going today. Mostly through Marshall Kuhn, the chairman of the History Committee of the Sierra Club.

SS: Do you feel that the federal bureaus, particularly the National Park Service and the U. S. Forest Service, have been receptive to the advisory boards?

RL: Yes, I do. I think they have been very sincere. Often they don't do anything about it. They take positions totally at variance with the advice that we give. That is a proper part of any advice. The person who is on the hot spot has to make the decision. I have never felt hurt that some advice I gave wasn't taken. Some people, conservationists especially, are rather illogical when they expect their advice should always be taken. I think that the board of directors and the management of the Sierra Club tends to get that way today.

SS: At least in this instance the Forest Service accepted your advice on the roads.

RL: Yes, and that did stop the road at that time. That also depreciated the value of the claim because the mine is still just a hopeful dream. I doubt whether the owner has those diamond drill assays, because they were made by an adverse party, Alaska-Treadwell. I don't think the owner of the claim really knows as much about what is below the surface as the Sierra Club and Will Colby did.

The trouble is, you see, that whereas we know that it gets worse as it goes down, probably the owner of the claim still thinks that it gets better as it goes down. So he may be thinking that it is worth fifty to one hundred million dollars when really it is worth about five million dollars in Colby's time and about ten or twenty million dollars now.

The tragedy is that gradually the supplies of copper, zinc, and lead are getting used up throughout the world and so the value goes up. [By 1974 the price of copper had gone up 700%.] Also, transportation methods are getting cheaper all the time. Between the improvements in mining technology and the decreasing amount of the metals, someday this ore is

RL: going to be taken out with severe damage to this beautiful country, unless it is a national park with prior purchase of the claim. Although the ore in place is worth many millions, our offer of one hundred thousand was fair on a net basis since there had been only minor expense for 110 years.

We have a similar case, an extremely valuable deposit of copper estimated to be worth from fifty to three hundred million dollars, in the Forest Service's Glacier Peak Wilderness Area in the Cascades. There the Forest Service has granted permits for a railroad, mill site, and everything else to take out the ore. The conservationists have fought the battle well enough that so far Kennecott Copper, which owns the claim, has not been willing to do the damage to the country that would be required to take out the ore.

I have suggested that the United States lease it from Kennecott for an amount somewhere equal to a fair annual return on the investment of five to fifteen million dollars of work that they have already put into exploration and development. In other words, give the owners a fair return on their investment over a period of years so that finally, say twenty-five years from now, technology may be good enough that they could put a tunnel in from down low and take the ore out from underneath instead of taking it out in one of those open pit copper mines that do so much damage, right at the edge of delicate Image Lake in the exceptionally beautiful heart of the wilderness area.

This copper claim near Image Lake was the subject of one of the fascinating on-the-spot dialogues that John McPhee wrote up in the New Yorker, with the Stanford geologist in love with the beauty of the copper ore and Brower in love with the beauty of the country. Both of them were totally sincere, illustrating again the problem in wilderness conservation.*

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*John McPhee, Encounters with the Archdruid (New York: Farrar, Straus and Giroux, 1971).

San Gorgonio Wilderness Area

SS: To go on with the threats to the wilderness areas of the Forest Service, in 1947 San Gorgonio Primitive Area was threatened with a ski resort and a road. Didn't you represent the Sierra Club at the hearings?

RL: Yes, I went down for the hearings in 1947, in Riverside. Mount San Gorgonio is a magnificent peak, over 11,000 feet high, east of Los Angeles. Mount San Jacinto is opposite, with San Gorgonio Pass just over a thousand feet high in between. So the two mountains stand over ten thousand feet above the surrounding countryside.

San Gorgonio provides the finest snow in southern California. San Jacinto is a forty-five to sixty degree cliff on the north side where the snow would be. But San Gorgonio is gentler in slope, rounded, and therefore provides good skiing. The skiers went in there in huge numbers in 1947 and particularly today, in spite of the fact that there are no chair lifts or other ski developments in that wild country.

My wife and I started skiing in 1933, and our skiing was all cross-country. We did not have ski lifts at all and just travelled on our own. So we would go into this kind of country and ski and enjoy it. But that doesn't make any money for anybody because you are doing it on your own two feet. So a group felt that they could provide skiing close by for the skiers of the extremely heavy population of southern California, about nine million people today and about four or five million in 1947.

San Gorgonio was a formal primitive area that the Forest Service had established. As I said before, I believe the Forest Service was completely sincere in trying to protect these wild areas. The country was so high that there really wasn't any timber there to log, no water to dam, no mining. So the Forest Service had classified it as primitive. Aldo Leopold began this system of protection of wilderness by classifying the Gila Primitive Area in 1924. Bob

RL: Marshall also pioneered in greatly expanding the wilderness concept of the Forest Service, not in contest with the National Park Service, but to protect the country.

The problem was that these wilderness or primitive areas could be changed at any time by the chief of the Forest Service. Here there was very strong political pressure from the congressmen of that area, all urging the Forest Service to grant a permit for a road. They said it would only be a very tiny little road into the center of the area, there would be a ski development of five or ten acres with the building and ski tows, and that was all there would be. Ninety-eight percent of the country would never be touched.

Rather interestingly, the assistant attorney general for the State of California appeared at this hearing on behalf of California and argued to keep it primitive. He said that, on the map that the ski resort people exhibited showing this little road going into the heart of the area, the "little road" looked to him like a "worm in an apple." That comment made the whole point very dramatically because then everybody at the hearing realized that it was indeed like a worm in an apple. It was a small entry but it was going to infect the whole interior of the primitive area.

Right here I want to point out one problem we had with the Sierra Club. Oliver Kehrlein, who later became one of the directors of the club, was in charge of our public relations committee at that time. He put out mimeographed pamphlets and had them sent all over the state, to the effect that the Forest Service had lost its mind and that the Forest Service must be "brought to its senses."

By golly, when I saw that, I took it immediately to Pat Thompson, the new regional forester of the California Region for the Forest Service. I told him, as secretary, "This does not represent the point of view of the Sierra Club. We totally disown it as being absolutely wrong. We are coming before you on a straight question of preservation of wilderness. We do not attack your integrity, your intelligence,

RL: or anything else." I told Kehrlein, "Of all the stupid things! Thompson of the Forest Service is your judge. You are saying that the judge has lost his senses, that the judge has made up his mind the wrong way."

Anyway, Pat Thompson had just come to California as the new regional forester and this was his first controversy. So maybe Kehrlein's effort forced Thompson to lean over backwards; he ruled for the Sierra Club and kept it as wilderness.

A bill to abolish the San Gorgonio Primitive Area later came before Congress and passed the House, more or less on a consent calendar because nobody in the rest of the United States knew or cared about it. We were able to block it through Senator Kuchel, who was an excellent conservationist, when it came to the Senate. It came up again in Congress twice since then, and we have been able to block it each time. The Mount San Gorgonio Primitive Area comes up very shortly for wilderness classification under the Wilderness Act, and once that passes we have a pretty good chance that the act of Congress will be strong enough for permanent protection.

But you see, there was the weakness again; Pat Thompson could have decided to recommend that the ski resort be put in, that it wasn't going to do much harm. If the chief of the Forest Service agreed, that would have been the end of the primitive area. With the Wilderness Act, once either a forest, park, or wild refuge has been classified as wilderness, then it is permanent until a new act of Congress changes it. Of course, an act of Congress is a very public matter, conservationists can be heard and the chances are about seven to three in favor of a prior act of Congress, whenever anyone wants to change it.

That was the importance of San Gorgonio, as one of the early battles that finally led up to the Wilderness Act. The San Gorgonio fight was in 1947. Four years later at the second Sierra Club Wilderness Conference Howard Zahniser brought up his

RL: recommendation for a wilderness bill. It took thirteen years to get the bill enacted by Congress on September 4, 1964.

Impact of the Wilderness Act

SS: I gather that one of the issues here was whether federal bureaus should respond to what the majority of people want at any particular time, or whether as professional land managers they should decide what seems most appropriate.

RL: That is a valuable comment because it relates to the entire American system of legislation and justice. We have considered in this country, and de Tocqueville in his early writings on American politics pointed out, that the majority often does not respect the views of the minorities, whether they are black or ethnic or religious or people who love wilderness. Until the Wilderness Act of 1964 one would have to state that at least as far as public voting was concerned the lovers of wilderness were a minority. When the Wilderness Act was passed maybe you could say that it had the majority support of the people of the United States as expressed at least by their representatives in Congress.

In 1947 your implication is correct that Pat Thompson was deciding that, although the great majority of people in the Los Angeles area probably wanted a ski resort there, from a matter of long range policy it would be best to keep it as wilderness because eventually wilderness will be scarce. That is particularly true in the Los Angeles area. That is what I emphasized myself, that there were other areas, such as Mineral King, which were available for skiing, but there were only two areas in all southern California that could be wilderness--San Gorgonio and San Jacinto.

You are correct, that Pat Thompson really had to recommend on the basis of what he thought was best for the people, even though the majority at the time did not recognize it. I believe that today the

RL: majority in the Los Angeles area does recognize the values of wilderness.

SS: So this broad discretionary power can work against the preservation movement as well as for it.

RL: Absolutely.

SS: In the long run would you say that this discretionary power should be cut down? My interpretation is that it is being diminished. With the passage of the Wilderness Act, the Multiple Use Act, etc., the Forest Service has lost some of its administrative discretion. This trend may well continue. Would you say that it should?

RL: What it really amounts to is not reducing the discretion of the service, but requiring more thorough public analysis of the factors and alternatives that go into the final decision. With public input the service should carefully analyze whether certain land should be wilderness or used for logging or skiing or other purposes and then make the decision and that decision is not to be changed lightly. That is what the Sierra Club is trying to get. In June, 1973, the federal court ruled in favor of the Sierra Club, requiring public hearings on all plans for additional roads and logging contracts on thirty-five million acres of Forest Service land that had not yet been logged or cut up with roads. The Sierra Club insisted that to put in a road or to log an area was a major decision that affected that land for the next few hundred years. That kind of decision should be made only after very careful thought. At public hearings everybody should have the opportunity to present their views.

So to my mind it is not so much a restriction on the discretion of the federal bureaus, because they still have the discretion in the long run (and should have), but they have to think more carefully before they make a major change. That is really what the Environmental Protection Act means for the whole United States.

RL: For instance, the Sierra Club fought hard and raised and spent two hundred thousand dollars to protect Storm King Mountain on the Hudson River. The issue was that the Federal Power Commission had granted permission to put a pumped storage power plant on that beautiful mountain on the bank of the Hudson River, without taking into consideration the scenic beauty or the harm that would be done to the fishery there.

The Supreme Court of the United States agreed with the Sierra Club and held that matters other than power must also be considered. So it went back to the Federal Power Commission, which considered the plant. Then the Supreme Court ruled that since the F.P.C. had considered those non-dollar values the commission had the discretion to authorize the pumped storage project.

So the fact that the Forest Service has to think more carefully about these matters doesn't mean that they can't do them. They can still go ahead and log and build those roads, but they have to analyze the cost-benefits and alternatives more carefully. A good illustration was on the Inyo National Forest, which is a semi-desert national forest on each side of the Sierra Nevada. The chief of the Forest Service sent out orders that every forest had to have a certain percentage of total timber cut each year. Well, in a forest like Inyo that meant that they had to cut trees that would not mature again for two or three hundred years. It was wrong from a timber standpoint, but they started to log until the Sierra Club stepped in. You get decisions like that made on paper in Washington that are illogical on the ground. They haven't been thought out properly as the new laws require.

Mount San Jacinto Tramway

SS: Were you involved at all with the Mount San Jacinto tramway dispute?

RL: I don't think we have time for a rather lengthy subject, but I did fight it for twenty years and was able to block it a couple of times on technical points. When I was in Burma in 1944-45 the bill creating the Winter Park Authority came up for the fourth time to Governor Earle Warren. The bill had been vetoed twice by Governor Olson, a Democrat, and once by Governor Warren. The bill was passed a fourth time by the legislature. I urged Governor Warren to veto it again. He took the courtesy to write me in Burma and say that he respected my views but he felt that since the legislature said so four times that it wasn't up to the governor to keep vetoing it. So it was passed.

The Sierra Club, through its president Nathan Clark who is an engineer, produced evidence showing that the project would go bankrupt, and it almost has. The club was right all along. The people who bought the bonds were fleeced. Nick Clinch was our young attorney who blocked it at one point until Governor Brown overruled the commissioner of corporations.

Mountaineering in the National Parks

SS: In 1940 and 1941 the Park Service appointed Jules Eichorn as a ranger to advise the mountaineers in Yosemite. Did this new policy represent a real departure on Lawrence Merriam's part and has it continued?

RL: Yes, it has continued. I think the mountaineers have been very fortunate that the Park Service has recognized mountaineering as one of the proper uses of the parks, just like enjoyment of scenery or photography or fishing or hiking. As I indicated earlier, I started mountaineering in Yosemite in 1932 with Francois Matthes and made the first ascents of some of the most difficult climbs there.

In 1939 when I was at the Superintendents Conference in Santa Fe, I gave a talk because the Park Service was beginning to worry about their

RL: responsibility as to this climbing. I pointed out that they ought to have rangers who had enough knowledge to gain the respect of the mountaineers and tell them what they could do.

I cited an example of Norman Clyde who did have a great deal of experience in the Sierra and who wanted to climb Mount Rainier, but the superintendent of the park had never heard of him and so would not let him climb. Another case was Jack Riegelhuth who spent six weeks with us up on Mount Waddington on snow and ice. He wanted to climb Mount Rainier and was not allowed to because the superintendent hadn't heard of Mount Waddington and did not know whether the person knew anything about climbing or not.

One winter the Park Service called me from Yosemite and said, "Dick, there are some young fellows, snowshoers and skiers, who want to go up to Tuolumne Meadows, and I want you to talk them out of it." I replied, "I don't know whether you are calling me as secretary of the Sierra Club or as vice-president of the American Alpine Club, but I don't have any authority to prohibit their trip and neither do you. It was clearly established as Park Service policy at Santa Fe that the superintendents did not have the authority to either permit or refuse the right to go anywhere in a park. But if you put them on the phone I think I can probably persuade them to take a safer and more interesting trip."

So I pointed out to them that their skiers and snowshoers would go at different speeds and would need different terrain. If they would go up to the Ostrander Ski Hut, which is about eight miles from Glacier Point, the skiers would have a magnificent time on the open slopes behind the hut on Horse Ridge and the snowshoers would have a good time going up and back. So they agreed with me, and they went on the less dangerous trip.

In 1950 I was again invited to the Superintendents Conference, this time in Yosemite. At a gathering on Glacier Point they asked me to give another talk on mountaineering in the parks. I pointed out to them again that if they tried to

RL: prohibit mountaineering, people would bootleg it. Then the Park Service would be in real trouble; because a young person in his teens who knows that something is prohibited would see it as a challenge to try and prove that he was a man and that the Park Service was wrong.

I told them that every time a young person has told me that he wanted to do something beyond his ability I could suggest to him some other climb that was equally thrilling but within his ability. Then he could take the more difficult climb at a later time. So I said that if you will get competent climbers on your staff, people who can talk to mountaineers and understand what they are talking about, then you will be able to work it out. So they did. They had Jules Eichorn, Jack Riegelhuth, and Royal Robbins. They have later had a long series of expert climbers as rangers.

At the present time they need experts to rescue people. Most of the people who need rescuing are those who have no intention of climbing and get into spots where they did not intend to be. For instance, the edges of Yosemite curve gradually into the valley. A person walking along the flats above the valley comes to the edge. He sees a twenty or thirty degree slope and he walks down that. Then he comes to a forty degree slope, and he slides down that one. Then maybe a forty-five degree slope, and he slides down that; but the next one is sixty-five degrees, and he realizes that he can't go down any more. By that time he can't get back up again either. It is that type of person who needs rescuing.

It is difficult for the rangers, and I admire them immensely. So what they have done is to obtain volunteers from the young climbers who, when they climb El Capitan, train by climbing the whole summer continuously, getting into magnificent technical and physical condition. They can't do that in the two-week time limit they have now on camping in Yosemite. So they are allowed to stay up there for more than two-weeks time and climb all summer, providing that they will volunteer for rescues. They get paid for their time whenever there is a rescue on, and they are protected by insurance by the government if they

RL: are injured. They do the rescue work under the direction of the Park Service. There has developed in that way an excellent mutual respect between the climbers and the park personnel.

It is an immense problem for the Park Service. For instance, there were sixteen people killed in the Tetons in 1971, and eight killed in Yosemite in 1973. In the Alps it is over a hundred every year. There are many people, and many in the Park Service, who say mountaineering should be prohibited. If danger alone is considered, I say, yes, all space exploration should be prohibited because we burned three astronauts to death. We don't know if the fellows on the moon now will ever get back or not. But it is part of the human desire for greater knowledge.

When the fellows first climbed El Capitan, I got a call from George Hartzog in Washington. He wanted to know if that was a legitimate climb or whether it was just for publicity. I said, "Well George, it is just the same as the fellows going to the moon or to the North Pole or the South Pole. It is an attempt to do something that has never been done before." I said that the human mind has to do those things. If it ever stops then the human race has come to an end.

My own philosophy of climbing was the fascination of solving a new problem that was so difficult that solution might not be possible. What I enjoyed was the solution of a problem; it wasn't really trying to find something or to get somewhere. I illustrated that to the Superintendents Conference in Yosemite. We were on Glacier Point, and I pointed out that I had spent all of one day with Dave Brower and Raffi Bedayn making the first ascent of the east face of Glacier Point. We got to the top and we were at a road with thousands of people. We could have come up by car. But we had a wonderful time climbing that east face, because it had never been done before and we didn't know whether it could be done.

So the Park Service has continued to be very cooperative to mountaineers for the past forty years.

SS: So you would say that the Santa Fe Conference of 1939 and this new program initiated in 1940 and 1942 were really the beginnings of that cooperation?

RL: Yes.

Harold Ickes in Retrospect

SS: One last question before we get into the 1950s and the water projects. Briefly, what was your opinion of Harold Ickes?

RL: I always admired him immensely. I admired his audacity. He was very much like Harry Truman, of course [Laughter], in the way the public admired and detested him but not quite equally. Somebody asked Howard Zahniser whether The Wilderness Society was Republican or Democratic. He said, "Well, he figured that in 1948 they were about 52% Democratic and in 1952 they were about 52% Republican." What he meant was that The Wilderness Society was a cross-section of all the people. Similarly a most beloved professor at Boalt School of Law was Captain Kidd. They called him captain after the old pirate. He was equally loved and hated. Nobody had any neutral opinions about him. That is also true of Harold Ickes and Truman.

Ickes's thoughts on conservation were excellent. For instance, he proposed the Cascades National Park in 1933 at a time when it could have really been a truly magnificent park, even greater than it is now. He was the one who accomplished the creation of the Olympic National Park. To his credit, he worked hard to persuade the Sierra Club to support Kings Canyon National Park. The club was opposed to national park status until he had the courtesy and the courage, as the secretary of the Interior, to come out to talk to a conservation organization. I am not sure that it had ever been done before. I can't remember that it had ever been done since then. I think his record is excellent.

SS: Do you feel that his reorganization proposal caused any real problems within the conservation movement?

RL: Not really, because his proposal for a department of conservation didn't get far enough. We are going to have to see in this next session of Congress how far President Nixon is going to get, forty years later. He didn't. The merits are still being argued. As I said earlier, the competition between the Army Corps of Engineers and the Bureau of Reclamation is often valuable, with the exposure of projects to really expert analysis.

It has only been lately that the conservation organizations have been able to get experts who can argue with the Atomic Energy Commission or who can demonstrate, as Dave Brower did, the extremely erroneous evaporation figures of the Bureau of Reclamation. Nobody had ever dared to challenge engineering statistics before. It was assumed that the Bureau of Reclamation knew what it was talking about, but Brower proved its figures to be entirely false.

I still have doubts as to the value of a single department of conservation. I will have to wait and see what is proposed for this department of energy and natural resources.

DINOSAUR NATIONAL MONUMENT THREATENED

How It All Started

Susan Schrepfer: Let's go on to Dinosaur National Monument.

Richard Leonard: That really started in secrecy in 1943 during the middle of the war when the Bureau of Reclamation was able to convince the secretary of the Interior to permit them to survey a dam site within the monument for national defense because the war effort needed the power. That was totally false, of course, because no matter how fast it was started it couldn't be finished in less than ten years and nobody expected the war to last ten years, or if it had nobody would have expected the United States to build that dam in that time either.

Many years later Undersecretary Warne, who was in charge of the Bureau of Reclamation in 1943, said to me that the greatest mistake the conservationists made was when they allowed the engineers to make surveys within the national monument. He said, "You should never allow an engineer within a national park or monument, because they can have the grandest ideas of what a magnificent dam it could be, but until they have figures to back up their dreams and something tangible to present to Congress, all they can do is talk."

In 1943 the bureau got that permission on grounds of "national security." They made the survey to show one of the highest dams in the world could be built at Echo Park. They could then use that to provide power and water for central Utah, in order to get the

RL: support of the Upper Colorado people for the Glen Canyon Dam further down, which would provide some of the water for the Lower Colorado Basin.

You have to remember that the Colorado River was divided up by a compact between the sovereign states within the watershed of the Colorado River. This compact provided in essence for the division among the states of the total average flow of the Colorado River, which was considered to be fifteen million acre feet a year. That is important because in the fifty years since the compact, the river has never flowed that much.

At any rate, in order to provide for the use of the river the states agreed that the place where the road crossed the Colorado River at the head of Marble Canyon would be used as the dividing point. The Upper Colorado states--Utah, Wyoming, Colorado, and New Mexico--would then have seven and a half million acre feet of water each year to use as they pleased, as long as they allowed seven and a half million acre feet to come down to Arizona, Nevada, and California.

The Upper Colorado states were afraid at that time that if California and Arizona started using all the flow of the Colorado then eventually there would be none left for use above, because western water law is different from English and eastern law. England has more water than it can use, so England has always had a riparian rule that everybody has a right to have all the water flow past their land, even if it were wasted, because nobody cared about wasting water because they had too much.

In western United States and in most of the desert countries of the world, water is so scarce that it is owned on a different principle of first-come-first-served. Whoever uses water first for useful purposes has a right to that amount of water each year forever, and it can never be taken away from them except by purchase or by condemnation. So if Arizona and California had used most of the water at an early date, then there wouldn't be any left for later use by the upper states, so that is why they divided it up by a compact between the states.

RL: So in order to obtain permission from the Upper Basin states to build the Glen Canyon Dam, which was going to hold a huge amount of water for the Lower Basin, the Bureau of Reclamation planned to provide about ten million acre feet of storage at Echo Park within Dinosaur National Monument for Utah and for parts of Colorado. Then other dams higher up, such as Flaming Gorge, would provide some more water. Colorado and New Mexico were authorized to divert other streams within the watershed of the Colorado to lands entirely outside the watershed.

Loyal Opposition Forbidden

RL: The Upper Colorado Project was a huge one of about five million dollars. In July, 1950, the secretary of the Interior, Oscar L. Chapman, authorized the Bureau of Reclamation to go ahead with the project in Congress, overruled the National Park Service, and ordered the service to be quiet from then on.

That is one of the difficulties with American politics. I think it is totally wrong. I have written the secretaries and members of Congress many times that I believe it is wrong that when the Department of the Interior makes a decision then all of the agencies, such as the National Park Service, whose land is being invaded, are prohibited from defending themselves or providing any information.

The Geological Survey has technical information on water flow, on the permeability of sandstone, on evaporation rates, on earthquake faults, and other problems that relate to a dam of that size. They were prohibited from providing that information to Congress and to the public. I feel that is wrong.

Now, you take down in New Zealand, my wife and I were there, in the Fiordlands National Park. They have a similar proposal to flood beautiful Mannapouri Lake to an additional depth of about thirty feet, fluctuating forever after, to provide power. But there the park service is authorized to fight it, and

RL: the service is working hard on speeches, papers, and everything else to defend its own national park. It is the loyal opposition that England and New Zealand are accustomed to. We don't quite have that concept here in the United States. Within the government you can't be opposed to the administration and still be loyal.

The Wilderness Society Trek

RL: It just happened that the Board of Directors of The Wilderness Society realized that problems were coming to a head in the Dinosaur National Monument. So, fortunately, we had our 1950 annual meeting there, one week after the secretary had authorized the Bureau of Reclamation to go to Congress. So we went through the area with Jesse Lombard, who was the superintendent of the national monument, and with David Canfield, who was the superintendent of Rocky Mountain National Park, which had jurisdiction over the national monument.

We spent three days in the monument and went through various parts of it, all by car because we didn't have time for a trip down the river. But we did see a lot of it. At first the two park people were unable to express any opinions, but after we had been with them a while, they got confidence and expressed their love for the monument and how they hoped that it would be protected. After we came back both the Sierra Club and The Wilderness Society started the conservation battle.

There were fascinating things that happened during that battle. There was a geologist from the University of Utah, who was arguing vigorously in the Congressional Record for the dam. He wrote that the foolish Sierra Club was worrying about Pat's Hole; that is the original name for Echo Park. It is now called Echo Park because there are huge cliffs there, nearly seven hundred feet high at Steamboat Prow. You call across the river, and, of course, you get an echo back. The original name is Pat's Hole.

RL: This old-time geologist wrote, "The Sierra Clubbers worry about the grave of dear old Patrick, who the Sierra Club thinks was buried in Pat's Hole, and that the building of the dam and the flooding of his grave would be a desecration. That's not true at all. The truth is that Pat was buried up in Lily Park, about fifty miles further up the river. You know how you can prove that he is still buried there? Some still night when there is a full moon and not a breath of wind, you can see the sagebrush swishing back and forth as Pat is arguing with an infidel who is buried in a grave ten feet away." That is some of the fascinating stuff that went on in the Congressional Record [Laughter].

I spoke to one of the old timers who had been raising a small amount of alfalfa at Echo Park and who was going to be flooded out. I said, "Gee, isn't it sad that all your hard work here for the last ten or twenty years will be wiped out?" He said, "Hell, boy, if I can get this goddamn place taken away from me for money, I will be so happy! This is an unbearable place." [Laughter.] So I made a mistake on that attempt to get some local support.

The Bureau of Reclamation had put a bill into Congress in 1950. But the bill didn't get anywhere because of the Sierra Club and others. Finally, Secretary Chapman stopped the Dinosaur dam in 1952, as the last work of his administration, pending further study of alternate sites at other locations. As usual, of course, those studies by those who wanted to build the Echo Park dam would show that the alternate sites weren't nearly as good, and so the bureau would go ahead with the original plan.

Douglas McKay became secretary of the Interior in 1953 and later put bills into Congress that came up for public hearings. In preparation for the congressional battles, in 1953 the Sierra Club started one-week river trips down the Yampa River. I became president that year and went on this first trip with my wife, Doris, and our youngest daughter, Betty, who was at that time twelve. We had one hundred and twenty people in the party, with several of the large rubber boats. There were also five past presidents on the trip: Bestor Robinson, Alex Hildebrand, Francis Farquhar, Lewis Clark, and Nathan Clark.

