CHAPTER 120

The Wisconsin Legislature Passes a Mining Moratorium Law (February 1998)

A
n advertisement placed by the Wisconsin Resources Protection Council in the March 25, 1993 issue of the Ladysmith News said it all: “We Need a Moratorium on All Mining in the State!” (Figure 120-1). And I’m proud to say that five years later, on April 22, 1998, we succeeded in getting such a moratorium signed into law in Wisconsin. The whole idea behind it was to protect northern Wisconsin from turning into a polluted mining district.

Writing about the passage of Wisconsin’s mining moratorium law is like trying to put a bale of hay into a bushel basket. The bill that ultimately became Wis. Stat. 293.50 was first introduced in the Wisconsin Legislature in December of 1995 by my friend, Rep. Spencer Black (D-Madison). It was given little chance of survival because the legislature at that time was controlled by Republicans—and they had never supported us on anything that had to do with riding herd on the mining industry. The Republicans had a 52 to 47 majority in the assembly, a 17 to 16 majority in the senate, and their legislative sausage-making was being overseen by a pro-mining Republican governor, Tommy Thompson. But Rep. Black was and continues to be a real fighter, and I have to hand it to him for introducing the bill when he did. As you will see, his gamble paid off.

The story I am about to tell you touches my heart—not only because the enactment of a statewide mining moratorium was a dream of my dear Evelyn, who passed away in 1996, but because the drama that unfolded over the passage of the bill brought a new friend into my life who has become quite dear to me over the years. Her name is Laura Furtman, and she is the one who eventually helped me sift through Evelyn’s files and the many boxes of mining-related articles, stories and materials in my basement so that the real story of the Flambeau Mine could be written. As you read this particular chapter, you will learn not only about the evolution of Wisconsin’s mining moratorium law, but the evolution of my friendship with Laura.

The Origins of the Mining Moratorium Concept in Wisconsin

So how did Wisconsin’s mining moratorium law come to be? Before going into all the details, let me give you the definition of what a moratorium really is. According to the dictionary, it is a “period of time in which there is a suspension of a specific activity until: (a) future events warrant a removal of the suspension; or (b) issues regarding the activity have been resolved.” Black’s Law Dictionary puts it like this: a moratorium is a “delay or postponement of a legal obligation or an action or proceeding.” The key point is that a moratorium can stop a project cold in its tracks until certain requirements are met. It helps buy time, and that’s exactly what the people of northern Wisconsin needed in their struggle against Kennecott, Exxon, Rio Algom, Noranda and all the other mining companies that were interested in exploiting Wisconsin’s mineral resources.

Even though Wisconsin’s mining moratorium law was not passed until 1998, many of the actions we took in Rusk County in the 1970s, 80s and early 90s served the same purpose as a moratorium. The stories of how we went about slowing down Kennecott have been recorded earlier in this book, but I’d like to briefly review them here as a back-drop to the passage of the mining moratorium law.
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Figure 120-1. The idea of placing a moratorium on metallic sulfide mining in Wisconsin had its roots in Rusk County in the 1970s and 80s. Those who opposed the takeover of northern Wisconsin by the multinational mining corporations of the world continued the effort into the 1990s and eventually succeeded in forcing the Wisconsin Legislature to enact a mining moratorium law (Paid advertisement, Ladysmith News, March 25, 1993).
Let’s start by going back to the mid-1970s. That’s when many of us in the Town of Grant first got involved in the mining controversy, only to realize that we would not be able to count on the Wisconsin Legislature or the DNR to put the brakes on Kennecott. The mining company officials were bent on accelerating their efforts to get a copper and gold mine up and running in the Town of Grant, and our state officials seemed only too eager to give them the green light to proceed. But what about the public? We needed more time to evaluate the project and learn about the potential hazards. The truth was on our side, but time was not.

Now, I am not claiming that we in the Town of Grant invented the idea of a moratorium. But we knew that if the mine was going to be slowed down or stopped, it was up to us. So in September of 1975, when a special town meeting was called to discuss Kennecott’s proposal, many of the local people in attendance asked the town board to deny the mining company’s request to have its property rezoned from agricultural to industrial. You read all about it in Chapter 7 of my story and how, after a fair amount of turmoil, the Grant Town Board refused to sign off on what Kennecott wanted to do.

And then, to make sure that the mining company would not be able to pressure the town board into changing its mind, the townspeople passed a resolution at the annual town meeting in April of 1976 to outright prohibit the board from signing any mining permit or rezoning any land owned by Kennecott in the Town of Grant—at least for the time being. All of these actions in effect created a moratorium on mining.

The county also got involved in slowing down the mine. On November 10, 1976 the Rusk County Board passed Resolution 229 which denied Kennecott a permit to mine until certain laws pertaining to mining taxation and environmental protection were passed by the Wisconsin Legislature. Now that action by the county board was not called a moratorium; it was a resolution. But it accomplished the same thing by giving the townspeople a breather from Kennecott’s push to build the Flambeau Mine.

The mining company, however, would not give up. As reported in the December 1981 issue of Wisconsin Academy Review (CD 30-1):

"Two days after Kennecott saw its mining permit application hearing adjourned in November 1976, a Kennecott official told his superiors what had become painfully obvious: “Getting into bed with environmentalists might rub raw with many of our colleagues, but in this day and age I cannot recommend a better course of action for expedition of our project.”"

And that’s what led to the birth of the “consensus” negotiations of the late 1970s and early 1980s. In my opinion, the whole darned thing was an example of devilry at its finest, with the biggest horns protruding from Public Intervenor Peter Peshek and Exxon Attorney James Derouin.

When those of us opposed to the mine saw the lousy proposals for new laws and regulations that were being developed by “consensus” and how the proposals were being embraced by the Wisconsin Legislature and the DNR, we knew we had to do something more drastic to protect ourselves from being trampled. So on April 13, 1982 the Town of Grant adopted a resolution that stated the following:

"Be it resolved that the Town of Grant, Rusk County, Wisconsin, does hereby prohibit all mining activity by promoting a moratorium on all metallic mineral exploration, prospecting, and mining, until such time as the Town of Grant determines that adequate laws exist to protect and promote the interests, health, safety, and welfare of its residents."

Shortly after the resolution was passed by the town’s voters, over 80 townships in northern Wisconsin followed suit.

Unfortunately, however, our victory was short-lived. As you know, Wisconsin’s town government law was changed in 1984 to strip away the power of townspeople to pass binding resolutions and ordinances at the annual town meeting. And even though the mining moratorium resolutions passed by the Town of Grant and the other eighty-or-so townships in the early 1980s were technically grandfathered, the whole thing still made a terrible difference on the ability of local people to assert their will.

We faced yet another problem in late 1987, when Town Chairman Bob Plantz publicly announced that our mining moratorium resolution had somehow disappeared from the town records. The enforceability of the moratorium was subsequently challenged in court, and we lost. But we didn’t let any of that stop us. The townspeople rallied and passed a second mining moratorium resolution at the April 12, 1988 annual town meeting. Unfortunately, however, Attorney William Thiel advised Chairman Plantz to ignore the moratorium, even though it had been passed by a large majority of the voters. The change in Wisconsin’s town government law allowed Plantz to do so, and he did.

Things continued to deteriorate when the Local Agreement Law was passed by the Wisconsin Legislature.
in late April of 1988. That’s the law which to this day allows a local negotiating committee to decide “the applicability or nonapplicability of local ordinances, approvals or resolutions” to mining projects. Under Kennecott’s influence, it’s no surprise that any and all of our efforts to stop the mine were declared “nonapplicable.” And there wasn’t much we could do about it.

I’d like to point out that we hadn’t taken all of these actions over the years just for fun. We saw no track record for Kennecott being able to operate its mine without polluting our water. And we didn’t want to be just another experiment in the mining company’s book. As Evelyn wrote in May of 1996, less than a month before she died (CD 120-1):

We all should have learned in high school chemistry that experiments belong in test tubes under controlled laboratory conditions. As successes are obtained and workable techniques developed, then and only then should they gradually be expanded into real life situations. You don’t experiment with a mine right next to the Flambeau River or at the headwaters of the Wolf.

But time and time again our efforts to protect the health, safety and welfare of the community were scuttled by the mining company, our state and local officials and the DNR. I wish I could say this was the exception rather than the rule in Wisconsin. But similar stories continue to surface even today, whether it involves mining, high-voltage power lines, high-capacity wells or factory farms. Sure, a few people have waged somewhat successful battles against the powers-that-be. But if I may digress for a minute, one of the worst impediments to fair and just decision-making in the State of Wisconsin continues to be our pathetic legal system. You see, important environmental battles often end up in the courts, and too many judges who have assumed the bench appear to be uninterested in watching out for the little guy, especially when big business comes calling.

Two of the most insipid judges I ever saw in that regard were Judge Mark Mangerson (he assumed the position of Oneida County Circuit Court Judge in 1988 and continues to serve in that capacity to this day) and Judge Janine Geske (she served as a Wisconsin Supreme Court Justice from 1981 to 1998 and a reserve judge in the Wisconsin court system from 1999 to 2002). Both of these judges ruled on court cases involving the validity of a Local Agreement signed between the Nashville Town Board in Forest County and Exxon/Rio Algom in 1996 to build the Crandon mine. And both judges upheld the validity of the contract, even though the Nashville Town Board admitted to breaking Wisconsin’s Open Meetings Law 55 times during the negotiations (CD 38-5). The only good thing about it was that by the time Mangerson and Geske handed down their decisions, Wisconsin’s Mining Moratorium Law had been enacted. So even though both judges kowtowed to Exxon/Rio Algom, the people of Forest County at least had another line of defense to help keep the mining company from moving ahead with its plans to build the Crandon mine.

The debacle with Mangerson and Geske underscores the fact that to this day, the State of Wisconsin not only has a bunch of shoddy mining laws on the books, but a number of shoddy judges on the bench. It’s just one more reason why it was so important to get a mining moratorium law enacted. Let me tell you, then, about the legislators and concerned citizens who helped make the law a reality.

The Early Push for a Mining Moratorium Law in Wisconsin

When it comes to tracing the history of Wisconsin’s mining moratorium law, one of the first legislators who went to bat for us was Rep. Thomas Loftus (D-Sun Prairie). He ran for Governor of Wisconsin in 1990 against the incumbent, Tommy Thompson, and did us a big favor when he brought mining to the forefront as a campaign issue. Loftus traveled around the state calling for a mining moratorium and comprehensive review of Wisconsin’s mining laws. He stated, “If Gov. Tommy Thompson believes in local control of government, he should listen to the people of northern Wisconsin and quit trying to cram mining down their throats” (Figure 120-2).

Wow! Did that get the attention of Tommy Thompson! I think he knew the issue of mining in northern Wisconsin was so explosive that it might really cost him some votes in the election. So he lashed out at Loftus by trying to make it sound like his Democratic opponent was anti-business instead of dealing with the real issue at hand—how mining could destroy the clean water of northern Wisconsin. It reminded me of something that happened to my daughter Susan when she was working for the DNR in Madison. One day, a department official by the name of Lyman Wible came up to her desk and asked, “Are you Roscoe and Evelyn Churchill’s daughter?” When she answered, “Yes,” he quickly said, “I suppose then you’re against mining.” But Susan astutely replied, “Put it this way. I’m for clean groundwater.”
And that was the story behind Loftus’ stance as well. He wasn’t anti-business. He was for clean water. Yet Thompson, in his arrogant and thug-like manner, said the following (CD 120-3):

[Loftus wants to] completely ridicule and demean the business climate in this state. ... I don’t know where he’s coming from. He’s throwing these grenades and luckily they’re all duds and this is the biggest dud of all. We have the toughest permitting law on mining in the United States. ... To bring this up as a smokescreen right before the election, what good is it? I mean, the day after the election nobody is going to be talking about the permitting or moratoriums on mining. ... He’s making these politically obnoxious statements against the business community of this state and to what avail? ... If that’s what he wants, he’ll go down in flames like other people who believe the same philosophy. ... Poor Speaker Loftus keeps trying to find an issue that somehow people will support him on. He’s been too long in Dane County. He’s been in that liberal stratified air of Dane County and he just doesn’t understand that you have to have a good business climate to create jobs in order to do the things that the governor has to do.”

Thompson’s tirade didn’t fool us. And as you might expect, the Rusk County Citizens Action Group jumped on board with the Loftus campaign. We even published a Special Action Edition to the Real Flambeau News that included a petition for people to sign in support of a moratorium, and we forwarded the signed copies to Sen. Loftus to use in his campaign (CD 120-4). As Evelyn said to our supporters in the newsletter, “We must use the political process to demand greater protection of our northern environment. Please get your friends involved in this effort, question political candidates about their position on a regional mining study and moratorium. Make the politicians feel the public concern on these issues.”

Unfortunately, Thompson went on to win reelection in 1990, but at least we proved him wrong when he said, “The day after the election nobody is going to be talking about ... moratoriums on mining.” To start, the governor seemed to forget that other state elections besides his own were being decided in November of 1990 and that some of those races were likely to have a bearing on the moratorium issue.

In particular, I don’t think Thompson expected that the race in the 29th Senate District, which at that time included all of Price County and parts of Rusk, Taylor, Barron, Marathon, Chippewa, Shawano and Waupaca counties, was going to turn out the way it did. You see, that was my senate district, and we voted to get rid of the pro-mining Republican senator who had held the seat since 1966. The 24-year incumbent’s name was Walter John Chilsen (R-Wausau), and we replaced him with a young, energetic and dedicated man by the name of Russ Decker (D-Schofield). Chilsen had spoken out against Loftus’ call for a mining moratorium during the campaign, while Decker was willing to sit down and listen to us (CD 120-5). And I’m sure Decker’s win was at least partly due to that fact.

Loftus raps Thompson on mining

MADISON (AP) — Assembly Speaker Thomas Loftus, D-Sun Prairie, said today that Republican Gov. Tommy G. Thompson has forced mining on the people of northern Wisconsin.

“If Gov. Tommy Thompson believes in local control of government, he should listen to the people of northern Wisconsin and quit trying to cram mining down their throats,” Loftus, who is running for governor, said in a news release.

“Eighty-five townships in 24 northern Wisconsin counties have passed mining moratoriums at the local level. Why is Gov. Thompson, who claims to be a supporter of local control, ready to run roughshod over these local decisions?”