RL: The trip was a fine success. The country was more beautiful than any of us had ever imagined. We agreed that Dinosaur National Monument had to be protected. During that trip and other trips with Harold Bradley, the Sierra Club made a movie in color about the river and published a book with Dave Brower's work. Dave changed the whole course of the political effectiveness of the Sierra Club in this campaign. It was at that time that the Sierra Club became a truly national organization. In the early days at Hetch Hetchy, it fought a very important national battle for thirteen years. But it had almost no members in the East. It had support of the leading magazines and some of the leading papers, but it was a California organization fighting a California battle. But by the time of the Dinosaur battle we had members all over the United States, and the damage was not going to be done merely to a California park. The damage was going to be done to the principle of national park integrity. No one had ever heard of Dinosaur National Monument. The Bureau of Reclamation pointed out repeatedly that the dinosaurs were in a part of the national monument that would not be hurt by the dam. The bureau stated the only reason for preservation was the dinosaurs, yet they would be protected.

It is rather interesting, in connection with that point, that the original national monument was one hundred and sixty acres around the dinosaur bones. You asked about Secretary Ickes. He had the imagination to have the President add to that monument all of the magnificent canyon country of the Ladore and the Yampa clear out to the gates on the north and the east where those rivers come in from Wyoming and Colorado. They come into a 13,000 foot mountain range and cut right through the range.

The range was raised up after the rivers were established, and the rise was so slow that the rivers were able to carve down and keep their original course. In the case of the Yampa, the river was meandering gently on a flat plain, it still meanders now but through canyons several hundred feet deep. In fact, some of the meanders go underneath one of the walls so far so that if you drop a rock off the rim of the canyon wall, it lands on the opposite bank of the river.

RL: Secretary Ickes also persuaded the President to enlarge the Teton National Monument. The State of Wyoming brought suit against Ickes to invalidate the enlarged Teton monument on the grounds that the Antiquities Act of 1906 required that the monument be the smallest size necessary to show the features that were being protected. The court held that size was a matter of judgment for the President of the United States, and once he had decided, the court was not going to overturn it. So that Teton case in the 1940s protected the enlarged Dinosaur National Monument in the 1950s. This was important because the bureau insisted that Echo Park was really not in the monument.

Dave Brower's Campaign

SS: In the Presidential Proclamation that expanded the Dinosaur National Monument in 1938, wasn't there a clause written in to allow water and power development?

RL: There was a great controversy about that. You have researched extremely well. I have noticed this all the way through and admire it. At the time, I thought of some logical arguments to answer that, and we presented those to Congress. The provision of the Dinosaur Proclamation was to the effect that pre-existing rights were protected. This, of course, was the language of the Antiquities Act and is also the language of every national park act. That is as far as the proclamation went.

The Bureau of Reclamation insisted that the power reservation they had was one of those pre-existing rights. We argued that even if that were true, it was still a question of policy for Congress to decide. It clearly was not a conclusive point because the bureau was overruled by Congress in the final days.

What Dave did was to appear before congressional committees, speak all over the country, and place materials in all the newspapers and magazines that would carry the argument with respect to the beauty of the park and the integrity of the national concept. The whole stress of his campaign was on the fact that

RL: the national park system had never been violated since it was created in 1916 after the Hetch Hetchy Act of 1913. Dave used that timing to argue that because of the great betrayal, or terrible thing done at Hetch Hetchy in 1913, the national park system that was established in 1916 had been inviolate ever since.

In fact, in 1920 the Federal Power Act provided that power withdrawals did not affect national parks and monuments. It was an interpretation of a court that the 1920 act applied only to national parks and monuments in existence in 1920. To settle that question the Federal Power Act was amended in 1935 to provide that power withdrawals could not affect any parks and monuments whenever created. That amendment was prior to the 1938 enlargement of the monument and was one of the reasons we insisted that the bureau did not have rights there.

Dave started some brilliant work. He pointed out that the flow of the Colorado River had by that time statistically been shown to be considerably less than fifteen million acre feet a year. That was in the 1950s. Another twenty years have gone by and the flow has been even less. So it is clear that there isn't that much water. Dave showed by some brilliant mathematics that, if you took all the dams on the Colorado that the Bureau of Reclamation had on its books and filled them all up, the surface acreage would evaporate so much water that you would lose far more water than you would save, and particularly you would lose more water than would be available at Echo Park.

The Bureau of Reclamation ridiculed that, saying that was pure nonsense, since they were an expert group. Dave checked this out. I have forgotten who he worked with. I think it was Luna Leopold who was then chief hydrologist for the muzzled Geological Survey. But Dave's facts were correct.

He was able to demonstrate that the bureau was off something on the order of thirty to fifty percent on their evaporation figures, that they were underestimating by that much. That amounted to two or three million acre feet of water each year, which

RL: is extremely important to all the people of that country and also in California, which would lose the water that evaporated.

Second, if you take all the salts to the extent of about a thousand parts per million in the Colorado River water and then evaporate about two million acre feet out of fifteen million (or less), the concentration of the salts increases to twelve hundred or fifteen hundred parts per million because the salts all stay there. So Dave was able to show--and it has again been shown on hindsight--that the water gets more salty, so Los Angeles is getting saltier water now than it would have had before Glen Canyon Dam was built, and the water the people of Mexico are getting is even worse. They are entitled to a million and a half acre feet a year, but they get the last million and a half that comes down the river and it is in pretty bad shape by the time it gets to Mexico.

One thing I want to emphasize at this point, because it comes up later, is that Dave's tactics in this battle were hard hitting but accurate, fair, and courteous. Senator Arthur Watkins of Utah was the principal proponent for this dam, which was going to provide water for Utah, and he was, as I recall, a member of the Senate Interior and Insular Affairs Committee. Dave was absolutely courteous to him all the way through; he never ridiculed him. He never misrepresented anything to him. He had many conferences with him, and they were cordial conferences, but Dave was absolutely firm.

From the date the first Echo Park dam bills were introduced in 1950, five billion dollars worth of work on the Colorado River was held up. No dams could be built on the Colorado River, including the Glen Canyon Dam, until this matter of invasion of the national park system had been settled. Their five billion dollar program for the Upper Colorado project just couldn't be passed. It failed every time it came to a vote.

Howard Zahniser was an extremely powerful and effective help on this in the East. All the other conservation organizations helped, but not nearly as much as Zahniser and The Wilderness Society. So

RL: Zahniser and Brower in 1956 finally worked out a compromise with the Bureau of Reclamation providing that no part of the Upper Colorado Project shall ever affect any national park or monument. That was intended to protect the Rainbow Bridge National Monument, also.

When that was agreed upon, the bill passed the next week, by a change of one hundred and twenty votes. I have always insisted that that illustrates more vividly than anything in history before it the strength of the conservation monument, to have had the power to hold up a hundred and twenty votes that finally voted for the bill. They would not have voted for it had it affected the national park system. That eliminated the dam at Echo Park.

Regulating Dam Compromise Proposal

RL: The dam at Echo Park, by the way, was to be about seven hundred feet high. Any dam of that size has to have what they call a regulating dam or afterbay below it, particularly if it is going to discharge into civilized or settled areas. About twenty or thirty miles below the proposed Echo Park dam is the city of Vernal, Utah. There are a lot of alfalfa fields and so forth in that area. This is just before the river plunges into another series of canyons--Disaster Canyon, Gray Canyon, and Cataract Canyon--and finally leads down to peaceful Glen Canyon.

To suddenly put out a lot of power, a lot of water goes through the turbines, and the river will rise as much as ten to fifteen feet in half an hour, so suddenly that people in boats or along the stream can be trapped. Below the present Glen Canyon dam on the Colorado River there is nobody there except for river people on boats who are warned about the fluctuation and know how to handle it. Then the river flows into Lake Mead that regulates it before reaching civilization. But up there below Echo Park they had to have a low regulating dam, so that was to be at Split Mountain, which is just above the Dinosaurs and just before the river comes out onto the flats of Vernal.

RL: When he was chairman of the Conservation Advisory Committee to the secretary of the Interior, Bestor Robinson thought he would try to solve this impasse of five billion dollars by providing for a small dam at Split Mountain instead of the very large one at Echo Park. Of course, to Dave and to me that was totally unacceptable because the principle of the invasion of a national monument was still there. Second, I felt that as a bargaining point that if the bureau builds the regulating dam there then it has fifty percent of its argument to put the master dam in Echo Park just above it. This is because the regulating dam isn't of any value by itself unless it has another dam above it. That proposal of Bestor's was rejected by both the Bureau of Reclamation and the conservationists and it never got anywhere. But it showed the difference between Dave's point of view and Bestor's.

Bestor had just retired in 1948 as president of the Sierra Club, so he still had a lot of influence. As chairman for six years of the Conservation Advisory Committee to the secretary of the Interior, he had influence nationally, too. He tried, with a personal letter to the secretary to recommend a solution to the Dinosaur impasse with this dam at the Split Mountain site. He protested vigorously afterwards that he wasn't writing for the Sierra Club or for the secretary's committee. Bestor's recommendation was very severely jumped upon and has been remembered adversely ever since. But his position was sincere. He felt that conservationists could hold it to one dam that would not harm the magnificent meanders of the Yampa River. Unfortunately, the memory of that incident and his willingness to serve on an Environmental Advisory Committee to Disney concerning Mineral King has blocked since 1966 a unanimous directors' vote on my nomination of Bestor as an honorary vice-president of the club.

The country above the proposed Echo Dam involves two rivers--the Yampa River, which flows in a series of meanders, and the Green River, which comes down Ladore Canyon, an exceptionally beautiful one. So the high dam at Echo Park would do a great deal of damage scenically throughout the monument. The dam at Split Mountain would have been in a straight part of the canyon with much less scenery and would do far

RL: less damage. But I had felt that it was just part of the total plan and that once the bureau got part of it in, then it had a foot in the door to finally finish the whole thing, particularly since the moral principle had been violated--the protection of a national monument. Once that principle was established in the legislation, however, then the act was passed.

Rainbow Bridge

RL: Then the tragedy is--as you surely know from your review of the history of it--that the Rainbow Bridge National Monument was never protected as the Upper Colorado Project Act had required in 1956. The act had provided that no part of the Upper Colorado Project would ever adversely affect any national park or monument. But when it came to getting Congress to provide the cost of approximately twenty-five million dollars for a protective dam, Congress just won't give quite enough votes to do it. It isn't as dramatic a battle as it was for the protection of the national park system against a five billion dollar dam project.

Brower's point as to the risk of water near Rainbow Bridge is very much the same as for nuclear plants, that if we don't know then we shouldn't do it. To Brower's credit it is true that in Lake Mead and in Lake Powell there have been some very severe landslides of huge cliffs that have caved into the lakes because the sandstone was softened by water. The "solid" rock just collapsed. That is the danger of Rainbow Bridge, that the water will eventually come right under the bridge and within ten feet of the abutments.

As president of his new organization, Friends of the Earth, Brower filed suit in federal court in 1972 to force the Bureau of Reclamation to comply with the clear wording and intent of the 1956 act. One cannot sue Congress to force appropriations to build the check dam to keep the water behind Glen Canyon Dam from rising into Rainbow Bridge National Monument. But the monument can be protected by court order to the bureau to regulate the dam so that the lake

RL: level never rises high enough to violate the 1956 act by "adversly affecting the national monument." The trial judge in federal court in Utah so ordered.

However, the United States Court of Appeals concluded that Congress had so often refused to appropriate funds for protection of Rainbow Bridge that it seemed Congress had, by implication, repealed the protection. The Sierra Club has joined the appeal to the Supreme Court. There is good precedent for success on appeal since the courts in the Alaska pipeline suit brought by The Wilderness Society held that repeal of a clear act of Congress could not be accomplished by implication. [The Supreme Court refused to hear the case.]

Glen Canyon Dam

RL: I should comment at this time on Glen Canyon, because there has been a great deal of controversy later, and Dave himself has changed his viewpoint with respect to the Glen Canyon Dam. Dave would have liked to have fought against the Glen Canyon Dam at the same time as the Echo Park Dam and licked them both at the same time. The Glen Canyon Dam was part of the Upper Colorado Project, along with Echo Park, Flaming Gorge, and others way up high. Glen Canyon is just above the dividing point between the upper basin and the lower basin.

In other words, the states above the Grand Canyon of the Colorado were allowed to use half the water in the river, even though in Wyoming, Colorado, and Utah the land is so high in elevation that it will grow only about a hundred dollars worth of alfalfa a year per acre. If that water flowed down to the Imperial Valley of California, below sea level, it would grow about two or three thousand dollars worth of crops per year because it is much hotter and richer there. Nevertheless, the water was divided up.

I felt at the time, and Bestor Robinson and the entire leadership of the Sierra Club, and Zahniser

RL: and the leadership of The Wilderness Society concluded, that we couldn't win both battles at once. We all felt that the only dam really needed on the Colorado River was Boulder Dam at Lake Mead, now known as the Hoover Dam, and that dam with thirty-three million acre feet of storage space had filled up once and had stopped the floods down below. But the Bureau of Reclamation constantly worried about one of those earlier floods that made up that fifteen million acre feet; if one of those came along it might be more than Lake Mead could handle. At the very least you would waste water, and at the worst you might do flood damage to the country below.

Glen Canyon was not protected for park purposes; it was not a part of the national park system. We had a powerful argument on national park principle at Echo Park. But to try to argue against a dam at Glen Canyon when it would provide twenty-six million acre feet of storage for all of the Lower Basin States and fulfill the obligations of the Upper Basin seemed futile and possibly dangerous since Glen Canyon dam could prevent dams in the Grand Canyon itself. That is how Brower was eventually able to win the battle on the Grand Canyon dams ten years later, because the storage behind the two dams above and below was so huge that there was no need for other dams.

If he had been able to block the Glen Canyon Dam, I am not sure that he would have been able to stop dams in the Grand Canyon, because they would then have been much more necessary because of the absence of Glen Canyon dam with its twenty-six million acre feet of storage to provide the flood control and the water storage that seemed to be necessary on the Colorado River at that time.

At any rate, like all things, once you have won one battle, then on hindsight you wish you had gone all the way and had taken both of them on. So Dave today has published a book and a movie on The Place No One Knew, which was true. That was one reason again politically that I felt that we didn't dare take that on at the same time or we would have lost on both Echo Dam and Glen Canyon Dam. Congress would have been convinced that the preservationists were unreasonable and were urging that the entire Colorado

RL: River be unused and just allowed to flood away into the Gulf of California. That kind of an argument would have been so strong that we would have had both Echo Park Dam and Glen Canyon Dam.

No one can ever tell for sure. My own feeling is that on hindsight we were correct. But Dave does not think so, and Martin Litton does not think so. A number of other conservationists do not think so. Probably the majority of today's board of directors of the Sierra Club feel that that was a mistake.

Turning Point in Conservation History?

SS: What was the long-range significance of the Dinosaur battle in terms of conservation history?

RL: Dinosaur National Monument is, as you have indicated, a turning point in the history of the Sierra Club. But maybe it isn't. The Echo Park battle in 1950 and the Hetch Hetchy battles by John Muir back in 1913 were almost the same. John Muir founded the Sierra Club to protect the Yosemite National Park. He first had to fight to protect it against the attempts of the timber interests to get some of the land out of the Yosemite National Park so that it could be logged by them.

Some of the land was lost in 1905 when the boundaries of the park were changed by Congress to eliminate the very beautiful area of the Minarets, the Devil's Post Pile, and Rainbow Falls, and some timber land on the west. But they added in the logical and beautiful northern part of the park and changed the park from a square boundary to a hydrographic boundary of a watershed type. This is more logical for administration, but it eliminated an extremely beautiful area over the Minarets, partly because of minerals that were there.

John Muir fought the battle of Hetch Hetchy for thirteen years. He won it every single time in Congress for thirteen years, and he only lost it once. That is the tragedy of conservation or environmental battles. Once the dam is built, it is there,

RL: almost forever.

The Role of the Bureau of Reclamation

RL: The Dinosaur problem started in 1950 when the secretary of the Interior authorized the Bureau of Reclamation to present a bill in Congress to provide dams on the upper Colorado River. It was in 1943, during wartime, that the Bureau of Reclamation made what I feel is a really false argument that the United States desperately needed additional electric power to fight the war, and water for additional crops in Arizona. Well, as you can see, it has taken from 1943 to 1973--thirty years--and we haven't got water into central Arizona yet. That is why I say it was a false argument as far as the war was concerned.

The Bureau of Reclamation also put out false information on evaporation from the huge lakes to be impounded behind the dams. They did not realize that the Sierra Club had as members expert engineers, nuclear scientists, biologists, mammalogists--every scientific classification you could think of--and through them Dave Brower was able to prove that the evaporation figures were false and that the total surface area of the lakes behind the dams that the Bureau of Reclamation had planned for these areas in the desert would evaporate about half of all the water they expected to save each year.

Secondly, Dave stated, with geologists we consulted, that the dams would also lose a lot of water which would be soaked up in the extremely dry sandstone. Nobody knew how much that would be. It is interesting to note that at Lake Powell behind the big dam at Glen Canyon, which is the second largest on the Colorado, the seepage loss into the huge volume of sandstone is so great that far less water comes out of the lake than goes into it. Dave Brower was able to show the figures of the bureau to be false and finally to prove that the total number of dams proposed by the bureau would store more water than the Colorado could afford to evaporate.

RL: The result of John Muir losing the Hetch Hetchy battle in 1913 was the formation of the National Park Service three years later to protect all the parks. Since Hetch Hetchy there has never been a dam built in a national park. So that was the basis, then, upon which the Sierra Club fought this battle: that the dam was a threat to all the national parks, because if you permitted a dam in Dinosaur, a relatively unknown desert area, then you could do the same in other parks. Dave Brower was excellent in that, and I will speak on that later. The result of this battle was that the whole multi-billion dollar plan of the Upper Colorado Project was stopped for six long years.

Finally, Dave Brower, The Wilderness Society, and others were able to convince the Bureau of Reclamation and congressmen that were desirous of the water that if they would simply put in a provision in the act that nothing in the Upper Colorado Project would adversely affect any national park or monument, it would pass. They agreed to that. The very next day a hundred and twenty votes in Congress switched from no to yes.

To my mind that demonstrates more clearly than anything else how strong the national park conscience of the country was and the effectiveness of Dave Brower, The Wilderness Society, the National Parks Association, the National Audubon Society, and many, many, others could be in presenting those issues.

SS: Could that have happened today?

RL: Yes, I think it could and it would probably be stronger today.

SS: So the movement hasn't lost any power?

RL: It has gained it. One side effect I think I mentioned in connection with the Kings Canyon Park was that the City of Los Angeles had power claims going clear back to the 1920s, and in 1957, just after the victory at Dinosaur, the City of Los Angeles gave those up voluntarily in order to gain public goodwill. They gave them up, as they said, to help the National Park Service and the national movement. The victory in

RL: Dinosaur, over a thousand miles away, saved Kings Canyon from dams and later saved the Grand Canyon from dams where again, I will have to say, Dave won a great victory. I don't mean that I have to say, because I am proud to say, that Dave did an excellent job.

SS: Why do you suppose that the Bureau of Reclamation was so inflexible? Were they lying when they said that the evaporation rate was so low?

RL: No. I don't think that they were. Dave never accused them of deliberate falsehood. They were careless in their use of figures, planning that when Dave started to challenge them, they could say, very condescendingly, "Nobody but engineers knows these things." Obviously Brower was not an engineer, and neither is the Sierra Club an engineering organization. It would seem just silly to argue with the bureau as the world's greatest authority on water storage.

Well, we happened to have access to the science of hydrology through Starker Leopold's brother, Luna Leopold. These were two of the sons of Aldo Leopold. Luna was the chief hydrologist for the United States Geological Survey. Starker and Luna each served on the Sierra Club Board of Directors for several years; Starker from 1954 to 1960, and Luna from 1968 to 1971.

Secretary of the Interior Douglas McKay had decided that he wanted these dams and that the Bureau of Reclamation should have them, therefore he gave orders forbidding the National Park Service or the Geological Survey or the Bureau of Indian Affairs or any of those agencies within the Department of Interior to give facts that would show that those dams would be harmful to Indians or to the national parks or that they were not geologically sound. This was another instance of absolutely wrong policy. Through the grapevine, however, Dave was able to get that same information from the Geological Survey, and we were able to get cooperation from the National Park Service.

I wrote as president direct to Secretary Chapman at the beginning of the battle. I told him that I did

RL: not want to put the National Park Service on the spot, but that I felt that as a matter of public information the service should be permitted by him to give photographs and factual knowledge of the Dinosaur National Monument and the Grand Canyon and other park areas, if such were available. He agreed with me and authorized the National Park Service to do this. I knew that it would not be wise to ask the Park Service for it because it could just get them in trouble with the secretary of the Interior. McKay was much tougher, but by the time he came in, which was 1953 to 1956, the National Park Service had already given us the information that we needed.

McKay we called "Giveaway McKay," because he not only wanted to give away the national parks to the Bureau of Reclamation, but he had against him some very serious charges that have never been cleared up today, concerning certain mining claims. Some lumber companies in Oregon had filed "mining claims" on twenty-acre parcels of land that had a tiny amount of gold in the gravel and soil underneath the trees. They logged and sold all the trees on the surface of their "claims" but never attempted to mine the gold since there was not enough of it. The Bureau of Land Management, which has authority over the land, refused to permit those "claims." But McKay overruled them. Of course, he got into a lot of trouble politically.

Michael Strauss, commissioner of the Bureau of Reclamation during the Dinosaur battle, was a newspaper man who bragged that the Bureau of Reclamation had to have a billion dollars worth of new dams every year in order to stay alive. That is the whole point. Unless they get new starts--as they call it--of a billion dollars a year then, many of the engineers that are dependent upon the bureau for their living will have to be fired, because there won't be any new dams to engineer.

You can see the same philosophy of the bureau in that magnificent story in the New Yorker about the meetings with Archdruid, where Floyd Dominy, then commissioner of the Bureau of Reclamation, and Dave Brower went down the Colorado River. This great urgency and evangelism to build more dams was

RL: characteristic of the bureau in all the earlier years, too. They simply felt that it was a terrible shame to have water running downhill without producing electric power on the way.

Newton Drury, Walter Huber, and Harold Ickes

SS: How would you describe Newton Drury's role in the Dinosaur National Monument controversy? It was certainly an important incident in his career.

RL: I did not know that Newton had much of a role at that time, because his service ran from 1940 to 1951. He was in office at the time of the 1943 survey. I have never asked him about that. But I know that if the secretary decided that a survey would be a good thing it would be done.

Harold Ickes was secretary at that time and decided on a survey just for the sake of knowing what water storage possibilities there are in the monument. I really believe that Ickes was a preservationist. I think that Ickes might have been influenced by the fact that the original monument was only one hundred and sixty acres, just enough to take in the dinosaur bones.

I mentioned before that Walter Huber laid out the Devil's Postpile National Monument. He was later president of the Sierra Club and was on the board of directors for forty-seven years. Huber at that time was the regional engineer for the U.S. Forest Service. An application had been made to blow up the Devil's Postpile to make a dam for the power that would come from the drop over Rainbow Falls. So Huber persuaded President Taft to set aside the area as a national monument. The Antiquities Act of 1906 stated that a national monument had to be the smallest area necessary to protect the natural feature, so Walter Huber, being conscientious, made the monument only one half mile wide and two and one half miles long, a very small parcel.

The same thing was true of the Dinosaur National

RL: Monument. It was originally very small for the same reason. But Harold Ickes in his grandoise way simply added on another three hundred thousand acres to the east--those magnificent canyons of Ladore and where the Yampa River has carved meanders a thousand feet down into the sandstone.

Also under Ickes, Franklin D. Roosevelt had earlier set aside the enlarged Teton National Monument, which is now the Teton National Park. The State of Wyoming brought suit because the state felt the monument was not the smallest area as required by the Antiquities Act under which it was established. The federal court held that the question of what is the smallest area is a subjective question up to the President to decide and since the President had already decided it, the court was not going to interfere. So that is how the Dinosaur National Monument came to be so large.

I think that Ickes might have felt that since he had increased the size of the monument so greatly for protection, and had thus placed the proposed damsites within the monument, that maybe he shouldn't prevent the survey. I think that is why the survey got through. I am sure that Newton Drury had no power to stop it, although my guess is that he would have argued against it.

SS: How about later when Drury opposed Chapman, didn't the Dinosaur controversy effectively end Drury's career with the National Park Service?

RL: Well, you probably know much more about it than I do because you have interviewed Newton. I haven't asked him about that particular battle. It could have seriously affected his career since he was director of the National Park Service in June, 1950, when Chapman authorized the first attempt to obtain congressional approval for a dam within the national monument. Drury's strong preservationist principles would have forced him to object vigorously even at risk to his continuing as director of the service.

He was terminated in March, 1951, just as Arthur E. Demaray was reaching retirement age. Demeray was

RL: one of the original group with Horace Albright and Arno B. Cammerer, who were with Stephen Mather. Demaray had been with the National Park Service ever since its creation and had come to retirement age. So at least the public excuse was that they had to retire Newton so that Demaray could be director of the service for about eight months.

Drury's presentation to Chapman must have been effective, however, for only a year after he had removed Drury, secretary Chapman withdrew his support from the Echo Dam and ordered the Bureau of Reclamation to present alternative locations outside of the national park system. That order was never rescinded during the rest of Chapman's service as secretary of the Interior. It was the new administration in 1953 under Douglas McKay who tried to "give away" that portion of the national park system.

Wayne Aspinall's Role

SS: How about Wayne Aspinall's role in the Dinosaur National Monument affair. Didn't he sponsor the project in Congress?

RL: Yes. He had the bill in the House, because in his district the people on the east side of the Rockies needed more water than naturally came there. Since most storms come from the Gulf of Alaska in the west and sweep on across the country, they deposit most of the water first in the Sierra and the Cascades. Nevada and Utah get nothing until the clouds have caught their breath again, you might say, and then they deposit a lot more water on the west side of the Rockies, and so the east side of the Rockies are dry. Aspinall's territory was that southern part of Colorado where they wanted to put a tunnel through the Rockies and take part of the water from Aspen Valley on the west side into the Arkansas River on the east. Then on the lower Arkansas, which is flat, they would be able to have irrigation and thus get additional money and crops.

Aspinall was always for irrigation, mining, and

RL: logging, for dollar values that were harmful to the environment. However, he did work effectively with Howard Zahniser, or I should put it the other way, that Zahnie was so courteous and persistent in the wilderness bill, for thirteen years, that he was finally able to persuade Aspinall to agree to it. There were a great many compromises in that period of years.

It was somewhat the same thing with respect to Dinosaur. Aspinall, of course, finally had to agree to the changes in the bill that provided for the protection of the national parks and monuments. As I said before, when we did agree to park protection, it changed one hundred and twenty votes. So that showed that Aspinall was a political realist. He had hoped that he could wear the conservationists down and get those votes without having to give up the possibility of dams in national parks and monuments. He was deeply concerned, and properly so, that park protection on the Upper Colorado would later serve as precedent for protection of Grand Canyon National Park and Monument.

SS: Do you know anything about Aspinall's motives for changing his position on the Echo Park dam at the very end and opposing it? Was he in communication with the Sierra Club?

RL: Yes, constantly, and Dave Brower was working with him. Dave, in the whole Dinosaur campaign, was extremely courteous to the opposition, and I will emphasize that in the discussion we will have on what I feel was Dave's change of philosophy. In the beginning, when I was president, he followed my philosophy that you should treat the opposition with courtesy but firmness.

For instance, Senator Watkins from Utah was a key figure in the Echo Park dam controversy, and he was one of the senior members of the Senate and was very highly respected. Of course, he wanted the dam for his people in Utah even though he was a good, reasonably responsible person. Dave never, never insulted him in any way. He always worked so courteously with him that Watkins right up to the end was able to praise Dave for having conducted a very

RL: fair campaign. It was the same way with Aspinall.

It was only this year, in November, 1972, when the conservationists finally got to the point where they raised twenty thousand dollars to defeat Aspinall and were able to do so. Strangely, too, the Democratic conservation lawyer who defeated Aspinall in the primaries was not able to win in the final election. A Republican carried that part of Colorado in the Nixon landslide.

SS: Is there anything you want to add on Dinosaur?

RL: No. I started out to say that it was a change in the Sierra Club's philosophy. But I don't think it was. I think that it was a return to the magnificent battles that were fought by John Muir and William Colby. Colby was the technical lawyer who could provide the arguments as Dave Brower and I did in the Dinosaur battle. Muir provided the leadership and moral strength that persuaded a great many eastern Congressmen to vote against Hetch Hetchy.

From Dinosaur on the Sierra Club has been far more aggressive. I would say that from 1913 to 1946 the Sierra Club didn't fight any "battles." We worked for several national parks, and we worked for establishment of the U.S. Forest Service and the National Park Service and such things, but we did not have any real battles where the Sierra Club was on one side and half of the United States was on the other. Since then we have many, many of them. Increasing all the time.

Club Opposition to Water Transfer Principle

SS: In 1955, if you recall, you asked the Eisenhower administration to appoint a referee in the Arkansas River case. Did anything come of this?

RL: No. Douglas McKay was still secretary of the Interior at that time. I don't remember that the referee was ever appointed. The problem there was that by that time the people on the Colorado River,

RL: clear down to Mexico, realized that there wasn't going to be enough water for all the needs on the Colorado. Therefore they were concerned about the transfer of water from the Colorado into the Arkansas, which then would go into the Mississippi and the Gulf of Mexico.

The Sierra Club, ever since the Arkansas matter, has been opposed to transfers of water out of one drainage basin into another. We fought it with Los Angeles and everywhere else. It should be realized that the water of the Colorado was divided up in 1922 on the basis of the average flow, which at that time was estimated to be fifteen million acre feet a year. It has never flowed that much water since then. It averages ten or twelve million. For instance, Lake Mead, the lake behind Boulder dam, was finished in 1933, but in forty years has filled only once. Glen Canyon dam hasn't filled yet. So when you start diverting water into the Arkansas you are taking it away from Mexico, because out of what is left over a minimum of one and a half million acre-feet is guaranteed by treaty to Mexico.

That was an interesting little bit of skulduggery, because the senator from Texas was chairman of the Foreign Relations Committee of the Senate. He was able to arrange a treaty with Mexico whereby Texas would get a million and a half acre-feet of water from the Rio Grande, and Mexico would get a million and a half acre-feet from the Colorado.

That complicates things ever since then. He took a million and a half acre-feet from a river that didn't have as much water as people thought it had at the time. Ever since, the water of the Colorado for Mexico has been getting more and more polluted. They have only what is left over when everybody else is through, which really isn't fair. Someday it is going to have to be rectified. Dave Brower pointed all those things out in his arguments against those dams.

WATER PROJECT BATTLES OF THE 1950s and 1960s

Truman's Water Resources Commission

Susan Schrepfer: In 1950 President Truman's Water Resources Commission had a meeting in Berkeley, California, and many conservation groups attended. I gather that the Central Valley Water Project was discussed. You attended this conference, did you not?

Richard Leonard: Yes, and so did Charlotte Mauk who was one of our conservationists. She served on the board of directors for twenty-five years. So she attended as a director, and I as the secretary of the Sierra Club. The conference had about three hundred water and power people, that is people who use water for irrigation and power. Charlotte was the only one who spoke in behalf of the aesthetic values of water, the idea of free-flowing water, and the importance of wild rivers with their animals, birds, and water life.

I admired immensely Robert Gerdes who was then the general legal counsel for the Pacific Gas and Electric Company. He was one of the speakers after Charlotte, and he praised her publicly and said that she was the only one who had brought up those intangible, non-economic values of water. Well, Bob Gerdes then became president of the P.G. & E. and later chairman of the board. He is still very influential in the company and has been a conservationist all along. The top management of the company still is, through Sherman L. Sibley, who was later president and is now chairman of the board. [Editorial note:

RL: Then in September, 1973, Doris Leonard was elected as the first woman in one hundred years on the Board of Directors of P.G. & E. She was elected primarily on her record as a conservationist.]

I mention these things because later on I think you will want to discuss the Diablo Canyon and Nipomo Dunes controversy with P.G. & E., particularly in view of the fact that the P.G. & E. announced in January, 1973, that they were withdrawing the Point Arena nuclear plant, which the Sierra Club had fought.

President Nixon has appointed another Water Resources Commission. After several years study the commission has made a report requiring realistic cost-benefit studies with doubling of interest on the money involved. I know that the various regional conservation committees of the Sierra Club are studying that report, which is a very thick one, in order to give their views, particularly as to transfers of water. For example, we are opposing the transfer of water from the Eel, the Trinity, and the Klamath Rivers down to southern California. We are also opposing the transfer of the Yukon River down to Texas, which has been seriously proposed.

SS: Did the meetings of Truman's Water Resources Commission have any results?

RL: Not as far as getting agreement between conservationists and the water users. It was mostly a conference of those using the water. We had not participated enough in those days in conferences of the users of the natural resources.

I admire the administration of the Sierra Club in 1971-72--Ray Sherwin and Mike McCloskey--because they have been giving talks to the American Mining Congress, the American Wool Growers' Congress, nuclear proponents, almost every one of the principal opponents of environmentalists. The opponents have been very courteous and have provided a half an hour of time at their annual meetings for a representative of the conservationists, and every time we have had courteous reactions.

Glacier National Park Dam Proposal

SS: To go on with the water control projects, would you like to discuss Glacier Park now?

RL: Yes. That was a project of the Army Corps of Engineers, to put a dam at a point called Glacier View. This was where the north fork of the Flathead River broke through a range of mountains and came out of Glacier National Park. So a dam at that point would have flooded about twenty thousand acres of the park. There were public hearings up there in 1949 with Olaus Murie representing Sierra Club and The Wilderness Society of which he was the president.

We were able to stop that dam principally by getting into broader conservation strategy. For the first time we supported dams in other places in order to block a dam in a national park. For instance, one of the experts on that was a young forester in wildlife management who had been born up there near Missoula, Montana, in a little town called Hamilton. He was Stewart Brandborg. Stewart was the son of the supervisor of the Bitterroot National Forest. He had studied the Columbia River in great detail, just about as thoroughly as Dave Brower had studied the Colorado River. Both of them knew just about as much about those rivers as the water professionals did. That is why they were able to be effective.

I learned of this through our interest in this particular dam at Glacier National Park. I suggested to the Board of Directors of the Wilderness Society that we invite Brandborg to the 1956 annual meeting up in the Quetico Provincial Park of Canada to give us a talk on the various plans for damming the Columbia River, what damage the dams would do, and what would be the best tactics.

He gave such an excellent talk that he was then elected to the Board of Directors of The Wilderness Society. That was one of the purposes of inviting him because we thought that he was worth that. We later also made him assistant to Zahniser. Zahnie had a heart problem and finally died of overwork on the Wilderness Bill just a few months before it was

RL: finally signed. He deliberately risked his life on that and did a wonderful job. So that is how Brandborg got into professional conservation as executive director of The Wilderness Society. We finally won protection for Glacier National Park by suggesting other dam sites and by emphasizing the national park principle, that a national park could not be invaded.

The Army Engineers, by the way, have been far more alert than any other agency in recognizing the importance of the new environmental movement. They started out about the time of Glacier View to realize that if they would put recreation into their projects they could get projects approved that they never would get otherwise and they could also then allot part of the costs to recreation. So in proposing a dam that would cost five hundred million dollars, if they could say that fifty million of it was for recreation, then they would have to justify only four hundred and fifty million. So they and the Bureau of Reclamation both started catering toward the environmentalists and recreationists.

Rather strangely, the Forest Service hasn't come to that yet. The Forest Service started to a few years back, but in the last five years or so they have gone back strictly to dollars for timber. Yet the recreational value of the national forests is far greater than the timber. Of course, the water uses are what the forests were originally "reserved" for in 1897. If the foresters allow clear cutting as they have been, then they harm the water uses. In late 1973 a federal court held in favor of the Sierra Club that clear cutting violates that Organic Act of the Forest Service.

So the Army Engineers were more alert really than the Forest Service in realizing that, with one man one vote, the votes are now in the cities and not out in Wyoming and Montana where they used to be.

SS: Did the National Park Service help at all in the fight against the Glacier Park Dam?

RL: Yes, they did, because there, you see, it was the Department of the Interior fighting the army; so the

RL: Park Service was free to be just as effective as they possibly could.

SS: Has this ever happened in another instance where the Department of Interior has had such an internal conflict of interests over the parks?

RL: Yes, quite a number of times. I guess the clearest case is the Grand Canyon battle because there again in very recent times the Park Service and the Geological Survey were ordered not to permit any help. In fact, this time the Park Service was not even allowed to furnish photographs or information.

That is why I wrote to Secretary Chapman when I was president of the club for Park Service information during the Dinosaur battle. We wrote the same way to Udall, who was secretary during that whole Grand Canyon congressional battle. Udall is a darn good conservationist. I can't remember now just why Udall would have strangely refused to permit the Park Service to provide information.

SS: This was the Bridge Canyon dam.

RL: Well, Bridge Canyon is below Grand Canyon National Park. The one above it is Marble Canyon.

SS: I thought Marble Canyon was the Army Corps of Engineers.

RL: No, both of them were Bureau of Reclamation. They were "dollar" dams. The bureau agreed the dams would lose water by evaporation and by percolation into the sandstone. All they would do would be to take the water over the dams and provide electric power that would then be sold to Los Angeles in order to get dollars to pay for the dams whose power would also pump water into central Arizona.

You see, one of the tragedies, when you think of the United States on a global scale, is that if we did not have a state boundary on the Colorado River all the water would run downhill into the Imperial Valley where there are four hundred thousand acres below sea level that can be irrigated, with ten crops

RL: a year because of the almost continuous sunshine and very high temperatures. Yet they are going to pump that water up hill fifteen hundred feet into the Phoenix-Tucson area so that Arizona can have some water. It is an illogical waste of energy, but politically realistic. We haven't tried to fight that. You don't try to fight the states.

SS: In the early 1950s there was a report made by the Bureau of Reclamation that miscalculated the water potential of the Colorado River. This report was suppressed, but the Sierra Club found out about it. Can you describe this incident more fully?

RL: As I said before, historically they had divided up the river in 1922, at a time when I guess it did have an historic flow that amounted to about fifteen million acre feet per year on the average, but since then it has not flowed that much. We don't know how long this dry spell will continue, but it has lasted a long time so far. Basically, on long-range climatology, which was part of my work during World War II, the northern hemisphere has been drying up and getting warmer for about the last ten thousand years, since the last ice age maximum. Part of that trend seems to be here.

We can tell from the records in the trees in Arizona and southeastern California that go back now, through the bristlecone pine, about eight thousand years. Some of the living trees go back five thousand years, and with some of the dead trees they can match the oldest of the living trees with the rings of the youngest of the dead trees and get an overlap that goes back another three thousand years. Basically, in the long run there is less water now. The tree rings show that the twenty-five years prior to the 1922 compact were the wettest in the last one thousand years.

SS: What exactly was the report that the Sierra Club got the secretary to release?

RL: I don't know, I never saw it.

Grand Canyon

SS: Shall we discuss now the Grand Canyon?

RL: Yes. It ought to fit together with Dinosaur because it was more or less a continuation of the same battle. There were a lot of semantics involved in the Grand Canyon battle that must be cleared up in the beginning. Doris and I went down there in 1965 when the Canyonlands National Park had just been created and The Wilderness Society decided to meet in Canyonland. I had been into the parks of Utah and the north rim of the Grand Canyon in 1932, when I was teaching the boys geology for the trip with Francois Matthes into Yosemite. But Doris had never been there. So we flew to Las Vegas and rented a car and drove in.

I had made arrangements with the superintendent of the Grand Canyon National Park to have him and his wife have dinner with us at the Bright Angel Lodge on the north rim of the canyon. We had known him since the time of the 1939 Park Service conferences in Santa Fe.

He said, "You know, Dick, I object strongly to the lies that the Sierra Club is putting out." I replied, "What do you mean?" He said, "Well, they put out his book on the Colorado and they talk about the damage the Bridge Canyon dam is going to do to the Grand Canyon National Park. But the lake is never going to go into the park." I pointed out, "Now, you know better than that. It is going to run eighteen miles along one shoreline of the park." The lower boundary of the Grand Canyon National Park runs along the north bank of the river for eighteen miles, mainly to take in the beautiful forest up above on the Kaibab Plateau, which needed protection.

The Bridge Canyon dam--which as I pointed out is a strange name because there is no bridge down there, and never can be--is way below the national park. The location of the dam was fixed by compromises that Bestor Robinson worked out, so that the water line would never go into the Grand Canyon National Park. Bestor figured that if he could get

RL: the dam built there then the impoundment would not go into the park and he would be able to protect the park in that way. Bestor never had as much confidence in the park movement as Dave and I, maybe naively, had.

In discussing the issue with the park superintendent, he claimed that it was a lie that the dam would damage the park. I said, "Well, you know that the lake will run eighteen miles along the boundary of the park." He agreed, and I then asked, "Have you ever been down to the head of Lake Mead where the flow of the Colorado comes into the Lake?" He said, "Well, I have seen pictures of it."

I replied, "You sure have, the Sierra Club has published pictures of the mud and the mountains of logs and debris that have come down the canyon all the way from Wyoming. All that accumulates at the head of the lake." I pointed out, "The lake down below Grand Canyon National Park will be beautiful--nice boating and everything else--but all the junk will pile up right there in your national park."

That just shows how short-sighted some people can be. I have forgotten his name, fortunately [Laughter], so I don't have to give it. That same argument was used by the Bureau of Reclamation, both inside the Department of the Interior--probably with fact sheets and so forth that the bureau put out to the Park Service and others--and outside. The next thing to understand is that the other dam, the Marble Canyon dam, was to be just at the upper boundary of the Grand Canyon National Park, so that it also would not touch the park.

There is a third, semantic problem that comes in. After the Antiquities Act was passed in 1906, Theodore Roosevelt in 1908 established the Grand Canyon area as a national monument. Then some time after the National Park Service had been created in 1916, bills were introduced in Congress to raise Grand Canyon National Monument to park status.

The Bureau of Reclamation was created in 1902, and so by 1916 it was very powerful. Remembering

RL: the long Hetch Hetchy battle, the bureau provided in the 1917 Grand Canyon bill "that the United States Reclamation Service may enter upon and utilize for flowage or other purposes any area within said park which may be necessary for the development and maintenance of a government reclamation project."

However, Mather and Albright of the new National Park Service were able to get Secretary Lane to have the language changed in the final act of Congress to put in a prior condition that, "whenever consistent with the primary purposes of said park," the secretary of the Interior is authorized to permit reclamation projects within the park.

Bob Jasperson was the one who discovered the Congressional Record on that. In our opinion this language means that any dam in the Grand Canyon would harm the values of the park. For one thing, the park would not have a living river any longer. The park would not have the trees and bank beavers that live along the river and so forth. So, as in Dinosaur, there was argument again from a semantic standpoint over the fact that the original act of the Grand Canyon National Park had reserved water rights.

Well, Dave fought the dams. At times I felt that he almost went too far, but I don't know, really. Many people have criticized him, just as the superintendent of the park did. He put full page ads, you will remember, in the newspapers, one of them showing flooding of the Sistine Chapel so that you could see from a rowboat the paintings by Michelangelo, that type of approach. The presentation was so powerful that it finally convinced the people of the United States. All the bills for dams in the Grand Canyon were finally defeated in 1966. Now it appears that bills to enlarge and extend the park will probably become law in 1974.

I will say this, what finally killed those dams was not Dave Brower's arguments or his rather strange and farfetched ads. It was the fact that through the long battle on Dinosaur and Grand Canyon, a total of sixteen years, the construction of the dams was delayed until it came to a point when the coal energy of

RL: the Four Corners and nuclear power both became cheaper than hydropower.

Since the only purpose of those dams was to provide power to sell, it became clear that it was cheaper to do that by thermo power through the use of all the coal in that region or by nuclear power. A change in economic circumstances and in technology was what finally saved the Grand Canyon. However, Dave Brower saved the canyon until the change in technology occurred.

There are other examples in conservation where we have been able to protect something long enough until it is finally saved by something else that has nothing to do with the argument between the conservationists and those who want the particular project. For instance, after a long conservation battle, Aldabra Island in the Indian Ocean was finally saved from a military airport by devaluation of the pound and dollar.

SS: The Olympic National Park, which you mentioned before, was a case where technology saved the rain forest.

RL: Yes, and the redwoods, too, where right now they still have mills that can handle ten and twenty foot trees, but before long those mills will be gone. Then the timber industry will have to convert to short-cycle, small size second growth. There will then be much less pressure to cut the big trees in parks.

Water Power Versus Nuclear Power

SS: Do you think that this progression from water to nuclear power is environmentally to our benefit?

RL: I personally think so. I know I am in a minority as far as the Sierra Club is concerned. The club feels that all power is bad. What they are after is zero growth in the economy and in power, which is not now politically realistic. However, there are some government agencies that are beginning to realize that

RL: power consumption cannot double every ten years as it has been.

The Massachusetts Institute of Technology and the Club of Rome have put out very complex and powerful computer studies that show that when you keep on doubling the use of power or food or any resource, such exponential increases have to come to an end. This applies to coal power, too, any kind of power.

I do feel that mining uranium does less environmental harm in the long run than the strip mining that is required for coal. Radiation can be controlled. Petroleum, any way you calculate it, can not last more than ten or twenty years more for use for power. It is going to be too valuable for chemicals.

SS: Do you think that Brower's ads and the other methods he used were a case of overkill?

RL: No, I think they provided so much excitement among the public and in letters to Congress, that even those who thought that the ads were silly still realized that it was a very hot issue and that it concerned a great many people very seriously. This last election has really shown, too, that the conservationists do have votes. In Montana, for instance, the only woman in the legislature is a twenty-one year old, Sierra Club grandchild, Harold Bradley's granddaughter. She ran on a conservation platform, spent only three hundred dollars, and was elected.

CONSERVATION TECHNIQUES

Club's Loss of Charitable Tax Status, 1954 to 1972

Richard Leonard: The Sierra Club's loss of tax status follows very well from our discussion of the Grand Canyon matter because it resulted from that battle.

Susan Schrepfer: We might discuss the changes that occured in the 1950s within the Sierra Club. You anticipated the loss of tax deductible status before the Grand Canyon.

RL: All right. We can go into that chronologically. Really it came up in 1954 when the Supreme Court of the United States upheld the constitutionality of the Lobbying Act, which made it a criminal offense if, while attempting to influence legislation, you did not register as a lobbyist. I was with Justice Robert Jackson of the Supreme Court at the Bohemian Grove that year after the decision. He was one of the four who had dissented on the ground that the act was unconstitutional because of conflict with the protection of the First Amendment. George III would not allow the colonists to tell Parliament how to run the colonies. The colonists decided that they would never let that happen again. So they provided in the First Amendment to the United States Constitution that all citizens, including the Sierra Club, would have the right to petition Congress. But the majority of five justices held that a report as to where you got your money for lobbying was not a real interference with the right to petition Congress.

In the fall of that same year I then incorporated

RL: Trustees for Conservation, which came under a provision by Congress--Internal Revenue Code 501 (c) (4)--which permits lobbying. I planned it to be available to The Wilderness Society and the Sierra Club for use on the wilderness bill and for Sierra Club lobbying. The organization is still active and has raised $140,000 of non-deductible funds, which Congress permits us to use for lobbying purposes. We registered a man in Washington, D.C., originally William Zimmerman of The Wilderness Society and later Lloyd Tupling of the Sierra Club, as lobbyists for Trustees for Conservation.

Zahniser of The Wilderness Society and Brower of the Sierra Club, who were doing the actual work, felt that the public could not understand why The Wilderness Society and the Sierra Club were so cowardly that they would never speak out on matters like Dinosaur and the Grand Canyon. They felt that The Wilderness Society and the Sierra Club had to be free to campaign vigorously themselves.

Finally, in 1960 the Board of Directors of the Sierra Club authorized Dave to lobby as effectively as he wanted to. I then felt that this would eventually mean the loss of the tax deductibility of the Sierra Club under section 501 (c) (3) of the Internal Revenue Code, which prohibited "substantial" lobbying. I therefore incorporated The Sierra Club Foundation under that section of the Internal Revenue Code and provided in the Articles of Incorporation that the foundation would never engage in legislative activity or do anything prohibited by the Internal Revenue Code, which authorized tax deductibility.

My prediction was correct, because in 1966 the Sierra Club published a full-page ad in the Washington Post, the New York Times, the San Francisco Chronicle, and the Los Angeles Times on the day of the vote in the Senate on the Grand Canyon dams. The ad urged all members of the Sierra Club and the public to write to Congress and to contribute money to the campaign. The ad supplied coupons for that purpose.

The reaction was so severe that the Internal Revenue Service the very next day, twenty-four hours later, hand delivered a letter of revocation of tax

RL: deductibility to the Sierra Club office in San Francisco. So it had to be by a transcontinental telephone call at a very high level from Washington. It seems to me that it must have been someone within the White House or at least very high up.

At any rate Dave Brower accused Morris Udall, a congressman from Arizona and a fine conservationist. But again, Udall, like Senator Jackson, had to carry out the orders of his constituency and was supporting the dams in the Grand Canyon because they would provide water for Phoenix and Tucson. Dave accused Morris Udall, who is the brother of Stewart Udall, of being responsible for the IRS action. I have in my Brower files at home very vigorous denunciations by Udall in the Congressional Record condemning Dave very severely for his insinuations.

By the way, I should point out in this recorded history, which will be history by the time the matter is decided, that in 1972 the Internal Revenue Service finally has stated that they are planning to cancel the tax deductibility of The Wilderness Society. I mention this because in 1966 we believed that the Sierra Club was the only organization that was going to be harmed. We thought that the Internal Revenue Service hesitated to attack other conservation organizations, feeling that it would be enough to have made an example of the Sierra Club.

However, in 1972, the service has filed notice that it is going to cancel deductibility of The Wilderness Society. I have been trying for thirteen years to get the society to set up a foundation for the same protection as the Sierra Club, but they have not yet done so. Finally, after two years of very detailed audit the Internal Revenue Service cleared the society. In the meantime, it had to spend something on the order of thirty to fifty thousand dollars in legal fees and staff time to fight to preserve its tax deductibility.

It cost the Sierra Club pretty close to fifty thousand dollars to battle in the two years, from 1966 to 1968, when we finally reached the end of the line with the internal administrative appeals within the Internal Revenue Service. Then we would have had to go

RL: to the courts to try and defend the deductibility of contributions to the Sierra Club on the constitutional grounds that Congress cannot prohibit the right to petition Congress.

I had told Justice Jackson, when we were discussing it in 1954, that people had argued that the deduction of a contribution from taxes or an exemption from tax was a privilege that Congress could grant or refuse for any reason it wanted to. He said, "No, Dick, Congress can't tax you or me for petitioning Congress. The other side of the coin is exactly the same. The denial of an exemption from taxation is just the same as an imposition of tax. It has to be for a lawful purpose."

Recently the City of Los Angeles fired a teacher because the teacher would not swear whether or not she was a member of the Communist Party or any similar group. The city argued that it could fire any teacher for any reason it wanted. The Supreme Court of the United States said, yes, it could fire her for any reason, except an unconstitutional reason. So you see, that recent decision of the Supreme Court relates back to the prediction that Justice Jackson made in 1954 that Congress could not refuse tax deductibility for lobbying because the Sierra Club has a constitutional right to petition Congress.

From 1960 until 1968 the Sierra Club would not permit The Sierra Club Foundation to raise money from Sierra Club members because it preferred to get the money directly to spend as the club wished. As president of the foundation for the first eleven years, I argued vigorously against that. But I never got anywhere with the Board of Directors of the Sierra Club.

So in 1968, when the Sierra Club had finally lost its tax deductibility, it allowed the foundation to solicit funds from Sierra Club members. That first year we received $107,000; the next year we received $350,000. The next year after that $700,000. The year after that a million dollars. The year after that a million and a quarter, and in 1973 a million and a half.

RL: I feel, on hindsight that the Sierra Club would have been far better off to have allowed the foundation to start raising funds eight years earlier. This is partly because of the name of a foundation. Many people are willing to give to a foundation or other fiduciary organization when they are not willing to give to a club for administrative costs, salaries, rent, typing, postage, and everything else of that kind. They feel that a foundation's money is used for specific projects that are educational or scientific.

At any rate, I made those same arguments every year for the last thirteen years to The Wilderness Society board. I did not get any further with them, either [Laughter], until 1972 when they have had the threatened loss of deductibility. However, with tax clearance in 1973 The Wilderness Foundation is stalled again. People are reluctant to give up personal control of money.

SS: You still have both the Trustees for Conservation and The Sierra Club Foundation.

RL: Yes. They are totally separate, with different boards of directors. T.F.C. is alive because I feel that it still can be useful. But it may decide to fold up if the Sierra Club is going to continue direct lobbying on its own.

The reason I mention all this with respect to The Sierra Club Foundation, is that the Sierra Club still has the right to sue because a tax deductible organization under 501 (c) (3) does not have to pay unemployment tax and social security tax, it can pay them voluntarily but it does not have to. But if it loses C3 status and comes under C4, then it has to pay those taxes. So the Sierra Club could sue to recover a refund or to refuse to pay those taxes.

But because the foundation has been so successful the club directors realized that the Sierra Club can have its cake and eat it, too, because it can lobby just as effectively as ever and be proud of the fact that it is substantially trying to influence legislation. So the club decided in 1968 not to bring that kind of suit. Unfortunately, however, new leaders

RL: of the club in 1973 again wish to control the charitable contributions and are therefore in 1974 considering filing suit to regain tax deductibility on constitutional grounds.

SS: Was there any effort made to have Dave Brower's name put on the payroll of Trustees for Conservation, so that what he did would be legal and not affect the Sierra Club?

RL: Yes. I think he did during this period. He was the registered lobbyist. Brock Evans is in Washington now and probably is the registered lobbyist at the present time.

SS: And this did not help?