Wisconsin Administration Secretary James R. Klauser dashed out at Loftus’ remarks.

“It’s just part of cheap campaign rhetoric,” Klauser said. “He is making a lot of statements without any substance.”

Loftus has proposed a statewide mining ban and a comprehensive review of state mining laws.

“Local communities are powerless to fight mining companies because of a law allowing a mining impact committee to sign an agreement with a mining company nullifying local laws and ordinances,” Loftus said.

“The language in that new law was actually drafted by the lawyers for Kennecott Corp., which wants to open a mine near Ladysmith. It allows Kennecott to ignore a local moratorium and even zoning laws which would stand in the way of the mine.”

But Klauser said that, whatever the new law does, Loftus voted for it.

“Apparently he didn’t read the material then, and I don’t think he read it now, because if he did, he would see that it does not say that,” Klauser said.

Figure 120-2.
Rep. Thomas Loftus brought statewide attention to the mining moratorium issue in his 1990 campaign for Governor of Wisconsin. See CD 120-2 for more information about what Loftus said about Wisconsin’s shady mining laws (Eau Claire Leader-Telegram, August 6, 1990; reprinted with permission of The Associated Press).
Decker didn’t let us down. Shortly after he got in office, he teamed up with Rep. Harvey Stower (D-Amery) and Rep. Spencer Black (D-Madison) to push for the enactment of a mining moratorium in the state. You’ve already read about the bill, AB 81, that Stower and Black introduced in the assembly in 1991 and Decker co-sponsored in the senate. And you can bet that the Rusk County Citizens Action Group did its best to get the public involved in pressuring the legislators to pass the bill. In particular, we circulated a petition that requested not only the enactment of a statewide mining moratorium, but listed a number of different mining laws that needed to be either created, amended or appealed (CD 120-6).

We were thrilled when AB 81 managed to squeak through the assembly on a vote of 50-49 in 1992. But then it was beaten down by the senate Republicans, who didn’t even let the bill come to the floor for a vote. Nevertheless, Stower, Black and Decker’s efforts kept the issue alive, and RCCAG continued to work with them to try to make this thing happen. For example, Decker scheduled a series of town meetings in March of 1993 to hear the concerns of his constituents about mining, and RCCAG helped promote attendance by putting the large advertisement I showed you at the beginning of the chapter in the Ladysmith News (Figure 120-1). We also circulated another petition, this one urging the state legislators to enact an emergency moratorium on all sulfide mining in Wisconsin (CD 120-7). We just couldn’t give up.

Exxon Reappears on the Scene, People React and Rep. Spencer Black Listens

By 1993, the Flambeau Mine was on the threshold of becoming a reality. So you might be wondering why we kept up the push for a mining moratorium. Well, we continued to fight because we hoped that we still might be able to throw a wrench in Kennecott’s project—or at least stop the next corporate assault on northern Wisconsin, the proposed Crandon mine at the headwaters of the Wolf River. As you know, even though Exxon had put its plans to build the Crandon mine on hold in 1986, the company announced in September of 1993 that it was ready to get back to business and pursue the necessary permits to mine in Forest County, right next to the Mole Lake Reservation (CD 120-8).

The proposed Crandon mine was expected to produce the largest toxic waste dump in Wisconsin—a tailings pond covering 355 acres with berms 90 feet high (CD 120-9). To put it into perspective, that’s the size of about 340 football fields! And since the wastewater from the mine could not be dumped into the Wolf River (which had been designated an Outstanding Resource Water by the state in 1988, thereby limiting pollution discharges into the river), Exxon was proposing to pump over a million gallons of water a day over to Rhinelander and dump it into the Wisconsin River, where pollution standards were more lax. And all so that the mining company could dig up the state’s gold, silver, zinc and copper to make a handsome profit for its shareholders.

That got the attention of a lot of people around the state. And in February of 1994, John Styczinski, Evelyn and I sent out a letter on behalf of RCCAG in which we sought the help of friends living far and near to pressure the Wisconsin Legislature into establishing a moratorium against metallic sulfide mining (CD 120-10). I have included a few excerpts from our letter for you to see on the following page. In a nutshell, we told of how our efforts to keep Kennecott out of Rusk County had failed because of the mining company’s subversion of local democracy. And we also highlighted how both Kennecott and Exxon had played a major role in getting laws passed to relieve them of responsibility for cleaning up environmental disasters. The letter also included a petition for people to sign that specifically asked the state legislators to do the following (CD 120-10):

- Enact an emergency moratorium on metallic sulfide mining;
- Conduct an investigation of the Kennecott takeover of Rusk County;
- Perform a regional study of the effects of mining sulfide minerals in Wisconsin; and
- Revise the laws and rules for mining.

We felt hopeful about our latest petition campaign because we sensed that more people were starting to show an interest in fighting the buzzards and that the environmental community and Indian tribes were getting better organized. And indeed, many copies of the signed petition were delivered to the office of Governor Tommy Thompson on March 14, 1994. That was the same day we presented Evelyn’s “Declaration of Independence from Corporation Oppression and Destruction” to Thompson and DNR Secretary George Meyer in absentia, as discussed in an earlier chapter.

A few months later, in August of 1994, we started to circulate yet another petition, this one asking the DNR to promulgate rules banning the mining of sulfide mineral deposits in the State of Wisconsin. You read all about it in Chapter 109 of my story and may
RCCAG Helps Keep the Mining Moratorium Issue Alive in 1994

February 11, 1994

Dear Concerned Citizen:

The petition enclosed in this letter is of the UTMOST importance! Those of us sponsoring this petition have been intimately involved, some more, some less, with the circumstances leading up to the now active Flambeau Mine.

The Flambeau Mine, just in its beginning stage, actually is the beginning of a much more sinister reality, a potential mining district containing a number of massive sulfide orebodies spread across northern Wisconsin. Twelve massive sulfide deposits have already been identified, including the zinc deposit near Crandon, thought to be the world’s third largest. …

Massive sulfide means that over one half of the orebody is composed of sulfide minerals, normally the predominant mineral being pyrite (fool’s gold) which becomes sulfuric acid-producing waste, dissolving out harmful levels of heavy metals. Mining of sulfide minerals in the western U.S. has left a legacy of poisoned groundwaters and massive fish kills. We don’t want that to be the legacy of northern Wisconsin!…

After a decade of official local actions that prohibited the Flambeau Mine, Kennecott sent in a man who persuaded the state to join him in subverting local democracy and getting legislation that facilitated start-up of the Flambeau Mine on the company’s own terms. At all costs, we MUST prevent this scenario from being repeated over and over across northern Wisconsin.

As many of you already know, state leaders, most of the legislators and DNR turned a deaf ear. At that time we were a small voice; but now, many voices are joining in.

Over the past couple of months we’ve seen a dramatic uniting of the Native Tribes and environmentalists in opposition to Exxon/Rio Algom’s proposed Mole Lake mine project and to a mining district in northern Wisconsin. Just recently, over 50 key organizers from around the country met with Nii Win (the four tribes—Sokaogon Chippewa, Forest County Potawatomi, Menominee and Stockbridge-Munsee) at Mole Lake. [The gathering] included numerous environmental groups, representatives from Lac du Flambeau, Bad River, Oneida, a delegation from the Serpent River First Nation of Ontario and two national coordinators of the Indigenous Environmental Network (IEN). …

It was a strategy session to plan resistance to Exxon/Rio Algom and a mining district in northern Wisconsin. The enclosed petition is but one effort towards that end. …

We are petitioning for a HALT to this major threat to the people of northern Wisconsin and their environment. It is in the power of the state leaders and lawmakers to do so; and what they should have done long ago. …

Please join us in this effort to save our clean and green Northland. Many, many thanks for your response to this appeal.

Sincerely,

John Styczinski, Jr., Chair
Roscoe Churchill, Vice Chair
Rusk County Citizens Action Group

recall how Sen. Chuck Chvala (D-Madison) publicly endorsed our efforts in his campaign for Governor of Wisconsin in 1994 (Figure 109-6). That really rocked Tommy’s boat, just like Tom Loftus had done in the 1990 gubernatorial race. Unfortunately, however, Thompson’s boys at the DNR proceeded to take the easy way out by claiming they did not have the power to enact the kind of ban we wanted.

But that didn’t stop us. We took the buzzards to court in February of 1995, and as you know, Judge Frederick Henderson ruled on October 2, 1995 that the DNR indeed had the power to say “No” to metallic sulfide mining (Figure 110-3). Unfortunately, however, the decision was overturned by the Wisconsin Court of Appeals the following June.

While our lawsuit was playing out in court, those of us opposed to the takeover of northern Wisconsin by the multinationals did not sit by idly waiting. In fact, one of the most important developments in the organized effort to oppose the Crandon mine and support a moratorium on mining took place in the interim. I am referring to the establishment of the Wolf Watershed Educational Project (WWEP). The project was initiated in July of 1995 by the Midwest Treaty Network, a group that to this day brings Native and non-Native peoples together in an effort to support treaty rights, end racism throughout the region and protect the environment for future generations. You read about the early days of the organization in Chapter 70 of my story, so now let me tell you about the group’s effective campaign to push for a mining moratorium in the state.

When the Midwest Treaty Network initiated its Wolf River Educational Project, the idea was to bring together a variety of people who had a common goal of keeping the multinational mining companies out of northern Wisconsin. Some of us who came to the early meetings had experience fighting the Flambeau Mine and others were more familiar with the Crandon project. Some were Indian and others were not. But
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no matter who we were, we shared the pain that came from being stripped of our rights, and we faced a common threat to our water and land. It was just natural that we got to know each other and work together. During those monthly meetings we educated each other on the dangers of metallic sulfide mining, drew on each other’s experience and came up with ways to spread the word to the public.

The timing behind the initiation of the Wolf Watershed Educational Project was just right. You see, in December of 1995, Rep. Spencer Black introduced a new proposal in the Wisconsin Assembly for a statewide mining moratorium, AB 758 (Figure 120-3). It was co-sponsored in the Wisconsin Senate by Sen. Brian Burke (D-Milwaukee) and Sen. Russ Decker (D-Schofield) as SB 516. Since neither the assembly nor senate acted on the bill during the 1995–96 legislative session, Black reintroduced the bill on February 10, 1997 as AB 70, and Sen. Kevin Shibilski (D-Stevens Point) brought it back to the senate as SB 3. Right from the start, the Wolf Watershed group jumped on the bandwagon to help Black and his colleagues build support among the people of Wisconsin for passage of the bill.

If you want to read the complete text and history of the assembly and senate versions of the mining moratorium bill (or any other bill introduced in the Wisconsin State Legislature), you can do what is called a “folio search” on the legislature’s web page (http://www.legis.state.wi.us). I’ve included some of the information specific to the mining moratorium bill on the CD-ROM that accompanies my book (CD 120-12). But for now, here is how Rep. Black described the bill in his own words (CD 120-13):

I introduced the mining moratorium bill because I believe protecting our environment is essential to the future of our state. This legislation is a common sense approach to this very controversial issue. What the bill will do is require a mining company, before a permit can be issued for a new mine, to show a mine that has operated without pollution of the environment for a period of ten years and then been reclaimed for ten years [without pollution].

The mining company and DNR, of course, downplayed the need for such a law. In particular, Bill Tans, who was the DNR official overseeing the permitting process for the Crandon project, actually stated in an article that appeared in the December 13, 1995 issue of the Wisconsin State Journal, “It’s really irrelevant what’s happened elsewhere.” According to the same article, Tans also said that “although it’s true there is not data on mines that have been operated and reclaimed successfully, there are waste disposal technologies being tested that are working” (Figure 120-3). Hmmm. Did that mean he expected us to be satisfied with using the Wolf River as part of some sort of ongoing experiment?

To help get the word out about the dangers of the proposed Crandon mine and the need for the legislature to pass Black’s mining moratorium bill, the Wolf Watershed group set up a speaking tour in early 1996 that involved having members of the group give presentations in 22 different towns along the Wolf and Wisconsin rivers. The tour lasted about a month and

Figure 120-3.
Rep. Spencer Black introduces a bill calling for a mining moratorium in the State of Wisconsin. See CD 120-11 to read all the details (Wisconsin State Journal, December 13, 1995; reprinted with permission).
A Personal Look at the Wolf Watershed Educational Project

To this day, the people who are part of the Wolf Watershed Educational Project (WWEP) get together on a regular basis to keep abreast of the latest developments with the proposed Crandon mine and other issues affecting the environment of northern Wisconsin. Each month I get a brightly-colored postcard in the mail, telling me where the next meeting is to be held. And when it arrives, I always get a little excited because it means that I will soon be seeing friends who mean so much to me.

Some of us go all the way back to the 1970s together—like Dorothy Tyra, Al Gedicks and myself. I will always remember how Dorothy and her late husband Warde were among the first people over there at Crandon to come out strong against Exxon’s proposal to build the Crandon mine. Dorothy was never afraid to voice her opinion on the mining issue, and I’m sure that witnessing her strength gave others the confidence to speak out as well. And as far as Al is concerned, well, you’ve already read much about my strong friend from La Crosse, Wisconsin. Not only does Al teach sociology at the University of Wisconsin, but he lives the very struggle that he is helping his students to understand.

Others who frequent the meetings of the Wolf Watershed Educational Project are friends I met in the struggle during the 1980s—people like George Rock, Bob Schmitz, Herb Buettner, Zoltán Grossman and Debi McNutt. And so many more came into my life in the 1990s and early 2000s as the fight against Kennecott and Exxon continued. For me, going to a Wolf Watershed Educational Project meeting is kind of like going to a family reunion (Figure 120-4). We all know each other, love each other and appreciate each other’s contributions.

The group meets in different parts of the state, including places like the Mole Lake Reservation, White Lake, Shawano and Keshena (all located along the Wolf River), Stevens Point, Oshkosh, Ladysmith and Rhinelander. We have also

Figure 120-4. The people involved in the Wolf Watershed Educational Project come together on a monthly basis to discuss ways of fighting the buzzards. The group is pictured here at a meeting that took place on the Mole Lake Reservation in late 2002 (Photo by Zoltán Grossman of Madison, WI, November 16, 2002).

Figure 120-5. Debi McNutt and Zoltán Grossman have been a constant presence at the meetings of the Wolf Watershed Educational Project and have shepherded the group through good times and bad (Photo by Faye Brown of Minneapolis, MN, October 26, 2003).
met in Madison on several different occasions to participate in rallies designed to get the attention of the governor and state legislature. In addition, the group has sponsored several speaking tours across the state to educate the public about mining issues.