RL: No. It gets into that difficult question. The law provides that an organization loses its deductibility if it "substantially" attempts to influence legislation. The Sierra Club and The Wilderness Society both claimed that they did not substantially do so because most of their budgets were used for other purposes. Less than two percent of The Wilderness Society's budget is used for lobbying, which the directors claim is not substantial. The Sierra Club argued that it used maybe five percent. The only trouble is that once you get a decision from IRS that that much is not "substantial"--as in the case of The Wilderness Society--then you still have to worry about it from then on. There is a tendency to hold back and not try to be as effective as you possibly can be because you are always worried about such an indefinite subjective definition.

SS: Then am I correct in gathering from what you say that the club directors and staff were aware, even from 1955 on, that ultimately the club's tax deductible status would be lost and they accepted it?

RL: No. From 1954 up to 1960 the board of directors prohibited Dave from direct lobbying. He had to state general things, like he was in favor of saving the national park system but he was not for or against a particular bill. He had to argue in generalities. You can argue, under the law, for a general situation that does not directly relate to

RL: particular legislation.

Then in 1960 we said, go ahead and be as effective as you want and we will defend the club on constitutional grounds or we will fall back on the foundation. We have two alternatives. That is what The Wilderness Society does not yet have. It has no alternative to fall back upon.

SS: After 1960 the club accepted this. Brower did not commit an act that was contrary to what the directors wanted.

RL: I am glad you asked that question because I had planned to bring that out in a moment. Dave did not violate any orders whatsoever as to the tax situation. I know that a number of people thought that was an element against him simply because the cancellation of tax deductibility in 1966 and the final loss of it in 1968 were so close to the time when we got into the very serious battles from 1967 to 1969 that resulted in his ouster. But Dave was fully authorized by the board of directors to lobby. We relied first upon the constitutional right to do so and second on the protection of the foundation if we lost this constitutional battle.

We spent at least thirty-five thousand--probably more like fifty thousand--in legal fees for presenting the case within the Internal Revenue Service. Then our finances began to get so bad, which was one of the reasons Dave was finally fired, we felt that we could not spend the money to continue the battle. It would have been another thirty-five thousand or more to continue to the Supreme Court. We decided we would rely on the foundation.

SS: Do you think that if you had gotten it to the Supreme Court you would have won?

RL: No. I am not sure that we would have. The Supreme Court in a number of decisions has held that taxation is different from other laws and that the government needs the money. You get a little bit of the sense of the old rule of law that the king can do no wrong. It is hard for the taxpayer. I think we would have had only a fifty-fifty chance.

SS: Do you think that the Internal Revenue Service was fair or would you say that it was out to get the Sierra Club?

RL: It was out to get the Sierra Club, I am convinced, because of that ad. I have heard from the grapevine that the service's staff members have explained that the ad was so blatant, being a full page in the Washington Post on the day of the vote, that they could not possibly overlook it without blushing. Even so, it is hard for me to see how they could have on their own acted so fast as to get the letter hand delivered in San Francisco the very next day. You would expect that they might start proceedings the next day, which then a month or two later would have resulted in a letter or something. But the speed and vigor with which they acted was more than just the fact that they had been challenged.

With The Wilderness Society, though, it is the other way around. It has been another six years. The Wilderness Society has been clearly aware all this time of the risk, and I have repeatedly reminded their board of directors. But they had thought that it was only the Sierra Club that was being disciplined.

SS: Well, I heard the use of the word gauche to describe the ad, so gauche that the Internal Revenue Service could not turn its back on it. I was wondering whether or not it was legitimate to make a decision on the basis of whether something is gauche or not; that is, using the word as a matter of degree, indicating that the law really is a subjective judgment.

RL: You have noted the real problem. It is a matter of subjective judgment concerning at what point the Sierra Club commences "substantially" to influence legislation. I still think that the Internal Revenue Service was a bit unfair, if you want to call it that, in moving so fast, with such intensity, almost like venom. Whereas, as I said, with The Wilderness Society and with other groups the service has taken its time to gather its evidence and work it out. But in the Sierra Club's case it made the decision first and gathered the data later.

SS: The service could not have been gathering previous to this ad and then had almost a complete case or decision made?

RL: It could have. Gary Torre, who is one of the trustees for The Sierra Club Foundation, was the tax specialist who handled it for the Sierra Club. He handled the whole case for the two years within the Internal Revenue Service, and he would know the details on that.

SS: Is there any possibility that the fact that the Sierra Club was successful in the Grand Canyon question may have affected the tax decision. I felt at the time that the Sierra Club angered the water power interests, by being too successful, so sufficiently that it affected the tax status issue. The two came so close together.

RL: That is exactly what Dave Brower charged, and that is what made Congressmen Udall so angry.

SS: I see. I did not quite understand the significance of what you were telling me.

RL: You see Dave charged that it was the success of the battle to stop the dams that had forced Congressman Udall to use unfair tactics to try and get the Sierra Club out of the battle and frighten the club directors so badly that they would not continue to fight. I am inclined to believe Morris Udall. I don't believe that he had anything to do with it, or his brother either. But somebody, somewhere, I am sure, had the power to require that it be done. And I don't think it came from the Internal Revenue Service alone.

SS: So then there was some connection even though it wasn't through the Udalls.

RL: Some political connection, yes.

SS: There is an argument that has become almost traditional, that since the American Rifle Association still has its tax deductible status, why shouldn't the Sierra Club. Is that a justified argument?

RL: Well, that is probably one of the reasons that the

RL: Internal Revenue Service, instead of deciding that it was enough to discipline the Sierra Club, has now decided to discipline The Wilderness Society and others, too. They have also attacked the Conservation Law Society of America. I am president there. We are now defending ourselves. It seems to me that the IRS's argument against the Conservation Law Society is kind of silly. But men of the service think that it is valid.

The society receives a grant of $12,000 a year to do legal work for the Save-the-Redwoods League in handling the legal details of two million dollars a year in redwoods that the Save-the-Redwoods League buys. I am vice-president of the Save-the-Redwoods League, and we buy two million dollars worth of land a year, and it takes a lot of legal work to acquire and to give that land to the state. The state does not accept gifts without looking the gift horse in the mouth. So you have to provide a full title search and everything else.

The IRS says that the fact that we do that work for the league, instead of being charitable work for a charitable organization, the Conservation Law Society is simply a dirty little competitor to Leonard and Dole as a law office and all the other law offices in San Francisco that should be doing work for a high priced commercial fee. The Conservation Law Society has always done this at a reduced, or what we call a charitable, rate. We charge that to the Nature Conservancy and others.

In fact, one of the reasons the Conservation Law Society has been charging other charitable organizations for legal work for them is that I don't think it is fair to use Save-the-Redwoods League money to do work for other conservation groups. We charge Nature Conservancy and my dear wife in Conservation Associates $35 an hour for legal work on taxes and other matters.

Well, the IRS says that's just plain private legal business. I say, yes, but we do it only for 501 (c) (3) deductible organizations. We don't do any legal work for private parties or for anybody who is not tax deductible. It is entirely within the tax

RL: deductible framework. It is valuable for carrying out work of the Save-the Redwoods League and Nature Conservancy, because a lot of their work can not be done without legal assistance. As you can see, the Internal Revenue Service is now cracking down on many conservation organizations, at least those two. I have heard of others, too.

From a moral standpoint your implication that all taxpayers should be treated equally is correct. The Sierra Club should not be penalized alone, and, as I say, I have warned The Wilderness Society that it was going to come to that problem eventually because it has been very active on legislative matters. While the society claims its legislative activities amount to only two percent of its total effort, it is hard to decide what should be charged to that two percent. In other words, should it be another ten or twenty percent of efforts on the part of the executive director or other staff members, or is it only the young woman working on the lobbying case? Those are subjective questions that are hard to unscramble.

SS: Do you think the membership of the club understands the attack upon the tax status of the club?

RL: I don't think so. They probably have the view that it was political punishment. I don't believe laymen understand taxes anyway. Most people feel that they can't understand their own income taxes. Particularly when you get into the field of charitable donations, they know that is a very complex field of law. They don't have any concept of the constitutional protection that we have a right to petition Congress in spite of the prohibition of 501 (c) (3).

SS: Did the directors of the club or the membership realize they were running this risk?

RL: Most of the directors did. A number of people thought that Dave Brower was rash, and some of the people who were involved in the fight--not the leaders--felt that it was necessary to have Brower removed. They remembered the public prohibitions of lobbying in 1954 to 1960 when Brower and Zahniser were to rely on Trustees for Conservation and its nondeductible

RL: funds. However, those members did not know of the reversal of policy by the board of directors in 1960 and the assumption of risk thereafter. Brower is clear as to loss of tax deductibility, although he did attempt to interfere in the Sierra Club tax appeal in Washington. More of that later. But none of the leadership ever argued that Dave was wrong in the tax matter.

SS: Well, as you say, the coincidence in time might have indicated that.

RL: That was the principal thing. About a year after the loss of tax deductibility the first movement to dismiss Dave came up. That was in April, 1967, and it was triggered by a letter by ten of the past presidents of the Sierra Club. These leaders, covering a period of three decades, from 1931 to 1961, felt that the Sierra Club was going in a wrong direction, ideologically. They felt that a lot of Dave's arguments were too bitter and not the type of courteous argument that he had made during the Dinosaur fight. Part of the problem was that Dave felt that "nice Nellie" could no longer do the job and therefore he had to be bitter.

Changes in the Sierra Club of the 1950s

SS: The period of your presidency, during the fifties, was one of significant change for the club. It was when you first became aware of the tax question and founded Trustees for Conservation. At the same time you became aware of the club's potential for growth and a change in character.

RL: Yes. Dave accomplished that magnificently. Flamboyance and those Grand Canyon ads brought in thousands of members who would sign the membership coupon in the ad and send it in. Most of the ads, as Dave pointed out, brought in more money than they cost. The argument that was later brought up was that even if the ads brought in more money than they cost there was always the chance that they wouldn't.

RL: He would put out a $30,000 ad without the board of directors authorizing the expenditure, particularly when funds started to drop. The club lost $211,000 in two years in 1967 and 1968. Consequently, the board became frightened. When Dave continued with these ads, we never were sure that the next time the ads would bring back as much money as they had cost.

I should say that hindsight has demonstrated that in 1971 we suffered the loss of the people who came in on those coupons. Most of the people who joined the Sierra Club because of those ads in the newspapers then quit a year or two later. Unfortunately, our computer company that was keeping the accounts of the Sierra Club broke down. It was six months before we found out that we were losing members faster than we were gaining new ones. The Sierra Club went into extremely difficult financial conditions that have continued ever since. As I will explain later, I think that is related to the type of membership that is brought in by broadcast ads of that kind. They would come in, easy come, easy go.

SS: Going back to the days of your presidency in the 1950s, there were discussions by the board of directors about whether or not the club should grow and what the character of the club should be. Not everyone was unanimous about allowing new chapters out of state. Above all, I gather that you were aware of the basic issues involved when you received the petition from the Pacific Northwest for the first out-of-state chapter. There, also, must have been questions about what battles to fight and whether or not the club had any business becoming involved in the Dinosaur fight.

RL: There were questions. Dave was able to answer the questions about Dinosaur, to the satisfaction of everyone, by pointing out that the national parks in the United States were endangered if this little one in Utah was to be invaded. At the beginning Dinosaur was relatively unknown, and then Dr. Kimball started the river trips in 1953. Doris and I went on that trip. I was president at the time, and there were four former presidents on the trip--Alex

RL: Hildebrand, Francis Farquhar, Lewis Clark, and Nathan Clark.

Marjory Farquhar was on that trip, but she was one who resigned from the Sierra Club Board of Directors when the Pacific Northwest Chapter was approved. She felt that the decision had changed the Sierra Club so severely that it was no longer a California club. It was going to become a diluted national organization. She was absolutely right, but I think on hindsight that the decision was correct.

Her club is lost. It is now a powerful, impersonal political force. It is not a club of people gathered together; it is a political force. Of all the many conservation organizations I belong to, I believe the Sierra Club is the most powerful. I think it is also the most effective. I am concerned that we must keep it that way.

SS: Why did the Sierra Club become the most powerful and the most effective? Why not The Wilderness Society?

RL: Well, The Wilderness Society has strengths and weaknesses. Its strength is that the council, it's board of directors, is self-perpetuating; it elects its own members to fill random vacancies. No member has ever been dropped from the council. They are exceptionally faithful in attending meetings. When they can no longer do so they voluntarily resign. There is no "dead wood." That way the members of the council usually are of the same opinion as the majority that selected them, which insures that new members are sympathetic to the general point of view. So that gives the organization the monolithic strength of any dictatorship, you might say.

One advantage is that the organization has been able to keep control through volunteer presidents so that the executive director has not become as powerful as Dave did. Because of Dave's example, The Wilderness Society has been careful to try to avoid it. I will say Stewart Brandborg is a good executive, except on the subject of the Redwoods National Park, a point I will cover later. In that instance, he

RL: violated the orders of the council, though that is the only one.

So I feel the society has the strengths but also the weaknesses of a dictatorship. In other words, we have eighty thousand members in The Wilderness Society, but they don't vote on issues; they don't vote on the directors; they have no chapters; they have little participation.

The same is true of the Save-the-Redwoods League. It has fifty thousand members, but, again, the members have no votes; they have no chapters; they do not participate in any way, except to pay dues. If they are enthusiastic enough, they may put the league into their wills, or, when a husband or wife dies, the surviving spouse and children may get together and give a hundred thousand dollars or so for a living memorial for the family. The league is extremely successful in specializing on one subject of saving something that people can understand and touch and remember--a redwood tree.

The Sierra Club is trying to save the environment. A very abstract term. The Wilderness Society is trying to save wilderness, which is also an abstract term. On the other hand, Nature Conservancy is saving land and is very effective in that specialized field because people will give large amounts of money to save a particular piece of land, a marsh or something tangible that badly needs protection. Doris was on the national Board of Directors of the Nature Conservancy for six years, and so was George Collins, who was the last volunteer president of the Nature Conservancy.

The Wilderness Society now has a part-time president. The new president took office on January 1, 1973. His name is Thurman Trosper. We first became acquainted with him in 1955 when he succeeded Brandborg, Sr., as supervisor of the Bitterroot National Forest. He became disillusioned with the way the Forest Service was treating the Bitterrroot with their clear cutting and went with the Bureau of Outdoor Recreation, which was headed by a former Forest Service man--Edward Crafts.

RL: Then Trosper went from there, naturally, to the Park Service and was assistant to George Hartzog, specializing in projects saving areas in Florida, the jet port for example. He is now retired from the Park Service and will receive partial Wilderness Society pay for a few years to supplement his service-connected retirement until his children are through school. The society used to rotate the presidency at least ever five or ten years. The Sierra Club tries to rotate the presidency every two years. Wayburn, however, stayed on for five years.

SS: In the fifties you proposed and executed a reorganization of the club to allow for the growth?

RL: Yes. But I think we should take that up when we come to the very bitter battle for control of the Sierra Club in the Dave Brower affair.

SS: I am thinking of 1954.

RL: I know, but that is when Dave came in. In December, 1952, he became the part-time executive director and then in May, 1953, when I became president, he was appointed full-time executive director. To put it in the abstract, we needed a professional executive. Up until 1952 we had never had a professional.

Colby was a young man of twenty-five when he became secretary of the Sierra Club. He fell in love with Muir almost as a god; he worshipped him. He devoted huge amounts of his personal time to Muir and the Sierra Club. At that time, Colby was the assistant to the greatest authority in the United States on mining law, Judge Lindley. Colby's clients were the largest mining companies in the country, and when Lindley retired, Colby had those clients. So he had enough income and time to devote to the Sierra Club.

Muir was the president from the beginning in 1892 to his death in 1914, so he was, as proper, a life-time president. After Muir's death the Sierra Club had the custom of electing a person as president of the club for only two years. "Little Joe" LeConte was the first president after Muir, then Colby, and so it went on through the others.

RL: Colby was on the board of directors for forty-nine years and was secretary for forty-seven years. Colby continued as secretary until the end of World War II. He would have liked to retire, but couldn't because of the war and because everybody--Dave Brower, Bestor Robinson, and I and all the others who later became president--were involved in the war. So then we came back to the first meeting of the board of directors in 1946, I had been reelected to the board. On Colby's nomination I was elected as secretary. Colby then turned over a six-inch stack of paper to me. There was no agenda for the meeting. First Muir and then Colby had run the club in 1946, a period of fifty-four years with no professional executive.

The only professional was Virginia Ferguson, who had been Colby's legal secretary before she started full-time work for the Sierra Club. I came down to her office in the latter part of 1946. Poor Virginia was in tears, sobbing and sobbing. I said, "Virginia, what's wrong?" She replied, "I've got $8,000 here." I said, "Isn't that wonderful." The Sierra Club's total budget was about thirty thousand. I tried to encourage her by urging, "What's the trouble with $8,000?" She said, "It's all in this box." She showed me a shoe box holding $8,000 in checks from post-war membership applications. She, at that time, had to type the name and address of each of those people six different times. I said we could fix that. We would make forms and carbons to solve that typing problem. We should immediately go into the need for a professional person to handle such growing administrative problems.

Persuasion?

SS: We were talking before I turned on the tape about litigation versus communication as a conservation technique. How would you define the role of the Sierra Club? There are people who claim that the Sierra Club represents a particular interest group and that its purpose is to exert pressure that will counter the other interest groups. In other words, they have a one hundred percent commitment to push

SS: their view in any, many times, radical ways to counter any, often radical, methods that the lumber companies employ.

On the other hand, you could view the Sierra Club as attempting to find the answer, a wise answer, and to get this answer employed. For example, choosing a location, perhaps like they did with Mineral King, which would be the least obnoxious place to locate a ski resort, because in the overall picture a ski resort is necessary.

Are those two logical types of interpretation? And which would you agree with?

RL: You have covered a very important point, because I think that it depends upon the point of view of the individual. The devil always thinks that he is doing properly. Even the Pope said the other day that there is a devil, that he is real, he is necessary, and that it is important to be able to resist him. I know people in industry, in the U.S. Forest Service and National Park Service, developers and others, who are totally sincere in believing that they are doing the best thing for all the people of the United States. I am sure that the Atomic Energy Commission thinks that it is doing the best. I guess that even applies to the Viet Nam War.

So I feel that the Sierra Club, in general, is trying to represent the needs of the people of the United States for natural conditions and open space. The Sierra Club is totally unselfish in trying to express those needs. The opposition often charges that dedication of an area as wilderness is locking up the country for the benefit of the aristocracy of the physically fit.

I feel that isn't true at all, because I personally, at age sixty-four, can not climb the Cathedral Spires or even go on the long knapsack trips that I used to go on. But I fight hard for the protection of parks throughout the whole world, even areas that I never expect to be able to see. I have been concerned about the pollution of Lake Baikal in Siberia, which is one of the world's greatest lakes.

RL: I think that most Sierra Club people are fully sincere in wishing to protect the areas without any selfish expectation of personally being able to see or use the areas.

The conflict comes when you are trying to provide one hundred percent for one point of view or the other, and I feel that is where communication is important. I have always in my own philosophy of conservation felt that we can accomplish more by dealing with intelligent people at the top of either the National Park Service or the U.S. Forest Service or industry, who then give orders and gradually make changes in the philosophy of the people under them.

For instance, I served six years on the Scenic Highway Commission of California. I spent a full day once a month going up to Sacramento and meeting with the top people of the Division of Highways who every time would tell us that they loved beauty and they loved the philosophy of making highways compatible with parks and with the countryside. Over that period of years they came to believe it, and the people under them came to believe it.

Pacheco Pass in California is a good example of the change in thinking. The highway engineers put a four-lane freeway up the east side of that pass between the San Joaquin Valley and the Santa Clara Valley. They ruined the country. The engineers were very proud to announce that they had made the deepest cuts on earth, nearly a thousand feet deep. They had made the deepest fills on earth with the material that they took out of those cuts. They were proud of that magnificent engineering achievement.

We met with them on the top of the pass with the Scenic Highway Commission and looked it over. They hadn't as yet planned what to do on the west side of the pass, into the Santa Clara Valley. We persuaded them to separate the freeway a thousand feet. In other words, the east bound and the west bound lanes would be a thousand feet apart, going down opposite sides of a very beautiful coastal stream with native sycamores and cottonwoods. The County of Santa Clara agreed to buy five miles of that thousand foot strip and the beautiful stream in the middle of it is a county park.

RL: Then the engineers were amazed and again proud that they had the lowest cut factor on earth and the lowest fill. They saved several million dollars by this new design, which was primarily a conservation or environmental design. Two lanes on the mountainside would do far less damage than four lanes would when they were together, and thus would cost much less.

The National Park Service has come to this same gradual change of philosophy. I spent many days with George Hartzog. Back in the Great Smokey Mountains National Park, for instance, we spent three days in the southern part of the Smokies, and Harvey Broome and I were able to persuade him to eliminate a road that was to go across the center of the wilderness southern half of the park.

In the course of the discussion we covered many other problems, such as the transcontinental highway that goes through that park and some of the transcontinental traffic that goes through Yosemite National Park and Yellowstone. In the course of those discussions we agreed that that kind of traffic should not go through parks, it should go around by other routes. If you try to put transcontinental traffic through the parks along with the normal recreational travel you would have to have four lanes of freeway in the park, which would harm the park. That philosophy of control of park traffic was carried out, so that Hartzog, to his credit, was the first one to stop the automobiles in the east half of Yosemite Valley.

He also made all the roads in Yosemite Valley one way. In one-way traffic if you want to see the cliffs and the waterfalls you can travel along five or ten miles an hour and a car behind you can go by if they are just going to the grocery store or someplace else a distance away. If the winding road has two-way traffic the people behind can't get by because the other traffic is coming from the other direction, and so the conflict between the people who want to see the scenery for the first time and those who have been there many times and do not want to see the scenery on that particular day is very difficult. Well, the National Park Service, I feel, through

RL: gentle persuasion over the years has worked to solve this problem.

Harold Bradley, when he was president of the Sierra Club in 1957-59, proposed standards for roads within the parks. At first we were almost on a direct confrontation with the National Park Service, and Dave Brower did get into serious confrontation on the Tioga Road. We did not come to the point of litigation, but it was a very bitter battle, and I supported Brower on that and still do. The superintendent of Yosemite way back in the early 1930s had wanted to reroute the Tioga road through the Ten Lakes Basin through total wilderness.

Horace Albright was director of the service at that time, and he wrote, "Have you consulted the Sierra Club on this?" The superintendent said, "No," Albright replied, "Well, I won't approve it until you have checked it out with the Sierra Club." So some of our greatest leaders at that time--Will Colby, Francis Farquhar, and Joseph LeConte--walked that route in 1933, recommended against it and it was abandoned.

Finally, in the late 1950s the National Park Service decided to bring the 1883 Tioga Road up to modern standards because it was only about ten feet wide and could not handle two-lane traffic. You had to stop every time you met another car, which was fine in 1883 because there wasn't much traffic. But it became quite impossible seventy-five years later, and the Board of Directors of the Sierra Club agreed that it needed to be widened.

The National Park Service made mistakes in details; for instance, they came to a beautiful slope of glacial polish, and Dave tried to get them to go above it or below it, which would have changed the route slightly, but not materially, for modern automobiles. But the Park Service refused to and went right straight across it, blasting with dynamite through this beautiful slope of glacial polish.

Another case I saw was a magnificent granite glacial erratic about twenty feet high standing as a pyramid in an open meadow. It was full of holes

RL: like swiss cheese because they were going to blast it into bits. The highway could have gone three feet to the right or twenty feet to the left and missed it entirely. Or, being the kind of highway it was, it could have split with lanes on either side of it. But instead they blew it up so they would have an absolutely straight line.

At one point the park highway engineers had survey stakes through a beautiful little lake filled with water lilies. The superintendent, Frank Kittredge, asked the park naturalist about it, and the park naturatist recommended strongly against it. The highway people objected violently. They said that was not a naturalist matter; it was an engineering decision. Fortunately, Kittredge had been with the Bureau of Public Roads and he said, "No, there is a lot of natural life on that lake." And they went around the lake. I have driven that curve around the lake at fifty-five miles per hour, perfectly comfortably since it was designed for that, and yet they wanted to go through the lake in order to have a straight line.

It was that old engineering philosophy that I spoke about on Pacheco Pass, where the engineers in the old days thought that a straight line was the best line. The engineers would have destroyed a beautiful mountain lake full of water lilies just to maintain a straight line. Well, all of those things have gradually changed, and I think it is the power of persuasion that has been able to accomplish that change.

In later years we have gone to litigation. We have over one hundred lawsuits pending at the present time all over the United States on all kinds of subjects. The more important cases are described in other parts of this interview.

THE REDWOOD NATIONAL PARK BATTLE OF THE 1960s

The Last Redwoods

Susan Schrepfer: Today is March 13, 1973, and we are going to discuss the Redwood National Park issue of the 1960s, 1963 to 1968 specifically. How did the question of the Redwood National Park arise in the 1960s? Who was the driving force in raising the issue--the Sierra Club, the Administration, the National Geographic Society?

Richard Leonard: It really first arose when Stewart L. Udall, then secretary of the Interior, announced plans on the part of the Administration to establish a redwood national park. I don't recall any strong conservationist or citizens groups working to get that announcement from the secretary, although the Sierra Club had been active since 1961. His announcement was in April, 1963.

In May of 1963, the National Geographic Society announced its grant of $64,000 to the National Park Service for a survey of the redwoods. That survey was completed a year later. The National Park Service came out with a general recommendation of 53,000 acres in the Redwood Creek area as the region having the largest acreage of virgin redwoods. I have seen the report, of course, all of us have. It is in the files.

Before that report was completed, in December, 1963, the Sierra Club published a book on The Last Redwoods. Secretary Udall, in the forward to that

RL: book, proposed the national park.

You should interview Wayburn about the whole Redwood National Park issue because he was the Sierra Club leader in the battle. For one thing, he was the president of the Sierra Club for five years in the period from 1961 to 1969. He arranged for the book The Last Redwoods to be written and published.

I think it is a very fair book. I have had immense criticism directed to me personally by, for one, Norman Livermore, who is the secretary for Resources [California], but who, at that time, was the treasurer for the Pacific Lumber Company.

That company has always been an exceptionally good timber company in cooperating with the Save-the-Redwoods League. For instance, it held the Avenue of the Giants for more than thirty years. It cut the timber back up on the slopes above it. It cut what was not really essential for the park and kept the magnificent park lands down on the Eel River without cutting. It paid the taxes for thirty years. However, in return, it got the value of the increase in the price of redwoods from forty cents per thousand board feet up to a total of fifty to sixty-five dollars a board foot at the time the company finally sold the virgin forest to the Save-the-Redwoods League. The point is that the company got full value and the stockholders never lost anything by holding it.

I contrast that with some other companies, particularly Arcata National. Newton Drury and I are to have a conference tomorrow which I arranged with the top leadership of that organization--the president and the vice-president-in-charge of redwoods--to try to buy the beautiful trees of Skunk Cabbage Creek. This area is worth something on the order of twenty million dollars. The Save-the-Redwoods League is now doing so well that we would have enough money to buy that over a period of four or five years.

I mention it because in other cases Arcata has simply cut the timber as fast as it could. It has

RL: clearcut and ruined the country even though the league had the money with which to buy the timber. So timber companies do differ in attitudes. I think what Arcata was after was to get as much money as it could as fast as it could out of their virgin timber, kind of like mining without putting any money back into it for the future. Thus it obtains cash to be able to diversify into other fields. Now it is primarily a printing company. It is also in data-processing and so forth, far beyond the original redwoods. [Editorial note: Arcata refused to sell its magnificent redwoods, insisting that it had to have virgin timber to log while new trees were growing.]

SS: Did the attitude of Arcata Redwood change significantly, in your view, from the time Howard Libby was pushed out of power and the company became Arcata National?

RL: I think so. I never knew Howard Libby personally, but Newton Drury did. Newton always respected him, and I think Newton felt that Libby was fair. Just as I have felt that the Pacific Lumber Company was fair.

The reason I got off on this point was that Ike Livermore was the treasurer of Pacific Lumber, which was a very good company as far as preserving park redwoods until we could get the money to buy them.

Livermore objected very strongly to the book, particularly the title The Last Redwoods. He said that was nonsense, that there would be redwoods forever. I said, "You know what they are talking about. The last big redwoods. That's what the title is." He said, "Well, the big redwoods are all protected in the state parks." I replied, "Not enough. Out of the original two million acres there are, maybe, ten thousand really good acres that are preserved. We have one hundred twenty thousand acres all together in the redwood state parks, but a lot of that is cut over, and a lot of it is steep land that really didn't have much redwood on it to begin with. So I think the title is correct."

RL: At any rate, one has to give the Sierra Club credit for starting the book in the early part of 1963, and getting it published by December, 1963. As I said, the secretary's proposal was in April, and I think that you, as an historian, should check the minutes of the Sierra Club prior to 1963 and see if there was anything in them about this topic. I checked them from 1961 to 1968 or so, in connection with the Nipomo Dunes protection.

I came across an interesting item from the minutes of the Executive Committee of the Board of Directors of the Sierra Club. On November 24, 1964, the executive committee approved a statement in a four-page letter from Edgar Wayburn, as vice-president, to Ed Hummel, the regional director of the National Park Service, urging, "The entire watershed of Mill Creek and lower Redwood Creek up to Bridge Creek" be preserved as a redwood national park and that Skunk Cabbage Creek, which we are still working on, was desirable.

The importance of that executive committee action in 1964 was that Wayburn, as vice-president, supported the acquisition of the entire watershed of Mill Creek, and the executive committee confirmed it. That principle of protection of a complete watershed was what later became the point of division between the Sierra Club and the Save-the-Redwoods League. I admired Wayburn for that watershed approach. That proposal of the Sierra Club in 1964 was something on the order of what I finally proposed to The Wilderness Society and what their board of directors approved in 1967. I can describe that later.

Both the Mill Creek and the portion of the Redwood Creek watersheds amounted to only 200 million dollars, which is only one dollar per person in the United States. We certainly ought to be able to afford a dollar a person in order to have a really worthwhile redwood national park. The Sierra Club officially started out on that basis.

The Park Service's report came out in September of 1964, which was before this action of the executive committee, and recommended 53,000 acres, mostly in the Redwood Creek watershed, including Lost Man

RL: Creek, May Creek, and some of the other tributaries. Of course, Prairie Creek, a northern tributary, was included.

The Sierra Club versus the Save-the-Redwoods League

SS: Do you think Wayburn knew that the Save-the-Redwoods would prefer Mill Creek?

RL: Yes, we made that clear from the beginning. The league's position has always been an ecological one. This is because of the tragedy at Bull Creek. In 1930 Newton Drury strongly recommended in writing that the entire watershed of Bull Creek be purchased. The league did not have the money and had to decide between buying the Douglas-fir on the upper slopes of Bull Creek basin or virgin redwoods in cathedral like groves on the flats in other areas, such as Mill Creek.

In those days before World War II, the railway was such a long distance from the markets of San Francisco that Douglas-fir was considered a weed. It wasn't even counted in a cruise of several hundred acres of redwoods. All of the drier slopes of the upper watershed of Bull Creek were covered with Douglas-fir.

When the fir forests were logged out in Washington and Oregon during the big building boom after World War II, the timber companies went in for Douglas-fir and completely clearcut the upper watershed of Bull Creek. Even that wouldn't have been so bad if there hadn't been what the Army Engineers call a "hundred year" or "thousand year" flood in 1954, which washed down so much of the soft gravel that Bull Creek overflowed and five hundred of the big trees were severely damaged along the stream.

SS: Did the Sierra Club officially approach the league before the club made any recommendations?

RL: No, but I personally, being on both boards, tried to get cooperation between them. I had been in the

RL: Sierra Club's board since 1938 and on the Save-the-Redwoods League's board since 1954. So at the time when this came up, I had been on the league's board a total of ten years. I thought that cooperation was of the greatest importance in order to have the strongest political effect. That's why I feel so badly that the Sierra Club changed its philosophy.

In the beginning there was cooperation as shown by Wayburn's letter to the National Park Service. Then later, I feel, that the antagonism of the Sierra Club was probably a great deal related to Dave Brower's desire to be competitive. He felt a need to have the Sierra Club and Dave Brower recognized as the leaders in the United States in every field of conservation. I felt that attitude harmed the conservation program a great deal.

In December, 1965, Secretary Udall had a very generous idea. He called a meeting of all the leading foundations--the Ford Foundation, the Kellogg Foundation, and many others--to a meeting in his office with Newton Drury and me. His purpose was to get the foundations of the United States to support a redwood national park and agree to put up part of the cost.

In the Washington Post the morning of the meeting Brower came out with a vicious ad. It was called "An Open Letter to President Johnson on the Last Chance Really to Save the Redwoods." The Sierra Club ad appeared as a full page ad that morning--December 15, 1965. Secretary Udall had a copy of the Washington Post, which he held up before the group of fifteen or twenty foundation executives. Udall was so angry that he was red in the face.

The part that Udall objected to and I, as a Sierra Club director, objected to was this: "The Park Service plan (Plan I) was a plan for a real park. We like it. Others do not like it--particularly those who could be intimidated by a powerful industry and its extensive public relations program. Others

RL: and those they could influence, would let the best be destroyed. They would settle for a false-front redwood national park." That was the ad that was signed by President Will Siri, by Dave Brower, and by Edgar Wayburn, then vice-president.

The title of the ad was "An Open Letter to President Johnson on the Last Chance REALLY to Save the Redwoods." The word "really" was put in large italics. Even the title to the ad implied that the Save-the-Redwoods League was cowardly and ineffective. One reason for the charge of cowardice was that the league could not "substantially" attempt to influence The Redwood National Park legislation. Since the league receives approximately two million dollars a year in large grants and gifts from individuals and from the Ford Foundation, the Rockefeller Foundation, and others, the league has to maintain its tax deductibility. The Sierra Club could afford to risk losing its deductibility and lost it six months after that ad was published.

A month later, Dave wrote and sent out to all members of the Sierra Club and all other conservationists that he could get the mailing addresses of, a pamphlet entitled, "Some of the Organizations Helping Really to Save the Redwoods."* He lists in this pamphlet the organizations that were "really helping to save the redwoods"--the National Audubon Society, the National Parks Association, The Wilderness Society, Trustees for Conservation, Citizens Committee on Natural Resources, the Federation of Western Outdoor Clubs, and then he says at the end, "this list omits many organizations, dozens of the national groups, but not because they don't serve a good purpose, but because they are not vitally interested in the redwood national park, or are too tired in their espousal of it so far. The rest of us are trying to encourage them and are seeking your encouragement in the effort."

That annoyed me immensely because I felt that it was again a direct slap at the Save-the-Redwoods

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*See Appendix B, pp. 435-40.

RL: League, which has been effectively in the service of saving redwoods for over fifty years. The league has bought redwoods that are today worth over three hundred million dollars. The Sierra Club has never put in more than about ten to possibly twenty thousand dollars in saving redwoods. With twenty thousand for the Sierra Club and about thirteen million at the time for the Save-the-Redwoods League, it was, I feel, totally insulting to put out that kind of pamphlet to all the conservationists of the nation.

SS: Wasn't Brower personally insulting to Newton Drury on a couple of occasions?

RL: I don't believe so. But Martin Litton encouraged Brower in this way. Litton was very active in the redwood battle. He was a travel editor for Sunset Magazine, and he was also a flier from the time of flying glider planes into battle in the invasion of Europe. One time he took Doris and me and George Collins in his little plane flying over all of the redwoods up there. We landed on a meadow beside a beach, beneath King Peak on the coast. We had to chase some sheep off the meadow and circle it again before we could land. I remember that one of the flock was on its back with its legs waving in the air, and I thought my goodness we have broken its leg and went dashing over to it. It turned out that it was so fat that when it got on its back it could not get back on its feet again.

Litton was a dangerous person; still is, except he goes off the Board of Directors of the Sierra Club in May, 1973. While still a member of the Council of the Save-the-Redwoods League, he stated before a large audience at a Board of Directors meeting of the Sierra Club, with about a hundred people present, including the U.S. Forest Service, National Park Service, state parks people, and many other conservationists that, "Newton Drury has destroyed more redwoods than any of the lumber companies ever had." I have always held that against Litton. He was a very bitter person in battles of this kind. He was, I feel, unfair, and he harmed the political effectiveness of the Sierra Club and the groups that he decided to align with, by overstatements of that kind.

RL: I assume that what he and Brower, too, meant in this slander that I just quoted was that Newton Drury and the Save-the-Redwoods League had never called the lumber companies vicious names and had never stated that the timber men were deliberately wrecking the redwoods. Instead, Drury had simply gone about his work of trying to persuade owners of the timber, like Pacific Lumber Company, to hold the trees until the league could get the money to buy them at fair market value on the date that the league was able to get the money. That is the fair thing that has to be done.

SS: I think that some people have felt or stated that if the league had spent that money and used the power that it had at its disposal to force the federal government to create a redwood national park that they would ultimately have saved more redwoods. Do you agree that this is what they were using as a rationale?

RL: It could be. I don't think that that was Litton's theory at the time. Litton was simply referring at the time to the fact that Newton Drury is not a contentious, bitter type of person. So Litton and Brower got the Sierra Club's redwood park campaign into the bitter frame of mind.

I think that this harmed the cause immensely because the Kuchel bill of early 1966 was a good bill. It had the support of President Johnson and provided for the purchase of the entire watershed of Mill Creek plus the "Tall Trees" and fourteen hundred acres of Redwood Creek for a figure of about sixty million dollars. With the cooperative support of the Sierra Club and the league we could have gone ahead and passed that bill. But the Sierra Club started to ridicule it.

SS: It was my understanding that Mike McCloskey was the staff man in charge of the redwood issue, rather than Brower.

RL: I don't know. It has always been difficult for me as an officer of the Sierra Club really to keep track of who writes these various things and who should have

RL: the credit for the good part of it or the blame for the bad part. That pamphlet I referred to, of January, 1966, which was sent out to all the conservation groups and the members of the club, was signed by Dave Brower as executive director of the Sierra Club. That is all it says. It doesn't refer to the fact that William E. Siri was the president. I always felt that Siri did not know of the pamphlet before it was sent out and is therefore innocent.

But the ad in the Washington Post, which also appeared in the San Francisco Chronicle, New York Times, and all over the country, carried the names of William E. Siri, president, Edgar Wayburn, vice-president, David Brower, executive director, Michael McCloskey, conservation director, and "most of our thirty-five thousand members all over the country." So Siri and Wayburn have taken the responsibility for the ad. Or again it may be that they never saw it, because so often Brower would publish these things with people's names on them, but they would not have seen them in advance.

SS: What was the reaction of the board after these came out?

RL: Well, I will have to get to that later when we discuss the Brower issue. One of the reactions was a letter, in April of the next year, by every living president of the Sierra Club, including great names like Horace Albright, Robert Sproul, and other honorary vice-presidents, demanding that the board of directors fire Dave Brower for his contemptuous way of conducting conservation campaigns.

I felt that these ads were part of the problem. Another one that he put out, in July of 1967, was "Mr. President, there is one great forest of redwoods that is left on earth; but the one that you are trying to save isn't it."* Again you see, it was insulting to Udall and the President because they were trying hard to save the redwoods. At that time

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* New York Times, July 17, 1967, p. C-17.

RL: the forest they were trying to save was Mill Creek. They were trying to follow the ecological theory of a complete watershed.

The Save-the-Redwoods League's Tax Position

SS: What was the Save-the-Redwoods League's initial reaction to the revival of the issue of a redwood national park?

RL: The league, of course, was completely in favor of it. As early as 1919 the league appointed a committee on a redwood national park with Dr. Gilbert Grosvenor as chairman.

SS: Would you say that they were enthusiastic?

RL: Yes. And I set up meetings with the Sierra Club leaders soon after the Park Service report was published in 1964 to try to get the Sierra Club and the Save-the-Redwoods League to work together. At the request of the National Park Service for advice, the Board of Directors of the Save-the-Redwoods League passed a resolution in April, 1965, unanimously favoring the Mill Creek watershed in addition to Del Norte Coast and the Jedediah Smith State Parks as a redwood national park.

A great difficulty for the league was that the tax laws of the United States provide, I think wrongly, that tax-deductible organizations can not provide information to Congress on issues of this kind. Georgia-Pacific spent hundreds of thousands of dollars on lobbying against the redwood national park. I, as a stockholder in Georgia-Pacific, with one share out of fifty-five million, got these requests from the president of the company to write to Congress to stop this terrible park that was trying to steal all of their timber. And they have timber all over the world. The redwood portion of it is less than one percent of the company's total holdings. But they could spend all the money they wanted to fight against the park.

RL: So Congress doesn't get the complete picture, except through organizations like the Sierra Club, which was willing to take a chance on its tax deductibility, and at the time of the battle for the redwoods national park the club was tax-deductible. This redwoods battle was later counted against the club by the Internal Revenue Service when the Grand Canyon battle brought the tax issue to a head, and the Internal Revenue Service canceled the tax deductibility of the Sierra Club.

A great deal of my law practice has been tax law, and I am president of the Conservation Law Society of America. So I had to advise the Save-the-Redwoods League that it could not possibly take the chance of losing tax deductibility such as the Sierra Club could.

The Sierra Club is actually much better off today without deductibility, because it is getting more money than ever before through the Sierra Club Foundation, which is tax deductible, but the club's operations and dues are not taxable. The outings are self-supporting; the books lose money. Everything the club does comes out without a tax anyway.

The league, however, has obligations to the Ford Foundation and the Rockefeller Foundation, since foundations can not give money to another corporation unless it is tax deductible. Neither can the people who are willing to put in fifty to one hundred thousand dollars for memorial grove.

Howard Zahniser used to say that it was unfair and somewhat indecent for people to shop for tax bargains. I said, "No; Russell Varian had several million dollars in his estate when he died. I drew up his will. Russ had various interests, and Russ had to decide that if he gave a hundred thousand dollars to an organization that was not deductible, fifty thousand of it would go to Uncle Sam in taxes and there would only be fifty thousand left to do the good work. One of the other programs that he was interested in could easily use that fifty thousand extra, so he would give a hundred thousand to them and, being tax-deductible, the whole hundred thousand would go to good work."

RL: At any rate, the Save-the-Redwoods League's Board of Directors agreed with me and insisted that the league would not take any part in the legislative battle except as permitted by tax law when requested by committees of Congress, the National Park Service, or some other governmental agency. So the Sierra Club, you see, could battle in its wild, strident way for a particular objective like Redwood Creek, and yet the league could not present to Congress the higher values that were important in the complete Mill Creek watershed.

Having been in the conservation field so widely and so long, I still feel that basically the position of the Save-the-Redwoods League was sound, that a total watershed is far more valuable in the long run. It has proven out on hindsight, because now the Redwood National Park has only this tiny strip up Redwood Creek to the Tall Trees area. The trees on their tiny peninsula in Redwood Creek probably won't last more than a few decades with everything clear cut around them, and with the stream rising because of the clearcutting so that it is much more subject to flooding. Those trees are on a bend in Redwood Creek, which has a little flat with enough soil for them that will be washed away sometime in one of the floods and the trees will go down.

Redwood Creek is about sixty miles long, and the upper part of it isn't even exceptional national park quality, except that it is beautiful open grass lands with oaks and other native trees. One can not hope to control the whole of Redwood Creek. We could not even hope to get all the redwoods that are there, under present-day prices.

Legislative Taking

RL: Fortunately, the theory of the Redwoods Act as passed by Congress is something new. The "legislative taking," as it is called, whereby the United States took title to the entire area within the boundary as of the date of the signing of the bill on October 2, 1968. There is an immense amount of confusion over

RL: this. I serve on the governor's Redwood Park Special Study Commission, to try and work out some kind of cooperation between the state parks and the national parks. Even some of the people in the State Parks Department keep saying that the federal government has never bought all that land.

Well, they have; they bought it all in 1968, and they bought it at 1968 prices. Whereas, at Point Reyes and a number of other national parks, when they establish the park and it takes ten or twenty years to acquire the land, the acreage naturally goes up in value because there is progressively less of it in private hands, and because it is more desirable for a summer home to have it near an area that is going to be preserved as a national park than it is to have it in an area that is subject to unknown future adverse development. There is an attraction to a national park. Secondly, all land prices in California are tending to go up because of population pressure.

Well, the price of the redwoods has gone up now. The value of the redwood stumpage was somewhere between fifty and sixty dollars a thousand in 1968. It was quoted to me just a week ago by Arcata that stumpage was a hundred and twenty-five dollars a thousand for a short period, in part because they are exporting so much to Japan. The Japanese are buying to build houses and so forth, and they have the money. So we have a shortage of redwoods. Redwoods are like oil, they are disappearing as the loggers continue to cut. Eventually, the loggers will get second growth, but second growth doesn't have the same lumber value as the original, virgin growth does. It is softer because it is grown more rapidly.

So the price of a hundred and twenty-five dollars a thousand could easily have been the price for the Redwood National Park in 1968 if it had not been for that brilliant idea. Either twice as much money as originally authorized, or half as many acres and trees for the national park. I have never yet heard who thought up the concept of legislative taking. It hasn't been used since then, which is strange because there have been a number of national parks created

RL: since 1968. This is partly, of course, because of some uncertainty as to the final purchase price.

For instance, in the case of Arcata Redwood's holdings the National Park Service and the government appraisers claim that the land and timber are worth about sixty-one million dollars. But Arcata says they are worth about a hundred and twenty-six million. Arcata is fully protected, because it can sue, as it has, in the Court of Claims and get interest since 1968 on the amount involved up until that time it is paid. When it is finally adjudicated then Congress morally has to pay it whether it likes it or not. Congress has never yet refused to pay a debt of the United States, and, of course, it will be an adjudicated debt when the court makes its final decision.

It is interesting that the provision for payment of interest has been very good, too. Since the interest is running at several million dollars a year on the total of ninety million that is involved in the park, Congress has been anxious and willing to appropriate the money to pay for the land in order to stop the interest.

SS: Didn't Congress make it clear in the legislative history that legislative taking was not to be considered a precedent?

RL: Yes.

SS: Because there was opposition to the idea.

RL: I still think that it is a very fine method. I will have to agree that we would probably get less national parks that way because Congress has to decide each time that there is enough money or flexibility to eventually be able to pay for it. What they do now is approve areas like Point Reyes or Padre Island in Texas, and then the park drifts along for many years before it is completed. I don't worry about that too much though because the Land and Water Fund, as long as the President will spend it, provides three hundred million dollars a year for the purpose of gradually buying up lands that are

RL: needed for the national parks that have been authorized. Someday we will catch up.

The Wilderness Society's Position

SS: I gather that you fully agree that Mill Creek was superior to Redwood Creek?

RL: Very strongly.

SS: And that getting the Redwood Creek would be feasible?

RL: Yes. And I know both areas well. A strange thing happened as to the position of The Wilderness Society. This shows up in Newton Drury's interview by Bancroft Library. I was elected to the Council, the governing board, of The Wilderness Society, in 1948 to take the place of Aldo Leopold. The society has its annual meeting of the council in a different wilderness area every year. That way the directors have a better knowledge of wilderness on the ground than those of any other conservation group in America.

In 1967 during the height of the redwood national park battle we met in the desert in the Organ Pipe Cactus National Monument and then into the Cabeza Prieta Wildlife Range of Arizona on the Mexican border. We met in the desert after a full day's discussion about the redwoods on a ranch at the edge of the desert and debated redwoods again for about three hours.

The principal arguments were between Dick Leonard as vice-president of the Save-the-Redwoods League and George Marshall as president of the Sierra Club. George Marshall was one of the founders of The Wilderness Society and the only person who has been president of both The Wilderness Society and the Sierra Club. He became president of The Wilderness Society after the meeting at which the redwoods were discussed.

George felt sincerely that it was important to get as many redwoods as possible, as large an acreage

RL: as possible, and many miles of stream with redwoods. He believed that was more important than trying to get the entire watershed of Mill Creek.

Of that watershed, probably a half to two-thirds of the available area outside the Jedediah Smith State Park had already been cutover. I have been on the ground and have seen it as it has been cutover. The company had only taken the very large trees of about eight feet and larger. There were trees up to five and seven feet in diameter standing throughout the whole of Mill Creek above the park. It was a beautiful area and would soon come back to a point where it would take a good botanist to tell whether it had been logged or not. In other words, it was not clearcut; it was selectively cut.

George argued for Redwood Creek, and Dick Leonard argued for Mill Creek. Both of the debaters were sufficiently convincing that the council finally said--there were about thirteen others present--that if our experts on this subject in California can't agree, that we ought to have both. We should have Redwood Creek and Mill Creek. I said, of course, that is going to cost more--about two hundred million dollars. But that is only one dollar per person in the United States. So the Council of The Wilderness Society formally adopted a resolution that The Wilderness Society supported a redwood national park consisting of the entire watershed of Redwood Creek from Bridge Creek on down and the entire watershed of Mill Creek.

And then, doggone it, Stewart Brandborg, the executive director of The Wilderness Society and a very capable, brilliant fellow who has always followed the directions of the board of directors faithfully--far more so than Dave Brower--testified in favor of Redwood Creek alone. He told me afterwards he felt it was necessary to trade Mill Creek off for political support of about thirty-seven congressmen, who were supporting bills favoring the Sierra Club portion of Redwood Creek. He considered this was necessary in order to get the support of Congressman Cohelan and others for the Cascades National Park and some other wilderness bills that The Wilderness Society wanted. So Brandborg never

RL: came out for both of them, as the council had directed, but testified and argued for Redwood Creek only.

When I learned of that I called Harvey Broome, the president of The Wilderness Society, and protested. Broome was a lawyer in Knoxville, Tennessee. Broome said that the executive committee of The Wilderness Society realized Brandborg's action was a violation of the council's orders and had already lectured Brandborg severely for having done that.

Probably it was support for Redwood Creek from all over the country that finally brought about a compromise in the redwood national park bills. A compromise on any subject is hardly ever satisfactory to either side and often times not satisfactory to posterity either. I believe it was wrong in this case. I think that the portion of the Redwood National Park in Mill Creek is only a connecting corridor from Jedediah Smith State Park to the rest of the national park. The portion of Redwood Creek had much left out of it in order to come within ninety million dollars.

The Interior Committee raised the amount authorized for the park from sixty million to ninety million, and so the Sierra Club and many others figured that was a great victory. But the final compromise bill spent thirty million extra, and we could have had the entire watershed of Mill Creek for sixty million in the Kuchel bill for the Administration . Instead the Sierra Club got part of Mill Creek and a poor part of Redwood Creek for ninety million almost three years later.

The Mill Creek Watershed Preferable

SS: Was there any talk within the Save-the-Redwoods League of giving in and completing Mill Creek on its own?

RL: No, but the league still has plans to purchase the rest of the Mill Creek watershed just as it bought the Bull Creek watershed. In fact, Ralph Chaney, the president of the league, was so intent on purchasing Mill Creek that he insisted on saving up for the thirty-six million dollars that would be required to do it and not spend a dime on anything else.

Mrs. William Stout gave the Stout Grove at Jedediah Smith State Park and altogether has given the league eight hundred thousand dollars over the last ten years. She gave the league enough to buy the land underneath the shacks in front of the great Avenue of the Giants along the Eel River. They were all wiped out in the flood of 1954 and again in 1964. She wanted to purchase the land before more of the shacks were built up again. She made a gift for that purpose only.

Ralph Chaney refused to accept the gift for that purpose. He said all money had to be saved for Mill Creek. That's how important he felt Mill Creek was. The board of directors overruled him six to one, and he threatened to resign as president. Fortunately, we talked him out of it. He died while he was still president.

SS: Wasn't Mrs. Stout the one who gave most of Mill Creek that is in the park?

RL: Yes. She is the widow of a redwood lumber company president.

SS: During the discussions of Redwood Creek versus Mill Creek, was there any consideration in your mind as to what the purpose of a national park was? Obviously, Redwood Creek would have had quite a wilderness character because it was bigger, whereas Mill Creek had higher quality redwood.

RL: I am glad you asked that question because I was going to come to it at some point in our discussion. My wife and her partner were in charge of the first World Conference on National Parks in 1962. I was rapporteur-general of that conference and then one of the rapporteurs for the second World Conference

RL: in 1972 in the Tetons. That organization and the United Nations published a list of the national parks of the world; as of 1971, there were 1,204 national parks on earth. The Redwood National Park is not one of them.

The reason the Redwood National Park is not included is not through oversight. It is mentioned but does not meet the international requirements for a national park. First, the best of the area is not under the control of the supreme legislative jurisdiction of the nation. In other words, the fine Jedediah Smith, Prairie Creek, and Del Norte Coast State Parks--the finest parts--are not under the supreme jurisdiction of Congress. The Redwood National Park, which is under the supreme jurisdiction, is not of sufficient quality in the area outside the state parks to qualify as a world national park.

It illustrates to my mind that if it had been Mill Creek alone, along with the authorization to add Del Norte and Prairie Creek to it as adjacent areas, I believe that it would have been a true national park on the world standards. That is the trouble with a compromise. You get only a poor park on Redwood Creek and a somewhat adequate park on Mill Creek. You don't get enough of either one to make the park of world quality.

Park Impact on Local Economy

SS: Did you fear, during the redwood park controversy, that an unrealistic park plan would have, if it failed, crippled the league's program?

RL: You mean if the Sierra Club had tried to take too much?

SS: Yes. Was there a fear on the league's part that the Sierra Club's aims, if unrealistic and if they failed, might reflect upon the league?

RL: I think that Newton felt that way; I don't feel that I did. Newton is genuinely concerned about the local

RL: people and the timber companies being protected. I believe he is sincerely concerned about the tax protection for the local jurisdiction. Over and over again in years past and during this redwood national park battle, the league's board of directors urged that in-lieu taxes be authorized to counties that were going to lose their timber land to the national government. We all say that the local people are going to make money in the future, but that is kind of an unsure pie-in-the-sky.