The individual people behind the Wolf Watershed Educational Project have many talents and a lot of passion for fighting the buzzards, but that alone cannot explain the group’s success. The other key ingredient has been the organizational skill and leadership provided by a couple of very special people who I cherish and respect greatly. Their names are Zoltán Grossman and Debi McNutt (Figure 120-5). They are the real driving force behind coordinating and keeping the monthly Wolf Watershed meetings alive and effective. Besides mailing out those brightly-colored postcards I mentioned earlier, Zoltán and Debi always seem to know what is happening and are anxious to share the information with the rest of us.

Zoltán is not a big man physically, but he radiates strength and a sense of purpose. He has strong environmental feelings and the utmost of concern for honoring treaty rights. He has done much to let the mining companies, the DNR, the tribes, the legislators and his friends know that his fight to protect our precious resources and the rights of the Native American people is of prime importance to him. He has traveled many miles, prepared endless materials and acted as a leader for the Wolf Watershed group to try to make sure there will never be a metal mine at Crandon. And that type of resilience was surely demonstrated when Zoltán earned his doctorate from the University of Wisconsin–Madison in 2002 and became a professor at the University of Wisconsin–Eau Claire shortly thereafter.

Debi is tall, slender as a willow, with dark hair and eyes that seem to see deep within me. She is as adamant as Zoltán in her efforts to protect the earth from being pillaged by the multinationals. There is no show or bragadocio in either Debi or Zoltán, but rather a strength of purpose that is very evident to anyone they meet. They are interested in the world around them, not only the environment, but the political arena and the serious issues we all face. And when they believe in something, they do something about it.

Zoltán and Debi have been in this battle a long time, and Evelyn loved them just as much as I do. To this day, whenever I go to an environmental meeting that I think they might be attending, I always look to see if they’re there. I am very happy to have them as my friends, as I am all the other good people involved in the Wolf Watershed Educational Project.

And speaking of all those good people, let me tell you about one of the group’s very important projects and how everyone worked together to make it a success. I am referring to the 1999–2000 WWEP Youth Speaking Tour. The goal behind the project was to educate young people about the social, cultural and environmental impacts of metallic sulfide mining in general and the proposed Crandon mine in particular. As my friend Dana Churness stated in a WWEP press release, “Through education, we hope that young people today will be inspired to take a step forward and participate in this historical grassroots alliance and number one environmental issue in Wisconsin.” Linda Sturnot added, “In recent years the mining industry has increasingly targeted Wisconsin’s classrooms and universities by promoting pro-mining materials and speakers. Now, through the grassroots efforts of the Wolf Watershed Educational Project, we offer educators the
tools and resources they need to balance their discussions and presentations on mining and promote ecological stewardship of our precious Wolf River” (CD 120-14).

The WWEP faithful who helped coordinate the tour and provide speakers to grade school, middle school, high school and college audiences across the state included Dana Churness, Linda Sturnot, George Rock, Christine Munson, Al Gedicks and of course, Zoltán and Debi. The group also put together a nice packet of educational materials aimed at different age groups that I have included on the CD-ROM that accompanies my book (CD 120-15). Not only was the information useful to those of us fighting the Crandon mine, but it could be adapted for use by those who face similar battles elsewhere.

As a former educator, I could see the importance of reaching young people with the kind of information provided by the WWEP speakers. After all, it’s our children’s future that is threatened whenever a mining company snoops around the northwoods, and it is our duty to make everyone aware of the situation. In fact, I gave a few talks as part of the youth speaking tour myself and in the process met some very dedicated young people. In particular, two high school students by the names of Kelly Anderson and Adam Dewitz arranged for me to speak at Memorial High School and the L.E. Phillips Memorial Public Library in Eau Claire, Wisconsin; a college student by the name of Maggie Allmann invited me to the University of Wisconsin–Stout in Menomonie; another dynamic student by the name of Aaron Marcoux made arrangements for me to come to the University of Wisconsin–Barron County in Rice Lake; and a young lecturer by the name of Lisa Theo invited me to speak to one of her classes at the University of Wisconsin–Eau Claire. Seeing the intensity and concern of Kelly, Adam, Maggie, Aaron and Lisa did my old heart a lot of good, especially considering the fact that I was 83 at the time and old enough to be their great grandfather! I might add that Kelly’s parents, Jim and JoAnn Anderson, also got in on the act. They were very supportive of Kelly and Adam’s work on the mining issue and invited Laura and me over to their home on the night of one of my talks. When I first met JoAnn, I could tell where Kelly had gotten her special mix of gentleness and strength. And Jim, who at the time was a headline writer for the Eau Claire Leader-Telegram, later helped Laura and me with our book project by providing us with numerous articles of interest from the Leader-Telegram’s archives.

The WWEP speaking tour culminated with a rally on the steps of the State Capitol in Madison on April 29, 2000 (Figures 120-6 and 120-7). About 750 people gathered to voice their opposition to the Crandon mine, and many of us had a chance to take the microphone and address the crowd. It was so encouraging for me to see the big turnout of young and old people alike.

Based on what I’ve told you so far, I am sure you can see that those who are involved in the Wolf Watershed Educational Project are not the kind of people who sit around at home and watch television. They really get around. One time the group even came out to my farm for a work day! You see, I had an old shed that I wanted to tear down but didn’t have the strength to do it myself. So the group decided to have its monthly meeting at my place in May of 1999, and the members came armed with hammers, crow bars, food and lots of muscle. I can still see it in my mind’s eye—people like Francis Kugel,
George Reif, Len and Judy Pubanz, Al Gedicks, Sandy Lyon, Nick Vander Puy, Claire Vanderslice, Carole Crisler, Tom Wilson, David Anderson and perhaps a dozen others who drove many miles, not only because they wanted to get together to discuss the mining issue, but because they were my friends (Figure 120-8). Francie Kugel even brought his son Andy along to help that day, and those two started out from Shawano at two o’clock in the morning so they could be at my farm to start work at sunrise. They arrived before I had even gotten out of bed! I might add that just like Francie helped me on the farm that day, he has been faithful and strong in fighting the mining companies for many years. He’s a World War II veteran who has never forgotten the meaning of serving his fellow man.

The people who came to my farm worked outside on the shed all morning, while a few stayed in the kitchen to prepare lunch for everyone. And when we sat down to eat, we had our meeting (by the way, I’ve never eaten baked beans any better than Carole Crisler’s or apple pie better than Laura Furtman’s). I remember how David Anderson told us over dessert that he had just seen some of the monitoring data from the wells at the Flambeau Mine site and that pollution was already starting to show up in the water, even though the mine had been closed for less than two years. That really got everyone’s attention, as will be discussed in a later chapter.

Another meeting of the Wolf Watershed Educational Project that I remember well took place close to the Mole Lake Reservation in March of 2001. John Styczinski went with me that day, and by ten o’clock in the morning some forty people had gathered in the meeting room of the Nii Win house, a new building constructed on a seven-acre parcel of land across the road from the proposed mine site at Crandon. These folks had come from all parts of the state, with a majority of them from the Crandon area. They were there to work at developing new strategies to try to keep a foreign mining company from tearing up the area in which the Mole Lake Ojibwe lived and through which one of Wisconsin’s most pristine rivers flowed, the Wolf.

The people who gathered that day had reason to feel sad. Judge Janine Geske had ruled two days earlier that the mining company’s Local Agreement with the Town of Nashville in Forest County was legitimate, even though it had been negotiated in violation of Wisconsin’s Open Meetings Law. As I sat looking at those dedicated people who had just suffered such a major setback, my heart was so full of love for them that I just had to tell them how I felt. I understood their pain, because I had lived twenty-five years struggling against mining companies, incompetent legislators, questionable judges and an uncaring DNR.

When it was my turn to talk, I said, “My friends, I came here today not out of a sense of duty but because I wanted to spend this day with you. I have five children, and as each new one came on the scene, I wondered if my love could be stretched to cover one more. That really got everyone’s attention, as will be discussed in a later chapter.

Then I said, “I know you are sad and very disappointed with Judge Geske’s dumb decision. But I want you to know that I first came to Crandon in 1976, when minerals were discovered near here and Exxon was ready to begin mining as soon as possible. Well, twenty-five years have gone by and they still are not mining. We just cannot stop what we are doing.”
ended with a rally at Hat Rapids outside of Rhinelander, Wisconsin on May 4, 1996. Evelyn’s health was failing at that time, but she was heartened by what our friends were doing and urged me to go to the rally. And when I got there, I was heartened, too. You see, I was one of about a thousand people who had come to show their support for protecting northern Wisconsin from the greedy mining companies of the world. I wish Evelyn could have seen it.

I remember how my friend Sandy Lyon got up and, in an almost prayerful way, told the group about Evelyn not being able to be there. She spoke with such love in her heart for her dear friend and explained how what we were doing that day was part of Evelyn’s dream. I have a picture of Sandy and myself that was taken at the rally. I keep it on a mirror in my living room (Figure 120-9).

The speaking tour and rally arranged by the Wolf Watershed group got Black’s mining moratorium bill off to a good start. In fact, reporter Rob Zaleski of the Capital Times wrote an article about the effectiveness of the group’s strategy and entitled his piece “Here’s how to stick it to Exxon, Tommy” (CD 120-16).

Other groups of citizens from around the state got involved as well. In particular, about sixty different environmental, sports, business and tribal organizations got together in 1996 to form what was known as the Mining Moratorium Coalition (CD 120-17). And as you might expect, the group and its individual members really made their voices heard. Here are several examples of what I am talking about:

■ A group from Shawano County known as POW’R (Protect Our Wolf River) went to a number of townships, villages and cities situated along the Wolf River and asked the governing bodies to sign a resolution that called for opposing “issuance of any permit or approval for the [Crandon] mining operation at this time, and until such technology has progressed to the point where no long-term environmental harm can arise from the operation of such facility, including the diversion of water from the Wolf River basin” (CD 120-118 and CD 120-19). POW’R was successful in its campaign, and the group’s efforts were emulated by people in other parts of the state. By March of 1997, a total of 65 communities, including 38 along the Wisconsin River, had signed resolutions against the Crandon mine (CD 120-20). That was quite a powerful message to send to the legislature!

In my opinion, POW’R was Shawano County’s equivalent to the Rusk County Citizens Action Group. Its members included good people like Len and Judy Pubanz, Alice McCombs, T.L. Christen, George Reif, John Mutter, Verlyn and Charmaine Olson, Francie Kugel and Fred Ponschok, to name just a few. They did their best to protect their part of the state from the hazards of metallic sulfide mining and in the process helped to protect a precious part of Wisconsin for us all.

■ The Mining Moratorium Coalition initiated a campaign in June of 1996 which entailed distributing a letter to all candidates for the Wisconsin Legislature in the November 1996 election. In the letter, candidates were asked to sign a pledge supporting the enactment of a mining moratorium. Bruce Nilles of the Midwest Sierra Club, Ben Manski of Wisconsin’s Environmental Decade and Dave Blouin of the Mining Impact Coalition all helped coordinate the effort. By August of 1996, over 60 candidates had signed the pledge. And by the time the election was held in November, the total had reached 90 (CD 120-21).

■ People all around the state started to collect signatures
on petitions in support of the mining moratorium bill. As you will see later, over 40,000 signatures were collected during 1996 and 1997, as the bill awaited action by the Wisconsin Legislature. It's clear there was tremendous grassroots support for the mining moratorium bill, and another thing in our favor was that the balance of power in the Wisconsin Senate shifted with the November 1996 election. The Democrats took a 17 to 16 lead over the Republicans, which was enough to shake up the senate's leadership positions and standing committees. Here's what I mean: (1) Sen. Chuck Chvala (D-Madison) replaced Sen. Michael Ellis (R-Neenah) as the senate majority leader; (2) Sen. Alice Clausing (D-Menomonie) took over as the chairperson of the Wisconsin Senate Committee on Agriculture and Environmental Resources, where the mining moratorium bill had languished during the previous legislative session; and (3) Sen. Kevin Shibilski (D-Stevens Point) and Sen. Robert Wirch (D-Kenosha) joined Clausing's committee to replace Sen. Mary Panzer (R-West Bend) and Sen. Margaret Farrow (R-Elm Grove).

On February 10, 1997, less than a month after the 1997–1998 legislative session got underway, Sen. Shibilski reintroduced the mining moratorium bill in the Wisconsin Senate as SB 3, and Rep. Spencer Black reintroduced it in the assembly as AB 70. The bill was then referred to the senate's Committee on Agriculture and Environmental Resources, where Sen. Clausing took the ball and ran. She quickly scheduled a public hearing on the bill for February 17, 1997 in Green Bay to give citizens a chance to comment on the bill.

I really wanted to go to Clausing's hearing and testify, but I was having problems with my blood pressure at the time and wasn't up to making the 200-mile trip. Plenty of my friends, however, were among the 300 people in attendance (Figure 120-10). And believe me, emotions ran high as the hearing dragged on for seven long hours. It was a real marathon for Clausing to sit through all that, but she stayed until every person who wanted to speak had spoken.

Clausing continued to plow ahead. About two weeks after the public hearing, she scheduled a committee vote on the mining moratorium bill, and it passed on a party-line vote of 3-2. The three Democrats who voted to send the bill to the floor of the senate were of course Clausing, Shibilski and Wirch. And the two Republicans who unsuccessfully tried to scuttle the whole thing were Sen. David Zien (R-Eau Claire) and Sen. Alan Lasee (R-De Pere). Needless to say, both of those guys had lousy environmental voting records.

Once the bill was issued out of committee, Sen. Chuck Chvala wasted no time putting it on the senate calendar. And I think his Republican colleagues finally realized that if they voted against a bill with so much popular support, it might mean the end of their political careers. All I can say is that the bill passed the senate on a vote of 29-3 on March 11, 1997. We were ecstatic!

Unfortunately, however, there was still more work to be done. First of all, Sen. Robert Welch (R-Redgranite), had succeeded in amending and weakening SB 3 before it passed the senate, as will be discussed later in the chapter. And second, even...
though the bill had gotten through the senate, it still awaited action by the Republican-controlled Wisconsin Assembly. And wait it did. You see, before the assembly could vote on the bill, it had to be issued out of the Wisconsin Assembly Committee on the Environment. And the chairman of the committee, Rep. Marc Duff (R-New Berlin), seemed in no great rush to deliver the bill to the floor (by the way, Duff happened to be Sen. Alice Clausing’s nephew).

But just like the senate Democrats had worked hard to advance the bill in their chamber, Rep. Spencer Black stepped forward to fight hard for the bill in the Wisconsin Assembly. He knew the Republicans had a 52 to 46 majority in the assembly that would be difficult to overcome, so he turned up the heat on his Republican colleagues by taking the issue directly to the people of Wisconsin. He met with small groups and large crowds across the state and did everything he could to nurture the grassroots movement. In particular, I remember attending a meeting of the Sierra Club in Eau Claire when Black came to make his pitch for the new law. Interestingly enough, Ed May was there, too. Now I have a difficult time imagining Ed May as a dedicated Sierra Club member. But maybe he was. Anyway, after Spencer gave his presentation on why Wisconsin needed a mining moratorium law and other strong mining laws, the audience gave him a standing ovation. But when I looked over to where May and the other mining people were sitting, they were doing just that—sitting. I would like to have seen their faces when the bill actually became law in April of 1998. Before getting into that, however, let me tell you a few more stories about what took place in the interim.

As Black traversed the state to talk to people about the mining moratorium bill, one of the stops he made was at the University of Wisconsin–Barron County campus in Rice Lake, Wisconsin. He came there on April 4, 1997 to participate in a mining forum that had been organized by Benita Rudi, who was a student at the university at that time, and Dr. Tony Millevolte, a professor of chemistry. As reported in the March 27, 1997 issue of the Ladysmith News, the meeting was designed to serve as a platform for discussing the pros and cons of mining in northern Wisconsin (CD 120-22). Besides having Black on the agenda, Ken Fish of the Menominee Nation and a representative from Exxon/Rio Algom were also scheduled to speak. I knew the audience was going to be allowed to ask questions, so I drove over to the Rice Lake campus, ready to challenge whoever the mining company decided to send on its behalf.

When I got to the meeting, however, I was disappointed to find out that Exxon/Rio Algom’s representative had not shown up. There sat Black and Fish on the stage with an empty chair between them.

The organizers of the forum waited a while before getting started, thinking that perhaps the mining company’s speaker was just running a little late. But no one came. So Black and Fish gave their talks, and the meeting was opened for discussion. It was clear that none of the people in attendance wanted a mine. And many were also offended by the fact that the mining company had agreed to participate in the forum and then not bothered to show up. I must admit, however, that I was not surprised by the company’s no-show. Outfits like Exxon and Kennecott don’t like to get into public debates with people of the caliber of Spencer Black and Ken Fish. Mining officials know the environmental track record of the industry is so bad that they don’t stand a chance.

Another thing I would like to tell you about the mining forum in Rice Lake was that it was the first time I met Laura Furtman, who was to become one of my best friends. She knew Sandy Lyon, who had told her about the meeting, and Sandy made a point of introducing us that evening. But then, I had met many people in my years of being an activist, and I couldn’t see how this pretty little lady from Webster, Wisconsin would be interested in anything I might be doing. Was I wrong! It turns out that I had met Sandy in the exact same auditorium on the exact same day seventeen years earlier. In retrospect, I guess you could say it was a sign of things to come.

Getting back to the moratorium … Shortly after Spencer Black spoke to us in Rice Lake, Chairman Marc Duff and the other members of the assembly’s Committee on the Environment came to Ladysmith to conduct a public hearing on the mining moratorium bill. When I first heard about the committee’s plans, I wondered why Duff had chosen Ladysmith rather than Crandon as the site of the May 12th hearing. After all, the people who were first in line to be affected by the outcome of the debate were those who lived close to the Wolf River. Later on, however, I found out what was really going on. You see, Duff admitted during the hearing that the reason he held the meeting in Ladysmith was because he “wanted to have a tour of the Flambeau Mine.” And sure enough, Kennecott treated the committee members to a dog and pony show at the mine site before the hearing began, in what appeared to be a thinly veiled attempt to sway the legislators against those of us who supported the moratorium. And to add insult to injury,
Duff conducted the hearing in Ladysmith's new public library that had been built, in part, with money from the mining company. All I could conclude was that Duff was more interested in giving Kennecott a voice at the public hearing than the concerned people of the Crandon area whose clean water was at stake.


Over 300 people came to the hearing, and about 130 registered to speak. Of course, I was there to shoot off my mouth like usual. And as long as we were all seated there in the new library building, I decided to tell the legislators the story of how the library came to be built. I said, “The Flambeau Mine closed a year early, costing the community about $1 million in lost wages. And after we made a big fuss about the change in plans, all of a sudden Kennecott announced that it was going to help pay for about half of this new building. They were just trying to shut us up.”

Many of my friends were there to support the moratorium bill as well—people like Kerm Benson, Will Fantle, Al Gedicks, Claire Vanderslice, Frank Koehn, Marion Lang, Ray Starrett, John Mutter, Kathy Wolf, Ted Miner, Kira Henschel, Dale Crisler, Betty Wolcott, Judy Pubanz, Lora Hill, Keith Reopelle, Chuck Sleeter, Marianne Otto and John Kariger, to name just a few. Some of them had been with me from the very beginning in the long battle against Kennecott, others came on the scene later, and every single one of them was appreciated by those of us who were worried about protecting the state’s waters.

In terms of the people who went on record against having a moratorium on mining, I am sure you will recognize a few of the names from the list—Alan Christianson, Ronald Moore, Thure Osuldsen, Stan Kromrey, Jim Weisenberger, Jim Schultz, David Willingham, David Solrud, Frank Beer and Jack Christman. It was the same bunch of local guys who had pushed for the Flambeau Mine in Rusk County. As reported in the May 15, 1997 issue of the Ladysmith News, their testimony dealt with “the positive impact the Flambeau Mine has had on the local economy, both in terms of jobs and in long-term economic development that has and will take place as a result of the wise investment of mining tax monies in the local economy” (CD 120-23). In fact, the week before the public hearing, the Ladysmith Community Industrial Development Corporation (LCIDC) even ran a large ad in the Ladysmith News that extolled the economic virtues of mining (Figure 120-11). It contained some of the same misleading information that I debunked in Chapter 119 of my story. For whatever reason, it looked like Christianson and his cohorts wanted to open the flood gates so that the rest of the state would be inflicted with the same misery we had suffered at the hands of Kennecott.

The mining industry had a number of company shills at the hearing as well. In particular, Flambeau Mining Company (alias Kennecott/RTZ) sent Tom Myatt, Jana Murphy and Jeff Earnshaw to speak out against the bill; and Crandon Mining Company (alias Exxon/Rio Algom) sent its president Rodney Harrill and a company spokesman by the name of Dale Alberts. I was really pleased when Alberts finished speaking and Rep. Black questioned him about the environmental record of the Henderson Mine in Colorado. You see, Alberts had cited the Henderson Mine in his testimony as an example of a non-polluting mine. But Black proceeded to present findings from a United States Environmental Protection Agency report that had just been released. It talked about how water quality standards had indeed been exceeded in a creek close to the mine’s tailings dump! All Alberts could say was that he wasn’t familiar with the document.

And then Black went on to ask Alberts exactly how much money Crandon Mining Company (CNC) had spent on television ads to try to defeat the mining moratorium bill. You see, as Al Gedicks pointed out in his book, Resource Rebels, “Prior to the Wisconsin Senate’s [March 1997] vote on the mining moratorium bill, slick CNC television commercials promoted the wonders of modern mining technology and associated it with the warm, fuzzy images of the idealized version of life in a small, northern Wisconsin town. The ads showed geese flying over a lake, a sparkling stream, school children and a place where young people didn’t have to leave home to find work.” What’s more, the 30-second spots were run during local prime time newscasts across the state, so the whole thing must have cost the mining company a pretty penny. But of course Alberts refused to answer Black’s question, so we were not able to find out exactly how much money the mining company had spent on its
In what appeared to be a thinly-veiled attempt to turn public sentiment against the mining moratorium bill, the Ladysmith Community Industrial Development Corporation ran a misleading advertisement about the economic virtues of mining in the local newspaper on May 8, 1997, four days before a public hearing was scheduled to be held on the bill in Ladysmith. Please note that the editorial comments to the right of the advertisement were made by Roscoe Churchill in 2003 (Ladysmith News, May 8, 1997).

Roscoe’s Comments:

“The Flambeau Mine closed a year early, costing the community about $1 million in lost wages. After we made a big fuss about the change in plans, all of a sudden Kennecott announced that it was going to help pay for about half of a new library building for the people of Rusk County. They were just trying to shut us up.” – R.C.

“The Enterprise Center was only partially funded with mining revenues. To date, the project has had no real impact on Rusk County’s unemployment rate, per capita income or any of the other important economic indicators. You saw the flat-line graphs in Chapter 119 of my story. Rusk County is at the bottom of the heap, just like it was before the Enterprise Center was constructed.” – R.C.

“In early 1997, Piccard Medical (Incorporated in the State of Minnesota) moved into the Weyerhaeuser industrial building. But the company was far from successful and quickly went out of business. The building has stood empty ever since.” – R.C.
media blitz. I might add, however, that according to a report released by the Wisconsin Ethics Board in February of 1998, CMC spent $1,078,727 lobbying Wisconsin legislators in 1997, with much of the money going toward fighting the mining moratorium bill (CD 120-24). And as far as the television ad campaign was concerned, Rep. Black estimated it cost the company an additional $1 million, if not more (CD 120-25).

Rodney Harrill’s testimony at the public hearing was just as disturbing as Dale Alberts’. He claimed that the mining industry was being singled out for unfair treatment by the moratorium bill. And then he added, “If there’s no problem with this, then let’s expand it a little bit. How about we broaden it [so that] no casino can be built or recertified until [the Indians who own them] demonstrate that a similar casino [has been] operated for ten years and closed for ten years with no negative impact on society. … This is no more absurd than the proposed mining moratorium.” What was particularly obnoxious about Harrill’s statement was that he made it after listening to the heartfelt testimony of several tribal members who spoke in favor of the moratorium, including Stephanie Daniels Barea (Forest County Potawatomi) and Apesananhkwa, the tribal chairman of the Menominee Nation. I have included Stephanie’s testimony and that of several other people for you to see on the following two pages. In addition, several different news reports regarding the hearing are included on the CD-ROM that accompanies the book (CD 119-24, CD 120-23 and CD 120-26).

The public hearing had been scheduled to go from 2:30 until 6:30 PM. But so many people came to testify that it didn’t end until 10:40 that night. At one point, one person got up and said he was speaking for forty other people who were “getting pretty hungry.” He said they had come on a bus from Green Bay, were against the bill, and that they were going to leave. It would have been interesting if the fellow had also told us who had paid for the bus. You see, the rumor was that the mining interests had scraped together that busload of pro-mining people to try to counteract our efforts to get the bill passed. But in the end I guess the people who were recruited to make the trip were more concerned about filling their stomachs than speaking out against the moratorium.

All-in-all, 84 people registered to speak in favor of the bill and 52 against it that day. I did not stay until the very end. But later on I found out that my new friend Laura Furtman had been one of the last people to testify—even though she had a two-hour drive to get home afterwards. As part of her testimony she tried to get Chairman Marc Duff to make a public commitment to issue the bill out of committee so that it could be voted on by the full assembly. You see, Laura was worried that the bill might end up dying in committee.

Duff seemed to want to side-step Laura’s questions, but she kept pushing to find out whether or not the bill would ever reach the floor of the assembly. Duff finally responded by saying, “We’ll have a [committee] vote. I said I’d issue it out of committee and then it’s up to the Speaker to calendar it. … Everything is possible in politics, but I think the Speaker has made a commitment, a public commitment that he will bring it up for a vote on the floor. So that’s all I can go with. In politics, your word is your bond usually.” Unfortunately, however, little did we know that the Speaker of the Assembly to whom Duff referred, Rep. Ben Brancel (R-Endeavor), was soon to step down as Speaker and be replaced by Rep. Scott Jensen (R-Waukesha), who definitely was pro-mining. In fact, in February of 1997 Jensen had spoken at a mining conference sponsored by Wisconsin Manufacturers and Commerce, where he characterized all of us anti-mining activists as a breed of “new prohibitionists,” going so far as to allude to our tactics as being similar to those used by the Nazis (CD 120-27). So much for counting on Speaker Jensen to honor former Speaker Brancel’s commitment to calendar the bill!

At any rate, I was pleased when I heard about how Laura had put Duff on the spot. It sounded to me like she was a determined and concerned person. Even though she had learned about the proposed Crandon mine and the mining moratorium bill just a few months earlier, she already had developed a real passion for fighting the buzzards. Here are just a few more examples of what I mean:

Laura happened to be in the room when my friend Tom Ward testified in support of the mining moratorium bill at the Ladysmith hearing. Now anyone who has met Tom knows he has a great sense of what is right and what is wrong and is unafraid to speak up about it (Figure 120-13). He knew it was important to pass the mining moratorium bill to help stop the proposed Crandon mine from being built with its 355 acres of tailings that were going to be piled 90 feet high. So he angrily said to Duff, “They should put the tailings dump down in Madison.” And then something very remarkable happened. Duff, in a detached and callous way, responded to Tom by saying, “Fine by me.”
The entire Ladysmith hearing on the mining moratorium bill was broadcast live by WOJB-88.9FM, the radio station owned and operated by the Lac Courte Oreilles Ojibwe. Eric Schubring, who to this day is one of my favorite radio announcers, came equipped with everything needed to transmit the proceedings across all of northwestern Wisconsin (Figure 120-12). Besides that, he recorded the testimony and later allowed Laura Furtman to borrow the tapes. That’s why we can provide you here with the actual words that were spoken.

**Select Testimony Offered at the Ladysmith Hearing on the Mining Moratorium Bill (May 12, 1997)**

The entire Ladysmith hearing on the mining moratorium bill was broadcast live by WOJB-88.9FM, the radio station owned and operated by the Lac Courte Oreilles Ojibwe. Eric Schubring, who to this day is one of my favorite radio announcers, came equipped with everything needed to transmit the proceedings across all of northwestern Wisconsin (Figure 120-12). Besides that, he recorded the testimony and later allowed Laura Furtman to borrow the tapes. That’s why we can provide you here with the actual words that were spoken.