I think the best example is Teton County in Wyoming where the idea of the Teton National Park was fought very bitterly. Finally, Congress provided for a ten-year payment of taxes to the county decreasing by one tenth each year until it was phased out. It has been proven very clearly that the total taxes to Teton County are far greater now than they were before the park. Primarily, this is because of the tremendous increase in travel through the Tetons and Yellowstone, which brings additional motels, stores, ski-lifts, and other things in the towns of Jackson, Moose, and some of the others.

SS: Weren't you and the Conservation Law Society involved with the tax question in the redwoods? Didn't you make efforts to find out how much actual loss there would be and whether or not compensation would be possible?

RL: The Department of the Interior, either directly through their own appropriations or maybe with money from one of the foundations, had studies made by Arthur Little and Company as to the expected income in the future and also the loss of taxes. Those studies indicated, I am sorry to say, that things would be better in 1973 than they really are.

Part of the difference has come about because the bill was a compromise. The tourists are immensely confused as to what is state park and what is national park. They go up there with their Golden Passport, and they find they can't get into Prairie Creek or Jedediah Smith without paying a separate fee to the state. They can camp in the state parks, and they can't camp in the national park.

RL: I think also the administration made a bad mistake in spending six hundred thousand dollars for an administration building in the city instead of putting that same amount of money into developing campsites and so forth in the national park areas. Serving on the governor's Redwood Park Special Study Commission, I have noticed a lot of protests.

The Governor's Commission on Redwood Parks

RL: That commission by the way has been a very good thing. It was established by Governor Reagan on March 13, 1969, about four months after the act of Congress creating the Redwood National Park. Norman D. Livermore, Jr., known as Ike Livermore, secretary of Resources persuaded the governor to set this commission up.

I would like to briefly indicate to you the excellent balance of interests on the commission. The chairman is Thomas A. Black, who is an attorney in Santa Cruz. He is attorney for the Big Creek Lumber Company [redwoods] and also was chairman of the Santa Cruz County Board of Supervisors. There are, of course, a lot of redwoods in that county--in Big Basin State Park, which was the first of our state parks, and in commercially logged redwood acreage. Another member is from the other end of the state; Guy E. Rusher is the chairman of the board of supervisors of Humboldt County, which, of course, has most of the Redwood National Park. So there you have the chairman of the boards of supervisors of two of the counties, at each end of the state, that are in the redwoods.

C. Russell Johnson, president of the Union Lumber Company at Fort Bragg, which is now owned by Georgia-Pacific, is on the commission. His redwood firm had a large acreage of redwoods south of the park; he knows redwoods from the timber point of view.

Whitford D. Carter is chairman of the California Board of Forestry and knows the forest side of the

RL: problem. Next to him is Harry E. Sokolov. Sokolov is an attorney for 20th Century Fox, but he also is former chairman of the State Parks Commission. So there you have supervisors, state forestry, and state parks. Then you have Lawrence C. Merriam of the National Park Service. He was superintendent of Yosemite and regional director of the National Park Service.

Finally, there is Dick Leonard as president of the Conservation Law Society of America. In most of my work with the state and federal government I use that hat rather than Sierra Club or Save-the-Redwoods, or Wilderness Society [Laughter], because it is not a controversial hat to wear. So you have seven there, and they are fairly well balanced. We have been operating for four years as of our last meeting in February of 1973.

SS: You don't have any raving radicals on the commission then?

RL: Not a one. No anarchists, no activists, but you notice that I am a Democrat, and Reagan is a Republican. I was probably nominated by Norman B. Livermore, Jr. He must be one of the more remarkable men in government. He was on the Sierra Club Board of Directors for ten years, stopped a $500 million dam on the Eel, and yet has stayed in office longer than any other member of the state cabinet.

The commission had a series of meetings. We went up to the Redwood National Park and, through Lowell White, the chief ranger there, who is now the superintendent of the Cascades National Park, we visited every part of the Redwood National Park. Of course, most of us had visited all of the state parks in the area before, and I think we visited again on that trip three years ago.

By the way, this was all volunteer for all of us. I had to pay my own travel expenses to Eureka and hotel bills and everything else. The governor said, very bluntly, in appointing me, that the state had no money to pay for expenses but that he would appreciate it if I would serve. So I figure that

RL: this is, with my experience, a valuable opportunity to try to influence the relationship between the state park and the national park and I am trying.

The strange thing is that none of the four superintendents of the Redwood National Park have ever met with the commission. The first sent the chief ranger. We invited the next superintendent down to a meeting of the commission in Sacramento. They have had four superintendents in four years, just as they have had five superintendents in six years at Yosemite. It is bad to have such a rapid turnover. Anyway, the second superintendent sent his chief ranger again to Sacramento. The superintendent of the Redwood National Park has never yet met with this commission that was set up to get cooperation between the federal government and the state.

SS: If those superintendents refused to meet with you, it might have been official policy of the National Park Service.

RL: It might have been or, maybe, that is one of the reasons why they were removed as superintendents. It's hard to say.

The present superintendent, John Davis, Jr., is a second-generation park man. His father was superintendent of Yosemite and served on the Yosemite Master Plan with me for four years. I met John Davis, Jr., just a few months ago after commenting to the regional director of the National Park Service here that none of the superintendents had ever met with the members of the commission. John Davis, Jr., had never met Newton Drury either. So he came here to my office, with the regional director, and went across the street to Newton Drury's office. But something was wrong in the refusal of the National Park Service to meet with the state.

In October, 1972, the Department of the Interior announced that it had signed an agreement with the State of Wisconsin as to the administration of the Ice Age National Scientific Reserve. That is an area that shows the results of the last big advance of continental glaciation when glaciers came from Canada all the way down to central Wisconsin and then

RL: retreated ten thousand years ago.

There are six state parks in the reserve, including ponds and gravel beds and so forth, and the federal government put in enough money to get nine more areas. There are now fifteen areas scattered over maybe a hundred miles or more. It is kind of like the Redwood National Park. So the state and the federal government agreed that the state would administer all those 32,000 acres and that the federal government would provide seventy-five percent of the cost of developing campgrounds and capital developments and fifty percent of the annual operating expenses.

The next week I sent a copy of the Interior Department release to all the members of the governor's commission and suggested that when we met on November 14, 1972, we take up that subject. So, we did. I made a motion--which you can use as an appendix--that for several reasons "the Redwood Park Special Study Commission recommends that management of the Redwood National Park and the Redwood State Parks of the State of California be negotiated on a cooperative basis."* That was unanimously adopted by five of us who were there with Lawrence Merriam abstaining.

Merriam lectured me all the way home in the car that he just didn't feel that the state government knew enough about interpretation to be able to handle it. I told him, you are not going to get Governor Reagan or the state government under present political conditions to give the state parks to the federal government. And the Save-the-Redwoods League does not approve of that transfer unless redwoods of somewhat equal value are acquired from federal appropriations to bring in the rest of Mill Creek and the rest of Redwood Creek to make a really good Redwood National Park. I pointed out, you are also not going to get the State of California to allow the national government to operate the state parks.

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*See Appendix C, pp. 441-43.

RL: So since the state parks have had so much experience in managing redwood parks and are doing a good job, and since we have this agreement with the State of Wisconsin that shows that it can be done as a matter of politics, I would recommend that as one way to get unified management. We all agreed that you need unified management. Having it run by two different agencies is confusion to everybody--local people, the tax people, the tourists.

That is my solution. I had in the resolution that it should be done on a cooperative basis "similar to Wisconsin," but Sokolov took that out stating that the State of California should stand on its own and not try to imitate Wisconsin.

Lawsuits against the Sierra Club

SS: During the course of the national park controversy wasn't the Sierra Club threatened with a lawsuit by the lumber companies?

RL: They may have been. I think the club was particularly concerned with libel at the time of the rather bitter action in Congress when bills were introduced to force the lumber companies to stop logging until Congress could decide the question.

Of course, I had expressed an opinion as president of the Conservation Law Society that forcing timber companies to stop logging still came under the protection of the Fifth Amendment to the Constitution, that private property could not be taken without just compensation. Thus the federal government would have to pay for the delays and for the fact that to call off your crews and then put them back again could amount to several hundred thousand dollars. The conservationists all felt that would be a small payment to save the redwoods; I did also, and probably Congress would have agreed.

At any rate, the timber companies, I think, were extremely wise in finally agreeing voluntarily to

RL: stop the logging, because I believe the bill would have passed and then they would have been cast as mean devils, whereas they could at least get some credit for having stopped voluntarily. My memory was that it was in that sense that the suit was threatened.

You have to realize that the Sierra Club has been sued for several million dollars in connection with recent timber arguments with the Department of Agriculture and the Forest Service. In those cases the Sierra Club sued the Forest Service to stop logging on wilderness areas that have not yet been timbered. So a timber company filed suit against the Sierra Club to recover damages for interfering with the company's timber contract. The judge held that the Sierra Club is protected by freedom of speech in its suit against the government. The decision also held that the timber company would have to recover damages from the Forest Service for contract failure, and not recover from the Sierra Club.

But filing suits has become rather common now. A developer in Sacramento was stopped by the local Sierra Club chapter from a bad development out in the county, and he sued the individual leaders for eight million dollars. He did not sue the Sierra Club; he sued the poor little young folks, and it cost them about twelve thousand dollars to defend it. Finally, the judge threw it out. But the tragedy of law suits is that it can cost twelve thousand dollars to defend an improper suit for purposes of intimidation.

So lawyers up in Sacramento volunteered their services to help. The costs were in connection with getting testimony and so forth. The Sierra Club Foundation received funds, and we made grants to help. My guess is that the young folks probably had several thousand dollars to put up themselves. Thus just the possibility of such suits has the "chilling" effect on freedom of speech that the Supreme Court of the United States is trying to prevent.

Conservation Associate's Park Plan

SS: What was the position of Conservation Associates on the redwood national park?

RL: They had their own plan, a very good one, that Newton courteously refers to in his chronology. He shows it as November 15, 1965. About six months later, on June 1, 1966, Conservation Associates published a thorough eighty-page report reviewing the seven other national park proposals that were under consideration at that time. The proposals of the Administration and the Save-the-Redwoods League for a Mill Creek watershed national park and of the Sierra Club for Redwood Creek seemed hopelessly deadlocked. In fact, it took more than two years longer to work them out. Conservation Associates therefore proposed to break the impasse with a recommendation of a superb national park "from the redwoods to the sea."

Their proposal started with the Humboldt State Park of about forty thousand acres, half of it superlative old growth redwoods. The seacoast would include thirty thousand acres of federal land which lies eastward of King Peak, rising precipitously four thousand feet right out of the ocean. Conservation Associates then planned to connect the Humboldt Redwoods to the sea by the Mattole River corridor of about sixty thousand acres. This river valley is gentle open grassland, Douglas-fir, and madrone with excellent camping.

With the acquisition of sixty-six hundred acres of unprotected old growth redwoods near the existing state parks to the north, the plan of Conservation Associates would have provided a Redwood National Park of one hundred and forty-five thousand acres at an estimated cost of $34 million. It would make a very beautiful park.

Both Newton Drury and I, being a little prejudiced, agreed with Doris that this was an excellent program. But we believed it was not politically possible, primarily because we would not be saving as many new redwoods as the other plans would. The

RL: plan of Conservation Associates would be including redwoods that had already been saved by the league and the state and adding on Bureau of Land Management lands. It would take many million dollars to buy up the ranching land in between.

If their plan had gotten through I think that we would have had a much finer national park than now exists. But it would have lost all the trees on Redwood Creek and part of those on Mill Creek that were acquired under the national park. In other words, the ten thousand acres of virgin timber that was acquired in the national park would have been lost if we had bought this ranching land instead. Keep in mind, however, that the plan of Conservation Associates would have acquired two-thirds of that virgin timber. It was a brilliant idea, and they were hoping that maybe with the deadlock between Redwood Creek and Mill Creek their proposal would be adopted.

Schism in the Conservationists's Ranks

SS: When the Sierra Club and the Save-the-Redwoods League reached the position where they knew they could not save both areas, weren't there moves within each group to try and get together, for one of them to give in, knowing that they were raising havoc with the cause?

RL: I called at least two conferences for that purpose, between the leaders of the Sierra Club and the league. Newton Drury, Lawrence Merriam, John Dewitt, and I were present for the league. Wayburn, Brower, and McCloskey were present for the Sierra Club. But we never got anywhere. The original proposal of 1964 that Wayburn had made for both of the watersheds, he finally felt was not politically possible, and modified it to try and insist on Redwood Creek alone.

Then, as you can see, Brower's full-page ads in the newspapers ridiculed the Mill Creek proposal severely, because that was the Administration's bill

RL: at that time. It was the Kuchel bill. Kuchel was the minority leader of the Senate and so had a lot of influence. So the Administration, the secretary of the Interior, and the President supported acquisition of the entire watershed of Mill Creek plus the Tall Trees on Redwood Creek for sixty million dollars. That is when Brower ran his ad, saying, "Mr. President, the one you are trying to save isn't it." We felt that kind of attack would end up without getting any bill at all.

SS: There must have been a lot of people within the Sierra Club, like Horace Albright, who wanted the club to change its course.

RL: He did. But, of course, he doesn't have much influence in the club anymore. He is too far gone in time. I apparently did not have much influence with the Sierra Club either [Laughter], even though I was the senior member of the board. However, I was able to get The Wilderness Society to agree to both proposals [Laughter].

SS: Wayburn, then, was not anxious to work out a compromise?

RL: No. He began to firm up on Redwood Creek. I think Brower convinced him that you had to select one. I am not sure who had the political influence. Brower has to be given credit for it, I guess, because he was able to get Cohelan, who is a very liberal congressman from Berkeley, to put in a bill for Redwood Creek alone.

Then Cohelan and Brower were able to convince forty other congressmen to put in identical bills for Redwood Creek. Brower also got seventeen senators to join in a bill to that effect. One senator who aided was Senator Metcalf of Montana, who had been a justice of the supreme court of Montana before he went into Congress and who I think is one of the best conservationists in the Senate. He is a very fine person. There are a number of others.

They got Congressman Saylor, for instance, to join with Cohelan. Saylor is the senior Republican on the Interior Committee of the House. The Sierra

RL: Club did a magnificent job on that. Because of the tax laws, the Save-the-Redwoods League couldn't do any of that at all. It was a one-sided battle. I think the Administration was finally convinced that the Sierra Club had done such a good job in Congress that they couldn't pass the Kuchel bill, and so the Administration finally compromised.

Newton Drury makes it clear that in the final conference of the committee that wrote up the bill, the league was never consulted. I don't know whether the Sierra Club was consulted or not. Wayburn can probably tell that.

You should interview Wayburn on the Redwood National Park and a number of other things. He has an entirely different viewpoint. You should have it to balance Newton and me and find out why the Sierra Club did what it did and why the situation came out only partially the way the Sierra Club wanted it to.

The compromise was surprising to both the league and, I think, the Sierra Club, because to take part of Mill Creek and part of Redwood Creek really wasn't logical. The description of the boundaries was so bad, I understand, that they haven't as yet completed a survey.

I have seen the boundaries up there, and they put up nice enamel signs saying "National Park Boundary." They put those all around. But it is difficult in some cases to determine from the language of the bill just where the boundaries are supposed to run. I know that Newton has said that the boundaries were not logically drawn.

The league has bought quite a few parcels of land, probably not more than four or five hundred acres altogether. But it is very fine timber along the edges of the national park boundary. But these areas cannot be part of the national park until another act of Congress. We are prepared to turn them over to the state park system and the state park can hold them. Some day, if they are ever turned over to the federal government, there will have to be another act of Congress to change the boundaries.

SS: Isn't it true that most of the conservation organizations went with the Sierra Club?

RL: Yes. I think because they really didn't know. For instance, the Board of Directors of The Wilderness Society said that if the two experts, George Marshall and Dick Leonard, both of whom they respected highly, had totally different viewpoints, how could a board of directors in Washington decide the question?

SS: Didn't the Garden Club of America support the Sierra Club?

RL: I think so.

SS: Aren't they one of the biggest contributors to the league?

RL: They are. They provided that beautiful Canoe Creek area on the south side of Bull Creek. I think, again, that this was because the league was not permitted to lobby. Newton felt that he couldn't even attempt to lobby with other conservation organizations.

SS: The National Wildlife Federation neither supported the bill or the Sierra Club's position, did they?

RL: I don't recall. But they often differed from the Sierra Club. In part I think this is because they originally were a hunting group and became much broader in interest much as the Audubon Society was originally a bird watchers' group and has become an environmental organization.

Every so often we run into trouble. For instance, the Committee on Wildlife of the Sierra Club recommended that the Sierra Club oppose all hunting. Sherwin had to fire the chairman of the committee because the chairman had made a public statement to that effect when the board of directors had not yet approved it. Sherwin had recommended against approving that kind of policy.

I feel somewhat opposed to a policy against hunting, too. I had qualified "expert" in both rifle and pistol in the army, and I spent fifteen months in

RL: Burma on Japanese combat intelligence, although the only hunting I did there was Japanese and some jungle fowl, some little chickens for dinner. I don't object to hunting quail, rabbits, or deer--anything that will run and try to duck. For one thing they have alot of reproductive capacity and for another they don't stand still.

But when people proudly say that they have killed tigers, lions, or elephants with a gun that would stop a Japanese tank, it makes me bitterly angry. I could see in India tigers much too proud to get away--the same with an elephant--and I think that kind of hunter's bravery is just despicable braggadocio.

SS: Did anything indicate that there was not always a united front among the lumber companies? Didn't Miller of Miller-Rellim cooperate with the Sierra Club at times?

RL: I don't know as much about that as Newton does since he was in much closer contact with them. I do have the impression that the counties were not united. In other words, Del Norte County might be happier if the parks turned up in Humboldt County and vice versa.

That was one of the political weaknesses of the two stands of the Sierra Club and the league. The league proposal for Mill Creek ended up in the smallest county and would do the most short-term economic damage to the local people. I don't think the league was particularly criticized for that or that the park has hurt the county since then.

Parklands Threatened by Path of the Auto

SS: It seems easier to protect preserved lands if they are acquired in a method similar to the league's. In other words, when private interests are heavily instrumental in an acquisition, they can claim, sometimes, even legal protection for the land preserved. When the government accepts such an acquisition, it has an obligation to continue the protection.

RL: That has been particularly true up in the Mill Creek area where the Jedediah Smith State Park was purchased with funds given in trust by the league and matched by funds that were provided under an amendment to the California Constitution that provided eight million dollars for purchase of redwood parks.

The Division of Highways had a two-lane road, the original road to Oregon, going through the park. Traffic has now increased to the extent that the road has to be widened to a four-lane freeway. So the state was simply going to widen the present road out to four lanes, cut down the requisite number of trees, straighten out all the curves to make it nice and straight, and that would cause more trees to be cut.

The Save-the-Redwoods League and the Conservation Law Society informed the state that the league would file suit on the ground that the lands were purchased with trust funds under the constitution and by funds given by donors for park purposes and they could not be used for highway purposes. That created enough doubt in the Division of Highways so that they made further studies and gave the league time to get public hearings on it.

The county each time came out for having the road as straight and as fast and as soon as possible, regardless of the trees. Gradually, we were able to persuade the Division of Highways to plan other routes, and they finally came up with five different routes. Through the work of John Dewitt and Newton Drury, the board of supervisors of the county reversed itself, finally, and agreed on a route that went around the edge of the park and never touched any of the trust-fund lands. I think that you are correct that that principle was successful and has been in others, too.

SS: Wasn't there a similar situation involving the Ford Foundation and the proposed freeway through Prairie Creek? The Ford Foundation contacted the President and asked how the highway commission could put a road through the redwoods that the Ford Foundation had just donated to the State of California.

RL: The state has agreed not to go through the redwoods there. James N. Moe, the present director of the

RL: Department of Public Works is a very fine young man. I think he was thirty-three when he was first appointed by Governor Reagan. I served with him for six years on the Scenic Highway Commission. The reason I went up to Sacramento every month and spent that much time was that he and others of the highest authority in the Division of Highways would come and tell us how much they loved scenic beauty and scenic highways, and, after a few years, they started to believe it.

And so they have agreed that they will not widen the present highways within the parks. They have agreed to this even though in the earlier days legal-minded people of the Division of Highways claimed that since their right-of-way was two hundred feet wide and the road was twenty feet wide they would just widen the road within the two hundred feet. Of course, the two hundred feet was not originally supposed to be occupied by the whole road--they always have some extra. They agreed in more modern times that that argument was silly.

Then the argument was made that the route should go along the beach and stay below the level of the fogs, ice, and snow up on the high ridges. The trucking people and the local people wanted the freeway to go along the beach. We pointed out the serious damage a high speed freeway would impose on wilderness park values along the beach. We also pointed out that some of the lands that they would have to cross to get to the beach were state-trust lands, again where the funds had been used from the state bond act to buy the land. Therefore, there were some difficult legal questions that could be raised. So they have agreed in 1973 to the league's recommendation of a route along a high ridge just east of Prairie Creek State Park. That happens to be the east boundary of the Redwood National Park, too.

At this location the league has an agreement with the Simpson Timber Company, which again illustrates the wisdom of working intelligently and cooperatively with people like Simpson rather than blasting them as being evil. At an earlier time, Simpson had about seven hundred acres of superb redwoods on the Smith River that they refrained from cutting for about thirty years. Finally, the league was able to raise the money and bought the

Governor Edmund G. Brown with the Scenic Highway Advisory Committee. Left to Right: Representative, Division of Highways; Dee W. McKenzie; Harold M. Hayes; Richard M. Leonard; Governor Edmund G. Brown; Robert Grunwald; Nathaniel Owings; Harry P. Schmidt; Edwin S. Moore. September 21, 1965. Photograph courtesy of State of California Division of Highways.

Gold Bluffs Fern Canyon purchase, presentation of deed and facsimiles of checks totalling $2,000,000 to Governor Edmund G. Brown by Save-the-Redwoods League. Left to right: Francis P. Farquhar, SRL Director; Governor Edmund G. Brown; Richard M. Leonard, SRL Director; Fred L. Jones, Director, Parks and Recreation; Newton B. Drury, SRL Secretary. January 18, 1966.

RL: fine redwoods for about seven hundred thousand dollars. Simpson now owns all the land between the new freeway right-of-way and the edge of Prairie Creek State Park. They have agreed to hold that land and sell it to the league at fair value.

The only thing that we have to work out is the exact location of the boundary of the freeway. The league has the excellent map of the Division of Highways, but we are still working to get the Highway Commission to make the final decision on that boundary. Then Simpson Timber has agreed to sell the land to the league and the league can give it to the state. In turn, we would have to get an act of Congress to get the land into the national park. But that should be easy.

The Efficacy of Extremism?

SS: Sometimes do you find that what the public wants conflicts with what professional and volunteer leaders of conservation groups want? In the case of Mineral King, for example, there appears to be a serious question as to whether or not the majority of Californians would agree with the Sierra Club.

RL: That is a very difficult question. In 1949 the Board of Directors of the Sierra Club did decide that Mineral King should be developed as a major ski resort, and I think that, as you imply, that that is the view of the majority of the people of California today. Probably, the Sierra Club has had a small amount of harm in membership--five or ten percent--from people who feel that the Sierra Club is now too extreme in trying to lock up a nice ski area of that kind.

On the other hand, I will say again that because of extremism of the club, the proposed all-weather widened road into the area has been completely blocked and is out of the state highway system. Disney has agreed to put in a tramway or some Swiss-type of operation instead, so that automobiles will be kept out of the valley.

RL: I guess that as much as you find me, in this interview, questioning the extreme methods of the Sierra Club, I feel that both the extremism of the club together with the quieter work of the league accomplishes a lot of good. I guess I am conservative and tend to agree with the philosophy of conservatism of the league with respect to the approach to political questions.

One danger of extremism is, I feel, that while you are trying for fifty years to get the public excited enough to buy the redwood national park, the Pacific Lumber Company and Simpson would simply have logged the Avenue of the Giants and the beautiful redwoods along the Smith River without waiting for Congress to act.

SS: Do you think extremism is inherent in public appeals? When you begin to appeal to the public, don't you have to make colorful and simplified statements? It seems to be very hard to do that and still make reasonable statements.

RL: I think it is. I think that is the reason I question it. As a lawyer I continually wonder, and so does my wife, how would you prove the statements. All of the statements, by nature, have to be extremely simple. Really, all that the Sierra Club told the public in all of those newspaper ads was that here are thousands of acres of magnificent redwoods that must be saved.

The ads didn't go into the details as to whether these redwoods would be wiped out by clearcutting above them and erosion, as with Bull Creek. Those watershed problems were never mentioned by the Sierra Club because they are too complex to be presented in a political advertisement.

SS: How many organizations, would you say, follow the type of action of the Sierra Club? It seems that most of them follow a more conservative line; for example, the Audubon Society, Nature Conservancy, Conservation Associates, The Wilderness Society.

RL: Pretty much. I think that Brandborg, as executive director of The Wilderness Society, has become

RL: increasingly extreme in his statements but not too much. The only one I really objected to in my twenty-five years on the governing board of the society was the abandonment of the council's position that The Wilderness Society should support both Redwood Creek and Mill Creek. For political reasons of his own, in order to get support from Metcalf, Saylor, and Cohelan on some other bills that he needed with respect to wilderness, he abandoned support for Mill Creek and supported only the Sierra Club bills because those were the bills being pressed by the congressmen whose support he wanted for other purposes. I just feel that as a policy matter the board of directors has to decide and once it has been decided the staff should not change it.

I don't think Mike McCloskey, executive director of the Sierra Club, has ever done that. I can't remember any instance where he has ever violated a directive of the board, and I have been quite sensitive on that issue. Dave Brower used to do that repeatedly, and when we get to that we will notice that is one of the problems that finally caused his resignation.

I agree with you that most of the organizations do follow a more conservative line. There are very few effective extremist environmental organizations, when you really think about it. About the only effective one that uses much extremism is Dave Brower's Friends of the Earth, and that is even more extreme than the Sierra Club in its statements. It has gained about twenty-five thousand members. It has been in somewhat serious financial difficulties lately. People seem to feel those problems are a reaction from the period of the Earth Day of April, 1970, which seemed to be about the height of the environmental excitement. At that time the Sierra Club was receiving new members at the rate of about four thousand a month. The Friends of the Earth was receiving new members at about a thousand a month. All environmental organizations were.

In the last three years, those who joined at that time and the possible new members since have dropped off very severely. The new members coming

RL: into the Sierra Club now are about three thousand a month with about two thousand five hundred a month dropping out from the 1970 period. There is a slow net growth, and the Sierra Club is getting back to financial stability again. It has been very hard on the Sierra Club, hard on the Friends of the Earth, and hard on other organizations. But it has not yet affected The Wilderness Society nor the Save-the-Redwoods League. They have not lost membership. They have not lost income. [Editorial note: The Wilderness Society did lose income seriously in 1974.]

Maybe that is a reflection of what we are saying. Extremism, perhaps by definition, tends to go up and down with the particular subjects that are around at the time and the excitements of the time. The Save-the-Redwoods League, the Audubon Society, and the Nature Conservancy all work on very difficult, long-range projects, and don't have much ups or downs. I think that applies to The Wilderness Society, also.