**Stephanie Daniels Barea (A member of the Forest County Potawatomi):**

I do not view this as a fight for clean air or land or anything like that anymore. I view it as a fight for survival because it threatens the environment that I bring my children up in. The women in our tribe are responsible for water. We are the water carriers of our reservation. So that is an important issue to all women as well as men of our reservation. I guess it could be compared to a woman carrying a fetus. Everybody is surrounded by a body of water when they are in the womb. Any kind of contaminants would harm the fetus and it would have pretty drastic effects. I view this whole situation as being the same. And I am threatened by this. And I am very scared as to what my children are going to have left tomorrow.

I came all the way here from Crandon. I live in Crandon, and I was really surprised that this wasn’t publicly announced there—where this place was supposed to be. … I accidentally stumbled upon the invitation here today. And I was very, very offended by it. And I just wanted to express that to you today. I cannot see how the public could be so misinformed about an urgent situation like this. This, to Native American people, is something that is a threat to all of us. As a mother of 5 children, I would like to express my concern at the rudeness of not having that invitation [sent] to the rest of my people to be here today. We would wait all day if that’s what it took just to let you know how we feel about this.

**Chuck Sleeter (Nashville Town Chairman, Forest County):**

As a three-year resident of the Town of Nashville, I became the new town chair in 1997, when the old town board was removed from office, with one member having served 18 years on the board. How could that happen? On December 12, 1996, the town board signed an agreement with Exxon. The people begged the board to not sign. I said to them, “If you sign that agreement, you’ll be looking for a new job April 1st. And, ladies and gentlemen, they’re out looking for a job today. I think it’s a heads-up call, folks. We have a new town board that does not ignore the people. We listen to the people. The people are concerned, and rightfully so. This election was a referendum on mining. There was a 99.5% turnout in this election—the largest turnout in the history of this township—a mining referendum, folks. The issue was, “Do you want a mine?” And the folks came out and gave their answer.

I’d like to ask, with all respect, why this hearing was held at Ladysmith? Mr. Chairman, I have a town hall that could seat everyone here. It is in a township next to the proposed Crandon mine, where you could see the people, see their faces, talk to them, see the lakes, the streams, the wetlands, and then make a decision.

You spoke here about the fact that these water treatment things will clarify the water and all this stuff, and that’s fine and good. But where is that heavy metal going? Where are all these “bad boy” chemicals going that come out of the water? They’re going into a tailings management area in my back yard. I’m sorry. I’m the town chairman. My job is to consider the health, welfare and safety of my people. That’s why I’m here. I take that job really serious. I ask that you folks do it, too. I ask, please consider us.
And in closing, please don’t think that this Exxon Crandon mine is a mine of its own. Because we have a character by the name of BHP that’s drilling just a little west of the Crandon mine site. And I don’t think they drill out of just something to do. I think there’s going to be another mine, folks. And I think they’re waiting. They’re waiting to see what we do with this one. If you’ve got a million gallons of water coming out of one, and you open another one, does that make two million gallons? And what do I drink? What do I do for the people who don’t have the water? Thank you for listening to me.

Stan Druckenmiller (DNR Official)—Druckenmiller, who registered neither in favor of the bill nor against it, stated he was “testifying for Secretary George Meyer” and that he was there to provide information only. But then he proceeded to say that the DNR would be opposed to AB 70 in its present form! He stated:

We already have in place the statutory authority and technical ability to fairly judge any mining proposal on its merits. … Moreover, we think the bill adds nothing to our understanding of environmental safety and provides no additional level of environmental protection. … A better approach to mining regulation would be to support the department’s review of the national experience we’ve had with waste disposal technologies, and to assure citizens through the mining permit process that there is technology available which would allow a mine to meet all the stringent environmental safeguards before approval is granted.

Marion Lang (Representative of the Dunn County Mining Study Group):

The 10-year waiting period is brief compared to the years ahead that our grandchildren and their grandchildren will need pure water. The 10-year waiting period is a generous concession to an industry that cannot presently demonstrate a metallic mine that has been operated for 10 years and been closed for 10 years without polluting the environment.

Jeff Alexander and Cal Frelk (Representatives of People for Wisconsin)—Both Alexander and Frelk went on record against the moratorium. But what was more interesting to me than what they said about the bill was what Alexander said in response to the following question asked by a member of the committee: “What is People for Wisconsin, and what is the membership?” Here is how Alexander responded:

People for Wisconsin is a property rights, pro-business organization with the west-central chapter based out of Augusta, Wisconsin. We currently have seventy members. Basically, it’s a bunch of people who were in the “silent majority” that have decided to come out. We’re growing in numbers by leaps and bounds, and you’ll be hearing more from us by all means. Property rights is one of our big issues.

In my opinion, Alexander should have also pointed out to the committee members that “People for Wisconsin” was an off-shoot of “People for the West,” a Colorado-based front for the mining industry. As reported in the August/September issue of Honor Digest, “While touting itself as a “grassroots” group, over 200 corporations have contributed $800,000 to the [People for the West] campaign and twelve of the thirteen [members of the] board of directors are mining executives” (CD 120-28). It’s a clever way for the mining industry to make it look like there is local support for mining projects, when in reality the group is financed with corporate dollars.

Alexander himself admitted in a mean-spirited letter to the editor that appeared in the Forest Republican that “People for Wisconsin is associated with People for the West (soon to be People for the U.S.)” (CD 120-29). But yet he did not disclose that fact to the Assembly Environment Committee when asked about the organization.

To add to the intrigue, I found out later that Rebecca Clark was the secretary of the west-central chapter of People for Wisconsin at the time of the Ladysmith hearing. You may recall that she had leased some of her property in Jackson County to Kennecott and had been rather chummy with the company’s Ed May at a meeting I attended in Fairchild, Wisconsin in October of 1996. I don’t know if Clark came to the Ladysmith hearing or not. But someone from People for Wisconsin brought a flier to distribute that made mention of how Ed May was a “dedicated member” of People for the West and had helped the organization’s Wisconsin chapter get started (CD 120-30). Hmm. Was there a link between Ed May, Rebecca Clark, corporate support for the start-up of People for Wisconsin and the group’s opposition to the mining moratorium bill? One can only wonder.

Wow! That really got Tom worked up, He said, “Well good. Let’s work on that. Let’s put the dump right down there with Governor Thompson. Let it look over Lake Mendota and Lake Monona and let’s pump the [waste] water from Madison to Middleton when they get done with it.”

As Laura witnessed the exchange between Tom and Duff, she got really mad. And when she later told me about it, I was reminded of how Evelyn had once gotten so upset with Ed May that she said, “I wanted to hit him with my purse.” It was kind of the same thing between Laura and Marc Duff.

When Laura heard Duff’s arrogant “Fine by me,” she knew the word must get out. So she wrote a letter to the editor about what he had said and put together a mailing list of all the newspapers in the state and several more in Minnesota and Illinois. She customized the letter for each readership and sent it to
about 270 different newspapers, paying the postage
herself. The gist of the letter was that if Duff had been
so callous as to say “Fine by me” to having a massive
tailings dump in Madison, it meant no county in the
state was safe from being exploited by the mining
industry (Figure 120-14).

Many newspapers printed Laura’s letter. In fact,
Duff must have gotten so much heat
over his remark that he issued a
response to what Laura had written.
He characterized the comment as
“merely a good-natured attempt at
humor” and suggested that Laura
needed to lighten up. He also stated
that he believed “we should do all
that is possible to ensure that our
mining laws remain the toughest in
the country, and that our environ-
ment remains protected” (Figure
120-15).

Laura responded to that letter as
well and stated, “It’s not that I lack a
sense of humor. It’s just that Rep.
Duff isn’t funny.” And in terms of
Duff’s claim of supporting the enact-
ment of tough mining laws, she
wrote the following (CD 120-31):

[Duff’s] statement is inconsistent
with his voting record. In fact, he was
given a final grade of “D” by the Wisconsin
Environmental Decade for his 1995–96 voting
record. For example, he voted against considering
legislation on the floor that would eliminate the
exemption for mines from groundwater enforcement
standards (AB 336). And in the last legislative ses-
sion, he refused to allow any discussion or vote on

Figure 120-13. Tom Ward was never afraid to tell any two-bit legislator the score when it
came to protecting Wisconsin’s clean water. Here he is seen at a press conference held at
the State Capitol in Madison, Wisconsin on November 6, 1997 (News photo, Stoutonia,
November 13, 1997; republished with permission).

Figure 120-14. Laura Furtman
jumped into the
mining contro-
versy by targeting
the chairman of
the Assembly
Environment
Committee in a
letter to the editor
that she sent to
270 different
newspapers
(Prescott Journal,
June 19, 1997).
Chapter 120  The Wisconsin Legislature Passes a Mining Moratorium Law (February 1998)

Duff's mining remark meant to be humor

TO THE EDITOR:

After reading a recent letter from Ms. Linda Furtman which appeared in the Herald on June 4, it is apparent to me that some of the people involved in the emotional mining debate lack a sense of humor.

In her letter, Ms. Furtman wrote that she was shocked by my response to testimony at a recent Assembly Environment Committee hearing on the so-called “Mining Moratorium Bill.” My remark that it would be “fine by me” to locate the mine tailings dump for the proposed Crandon Mine in Madison was merely a good-natured attempt at humor. Since the chief opponent of the proposed Crandon Mine, Spencer Black, represents the Madison area, many of us found humor in the thought of a mine tailings dump located near Rep. Black’s district.

While some may have misunderstood that attempt at humor, I do take the issue of mining in Wisconsin very seriously. I continue to believe that we should do all that is possible to ensure that our mining laws remain the toughest in the country, and that our environment remains protected. I am working on several initiatives to further improve our mining laws, which I expect will be considered by the full Assembly later this year.

Marc C. Duff
State Representative
98th Assembly District
Chair, Assembly Committee on Environment

Besides having a little sparring match with Duff, Laura also tangled with Richard Diotte of Crandon Mining Company. He was the company’s public relations officer in 1997 and decided to attack Laura, who is a pharmacist, by writing a letter to the editor in which he tried to belittle her by comparing her profession to the mining industry. He wrote, “Ms. Laura Furtman, a pharmacist from Webster, has been a frequent writer of letters to the editor opposing the Crandon mine and supporting the mining moratorium bill. It would be interesting to apply the moratorium’s conditions to her business.”

I know, because over the course of about two and a half years I saw more than fifteen letters of hers in the Ladysmith News. And I might add that I always got a kick out of reading them. You see, even though I tend to be more blunt than Laura in my speaking style, she tends to be very emphatic and more aggressive than me in her writing style. In fact, as we worked together on this book, at times I had to ask her to tone down some of her statements (like when she wanted to call Alan Christianson a “little bat” in one of the earlier chapters!)

Getting back to my story … By the summer of 1997, the mining moratorium bill had caught the attention of people all across the state, and those of us who supported the bill were so riled up about it that we were not going to back off. We continued to collect signatures on a petition that Spencer Black had drafted in support of the bill and forwarded the signed copies to his office (CD 120-32). What’s more, we learned in early fall that yet another public hearing would be held on the bill, this one in Milwaukee. It was scheduled for October 14, 1997, and so many people were expected to be there that the assembly’s Committee on the Environment secured the use of the huge Trade Mart Center at State Fair Park for the event (CD 120-35).

Before the hearing was held, my friend Will Fantle wrote a nice article for the Shepherd Express about the mining moratorium bill in committee.

Diotte’s letter demonstrated a typical tactic used by mining officials. When they are challenged and don’t have any positive material to support their position, they attack the challenger. Well, Laura wasn’t about to sit still for that. And neither was my friend Jan Olson of Pickerel, Wisconsin, nor was I. We all wrote letters in response to what Diotte had said, and I have included a few excerpts on the following page for you to see.

The only accurate statement that Diotte made in his letter was that Laura was indeed a “frequent writer of letters to the editor.” I know, because over the course of about two and a half years I saw more than fifteen letters of hers in the Ladysmith News. And I might add that I always got a kick out of reading them. You see, even though I tend to be more blunt than Laura in my speaking style, she tends to be very emphatic and more aggressive than me in her writing style. In fact, as we worked together on this book, at times I had to ask her to tone down some of her statements (like when she wanted to call Alan Christianson a “little bat” in one of the earlier chapters!)

Crandon replies

To the Editor:

Ms. Laura Furtman, a pharmacist from Webster, has been a frequent writer of letters to the editor opposing the Crandon mine and supporting the mining moratorium bill. It would be interesting to apply the moratorium’s conditions to her business.

The moratorium bill says no mine can be built unless it can be shown that a similar mine operated for 10 years and was closed for 10 years without causing any environmental pollution.

We wonder if Ms. Furtman could give us a count of the prescription drugs that she sells that were in existence 20 years ago and could pass a similar test? I doubt if there are very many.

The pharmaceutical industry has benefited from years of research and experience. Likewise, the mining industry has incorporated past experience and improved technology into the design of mines. Modern mining and modern medicine share a common aim — both seek to apply the latest advances to their practices.

For Crandon Mining Company to meet the requirements of the mining moratorium, we would have to compare our technology to that which is at least 20 years old. That standard is meaningless whether it’s applied to mining, pharmaceuticals or any other human endeavor.

RICHARD E. DIOTTE
Director, Community Relations
Crandon Mining Company

Figure 120-15. Rep. Marc Duff apparently felt the heat over the callous remarks he made at the Ladysmith hearing on the mining moratorium bill. He tried to pass it off as an “attempt at humor,” but his words were not funny (Pierce County Herald, June 11, 1997).

Figure 120-16. When a mining company cannot effectively refute an argument offered by an opponent, the company often resorts to launching personal attacks (Country Today, November 26, 1997).
Responses to Exxon/Rio Algom’s Suggestion that the Mining Industry be Compared to the Pharmaceutical Industry

Jan Olson of Pickerel, Wisconsin (CD 120-33):

Dick Diotte, Director of Community Relations of Crandon Mining Company, recently wrote a letter comparing the pharmaceutical industry to the mining industry (as related to the requirements of the Mining Moratorium Bill).

I must agree that requiring a proven track record is the same in both cases. [But] if I were ailing and my doctor gave me a prescription, I have a right to question that particular medication and research its safety record. It would then be MY choice to have the prescription filled and swallow the pill. … On the other hand, Crandon Mining Company is asking the entire state of Wisconsin to swallow a pill that many of us do not want. We question the safety of the “medication” itself; we know the environmental track record of the company producing the “medication” and the attitude of the entire mining industry which puts profit ahead of everything else and has handled the problems it caused “less honorably” in the past. … And to make matters worse, this “pill” may be forced down our throats by our elected officials and a politically biased DNR, who have been entrusted to look out for us and the state we so love.

Yes, Mr. Diotte, we have ALL learned from research and experience, and because of what we’ve learned, we don’t trust the “doctor,” and we don’t want your unproven “panacea.” The lakes, rivers and streams of Wisconsin are its lifeblood, and we insist that you prove your technology before you put it at risk!

Roscoe Churchill of Ladysmith, Wisconsin (CD 120-34):

Richard E. Diotte’s letter in the Nov. 29 issue of the Country Today is a typical example of how mining company officials react to anyone’s letters or materials that do not agree with the mining company interests.

First of all, the trick is to “muddy the waters” so the reader will be distracted from the real issue and focus in on the unrelated problem. Diotte has tried to create some kind of an analogy that just doesn’t exist. He’s clever at this as his letter proves.

Secondly, there is the attempt to discredit Ms. Furtman’s professionalism for being critical of the mining company and not her own profession. It’s almost a challenge of her right to oppose mining even though mining has an atrocius record world wide as a polluter and destroyer of the environment. Her profession has no bearing on this issue at all. Then, too, she is doing her challenging on her own time and with her own money, because the issue is of great concern to her. Diotte is well paid for writing his letters.

Thirdly, when mining representatives are challenged and really have little positive material to support their position, they attack the challenger.

I know about mining company tactics and I’m well acquainted with the Crandon mine proposal. I’ve dealt with mining companies for nearly a quarter of a century. I have come to have little respect for mining companies and their paid representatives.

Laura Furtman of Webster, Wisconsin (CD 120-33):

Crandon Mining Company Executive Richard Diotte has put his foot in his mouth, and I would like to expose it. … He recently decided to compare the mining industry to the pharmaceutical industry in an effort to criticize the mining moratorium bill. Since I am a pharmacist, I feel qualified to comment.

Most people take comfort in the fact that the Food and Drug Administration (FDA) will not allow a new drug on the market before it is proven to be safe. It’s not good enough for a drug company to merely SAY that their product is safe. They have to submit reams of data and test results to PROVE it. One need only look back to the “Thalidomide babies” of the 1960s to see the prudence in that approach. Yet Exxon wants us to trust their “new technology” to protect our drinking water, without a single proven example of where it has worked under the conditions proposed for Crandon. All that the mining moratorium bill is asking them to do is to prove their technology is safe before they are allowed to profit off of our resources.

Now and then the FDA needs to correct an earlier decision and pull a drug off of the market. This happens if new data suddenly shows that a drug is NOT safe. You may know someone who was recently taken off of Redux, the popular weight-reduction drug that is now linked to heart valve problems. While a drug recall is a difficult undertaking for a company, at least it can be accomplished. Such would not be the case with Exxon. They propose to use a thin plastic liner to protect our water supply from the 44 million tons of toxic waste that would be generated at Crandon. When that liner fails, they will not be able to “pull” it as easily as the FDA is able to “pull” an unsafe drug. …

It was a great idea to compare your industry to mine, Mr. Diotte. I wish I had thought of it myself.
history of the struggle that Evelyn and I had waged against the mining companies over the years (Figure 120-17). By telling people about what we had gone through, I'm sure Will was hoping more people would feel motivated to come to the hearing. He quoted me as saying, "I can't quit. I'm a fighter." And that's exactly how I felt. I might add that my friend Linda Sturnot had a copy of Will's article framed for me, and I keep it on top of my piano.

As the Milwaukee hearing approached, I knew it was something that I didn't want to miss. Even though I had already testified at the Ladysmith hearing, I was interested to hear what the people from the southern part of the state were going to say, and I was anxious to share my story with them. My friends Bob Ringstad and John Styczinski wanted to go, too, and Bob was willing to drive. So on the day of the hearing we piled into Bob's van at about 6:00 in the morning and headed for Milwaukee. We could have started out a little later, but we wanted to be there in time for a big outdoor rally that was scheduled to take place before the 1:00 hearing got underway. Bob was especially anxious to get there, which didn't surprise me in the least. You see, he's the son of my friends Sig and Marie Ringstad, and there is no doubt he has followed in his parents' footsteps. Bob has a real concern for protecting the environment from the corporate despoilers of the world, be they mining companies or

The article noted that the town could expect annual payments of $13,000 a year. Sensing a rip-off, Churchill wondered if other state mining laws were also bad. "The more I looked," he says, "the madder I got. We couldn't see that there was no protection and it wasn't going to be a boon to us."

Neither Roscoe nor Evelyn had ever concerned themselves much with politics. They voted regularly (supporting Republican candidates) and Roscoe had spent a little time on the local school board. Their growing interest in the mine coming to their back yard transformed them into the dynamic duo of Wisconsin's mining battles. While still alive, Evelyn described her metamorphosis as something akin to a religious conversion. In the fall of 1975, Kenneecott approached the town board for permits they felt they needed to mine the rich vein of copper and gold nestled next to the Flambeau River.

At a town meeting, Evelyn watched as Kenneecott officials and their lawyers hustled the crowd and her town officials, eventually convincing them—over Roscoe's protests—to sign a mining agreement.

Evelyn once said, "Just as the town chairman went to sign his name, Ed May [Kenneecott's project manager] started out for the door, and as he went through that door-way he said, 'Ladysmith here we come.' That's when I did my turn-around. Look how they come in here and maneuver these poor little country people that are trusting and do, not know the qualities of the mining company, how they were maneuvered around and manipulated into something they didn't re-

Figure 120-17. As the debate on the mining moratorium bill heated up, Roscoe and Evelyn Churchill were remembered as the pioneers of the anti-mining movement. See CD 120-36-38 to read the complete article (Shepherd Express, October 9, 1997; reprinted with permission).
power companies. That’s why he wanted to go to the Milwaukee hearing. And that’s why I was so glad we could spend the day together.

The rally at State Fair Park was really something. There were people all over the place wearing blaze-orange jackets and hats as a symbol of support for the mining moratorium bill. And there were lots of protest signs being waved by the crowd (Figures 120-18 and 120-19). Rep. Spencer Black, Menominee Tribal Chairman Apesanahkwat and Ed Garvey, who at that time was running for governor against Tommy Thompson, all spoke to the group from a makeshift stage atop a pontoon boat. And there was electricity in the air. It got my old heart really pumping.

The pro-mining interests showed up for the hearing as well. But they weren’t as revved up as we were. And while there were about 600 of us, there were only about 400 of them (CD 120-37). Later on we found out that Bucyrus International, Inc., a Milwaukee-area manufacturer of mining equipment, had actually paid its employees to attend the hearing. A September 1997 company memo read, “We will be organizing transportation to State Fair park in two groups during the day … If you do miss any time on the job, you will be compensated as if you were at work. You will also receive free t-shirts with the slogan ‘Mining Matters to Bucyrus Workers’” (CD 120-38).

P&H Mining Equipment of Milwaukee (Note: P&H stands for Pawling and Harnischfeger, the founders of the business) also bribed its workers to attend the hearing. The company had buses running back and forth between the factory and the hearing all day. And a memo was distributed to its employees that stated, “It is critical that our employees participate in this hearing and share their viewpoints, or extremists will have a field day with this … On the day of the hearing, a room will be set aside at the hearing location by Citizens for Fair Regulation, where you can pick up a t-shirt, a P&H flag, a picket sign or other materials to use in your interface in the hearing or outside the building” (CD 120-38).

Well, we weren’t paid to be at the hearing; we drove ourselves; we made our own picket signs; and we wore our own clothes (Figures 120-20 and 120-21). But we still outnumbered the buzzards by a margin of 3 to 2! And we had something they didn’t have—passion. As my friend Laura Furtman said, “You cannot buy the passion of common folks who are trying to protect their homes. It comes from within.”

And that passion came through at the hearing from people who were concerned not only about the Wolf River, but the Wisconsin River as well. I heard Bart Olson, a Sauk County Supervisor and the publisher of several newspapers say, “We, the citizens who live along and earn our living from the Wisconsin River, cannot afford to have the river polluted any more than it already is!” I might add that Bart did a real service to the community by routinely printing articles about the mining moratorium bill and the proposed Crandon mine in a weekly publication of his called the Shopper Stopper. It was his way of helping to get the word out to thousands of homes in the southcentral part of the state. In fact, Bart’s the one who publicly exposed the letters distributed by
Bucyrus International and P&H Mining Equipment to which I just referred. He published the information, along with several other very informative articles about the mining controversy, in the October 6, 1997 issue of the Shopper Stopper and distributed the same information in a flier at the public hearing (CD 120-38). Now that’s commitment!

Another bright spot at the hearing was my friend Gerry Gunderson, a member of Local 1527, United Steelworkers. He said, as reported in the October 15, 1997 issue of the Milwaukee Journal Sentinel, “[My local] passed a resolution in support of the mining moratorium because members believe Exxon and Rio Algom have poor labor and environmental track records in other states and nations. Exxon says: Profit first. We say: Prove it first” (CD 120-39).

Several bigwig lobbyists hired by the mining industry testified as well. In particular, I remember seeing little Tony Earl, the former Governor of Wisconsin who had also served at one time as Secretary of the Wisconsin DNR. I never trusted that guy, and my feelings were validated when I saw him step forward to testify against the bill on behalf of a firm affiliated with the proposed Crandon mine. Of course, Earl talked about how mining companies already had to meet strict environmental regulations, and that’s why a moratorium wasn’t needed.

And then there was Larry Lynch of the DNR, who was there to testify on behalf of Secretary George Meyer. Although technically not a lobbyist, he sure sounded like one when he stated that Meyer and the department were against the bill. Dave Zweifel, the editor the Capital Times, summed it up best when he wrote the following (CD 120-40):

> The decision of Wisconsin Department of Natural Resources Secretary George Meyer to insert himself into the state’s mining moratorium debate as an advocate for the position of out-of-state corporations is one of the most serious breaches of public duty in the 11-year history of Gov. Thompson’s administration of the state. ... By siding with Exxon and other out-of-state corporations in their fight to promote projects that have not been proven to be environmentally sound, Secretary Meyer has lent credence to the argument that the Department of Natural Resources is rapidly becoming a politicized arm of the Thompson administration.

As the day wore on, the pro-mining forces started to run out of people to send to the microphone and ideas worth espousing. But the anti-mining people kept coming and coming for the whole nine hours during which the hearing was held. Rep. Marc Duff was chairing the meeting, just like he had in Ladysmith,
and at times seemed almost desperate to get more people to come forward and speak out against the bill. He said he wanted to keep the testimony fairly even by going back and forth between people who supported the bill and those who opposed it, but the math didn’t add up. We clearly outnumbered the opposition. To my way of thinking, since close to two-thirds of the people in attendance had indicated on the sign-up sheet that they were in support of the bill, the chairman should have allowed two people to speak in favor of the bill for every one person who spoke against it. That’s what would have been, as the conservative Republicans like to say, a “fair and balanced” approach to the hearing. By trying to force the testimony into a 50:50 mix, Duff undercut the real sentiment of the public. In a true democracy you have to let everyone talk. No matter if it’s a 1:1 or 1:16 ratio, each person has the right to express his or her opinion.

I got so tired of hearing Duff say, “Isn’t there anybody else who wants to come up and speak against the bill,” that I wrote him a letter afterwards and said the following (CD 120-41):

Now you have a perfect right to your opinion, but as a public official your handling of that public hearing on October 14th left much to be desired. The people who supported the moratorium bill were well informed and within their rights to express that support. Your bias toward the manufacturing corporations was blatantly obvious. After attending that hearing I can surely see why I left the Republican party some twenty years ago.

Among those who waited to the very end of the hearing to testify were Claire Vanderslice, Laura Furtman, John Styczinski and myself. And that’s another story. You see, Duff announced at the beginning of the hearing that anyone who had testified in Ladysmith would not be allowed to testify again until the very end of the day. And that included the four of us. I suppose he was hoping we would get discouraged and go away. But we outlasted him and finally had a chance to speak our minds at about 9:30 that night.

As an aside, one good thing about waiting was that it gave me a chance to get to know Laura a little better. She was sitting a few rows ahead of John Styczinski, Bob Ringstad, and me. And when she turned around and saw us there, she said, “I’m coming back and sit with you.” I looked at her. She was surrounded with bags of material, snacks and so many papers that I couldn’t see how she could move very easily. So I said, “Laura, it would be easier for me to come up there,” and I did. Well, it’s fun to talk and flirt with a pretty woman, and I did my best to impress her by trying to be knowledgeable and witty and charming. I enjoyed the time very much—and I think she kind of liked it, too.

The next thing I knew, we were being given our turn to testify. I cannot remember for sure what Laura, John or I said to old Duff. But I do remember how Claire got up and in her own quiet way taught the committee a lesson. You see, Claire is a scholar and researcher, and over the years she has put together all kinds of information about the chemistry of mine pollution. I first met her in the early 1990s and remember one time in particular when she drove up from her home in the Milwaukee area to share her ideas with Evelyn and me. She brought a big stack of papers with her, some that she had written herself
and others she had found during the course of her research. We could tell she was a very deep thinker, very informed, very meticulous and very concerned. I can still picture Claire and Evelyn sitting side-by-side at our dining room table with all that stuff spread out in front of them. It was quite a site and quite a learning experience for all three of us. To this day Claire has no love for Exxon, not only because of the company’s poor track record in terms of mining-related disasters, but because of how Exxon’s chemical division has played a major role in polluting the world with organochlorines, a family of chemicals that mucks around with human cells and poses a real threat to living organisms.

Getting back to the hearing in Milwaukee, maybe Claire’s red hair should have warned Duff that she was not one to be pushed around. Not only did she give the committee her analysis of what the mining industry was trying to pull over on us, but she did it in a very classy way. I wanted to stand up and cheer, but all we could do was hope that Duff had paid attention.

When the meeting was over, Claire, Laura, John,
Bob and I all had a fairly long walk to our cars, and
the parking lot was poorly lit. I thought that it was
pretty dangerous for those two ladies to find their
way alone, so I offered to walk with them to their
respective cars and see that they were safe. As a
result, first Laura and then Claire planted a soft kiss
on my old face. That really brightened up my evening.
Not only were those two women the kind who were
not about to let themselves be pushed around by
some two-bit Republican legislator, but they were
sweet (Figure 120-22).