SS: I think this is all most pertinent to the conflict between the league and the Sierra Club.

RL: Yes, it is.

Responsibility for the Delay of 1967

SS: Getting back to the role of the Sierra Club, Mike McCloskey wrote an article for the Saturday Review in 1967, entitled "Why Worry about the Redwoods?" He stated that he believed it was hard to tell who was responsible for slowing down, in 1967, the solution of the redwood problem--the companies, the financial institutions behind them, the foundations attached to them, or certain members of Congress. I am not certain to whom he is alluding, for example, when he mentions the financial institutions behind the companies.

RL: The only ones I can think of would be Bank of America or the First National City Bank of New York--some of the major financial organizations. But I have never heard any grapevine rumor that any of the banks or

RL: foundations were involved in the Redwood National Park battle. We know that the lumber companies, boards of supervisors, and all of the political connections that the counties could work with were in it. Maybe they worked with the banks, but I never heard of any banks being involved.

I have been in banking for the last forty years. I have been legal counsel for the superintendent of banks of California for four years and chief attorney and treasurer of a bank for six years. I have never found that banks operate in the vicious underhanded manner that the fictional stories write about. When they talk about the banks owning the United States or running everything, it is not true. The banks provide the money, but I have never known any of them, at least in modern times, that have attempted to influence national affairs.

For one thing, Wright Patman of Texas, who is the chairman of the House Banking Committee, raises holy hell about banks all the time. If he could ever find anything of this kind, he would bring it out violently in long public hearings. I have never heard him make these charges either.

He insists that foundations are terrible and that all foundations ought to be wiped out. But that again is an ideological point of view that Big Government, Big Brother, can handle public welfare better than a private foundation such as the Ford Foundation, the Save-the-Redwoods League, The Sierra Club Foundation, or any other foundation. I think it is a Big Government point of view rather than anything being wrong with foundations.

SS: Was McCloskey just swinging high and wide?

RL: No, McCloskey was not that type, really. It sounded to me more like he was just grasping, trying to say that he couldn't see what was causing the delay of the Sierra Club's redwoods bills. I don't think he wanted to give the Save-the-Redwoods League credit for enough ability to influence legislation [Laughter] and cause the troubles that he was concerned with.

SS: Would you say then that it was the Sierra Club that was holding it up?

RL: I always thought so, particularly, during the period when the Sierra Club had to take the time to kill the Kuchel bill. They had to kill that first before they could get the other bills moving. Since the President, the Administration, the secretary, the Bureau of Budget, and the governor of California were supporting the Kuchel bill, the Sierra Club had to destroy that support.

To be fair to the Sierra Club, we have to remember that the Anglo-American system of justice has been set up for a thousand years or so on the theory that no human is perfect; no human can explain all the well-balanced sides of a controversy. This is true with respect to a redwood national park or any other dispute. So our system of justice goes on the theory that each partisan tells the best possible story he can for his own side without misrepresentation on either side. Then after the other side has told its story, the judge, the jury, or Congress has to decide, on the basis of those opposing points of view, what are the true facts, knowing the frailties of human nature.

The Sierra Club, in writing to those congressmen, would present a convincing story that said, in essence, "Here are photographs of this immense stand of magnificent trees on Redwood Creek, and it is all going to be lost if you decide on this little area on Mill Creek." So the congressmen would see those pictures and that story without ever hearing from the Sierra Club as to balanced ecological values in a complete watershed.

Such a presentation to Congress was proper under our system of justice and politics. But it was the tax laws of the United States that prevented Congress from effectively obtaining information on both sides of a complex and difficult decision that Congress had to make.

Georgia-Pacific could spend hundreds of thousands of dollars to fight the Redwood National Park, but the

RL: Save-the-Redwoods League could not "substantially attempt to influence legislation." Heavy lobbying by those who were allowed to lobby finally resulted in a compromise much closer to the views of the lobbyists.

I still feel today, very strongly, that Mill Creek as a whole would, in a hundred or two hundred years, be a far better national park than Redwood Creek or the present Redwood National Park. As I have said before, the present national park is wonderful, but it will never be as good as Mill Creek would have been under the Kuchel bill.

SS: Then it wasn't simply a question of feasibility? The league said very often that Mill Creek was more feasible in that Redwood Creek would cost too much.

RL: Yes, Mill Creek alone was estimated at fifty-six million against ninety-two million for the present park. Newton Drury never believed the Sierra Club really could get ninety-two million [Laughter.] I am not sure the Sierra Club really thought they could either.

Ike Livermore and the State of California

SS: What was the role of the state under Governor Brown and later Governor Reagan? There was quite a bit of vacillation on their part. Were you privy to anything that would explain it?

RL: Not at that time. As a good governor, a good conservationist, and a loyal Democrat, Brown supported the Administration's Kuchel Bill. I know that Reagan took a strong stand after his election as governor. Reagan was advised by Ike Livermore--Norman B. Livermore, Jr.--an extremely competent conservationist and politician in the very best Churchillian sense of the word.

Ike's advice would probably be based on the hardship to the counties and companies involved. I think he would feel that in the long run park values would

RL: be adequately protected in either area. I don't believe he would have to consciously feel he was sacrificing park values at Mill Creek by urging an area elsewhere. The California administration tried to protect small Del Norte County by spreading the park into the much larger Humboldt County on Redwood Creek.

SS: Wasn't Livermore's father a director of the league?

RL: Not that I know of, although he might have been long ago. He must have died about thirty years ago. I knew him as a very wealthy mining engineer, and I think he had a large block of stock in Pacific Gas and Electric Company. I know he was on the PG&E board. The Livermores have three thousand acres of mercury up in the St. Helena region that the United States Geological Survey once estimated as the largest deposit in the United States. I never heard that the father had any interest in conservation.

The mother, Caroline, had a great deal of interest and was responsible for Tomales Bay State Park. In 1948 I admired the way in which she parlayed $1,800 dollars into $15,000 for the Tomales Bay State Park. First, she called upon me as secretary of the Sierra Club and got me to match her $1,800 with $1,800 from the Sierra Club board. Then she took that $3,600 to the county and had them match it to $7,200. She took that to the state and had them match it to $15,000. That was enough at that time to get the Tomales Bay State Park--beautiful stands of rare bishop pine right on the bay.

She was also very deeply interested in Angel Island as a state park; of course, that was federal property as an obsolete quarantine station and so just required successful political effort. The highest point of Angel Island State Park, Mount Caroline, is named for her.

Ike, her son, is a very sound person and has done an immense amount of good for the state. He was a member of the Sierra Club Board of Directors from 1941 to 1949. It is amazing that he can survive with that record on his tough political life.

Who Determined the Park Boundaries?

SS: Let's go on to the compromise bill that was introduced into the Senate and finally passed. Was Kuchel primarily responsible for this bill for the Redwood National Park?

RL: Yes, since the Jackson-Kuchel Bill introduced in October, 1967, was substantially identical to the Kuchel bill of February, 1967, but was not amended by the House as a "compromise" until September, 1968.

SS: In that final compromise measure, were the Sierra Club and the Save-the-Redwoods League consulted?

RL: Neither one of us were consulted as to the conference committee bill, which is the one you are referring to.

SS: Yes.

RL: I know that Arcata Redwood asked that of Newton Drury the other day as to whether he had ever been consulted in connection with drawing the boundaries. He was a bit indignant as he stated that he had not been consulted and that the boundaries had been drawn by incompetent people who did not know the area. He suspected that they were attorneys for the timber companies, but he couldn't prove it. He had no knowledge of who actually did draw the boundaries or who worked out the compromise bill.

SS: What did Arcata say to that?

RL: They didn't volunteer anything [Laughter.]

SS: Ed Crafts said that the boundaries were drawn by somebody's aides.

RL: Officially, they were the staff of the House and Senate Interior Committees. Each committee has really very competent people. At one time I knew the chief counsel of the Interior Committee of the Senate, and he was very competent. So each committee would have three to five very competent legal counsel. These counsel had the job of drawing up the actual boundaries,

RL: because, I guess, the members of the committee were too busy to be able to do that since it is such slow hard work. To get irregular boundaries to come out correctly is very difficult. It is amazing that they came out as well as they did.

SS: How would you describe Wayne Aspinall's role in the final bill?

RL: I never knew what his role was in the final conference. He had a lot of power at that time. He was a strange person. He fought the wilderness bill as hard as he could for about eight years. Howard Zahniser intentionally risked death working, in spite of a heart attack, with a one hundred and fifty percent work load for the wilderness bill, which Aspinall repeatedly blocked all those eight years.

Zahniser was the type, very much like Newton Drury, who would be extremely courteous to a person such as Aspinall. On Zahniser's death, which came about two months before the Wilderness Act was signed, Wayne Aspinall put two pages into the Congressional Record in praise of Howard Zahniser.

I have always remembered that because it showed that Aspinall couldn't be all bad and that Aspinall was probably trying his best to reflect the views of his electors, the cattlemen, mining people, timber people, and others who hated to see wild land locked up, as they felt it was, by the wilderness bill. The fact that it was actually passed after Zahnie's death showed that Aspinall and others either permitted or had to permit it to pass.

SS: I was thinking about Drury's statement that he suspected it was lumber company lawyers that helped draw up the boundaries. Just before the compromise bill was passed, in 1968, some of the lumber companies got together, as you pointed out, and made agreements about certain areas that they would sell. As it turned out, these areas were indeed the ones that were incorporated into the park, so it would correspond to Drury's comment. And, of course, about that time, in 1968, the Administration gave in.

RL: It is like so many things in law where, for example, you are suing for one million dollars and you are not sure whether you'll get it, so you compromise for five hundred thousand. Here, the timber companies were not sure that they wouldn't lose far more than they wanted to and probably did reach an agreement that they would have to give up something. In the course of their concessions, the staff of the committee raised the authorization for appropriations to ninety-two million, which was of great benefit to the conservationists. None of us really expected that we could get that much.

If it hadn't been for the legislative taking of October, 1968, we probably wouldn't have an actual Redwood National Park today. My guess is that Nixon wouldn't allow the National Park Service to spend that much money [laughter] for the land. We would have been having hassles ever since about whether the timber companies could log their own land or not.

Why the Maneuvers in Washington?

SS: Why did Secretary Udall later reject the National Park Service Plan for a park around Redwood Creek in favor of one around Mill Creek?

RL: Stewart M. Udall was secretary of the Interior from 1960 through 1968, thus serving during the period of the National Park Service plan financed by the National Geographic Society. My own feeling is that the National Geographic Society, in financing that study, was thinking of Redwood Creek and the Tallest Tree, which the society had located.

It is an indication of Newton Drury's modesty that when these were reported as the Tallest Trees, he told me and the Save-the-Redwoods League Board of Directors that he was happy to have the Tallest Trees anywhere that needed protection. He said that the question of which is the Tallest Tree is a matter of semantics and engineering definition.

RL: You have to decide whether it is tallest above the duff at the base of the tree or tallest above the average ground around it or does it lose its distinction if a flood comes in and deposits two feet of new soil. There is a question of angle of the tree from vertical. If not vertical, do you measure along the trunk or do you measure from a point perpendicularly below the top? So for all those reasons, Newton felt that other trees probably could be taller. But Newton never did question the claim of the Tall Trees on Redwood Creek.

SS: Do you think that the National Park Service was swayed by the National Geographic Society?

RL: That was my impression. They were studying at that time a park along Redwood Creek, and they had not thought of a larger terrain to study.

SS: Would you agree that the Park Service report was premature?

RL: That was a point that a number of people have made. My own feeling is that the report came out with a price tag of around two hundred million dollars for the amount of Redwood Creek that was required. The Sierra Club urged that even more be acquired on Redwood Creek.

Then the Save-the-Redwoods League pointed out to the Park Service that the entire watershed of Mill Creek could be acquired for about sixty million dollars and that it would provide complete protection for Jedediah Smith State Park and would be a magnificent national park in its own right.

Senator Thomas H. Kuchel was the minority leader of the Senate and senior member of the important Senate Interior Committee that had to consider any redwood national park bill. He was also a member of the Senate Appropriations Committee. So Kuchel of California had a lot of influence. In February, 1966, Kuchel introduced a bill which was supported by President Johnson, Secretary Udall, and Governor Brown.

RL: I have never known the internal reasonings of the Administration at the secretariat level or the presidential level as to why they decided on a change, but they did. They finally decided on a bill that provided for a national park of 64,000 acres that included the entire watershed of Mill Creek plus 1,400 acres along the present narrow strip of Redwood Creek with the Tall Trees. The bill left out May Creek and the coastal area joining the Del Norte Coast State Park and going down through Prairie Creek to Orick.

It was an excellent bill with financial authorization of one hundred million dollars. I felt at the time and strongly recommended to the Sierra Club that if both the club and the league would support that bill we would have an excellent national park that was backed by the Administration, the Bureau of Budget, the secretary of the Interior, and the Interior Committee. A year a a half later a successor bill by Kuchel and Jackson actually passed in the Senate, but the Sierra Club was able to block it in the house.

I would have to credit the lobbying skill of the Sierra Club for better or worse. The club was actually the lobbying influence that stopped the excellent Kuchel bill in the House of Representatives. The club accomplished it by working with Jeffrey Cohelan, a really excellent conservation congressman from Berkeley. As early as October, 1965, he introduced a bill providing for 90,000 acres of national park on Redwood Creek, including only a part of that watershed and none on Mill Creek.

The Sierra Club was able to get John Saylor of Pennsylvania, who was the senior minority member on the Interior Committee of the House, and quite a number of other excellent conservationists--Congressman Reuss of Wisconsin, for example--to introduce similar bills. At any rate, the club persuaded a total of about thirty-seven congressmen to put in bills similar to the Cohelan bill, which was really the leader. In the House, each congressman introduces a separate bill. In the Senate they often co-sign on one bill.

RL: So in the Senate the Sierra Club was able to persuade Senator Lee Metcalf of Montana, an excellent conservationist, and fifteen other senators to introduce a Senate bill similar to the Cohelan-Saylor Redwood Creek bills in the House. The Metcalf bill in opposition to the Kuchel and Administration bill for Mill Creek was introduced on the same day as the Kuchel bill in February, 1966. The battle of the Sierra Club against the Administration blocked any action by Congress during the remainder of that session.

With a new Congress convening, Secretary Udall in March, 1967, recommended a more modest national park of 42,000 acres on Mill Creek and 1,600 acres to include the Tall Trees on Redwood Creek. After seven months of careful political preparation, Senator Kuchel, the Republican leader, and Senator Henry Jackson, the Democratic chairman of the Interior Committee introduced the Administration bill. It was more generous than Secretary Udall's recommendation. The Kuchel-Jackson bill provided for 64,000 acres, the entire watershed of Mill Creek, the Del Norte Coast State Park, and the Tall Trees on Redwood Creek. The authorization was for one hundred million dollars.

The political preparation for that Administration bill was so thorough that it passed the Senate in only two weeks by an almost unanimous vote of seventy-seven to six. However, it took ten months more of infighting to achieve action by the House. In September, 1968, the House suddenly amended the Kuchel-Jackson Mill Creek bill by deleting most of Mill Creek and adding acreage on Redwood Creek and an excellent strip along the coast.

The bill as passed by the House provided for 58,000 acres (including 30,000 acres in 3 state parks) at a cost of ninety-two million dollars. Since the proposed redwood national park had occupied three years of congressional attention, the Senate accepted the compromise a week later. On October 2, 1968, President Johnson signed the Act creating the Redwood National Park.

SS: Wasn't there a tendency for the issue to become a partisan question with the Republicans siding with the league and the Administration and the Democrats following the lead of the Sierra Club?

RL: I don't think the question ever really did divide along party lines. I think that if it had, the Redwood National Park might very well have been defeated. The Democratic President and Secretary Udall were both for the Republican Kuchel bill. I don't think that political parties had anything to do with it. There was a difference in ideologies with the Sierra Club trying to get as large an acreage as possible and the Save-the-Redwoods League believing that large acreage would be at the expense of quality.

The timber on Redwood Creek was beautiful slope timber on canyon slopes of about twenty to forty degrees with trees from five to eight feet in diameter. But Redwood Creek does not have the flat groves along the stream that Mill Creek, Bull Creek, and Prairie Creek have. There you have the rich and deep alluvial flats with huge trees of fifteen to twenty feet in diameter. The league felt that it was more important to get trees of that quality than to get more acreage of trees of lesser quality on the order of five to eight feet in diameter. Even more important was the league's concept of watershed protection. That was the basic difference in philosophy.

The leaders of the Sierra Club, such as Brower and Wayburn, thought that by their battle they would get a far greater acreage, and they didn't accomplish it. They ended up with a compromise which, as with all other compromises in life, didn't please either side. They only got about one-third of what they had hoped for on Redwood Creek. And then, in order to satisfy those who were supporting the Kuchel bill and the league, they added on a rather tiny strip at Mill Creek that wasn't really important. So it was a compromise that didn't get the best of either Mill Creek or Redwood Creek. The long battle of the Sierra Club against the excellent Kuchel bill for Mill Creek cost six thousand acres of parkland and eight million dollars of authorization and obtained only a small part of each watershed.

SS: Since Secretary Udall was in the center of the conflict and had to take the lead, it must have been difficult for him.

RL: Udall is, I feel, one of the finest secretaries we have had, from a conservation point of view. He did an immense amount of good. In this case, I think, he shows support for the basic philosophy of a complete watershed and a balanced eco-system. I think that he persuaded President Johnson to that effect. Maybe later, Mrs. Johnson had some influence in it due to her own sensitivity to environmental beauty and the fact that a complete unit would be better in the long run rather than having part of Redwood Creek with the slopes clear-cut around the Tall Trees, which is what is happening now.

SS: Would you say that in the confusion, Udall lost control of the situation and backed out a little bit?

RL: He did lose control. The Sierra Club took over control, I must say. The Sierra Club has been very effective in a great many battles, as I pointed out earlier, in the Grand Canyon battle for example. The club fought that for so long and so hard that finally thermal power from coal and nuclear sources became cheaper than hydro power and that is what saved the Grand Canyon.

Schism in the Lumbermen's Ranks

SS: Was there any fear on the part of Udall or the National Park Service that there might be some lawsuits by the lumber companies on condemnation?

RL: I don't think so. The greatest fear was that Del Norte County would be much more seriously hurt by the Kuchel bill that took Mill Creek, mostly in Del Norte County, than Humboldt County would be by a bill taking Redwood Creek and the rest of the coastal areas. Timber is, of course, a smaller proportion of the total economy in the larger Humboldt County.

The sensitivity of congressmen nationwide to the

RL: tax base of local people had an influence. When the supervisors of Del Norte County and Congressman Clausen, who represented both Del Norte County and Humboldt County, pointed out the hardship of a decrease of local tax base, Congress was very sympathetic. That had a lot to do with the final bill.

Since my last meeting with you, Newton Drury and I met with the president, the vice-president for finance, and the vice-president for redwoods of Arcata Redwood Company, now diversified as Arcata National. The vice-president for finance of Arcata had been elected as vice-president for finance of Varian Associates. I incorporated Varian Associates and have been on the board of directors for the last twenty-five years. I knew him and in that way was able to set up a meeting to see if the Save-the-Redwoods League couldn't purchase Skunk Cabbage Creek, which is a purchase of fifteen to twenty million dollars.

The league now has the funds to purchase something that large and the company, for some reason, had stopped cutting on Skunk Cabbage Creek. So the league decided that it had a moral obligation to try to reach an agreement to purchase it at fair market value. It was pointed out to these people, who are competent businessmen, that the stockholders wouldn't be hurt.

Pacific Lumber Company, for instance, had held the Avenue of the Giants for more than thirty years. They paid taxes all along and cut all the trees up on the slopes, but they saved the finest cathedral groves down on the Eel River until the league had the money to buy them. At the beginning of the thirty years the stumpage was as low as forty cents a thousand board feet. The league paid them sixty five dollars a thousand board feet, approximately one hundred sixty times as much as it would have been in the earlier days. We didn't feel that the league was robbed or that the people were robbed. The league didn't have the money at the earlier time, and the company had kept the timber for park purposes and sold it at park values.

We pointed that out to Arcata and said that in the same way they could protect their holdings and

RL: stockholders and that if they would hold the timber the league would buy it over the next ten years. We felt that we had the money with which to pay a fair price. The executives of Arcata were competent people and courteous. They said they would let us know. They never have, although we have followed up by mail. We have found out since then that some of the finest timber in the Skunk Cabbage watershed is in other hands. The league is negotiating with the owners and has already been able to buy sixty acres. However, the league is now having even more difficulty in persuading the Redwood National Park to accept it as a gift. Such is government red tape.

The Local Counties and In-Lieu Taxes

SS: What about the impact on Del Norte County?

RL: I started this little sidetrack on the Skunk Cabbage question because the people at Arcata mentioned that they thought that Miller, the owner of Rellim Lumber Company, had started a counterattack to protect Del Norte County by getting congressmen to support the Sierra Club in going after Redwood Creek. They felt that he had been brilliantly successfully politically in turning most of the heat on to Redwood Creek, which happened to take Arcata Redwood's timber, you see [laughter.] So, at this late date, they were amused about it, but they were highly annoyed at the time and considered it a double-cross within the industry. The industry had stood completely together against any redwood national park up until Miller went for the redwood national park in Humboldt County.

The league had always urged that there be in-lieu taxes. That is to say, that the people of the entire United States will benefit from the redwoods for the next several hundred years and therefore should pay the County of Del Norte the actual county costs that were involved.

We have a precedent since this was done in the Grand Teton National Park in 1950. Teton County had demanded that it be reimbursed for taxes lost on land

RL: acquired by the federal government. So, as a compromise the government paid the lost taxes, reducing by one tenth each year. By the end of ten years the subsidy ended and Teton County had more taxes coming in from tourists and travel to the national park than they had before the park was created. Travel into the Teton National Park is now up to two million people a year.

We won't get that much travel into the redwoods; in fact it would be harmful. Still the league has always felt and did urge in its testimony before Congress, at the request of the committee, that in-lieu taxes be provided for so that there should not be any harm to local people. We also urged, of course, that fair value be paid for timber.

You asked about the worry over lawsuits concerning the prices to be paid. I guess I got sidetracked in explaining that the Sierra Club bills ran into a huge amount of money. Congress finally decided on a ceiling of ninety-two million dollars for the combination of Mill Creek and Redwood Creek that was finally passed and that values would be set as of October 2, 1968, the date the act was signed by the President. I believe I mentioned before but it should be emphasized that that is one of the most brilliant bits of imaginative thinking and wise planning that has ever been done.

SS: And you don't know who is responsible?

RL: I still don't know who is responsible for that. It has been tried again but never accomplished because Congress is afraid to, because in this case the United States is probably going to have to pay more than ninety-two million dollars. I told you that the league paid sixty-five dollars per thousand board feet on the Avenue of the Giants. The Arcata people told us that they had been getting timber prices as high as a hundred and twenty-five dollars a thousand in early 1973. This is increased partly by the exports to Japan, where the people were so anxious to get redwood logs that they would pay that high a price for them.

RL: Although that price change did not happen in 1968, I think that drastic increase will influence the court a bit, by hindsight. If the government had not legislatively taken the land in 1968, it would have to pay one hundred and twenty-five dollars a thousand now. The owners won't get one hundred and twenty-five now, but they will get closer to it than they would have if the prices had stayed the same as 1968 or if the court didn't have hindsight available to it.

SS: Of course, the prices could go down; it is a risk situation.

RL: Yes, they could. And by law the courts are not supposed to, but often do, consider anything that happened after 1968. That's the brilliant part about it. Actually, if the government had bought it the way they bought the Point Reyes National Seashore, they would have to pay one hundred and twenty-five dollars a thousand now for timber that was worth sixty-five dollars in 1968.

SS: You mention Point Reyes. Was there any conflict between the people who were supporting the Point Reyes National Seashore and those who were urging the Redwoods National Park? They were competing, in some sense, for the congressional conservation dollar.

RL: Only slightly. I was close to both of them. My wife, Doris, was vice-president of the Point Reyes National Seashore Foundation, and she worked very closely with it during that entire time and, in fact, is still working closely with it today. Just in the last month or so, she was able to get about seven hundred thousand dollars together to buy five hundred acres at the head of Tomales Bay and other land just behind the seashore. She has obtained approval from the state to acquire the lands between Tomales Bay and the seashore for a state park. The result will be that it will all fit together.

The Point Reyes National Seashore Act was signed by the President in September, 1962. The modern movement for a redwood national park did not start

RL: until March, 1963, when Secretary Udall announced his proposal for such a park. Thus Point Reyes National Seashore was considered an accomplished fact. Although it would need continuing appropriations for land acquisition, the amounts required in intervals would be small in comparison to funds needed for an adequate redwood national park.

SS: On what basis did Congress decide against in-lieu taxes? It seems to be a value judgement.

RL: It is primarily a matter of precedent. They denied it simply because they were afraid that everytime they bought any land anywhere, for an army post or an air base or anything else, the local area would claim hardship and want some support.

SS: What was your role personally or the conservation groups in making this kind of a value decision? If there is no compromise available, such as in-lieu taxes, do you simply sacrifice the local economy? How much do you allow this to determine your decision?

RL: I have always felt and so has the league that the counties should be fully compensated for any losses to them. Similarly, we have felt that the timber people should be paid full value for their land and timber. I do not feel it is morally proper to take anybody's property for public use without paying fair value for it. People always think of the Fifth Amendment to the Constitution as being something that protects a gangster against telling what he has done that is bad. The principal value of the Fifth Amendment is that no private property shall be taken for public purposes without just compensation.

You will hear some timber people, such as Arcata, say in the papers that they were robbed and they haven't been paid for their land. Well, they haven't been paid simply because they want too much and are still in the Court of Claims litigating the question of "just compensation." But there is six percent interest running on all the money that was due them in 1968.

Again, I think that this is one of the politically brilliant parts of the bill. Congress has been worried

RL: about that interest running--about a half a million dollars a month--that Congress has appropriated the money much faster than usual in order to stop the interest.

I guess what you have to say is that if it comes to the final vote without in-lieu taxes, you have to decide whether there should be a redwood national park or not. Of course, I sincerely feel the Redwood National Park will compensate the counties in the long run just as it has done in Teton County. There is a temporary hardship in the meantime.

That happens throughout our life--in war, price controls, wage controls, or all sorts of things that are considered necessary in the national interest or just changes in our own taxes. We have to increase taxes because we need more for schools or more for welfare. I think you have to judge it in the national interest even though there is a hardship at the time for the individual or the county.

I think there is much better political success if you don't do any harm to people. That is one of the reasons we approached Arcata Redwood on the theory that we would pay full value for Skunk Cabbage Creek so they wouldn't be frightened about discussing the sale of it to the league instead of logging it.

The Rockefeller Family

SS: Getting back to the Administration and what was going on in Washington in the Redwood National Park question, did the Rockefeller interests or Laurence Rockefeller, to your knowledge, play a significant role in the problem of Mill Creek versus Redwood Creek?