The next event I remember with regard to our push
for the mining moratorium bill took place on Novem-
ber 6, 1997. Over sixty of us from western Wisconsin
traveled to Madison by bus and car to lobby the rep-
resentatives from our part of the state to vote for the
bill. I’m not sure who organized the trip, but I know
that my friends Ted Miner, Will Fantle and Marion
Lang all had a hand in it. I’ve already introduced you
to Will, so let me tell you a little bit about Ted and
Marion.

Ted Miner and Marion Lang are two very dedicated
environmental people. They were among the found-
ing members of the Dunn County Mining Study
Group, an organization that routinely met at Marion’s
home during the late 1990s to discuss mining issues
and devise strategies for fighting the buzzards. It’s not
that any mining companies had staked out claims in
Dunn County, located about ninety
miles southwest of Ladysmith. But Ted
and Marion saw what was happening
elsewhere in the state and wanted to
take no chances. So they got together
with other dedicated people in the
area, including Katie Wilson, Laurence
Gold, Ed and Speed Gold, Lori
McNown, Jody Siocum, Linda Bark,
Kari Lueck, Caryn Treiber and Warren
Lang, to educate not only themselves
but the community about the mining
issue. I know that my friend Laura
really valued all the informative
emails that Ted sent to her during the
mining moratorium struggle.

I might mention that Kari Lueck of
Menomonie, Wisconsin was especially
committed to being at the meetings of
the Dunn County Mining Study Group.
Even though she had a disability, she
would get her caretaker to bring her
over to Marion’s house so that she
could be there to help. That’s the kind
of dedication, my dear readers, that comes from the
heart.

Like I said, Ted, Marion and their group helped to
organize a citizen lobbyist day at the State Capitol in
the fall of 1997. When Laura told me about it, I knew
that I wanted to go—and so did my friends Bill Martin
and John Styczinski. Arrangements had been made
for a bus to pick up people in Menomonie, Eau Claire,
Osseo, Black River Falls and Tomah. The Osseo stop
was the closest for us, so that’s where we waited. As
soon as I got on the bus, I saw Laura and many other
friends, all of whom were bent on getting to Madison
to influence some of our misguided legislators.

In particular, two of the bright stars that day were
Marion Lang and another good friend of mine by the
name of Sister Betty Wolcott. To this day, both women
are filled with compassion for protecting the beauty
of the earth and bringing people together in a peace-
ful way to do something about it, Marion as an artist
and Betty as a Sister of St. Francis of Assisi. It was a
real pleasure for me to see those two in action on the
day we went to Madison.

To start, Marion and her friend Lori McNown had
worked with about thirty other activists and artists in
Dunn County to create a 50-foot-long artwork that
was made to look like a river. It was an interactive
piece made out of cloth, and it accompanied us on
the bus to Madison. Young and old had helped to

Figure 120-22. One of Claire Vanderslice’s most important contributions to the fight
against Exxon was to help her friends understand the chemistry and environmental con-
sequences of acid mine drainage. Here she is pictured with Roscoe Churchill at a meeting
of the Wolf Watershed Educational Project (Photo by Laura Furtman of Webster, WI,
November 2, 2003).
stitch it together, and all of us were invited to write the names of rivers, lakes, and streams that had special meaning to us on strips of cloth that were later affixed to the “river.” The piece was entitled “We Are One River,” and it was unveiled to the public in Eau Claire, Wisconsin, when we stopped there with the bus for a press conference (Figure 120-23). The event was filmed by local television crews, and Marion explained the significance of the art. She stated, “As each person adds to the river, the piece and its consciousness will grow, just as we hope the consciousness of the importance of water to all of us will grow.”

Later on, Marion also reflected on how her friend Jody Slocum had brought some home school kids over to the Lang house to help work on the project. Marion found herself stitching next to a young person, and she could not help but feel a little emotional about the whole thing. She said, “That’s how these projects really touch us. We dream their dreams.”

When we got to Madison, Marion brought the “river” into the State Capitol. I can still see it stretched across the room where we held another press conference. Rep. Spencer Black and other legislators were invited to add their own streamers to the piece, and the whole thing was a big success.

Just like Marion so elegantly expressed herself through her artwork, Sister Betty Wolcott, too, had a flair for expressing her views on-point and in a respectful way. She was one of the people who went to lobby Rep. Barbara Gronemus (D-Whitehall) at the capitol. And Betty really had her work cut out for her. You see, in my opinion, Gronemus was a Republican in Democrat’s clothing. She wanted nothing to do with the mining moratorium bill and seemed to have some sort of personal vendetta against Spencer Black. In fact, when Gronemus was asked that day if she would be OK with the same type of mine proposed for Crandon being located in her own district (including Trempealeau, Pepin and Buffalo counties and part of Jackson County), she responded, “Sure. I’d have no problem with that at all” (CD 120-43). Betty wasn’t pleased with that response or the responses we received from several other legislators, so she wrote a letter to the editor of the Tri-County News that summed up the situation quite well. I have included it for you to see (Figure 120-24).

With all the public interest in the mining moratorium bill, Duff finally succumbed to the pressure and scheduled a committee vote on the piece of legislation for November 11, 1997. At that meeting, however, Duff first tried to rewrite the bill by offering an amendment “to require that mining companies prove only that no similar mines had polluted since 1976” (CD 120-44). At first I didn’t understand all the ramifications of amending the bill, but I knew I didn’t trust Duff. And when I read an article written by Kevin Hagen, the regional editor of the Country Today, I found out what was really going on. Here is what the article said (CD 120-45):

[It has been] argued that any changes made by the assembly would doom the measure since the senate, nearly paralyzed by a 16-16 tie between Democrats and Republicans, could not be counted on to take up the bill again.

The senate approved the bill, 29-3, in March of 1997 and sent it to the assembly, where it lay in committee for 10 months. Since then, Democrats have lost their slight majority in the senate, further raising doubts that the measure will be called up for a vote.

So Duff’s little attempt to amend the bill appeared to be no more than a political move on his part, designed to kill the moratorium measure. He knew that if the assembly proceeded to approve the
modified version, the bill would have to go back to the full senate for concurrence—and it was unlikely that the deadlock would do anything with the bill before the 1997–1998 legislative session ended. And by the way, the Democrats lost their 17–16 majority in the senate in late 1997, when Governor Tommy Thompson threw his support behind Sen. Lynn Adelman’s bid for a lifetime federal judgeship in eastern Wisconsin. The senate seat vacated by Adelman, a Democrat from Mukwonago, was filled a few months later by Rep. Mary Lazich, a Republican from New Berlin, which apparently explained why Thompson had endorsed his political adversary for the judgeship.

Duff, of course, tried to make it sound like his proposed amendment to the mining moratorium bill would actually strengthen the bill. As reported in the November 12, 1997 issue of the Milwaukee Journal Sentinel, Duff said his proposal was “more workable than the senate-passed bill,” which he called “a piece of junk … as watered down as Lake Michigan” (CD 120-44).

But by the end of the committee members’ debate over the fate of the bill, the only “piece of junk” they threw out was Duff’s amendment. The senate version of the bill was endorsed on a vote of 6-4, with all four of the committee’s Democrats (Black, Bock, Robson and La Fave) and two Republicans (Johnsrud and Hahn) voting in its favor. That meant the bill could finally go to the full assembly for a vote.

And then something very extraordinary happened. As mentioned earlier, people from around the state had been involved in collecting signatures on a petition in support of the mining moratorium bill (CD 120-32). And on January 8, 1998, representatives from several environmental groups, including Keith Reopelle of Wisconsin’s Environmental Decade, showed up at the State Capitol with a “2-foot high stack of petitions bearing 40,000 signatures of people from all over the state who favored the bill” (Figure 120-25). According to Rep. Black, it was the largest number of signatures “ever received by the assembly on any legislation in recent history.”

I think the whole thing really shook up the mining industry, and the company hirelings did their best to downplay the situation. As reported in the January 9, 1998 issue of the Milwaukee Journal Sentinel, Exxon/Rio Algom’s public relations agent, Mary Kay Grasmick, said the 40,000 people who signed the petition represented only “about 1% of the state’s population” and that collecting the signatures had been a “meaningless exercise” (CD 120-46). Hmmm. The mining company certainly had a double-standard when it came to assessing what constituted a meaningful show of support. You see, on January 18, 1998, Crandon Mining Company ran a half-page advertisement in the Eau Claire Leader-Telgram and a number of other newspapers around the state that included the signatures of 84 people who supported mining (Figure 120-26). I guess somehow we were supposed to be impressed with that number of signatures while...
at the same time accepting Grasmick’s claim that our 40,000 were “meaningless.”

And by the way, Crandon Mining Company wasn’t the only group to place large advertisements regarding the mining moratorium bill in newspapers around the state. So did the Menominee Nation, except the tribe’s ads were truly informative and told the real story of why a moratorium was needed (Figure 120-27).

**Governor Thompson and the Republican-controlled Wisconsin Assembly Muddy the Waters**

Things were heating up between the two sides in the mining moratorium battle, no doubt about it. And the next thing we knew, Governor Thompson decided to get in on the act. As part of his State of the State address on January 20, 1998, he announced the appointment of five university professors to a mining advisory committee that he had recently created by executive order (CD 120-47). The governor claimed the committee, which he dubbed the Wisconsin Science Advisory Council on Metallic Mining, would add another layer of environmental protection to the mine permitting process in Wisconsin. As described in the executive order, the job of the five “independent technical experts” on the panel was to advise the Department of Natural Resources on the technical feasibility of proposed mining projects in the state. Specifically, Thompson’s executive order charged the panel to (CD 120-48):

- **Identify the technologies that are effective in preventing or eliminating environmental degradation from metallic ore mining operations;**
- **Review, on a site-specific basis, proposed metallic ore mining operations in this state and determine the effectiveness and feasibility of implementing technologies to reduce or eliminate environmental impacts, including acid drainage and the release of heavy metals from the tailings site and the proposed metallic ore mining operations; and**
- **Formulate and submit recommendations to the**

![Figure 120-25. In an extraordinary show of support for a piece of legislation, 40,000 citizens of the State of Wisconsin signed a petition in support of Rep. Spencer Black’s mining moratorium bill (Wisconsin State Journal, January 9, 1998; republished with permission)](image-url)
Crandon Mining Company claimed the 40,000 signatures collected on a petition in support of the mining moratorium bill were “meaningless” but expected the public to be impressed with a total of 84 signatures that appeared in this company-sponsored ad supporting the Crandon mine (Eau Claire Leader-Telegram, January 18, 1998).

The Menominee Nation did its part to counteract the mining industry’s media blitz by running its own half-page newspaper ads in support of the mining moratorium bill (Milwaukee Journal Sentinel, October 1997).
Secretary of the Department of Natural Resources concerning the existence of technology that will ensure compliance by metallic ore mining operations with state groundwater and surface water regulations and confirm that any proposed metallic ore mining operation would utilize these technologies.

Thompson claimed only those projects that passed muster with the committee would be allowed to proceed through the permitting process. But I was not impressed. To start, the committee had no legal authority to either approve or reject a mining proposal. Second, even if the committee of five professors were to conclude that a mining project was expected to be in full compliance with Wisconsin’s mining laws, it would be meaningless. The laws were too weak.

Third, all five members of the advisory council were to be appointed by the Secretary of the DNR, who in turn had been appointed by Thompson. If the governor expected us to believe that his advisory council was truly going to be “independent,” he should not have included himself in the chain of command.

And finally, it appeared that Thompson’s new advisory council was designed to focus only on technical mining issues, as reflected by the fact that four of the five original appointments made by DNR Secretary George Meyer were engineering professors (Anders Andren, Tuncer Edil and Bezalel Haimson of the University of Wisconsin-Madison and Alphonse Zanoni of Marquette University in Milwaukee) and the fifth was an associate professor of chemical hydrogeology at the University of Wisconsin-Milwaukee (Timothy Grundl). If Thompson had been sincere about wanting to protect the citizens of the state from adverse mining impacts, he should have insisted that the membership include experts in areas such as aquatic ecology, public health, treaty rights, cultural preservation and economics.

So what was really going on with Thompson’s big announcement about his new science advisory council? Well, the governor was certainly aware of the fact that the full assembly was scheduled to take up the mining moratorium bill on January 21, 1998. And I think the timing of his January 20th announcement was meant to throw a monkey wrench in the debate. After all, why should anyone insist on having a moratorium on mining, when the governor had just assured the state that any mining proposal would be reviewed by a panel of “independent technical experts?” Believe me, the Republicans tried every dirty trick they could to derail the moratorium.

Once the bill got to the floor of the assembly, the dirty tricks continued. I know because I traveled to Madison to watch the proceedings. But before getting into all the grisly details, I must admit that the most interesting part of the whole thing for me was not so much hearing the debate between the legislators on the floor, but rather seeing all the high-caliber people who were sitting in the gallery with me. As I’ve said all along, my story is a story of people, so let me tell you a little bit about who I encountered that day.

For starters, I made the trip to Madison with my friend Laura. When she came to pick me up in her little Saturn station wagon, she had worked all day as a pharmacist in Spooner, Wisconsin and driven two hours to get to my place. We had planned to start out early the next morning to get to the State Capitol by noon, but since a winter snow storm was predicted, Laura said, “We had better get down there tonight.” So we made the four-hour trip to Madison and stayed overnight at my daughter Susan’s home, about a half mile from the capitol building. The trip gave Laura and me a chance to get to know each other a little better as we talked about our families, our ailments and our concerns about the mining issue. I could tell our friendship was growing.

The next day we arrived at the capitol at about 10:00 in the morning. We weren’t sure when the debate on the moratorium bill was going to begin, because it was one of the last items on the assembly’s agenda for the day. But when we got to the gallery that overlooks the assembly chamber, some of our friends were already there. In particular, Laura and I were greeted by Sandy Lyon and Kira Henschel, who had scrambled the night before to have t-shirts printed for everyone to wear that boldly said, “NO AMENDMENTS.” The shirts were blaze-orange in color and real attention-getters. Sandy and Kira knew that no signs were allowed in the State Capitol, so they figured that if we wore those t-shirts, we could in effect become our own signs! And the message was clear: We didn’t want the assembly mucking up the moratorium bill with amendments so that it would have to go back to Wisconsin’s deadlocked senate for reconsideration.