RL: Not that I know of. Newton Drury would probably have more knowledge on that subject. I know that the league, particularly Drury, would never dream of asking the Rockefellers to use their influence one way or the other. I guess that since it was the matter of the Kuchel bill with the leading Republican

RL: senator joined by the secretary of the interior and the Democratic president, it seemed to Rockefeller that his advice wasn't needed or wouldn't be wise. He would, I think, have the judgment that it should be a complete watershed because the magnificent Rockefeller Forest on lower Bull Creek was so badly damaged.

People forget that back in 1920, fifty years ago, Newton Drury, to his great credit, put in writing his recommendation that the entire Bull Creek watershed should be purchased at the time they bought the beautiful redwoods on the flat. The slopes above the flat were predominantly Douglas-fir of a size generally three or four feet in diameter. But in 1920, Douglas-fir was considered a weed and had no value. When a thousand acres of land were sold, all of the redwoods would be cruised but the Douglas-firs would not even be counted. So it seemed that no one would ever log them.

After the war, with the housing boom, it turned out that Douglas-fir became very valuable, and before the league had any money, all of the watershed above the alluvial flat was logged. Then we had two floods that the Army Engineers insisted could happen only once every thousand years. They happened in 1954 and in 1964. They destroyed a number of trees.

The Rockefellers then contributed nearly one-fourth of the cost of buying up the rest of the watershed. After 1964 the league put in about two and a half million dollars in purchasing 18,000 acres of what used to be clear cut Douglas-fir. The Rockefellers put in about a fourth of that, the league a fourth, and the State of California roughly one half on a matching basis.

Fiery Outcries or Quiet Accomodation?

SS: As previously mentioned, Mike McCloskey wrote an article for the Saturday Review in 1967, called, "Why Worry About the Redwoods?" He stated, "Though not ideally equipped to do so Congress must undertake the choice of location and design of the park,

SS: because the Administration has failed to do so." Did or do you agree with that?

RL: No, I strongly disagree. And I guess that is still part of the basic difference in philosophy between the league and the Sierra Club. What Mike meant there, and I respect Mike a great deal, was that he did not consider that the Administration was saving enough acreage of virgin redwood. If we could save all the acreage advocated by the club then he felt the people would have a proper national park. Since the President, the secretary of the Interior, and the governor had agreed on the Kuchel bill for acquisition of the entire watershed of Mill Creek, which Mike and the Sierra Club felt was inadequate, then in the club's opinion the Administration and the league were inadequate. Therefore, the Sierra Club, had to get Cohelan and Metcalf and others in Congress to reform the situation over the opposition of the Administration.

Part of the rhetoric I think, was led on by people like Martin Litton. I guess I mentioned this before, where he made such derogatory public statements about Newton Drury, to the effect that Newton had been responsible for destroying more trees than the lumbermen ever had. What Martin meant by that is that Newton Drury did not call the lumber companies vicious names for continuing with logging their own trees.

The Sierra Club called them all sorts of violent names, in print, in the newspapers, and in Congress. The league never has felt that is the way redwoods should be saved. By fair dealing the league was able to acquire the Avenue of the Giants after forty years in original, virgin condition. On the Sierra Club approach it certainly would have been logged long before the Sierra Club ever would have gotten the money.

SS: I may be overgeneralizing, but it seems to me that the Save-the-Redwoods League relies upon the use of the existing forces, in other words, the people who have money, the connections that they can establish, personally very often, directly with the people who have power, as opposed to going through the public or using the public as a force.

RL: I think that is a correct statement.

SS: Which is the best approach?

RL: [Laughter.]

SS: [Laughter] I suppose they both have a role.

RL: I think that is the answer.

SS: But if you were thinking about setting up a conservation organization, hypothetically, and you had so much money to use, which way would you choose?

RL: Well, as I will explain later, in relation to Conservation Associates, my own feeling is that you accomplish more by moving quietly and responsibly in cooperation with people rather than through fiery attempts to make people afraid of you. The Sierra Club has been immensely successful in the opposite approach of conquest through fear. Dave Brower's battles on the Grand Canyon and some of his statements in his later years, troubled me greatly because they were so extreme in accusing people of deliberate ruination of a beautiful thing like the Grand Canyon just for either dollars or pride or the fun of it. It is kind of illustrated in part by the magnificent series of articles in the New Yorker on Brower's trip down the Grand Canyon with the commissioner of Reclamation.

But I want to point out that the league, over the years, has purchased about fifteen million dollars worth of virgin redwoods worth today over half a billion dollars in that value system. The league also had a part in establishing the California State Parks Commission, and the first chairman of the State Parks Commission was William E. Colby, secretary of the Sierra Club. The Sierra Club helped in founding the commission, probably more than the league, because of its political power.

It takes both organizations, but ideally they ought to work together, doggonit, instead of working at cross purposes and, particularly, without the derogatory remarks about the Redwood National Park

RL: and the league that were contained in the series of ads by the Sierra Club.

The league, in all of its literature presenting its point of view, has never criticized the Sierra Club for seeking to protect Redwood Creek. The league simply said that it considered a total watershed to be the ideal solution with as much of Redwood Creek as the nation could afford. The league tried to combine both thoughts in a helpful, cooperative fashion.

SS: Of course, the Save-the-Redwoods League doesn't really need public support, does it?

RL: It does. People in the league and others throughout the conservation world have asked me repeatedly at various national and international conferences whether or not the Redwood National Park is worthwhile. I say, "Of course it is." For better or for worse, it saves 28,000 acres of new land that would never have been protected. Now, only 11,000 of that was really good redwoods but the rest of it can recover and come back with redwoods sometime.

If it hadn't been for the excitement and the venom [laughter] of the Sierra Club, that 28,000 acres would have been logged again every fifty years as the trees became large enough. That is why both are necessary. Those who believe in the power of oratory should remember that the Sierra Club has never put more than about twenty thousand dollars into redwoods in its whole eighty year operation but the league has put in fifteen million dollars. A number of people have said that "the league puts its money where its mouth is."

Both are necessary. Through the efforts of the Sierra Club, spectacular as they were, or because they were spectacular, we got 28,000 acres of additional land protected. I think eventually we can get Mill Creek. The league itself can accomplish that.

SS: It would seem that within a democracy the Sierra Club's approach would be more appropriate.

RL: It probably does respond, Susan, more to the needs of a nation to ask the people themselves if they really appreciate having redwoods forever enough to write their congressman so that enough congressmen will appropriate enough money to buy an adequate area. The Wilderness Society decided that to get all of Redwood Creek and all of Mill Creek would require only two hundred million dollars. That is only a dollar per person, and, certainly, everyone ought to be able to afford that. The council of The Wilderness Society, therefore, came out for both areas.

To go to the elite--people like the Rockefellers or people who give one hundred thousand dollars at a time--is not democratic, I suppose. But it is, I think, in the tradition of the European approach, where the beautiful museums of gems and artwork and even the national parks were originally royal reserves kept only for a few. But in America these treasures are for all the people. You know, I have admired Soviet Russia; when the communists took over their nation they very proudly proclaimed that all of the royal reserves and all of the gems were for the people. Aren't we proud of what we have. They didn't try to destroy the beauty, either of the land or the jewels.

Newton B. Drury

SS: You wanted to comment on Newton Drury's leadership qualities?

RL: Yes. Newton Drury is one of the most modest men of accomplishment that I have ever known. He was director of the National Park Service for ten years. Then he was the chief of parks and recreation for the state of California for the next ten years. So he was one of the outstanding conservationists of the nation. He was also secretary of the Save-the-Redwoods League for about forty-eight to fifty years. Only upon the death of President Ralph Chaney was Drury reluctantly willing to take another position, that of president of the league.

RL: Drury always leans over backwards to be extremely courteous. He puts all important decisions before the board of directors for mail ballot. There is no other organization for which I serve on the board of directors where that is done so faithfully and modestly, as it is with Newton. He wants the board to participate in every important decision. So we have had a mail ballot about every two weeks, and I have been on the board nineteen years. We have a full directors meeting about five times a year and an annual meeting of the sixty-five member governing council.

Whenever Newton wants to discuss something with me as vice-president, instead of asking me to come over to his office, he always insists on coming over here to my office. I feel that is a sense of modesty on his part. I have acceded to it only because I am on the volunteer side of the league work with a full-time law practice and a great deal of conservation work with the Sierra Club Foundation, also. Newton and John Dewitt are full time with the league. So I have allowed Drury to come to me.

I simply emphasize this as being one of the elements of his natural modesty. He doesn't make it seem in any way that I am under any obligation to him on account of his being so nice to me. It is exactly the opposite. He just expects that he will come over to see me.

Ralph Chaney was the greatest paleobotanist on earth and had discovered the dawn redwood of China. He was president of the league for about ten years and finally died at the age of 80. Newton called me as soon as he had learned of Ralph's death, and asked if I would take the position of president.

I said, "No, Newton, you have been Mr. Redwood for the last fifty years. I admire your modesty in continuing under such great leaders as Duncan McDuffie, Walter Starr, Arthur Connick, and Ralph Chaney. But for you to give up your chance at the presidency--he was about eighty at the time--is just not right." Newton stated that he was not sure he was capable of it.

RL: I replied, "Well, as long as you find it is not too much of a burden upon you, I think you have a moral obligation to the redwoods and to the people of the United States to serve as president. Because people who will give only ten thousand dollars to John Dewitt or me will give a hundred thousand to you because they have confidence in you. This confidence that your administration of the money will be competent has been built up over the last fifty years."

The interesting thing is that each year--twice now since then--he has approached me before the annual meeting and asked if I did not think that it was time that I should be president instead. I told him, "Newton, it is good for you. If you ever retire completely, you will die. You love the activity and the redwoods. You go up to the redwoods, and you always come back with at least a hundred thousand dollars. You ought to continue as long as your health is good and you enjoy it." He said, "Oh, I do enjoy it." "Well," I replied, "then you should continue."

Newton has always been sincerely courteous to opponents, such as the Sierra Club during the battle of the Redwood National Park. Newton and the board of directors of the league never criticized the Sierra Club or ridiculed it for choosing acreage of redwoods rather than quality in a complete watershed. The Sierra Club, unfortunately, ridiculed the league and Newton. And, of course, Martin Litton got quite vicious in that respect. I mention this not with respect to the criticisms of Newton, but just to illustrate that he was innately courteous to people he was opposing. With regard to industry, he does not really oppose the timber owners, but rather cooperates with them to get them to keep the trees until he can get the money to buy the land.

At the dedication of the Newton B. Drury Hall of Administration for the Redwood National Park, he gave a talk--modestly checking with me before he gave it up there--and at the very end of it he said, "I am going to say things that many people here at this meeting will not like. But I am at an age now where I can say things the way they should be said." He continued, "I feel that a Master Plan should express

RL: the ideal, that it should express the hopes and the intentions of the United States to round out the watersheds of both Mill Creek and Redwood Creek, so that we have both watersheds fully protected. But this must be done with complete fairness to the industry--the people who have kept all these redwoods without cutting them all this time--and to the people and economies of Humboldt and Del Norte Counties."

So you see here again, Newton, although he was urging saving the maximum amount of redwoods, was saying that it had to be done with fairness to industry and local people. Newton Drury has been an immensely political individual, in the best sense of the term, and has accomplished an exceptionally high quality of protection for the redwoods as a result of that philosophy.

SS: When were you elected to the league board?

RL: 1954.

SS: You must have been active in the league before that, though.

RL: I was active in the sense of being on the Sierra Club board, which in those days cooperated fully with the league. I had always admired and worked closely with Newton on many different park matters. I was president of the Sierra Club at that time. I don't know who suggested my name for election to the league board.

MINERAL KING AND LEGAL STANDING TO SUE FOR PUBLIC BENEFIT

Proposed Lease to Walt Disney Inc.

Richard Leonard: Mineral King is a beautiful wild bowl within the southern edge of Sequoia National Park. It rises from 8,000 feet to over 12,000. Silver and other minerals were discovered there about a hundred years ago but have never been rich enough to mine. A very steep and primitive road was built into the bowl, but only a few small old timer's cabins still remain.

Because of the prospecting at the time, the Mineral King bowl was left out of Sequoia National Park when the park was created in 1890. The wildlife in the bowl was, however, protected at that time by a special act of Congress establishing the area as a game refuge.

Seventy-five years later the Forest Service advertised for proposals for a major ski development in this high altitude bowl close to the fifteen million population of southern and central California. Walt Disney Inc. won approval of plans for a thirty million dollar development covering several hundred acres of the bowl, with the "Alpine Village" to be located on eighty acres near the bottom of the bowl.

Such a huge project would also require a high speed, high standard access highway cut through nine miles of Sequoia National Park to replace the primitive one hundred year old mountain road. The National Park Act of 1916 permits roads in the parks only for park purposes. Such a modern highway, cut through nine miles of steep canyonside of the park, would not benefit the park but on the contrary, would harm it.

RL: Therefore a permit to construct such a highway would be in violation of the National Park Act.

At the same time the lease to Disney by the Forest Service of eighty acres for the "Alpine Village" for thirty years plus hundreds of acres more on "terminable permits" was a clear violation of the 1956 act of Congress as to the Forest Service's limited authority to grant leases. Up until 1956 the act of Congress permitted only five acres to be leased by the Forest Service for resorts. Ski resort builders said that five acres was not enough. So in 1956 Congress amended the act and raised the authority to eighty acres.

The Sierra Club decided to sue to protect the wild values at Mineral King. This is where the Conservation Law Society of America came in. Bob Jasperson, our general counsel, did the legal work at the beginning. He checked and found fifteen pages of debate in the Congressional Record--which shows you that people do read the Congressional Record even ten years later--that depict the debate over raising legal authority from five to eighty acres. This debate shows very plainly that, when Congress raised the authority from five to eighty acres, Congress did not permit larger amounts to be leased.

The Forest Service was careful to restrict the thirty year lease for the village to eighty acres. But when they granted "terminable permits" for the ski tows, towers, sewage disposal, hugh parking lots, etc. These permits were effective as leases of land terminable "at the will" of the Forest Service. But with a total investment of thirty million dollars it was clear that neither Disney nor the Forest Service intended that these leases would be terminated in less time than the thirty year, eighty acre master lease. The lease of the huge, additional acreage was therefore a transparent fraud as to the 1956 act of Congress.

Sierra Club Files Suit

RL: So the Sierra Club filed suit in the District Court of the United States against the secretary of Agriculture and the chief of the Forest Service, and the secretary of the Interior and the director of the National Park Service. The trial court agreed with the Sierra Club, stopped Mineral King development, and gave preliminary judgment for the club holding that the acts of Congress were clearly violated in both cases. The United States Court of Appeals here in San Francisco reversed that and held that the Sierra Club had no standing to sue.

I emphasize the concept of "standing." In the Federal Power Commission Kings Canyon case in the late forties, I was denied standing until I showed the cup of water from the Kings River flowing through the Sierra Club property. Then we had "standing." The trial court in the Mineral King suit agreed with us that we had standing, but the United States Court of Appeals held that the Sierra Club did not have standing. That decision was appealed to the Supreme Court of the United States, which held by a six to three decision that the Sierra Club did not have standing to sue the way the complaint was written.

Now, it should be clearly understood that the Sierra Club had deliberately not stated its own personal harm--the fact that it had taken trips into the area and its members personally used the area--because it felt that it was much more important to state the general principle that the Park Service and the Forest Service were violating acts of Congress and somebody had to have the right to protest. The Court of Appeals held that the secretaries of Agriculture and Interior are supposed to take care of the public interest. But they weren't. So the Sierra Club felt that somebody in the public had to have the right to request corrective action when government agents, such as secretaries of Interior and Agriculture weren't fulfilling their duties.

The Supreme Court held that approach should be good policy but that historically a plaintiff has to be personally injured in order to suffer damage that

RL: will justify court correction. He can't file suit just for ideological or philosophical reasons. They said, after turning down Sierra Club standing to sue, that if the Sierra Club would amend the complaint to show that the Sierra Club had been personally injured even in the environmental sense or that its members have been injured by this proposed lease to Disney, then the Sierra Club would have standing to sue and a good cause of action. So the Sierra Club has amended their complaint to show that. The trial court again has ruled that the Sierra Club has standing. So the matter is on its way again for a full trial on the merits.

The reason that the case had to go to the Supreme Court and back again was because the Sierra Club wanted a broad decision that responsible private parties, such as the Sierra Club, could ask the courts to stop a violation of law by a government agency. The Sierra Club, did not want to rely simply on its own selfish personal rights. The Sierra Club therefore did not include any of the local people from the Mineral King Valley as plaintiffs in the suit. There are people there who own cabins and are opposed to Disney coming in and destroying their peace and quiet. The Sierra Club deliberately left those people out because it wanted to test on its own the question as to whether or not the Forest Service and the Park Service could violate acts of Congress without correction. If the Sierra Club could not protest those actions, then nobody could force the Park Service and the Forest Service to obey the acts of Congress.

The first case in which the Supreme Court of the United States permitted the Sierra Club to sue to force a public agency to consider broad environmental rights was the Storm King Mountain case. We had the right to sue because the Federal Power Act granted that right to all "interested parties." The Ninth Circuit Court out here in the Mineral King case said, yes, the Supreme Court had approved standing for the Sierra Club in the Storm King case concerning a power plant because the Federal Power Act expressly permitted interested parties to intervene.

In the case of the proposed freeway on fill in the Hudson River, the Sierra Club had the local people

of Tarrytown, New York, on the Hudson, join with it. The Supreme Court of the United States again held there was standing to sue. But the Ninth Circuit Court in San Francisco, in reference to Mineral King, held that the fact that the Sierra Club had standing on the freeway case did not count because we had local people join us there and we did not have local people as parties to the suit at Mineral King. Parenthetically, the freeway in the Hudson was totally abandoned. The State of New York, through Governor Rockefeller, wiped it out because of the suit. It does show that these suits are often successful.

At any rate, to get back to standing, you can see that if the Sierra Club had brought in some local people then it would clearly have had the right to object because some economic interests, some dollar interests, would have been involved. That is the old theory of the law, that you could only sue if you had a dollar interest. The trial judge here in San Francisco held that the Sierra Club was correct. The Forest Service had no right to violate the act of Congress that limited leases for ski resorts to a total of eighty acres. In the Mineral King case the Forest Service had granted several hundred acres, depending on how you calculate it. Everybody, including the courts, felt that the Forest Service had granted more than the act of Congress permitted.

The issue went up on appeal to the three judges of the Ninth Circuit Court of Appeals here in San Francisco, which is the court between the trial court and the Supreme Court of the United States. The Ninth Circuit Court held that since the Forest Service had been violating the act of Congress in so many different parts of the United States in granting more acreage than the act permitted and that since that had gone on for so many years and Congress had not done anything about it, Congress must have concluded that the practice complied with congressional intent.

The interesting thing is that, although the case then went to the Supreme Court of the United States, that Court never passed on the validity of the agency action because they reversed the Ninth Circuit, saying

RL: that if the Sierra Club would allege that its members had been hurt because the members took trips into the valley and had personally suffered injury, then the Sierra Club could proceed with the suit and would have standing. I think that is wrong, on abstract principles, because it again emphasizes dollar interests rather than social or environmental interests.

SS: Can't standing be other than economic?

RL: Yes, the Supreme Court expressly held in the Mineral King decision, and earlier in blocking the freeway through Overton Park in Tennessee, that standing to sue could be on the question of harm to Sierra Club members on environmental and conservation grounds. But the court did require some injury.

I have to sympathize with the Supreme Court. The justices are trying to avoid getting a huge number of cases with everybody trying to tell Congress or the Forest Service how to run their affairs without having any real basic interest in the case.

What they are also trying to do is to prevent people litigating a case and then, when they lose it, somebody else bringing another suit with a slightly different interest to litigate it all over again. So the Supreme Court in its rules on standing is trying to avoid a huge number of suits and also trying to pinpoint the problem so that, once they decide a case, that general principle will be finished with and they won't have to take it up again.

Of course, there are constitutional requirements, also, that the Supreme Court cannot give an advisory opinion on any matter, even to Congress. It can pass only on actual litigation or disputes between people. Now there is a real dispute between the Sierra Club and the Forest Service. But the club's initial approach was an attempt to test the general principle that the Sierra Club, as a responsible organization, eighty years old, experienced in the field of environmental matters, could raise questions as to environmental judgment of the Forest Service or Park Service or others about whether or not they were complying with an act of Congress. The Supreme Court held, as a matter of history and policy, that such an approach was too broad.

RL: All that time, the Alaska pipeline suit had been going on. It finally arrived at the Court of Appeals in Washington, D.C. The seven court, on October 6, 1972, considered it so important that all seven judges sat in bank on the case. In the Sierra Club case here in San Francisco only three of the judges sat and decided the case. But in the Washington case, since it did involve the Alaska pipeline and a real test between Congress and the Department of the Interior, the entire seven judges sat on the case.

It was fascinating that after the decision of the Ninth Circuit in the Mineral King matter--which held that the Sierra Club could not object to the Forest Service violating the act of Congress because the service had violated it so many times before--the government tried to use the same argument in the case of the pipeline. The Right of Way act of 1920 permitted a width of only twenty-five feet. Since that was clearly not enough under modern technology, Interior had granted fifty, a hundred, two hundred feet all over the nation--Texas, Louisiana, everywhere [laughter.]

The justices deciding the pipeline appeal said, "No matter how many times the Department of the Interior violates an act of Congress, that does not make it right does it?" [Laughter.] It is illogical. So they held unanimously--all seven--that it violated the act of Congress and they were not going to consider any question because there was not any use in doing so. The Department of the Interior had violated an act of Congress and that was the end of the case. So in late 1973 Congress amended the 1920 act to permit much wider rights of way for all purposes.

Of course, Disney should probably have started on that long ago, to amend the act of Congress to permit more resort acreage. It may not be so easy, because I think the Sierra Club would have a real chance of blocking a bill by Disney to change the act of Congress on that. I think, in early 1973, that probably widening the right of way of all future pipelines is going to be granted, and Senator Jackson, the chairman of the Interior Committee, has made a logical argument for it. The difference is that Congress can

RL: exercise judgment and grant wider rights of way when the 1920 act proves inadequate fifty years later, but, in the meantime, the executive branch of the government must obey the law as it stands and responsible citizens should be able to request the courts to enforce the law as it stands.

Senator Jackson logically placed his bill to amend the pipeline right of way into the general context of the entire United States and made it up into a bill to change rights of way for all public lands in all fifty states and possessions. I think that is a much more logical way to handle the subject. But you can see that, since it is such an immense subject, it will certainly pass in some form that will probably permit the Alaska pipeline on the ground.

However, an increase to more than eighty acres in the ski resort authority of the Forest Service might very well not pass, because the Sierra Club and all conservation groups would oppose it severely just on principle for the rest of the United States, disregarding the applicability to Mineral King. Even if Mineral King were not involved, this is still a problem in Rocky Mountain National Park and in the national forests near Seattle.

I should summarize the question of standing to sue. The Sierra Club deliberately made an attempt to create new law to give a recognized authority in the field of the environment the right of standing to sue to prevent violation of acts of Congress that affect the environment.

SS: It would be more efficient for the courts to cut down the number of people who could be involved, but isn't it a denial of the public's right to hold the federal government responsible for violating its own laws?

RL: That is the principle that the Supreme Court ought to grasp. The Mineral King and pipeline suits are perfect examples. As those seven appellate justices said, no matter how often the Department of the Interior violates the law that does not make the violation correct. Yet that was, from a practical standpoint, what the Ninth Circuit held.

RL: The three justices of the Ninth Circuit were rather contemptuous of the Sierra Club throughout their opinion, in stating more or less that they considered the Sierra Club to be a self-appointed judge of what is good for Mineral King and what is good for the Forest Service and the National Park Service. Legally that is not the case. All the Sierra Club was attempting to do was to require the services to obey acts of Congress. So the question of standing still has a long ways to go.

SS: The Forest Service has always had a high degree of autonomy in dealing with the national forests. Such a court decision might be one of the things that would eventually circumscribe the service's autonomy, making it more responsive to the public.

RL: One of the arguments that the Forest Service made to the Ninth Circuit Court of Appeals was that Congress, clear back in 1897 when they created the Forest Service, authorized the service to make rules and regulations for the governing of the forests, as a natural, necessary authority. But my impression is that when the Supreme Court receives the case again it will not agree that Congress had authorized the Forest Service to give away land of the United States, because when you grant a lease for thirty years you are giving away public land for thirty years.

San Jacinto Tramway--Legislative Give-Away?

RL: I personally was able to block the San Jacinto tramway down in southern California at one stage of its twenty years of negotiations. A group of promoters wanted to build a tramway from below sea level at Palm Springs up to near the summit of Mount San Jacinto, which is 11,820 feet. But it was a wilderness park that the Sierra Club had helped put together from the state park system, the Forest Service, and the public domain. So the Sierra Club was fighting the tramway.

I was secretary of the Sierra Club at the time. In researching the facts I found that part of the

RL: route for the tramway had to cross one square mile of Forest Service land. The rest of the route was on Indian lands--the promoters had obtained leases for the Indian lands--and public domain land in the desert.

The Forest Service had granted the tramway authority a right of way across that one square mile under an act of Congress of 1864 that provided for grants for roadways or railways. In looking up the law, I found that the Supreme Court of the United States in about 1870 had ruled in a case that a canal was not a roadway or a railway. Although that is logical enough by itself the people who were wanting the canal argued that it was a similar transportation method. That is what the Forest Service had decided, that the tramway was a transportation method similar to a roadway or a railway.

But the Supreme Court in 1870 had decided that if construction of acts of Congress was loosely decided pretty soon all the land of the United States would be given away by various types of evasion. So I cited that to the Bureau of Land Management, which had the authority to make the grant of the right of way. The Bureau agreed with me, formally stating that they reversed the decision of the Department of Agriculture.

I called up Pat Thompson, who was the regional forester at that time. I knew him well and had always worked successfully with him. I said, "Pat, you will have to give up the tramway across that piece on San Jacinto." He said, "What do you mean? I have the regional director of the Bureau of Land Management in my office right now, and we are preparing a press release stating that the right of way has been granted to the San Jacinto Winter Park Authority."

I said, "Well, Pat, you had better check that out with Washington, because I just had a telephone call from Washington stating that the Bureau of Land Management has overruled the Department of Agriculture." Oh he cursed. He said, "Of all the [expletive deleted] for the Sierra Club to go around behind our backs and reverse this." I said, "Well, Pat, we are only insisting that you follow the act of Congress."

RL: [Laughter.] So he checked it out and found I was right. Then the Forest Service and the tramway authority solved their impasse by an exchange of some private land that the tramway authority bought elsewhere for this Forest Service land that the tramway had to cross.

The point that I want to illustrate is that the Supreme Court for over a hundred years has insisted that the land acts of Congress have to be interpreted very conservatively or you are going to lose the land of the United States. The seven appellate justices in the pipeline case were absolutely correct that if you allow the land to be given away by violations of acts of Congress then you are certainly violating the holding of the Supreme Court a hundred years earlier.

I think the Supreme Court--particularly the strict constructionists, as Nixon calls them--should philosophically come to that point of view that it is up to Congress to decide what land is to be given away, the executive branch to carry out the acts of Congress, and the judicial branch to interpret and enforce those laws.

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