The Exxon supporters who opposed the mining moratorium bill were directed by capitol staff to sit in the gallery on the opposite side of the assembly chamber, I suppose to avoid any kind of confrontation between us. Some of the pro-mining people wore t-shirts, too. But in all honesty, they weren’t as bright as ours and the lettering was too small to read from a distance. There’s no doubt that Sandy and Kira had outdone the mining interests in the design of our shirts.

We sat in the gallery for quite some time, waiting
Who is Laura Furtman?

You have read a little bit about Laura in this chapter—how we kept running into each other at meetings and eventually started to go to those meetings together. You have also seen a sampling of her letters to the editor that were sent to newspapers around the state to inform citizens about the shenanigans being pulled by the legislature, the governor and the mining companies.

But who is that cute little lady who has been at my side not only at environmental meetings, but doctor appointments, family get-togethers and even a few formal dances over the past eight years? I’m sure many people must have asked that question, so let me give you the answer.

Laura Furtman came into my life in April of 1997 when I first saw her at a public meeting about the Crandon mine in Rice Lake, Wisconsin. She lives eighty-eight miles northwest of Ladysmith, and after she got hooked on the mining issue, I started to see her at a lot more meetings—like the Ladysmith hearing on the mining moratorium bill (May 1997), a statewide meeting of the Wisconsin Stewardship Network in Stevens Point, Wisconsin (September 1997) and the public hearing in Milwaukee that you just read about (October 1997).

I couldn’t help but feel great admiration for Laura’s tenacity in making her views known to people like Rep. Marc Duff, so I wrote her a short note after the Milwaukee hearing to thank her for her efforts. The next thing I knew, Laura called me on the phone to tell me about a busload of people who were going down to Madison to lobby the state legislature (that’s the trip you read about earlier that was organized by the Dunn County Mining Study Group in November of 1997). I joined her on that trip, and as I moved around the bus talking to different friends, every once in a while Laura and I found ourselves riding in adjoining seats. She was so pleasant and so well-informed that at one point I blurted out, “I’m pretty fond of you.” She smiled, looked at me and said, “I’m pretty fond of you, too.”

Well, after that I just had to invite Laura to come and visit me on the farm, really never expecting that she would. But lo and behold! One December day she called me up on the phone to ask if she could come over to see me the next day. When she pulled into my driveway in her little Saturn station wagon and got out of her car, it nearly blew my breath away. She was so cute and had such a bright smile on her face.

I went into my bragging act, of course. I showed her all the antiques I had around the house and farm—from pictures to tractors. And she also took a look at my horses in the barnyard. I even read some of my poems to her that I had written over the years about Evelyn, various friends and our battle with Kennecott. After lunch we walked together over the farm, crossed the Deer Tail Creek and looked at the handiwork of some beavers that had toppled a few trees. We had so much fun that at one point I said, “This is some romance—You’re married and I’m old.” She just smiled because we both realized that we liked each other. It was a wonderful day that I just hated to see come to a close.

Several years have gone by since that day in December. And in the interim Laura and I have gotten to know each other and our families quite well. Whenever she could, she would drive as far as my house when there was going to be a meeting of the Wolf Watershed group, and from there we would drive together to Crandon. We also traveled together to places like Medford, Shawano and Eau Claire for various meetings—and we always had a lot of fun despite the seriousness of the matter at hand. I remember one special time in particular when Laura and I went to Bayfield to be part of the “Protect the Earth Journey” from the Red Cliff Reservation to Madison. We got to Walt Bresette’s place at Red Cliff before dawn for breakfast, and then Walt led a caravan of cars to a special spot on the shores of Lake Superior for a sunrise ceremony (Figure 120-28). From there we returned to the reservation, where the 320-mile walk to Madison began.

Figure 120-28. Roscoe Churchill and Laura Furtman developed a special love for each other over the years that manifested itself in their combined efforts to help protect Wisconsin’s waters for future generations (Photo by Sandy Lyon of Springbrook, WI, May 29, 1998).
Besides working together on mining issues, Laura and I also became involved in each other’s personal lives. Being a pharmacist, she showed a real interest in the various medications that an old guy like me has to take to keep percolating, and I cannot tell you how many times she went with me to my doctor’s appointments because she wanted to help. It got to the point where four of my favorite physicians, Dr. Tom Paulsen, Dr. Martin Voss, Dr. Jagdeep Bijwadia and Dr. Michael Rentepis would ask, “Where’s Laura?” if she wasn’t there.

Laura’s husband Greg has also been kind to me. He never complained about how his wife was running all over the country to mining meetings with me (although I’m sure he knew that Laura was not one to be easily stopped from doing something she had decided to do)! And Greg, who himself is an environmental person and astronomer, always supported us in our efforts to beat the buzzards. He calls himself Laura’s “computer consultant” and was the one who helped her set up a mailing list for her letters to the editor, print off the mailing labels and get things to the post office on time. He also fixed any and all computer problems that Laura encountered while putting together the book you are now reading. Greg spent many evenings alone while his wife was either upstairs in their home working on the book or off to a meeting with me. It takes a special kind of man to give his wife so much freedom.

Greg even gave Laura his blessing to travel with me to the states of Maine, Washington and Virginia to visit my children and their families—and Churchill, Manitoba to look for polar bears! I wanted to make those trips, but not alone, so Laura offered to come along. It sure made things a lot more fun. I might add that for the past six years, Laura and I have attended the Viennese Ball, an annual event at the University of Wisconsin—Eau Claire (Figure 120-30). It’s something that Evelyn and I used to do, and having the chance to be there once more has helped me to relive the past a little bit. I hope Greg knows in his heart just how much he gave to me by not only allowing but encouraging Laura to be such an important part of my life.

Laura knew I had started to write the story of the Flambeau Mine in the mid-1990s but had never finished the manu-

![Figure 120-29.](image)

*Greg Furtman helped his wife and Roscoe Churchill fight the buzzards by providing computer support, lots of understanding and words of encouragement. Here he is pictured in front of his car at the Furtman farm as his dog Cosmos looks on (Photo by Laura Furtman of Webster, WI, February 1999).*

script. So in late 2000 she said to me, “Roscoe, it’s time to finish your book.” And for the next five years she helped me write down and organize the real story of what happened after Kennecott reared its ugly head in Rusk County.

As we worked together on the book, I had to smile when I thought of how Laura and I kind of looked like a mismatched team of horses. I was Bill, my old gray gelding with long, lanky legs. And Laura was Ginger, my little quarter horse mare. But we sure worked well hitched up as a team.

So who then is Laura Furtman? She was the driving force in my life to get the book done, to take care of my health and enjoy my old age.
patiently for the assembly to begin the debate. At one point, however, I remember leaving for a bit and running across Rep. Rob Kreibich (R-Eau Claire) in the capitol rotunda. I tried to talk to him about the bill, but he just gave me some sort of smart-alecky response, as if the Republicans were going to try to “strengthen” the bill. He had such an obnoxious little smirk on his face when he talked to me that I just had to turn and walk away.

When I got back to the gallery, there was still time to visit with people before the debate began. In particular, I remember seeing my friend, Sierra Powers. Over the years, she had always supported Evelyn and me in our efforts to fight the mining companies, going all the way back to the 1970s. Sierra was never afraid to stand up and make herself heard; she knew what she was talking about and to this day continues to speak out against the multinationals’ takeover of our mineral resources (Figure 120-31). I view Sierra as one of the petals of the sunflower that Walt Bresette described to us in the early 1990s. We are all connected to the same center and have the same goals. I have a special feeling for Sierra because of how nice she always was to Evelyn and me—and how she continues to show that same kindness toward me, now that Evelyn is gone. It’s not unusual to hear her speak reverently of the contributions to the environmental movement made by Evelyn and other friends who are no longer with us—people like Walt Bresette, Evans “Crazy Horse” Smith, Ron Smith and Hilary “Sparky” Waukau. Sierra’s goal has consistently been to make sure the things her elders worked toward will someday become a reality.

Another friend I saw that day in the capitol building was Linda Sturnot, who had traveled from her home in Franklin, Wisconsin to watch the debate. She brought her mother, Margaret Gember, along with her, and I was pleased to talk to both of them in the gallery. I had never met Margaret before, but I could see where Linda had gotten her spunk.

Linda is the kind of woman who appears as fragile and as delicate as an early spring flower, but one must not be fooled by her appearance; she handles a Harley with ease. In her gentle way, she has contributed to our ongoing efforts to beat the buzzards by always being at the important gatherings, taking the time to get informed about what is happening and being a real organizer. Linda is always smiling, always sweet, always informed and always willing to carry her share of the load (Figure 120-32).

Linda also has a real flair for making her views known to the world. I remember one time in particular when she worked with several of her friends in the Milwaukee area to create over thirty grave markers out of cardboard to use at our political rallies against the Crandon mine. I don’t know who came up with the idea, but Linda, Susan Simensky Bietila, Claire Vanderslice, Bonnie Mayer and Gerry Gunderson were all in on it. They decided that each of the grave markers would bear the name of a river that had been killed by mining pollution somewhere in the world, and then they did their homework to make sure all the information put on the markers would be accurate. Claire and Susan sat down to design the actual markers, and then Susan, who is a political artist by trade, brought the whole project to life with her pen and paintbrush. Let me tell you, it was quite an impressive site to see all those markers lining the walkway to the State Capitol building in Madison when we assembled there in the Spring of 2001 for a
rally against the Crandon mine (Figure 120-33)!

I might add that besides being creative, Linda, Claire, Bonnie and Gerry think nothing of driving over 200 miles to Crandon on a regular basis to attend the meetings of the Wolf Watershed Educational Project. They are there for almost every single meeting because they are so concerned about stopping the Crandon mine. It makes me smile to see them walk into the room, and I have great respect for each and every one of them.

On the day of the assembly debate on the mining moratorium bill, Laura and I also had a chance to visit with Len and Judy Pubanz. Both of us knew about POW’R, the organization that Len and Judy had helped to found in the Shawano area. And we knew they were working tirelessly to protect the Wolf River. In fact, Len had even contacted United States Senator Russ Feingold and Congressman Jay Johnson about a misleading advertisement that Crandon Mining Company had placed in newspapers across the state in September of 1997. We all called it the “tupperware ad” because it implied that the mining company would be able to seal the tailings from the proposed Crandon mine inside of a tupperware-like container. There was even a big drawing of a tupperware sandwich box in the ad (Figure 120-34)! At any rate, both Feingold and Johnson responded to Len’s letter by sending their own letters to DNR Secretary George Meyer in which they asked Meyer to “look into the matter and address Mr. Pubanz’s concerns.” I think that really shook up old George. He ended up sending Len two separate letters in which he tried to smooth over the issue.

Unfortunately, the DNR’s stand on the “tupperware ad” was that even though some of the information in the advertisement was clearly inaccurate, the department was not obligated to do anything about it or inform the public. It showed once more just how useless the DNR was in protecting the citizens of Wisconsin. For those of you who are interested in seeing the details of this fascinating story, I have included some of the relevant documents on the CD-ROM that accompanies the book (CD 120-49).

Oh well, getting back to the assembly debate on the mining moratorium bill, let me first show

Figure 120-32. Bonnie Mayer (left) and Linda Sturnot (right) pose with a life-size puppet of Governor Tommy Thompson created by artist Susan Simensky Bietila (Photo by Susan Simensky Bietila, 1999).

Figure 120-33. The people who have united to fight the takeover of northern Wisconsin by multinational mining corporations are not only smart and dedicated, but creative. Pictured here along the walkway to the State Capitol are grave markers created by political artist Susan Simensky Bietila and her friends to memorialize rivers around the world that have been poisoned by mining (Photo by Susan Simensky Bietila, April 29, 2001).
The Buzzards Have Landed

you a copy of the senate-approved version of the bill (Engrossed 1997 Senate Bill 3) that was the starting point for the assembly debate (Figure 120-35). In that way, you will be able to better understand how the senate Republicans had weakened the bill before it even got to the assembly and how the assembly Republicans proceeded to weaken it further. In particular, take a look at the lines labeled as Pg2Ln8 and Pg2Ln9. That's where the term “pollution” was defined, and it's the part of the bill that the senate Republicans inserted in March of 1997 in an effort to trash the legislation. Let me explain.

To start, “environmental pollution” is defined in Chapter 293 of the Wisconsin Statutes (the chapter on metallic mining) as “the contaminating or rendering unclean or impure the air, land or waters of the state, or making the same injurious to public health, harmful for commercial or recreational use, or deleterious to fish, bird, animal or plant life.” It's a good definition. And since the mining moratorium bill was designed to be incorporated into Chapter 293 of the statutes, the original version of the moratorium bill introduced in the assembly by Spencer Black in February of 1997 (AB 70) and in the senate by Kevin Shibilski in January of 1997 (SB 3) contained no definition of pollution (CD 120-12). Instead, the bill simply deferred to the definition that already existed in the statutes.

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Figure 120-35. The Republican strategy for gutting the mining moratorium bill centered on: (1) ignoring the definition of pollution that already existed in Chapter 293 of the Wisconsin Statutes; and (2) creating a new definition of pollution that allowed any mine that had polluted the environment to qualify as "non-polluting," as long as the owner had not violated any of the weak environmental laws governing mining. The amended version of the bill shown here was approved by the Wisconsin Senate on March 11, 1997 on a vote of 29-3.
But that wasn't good enough for the Republicans. When SB 3 was debated in the Wisconsin Senate on March 11, 1997, Sen. Robert Welch (R-Redgranite) introduced an amendment to the bill to redefine “pollution” as “degradation that results in an adjudicated violation of an environmental law.” That meant if a mine had polluted the environment but its operators had managed to avoid prosecution, the mine would still pass muster as an example of a non-polluting mine. What's more, our environmental laws were so weak to begin with that even if a mine were found to be in compliance with set standards, it didn't mean much in terms of true environmental protection.

Well, the Democrats were not about to let Welch give everything away to Exxon. But in March of 1997 they only had a one-vote majority in the senate (17-16) and couldn't count on Roger Breske (D-Eland), Richard Grobschmidt (D-South Milwaukee), Gary George (D-Milwaukee) or Gwen Moore (D-Milwaukee) to vote with them. You may recall, even though Breske called himself a Democrat, he seemed to be more interested in representing Exxon’s interests in the State Capitol than those of his own constituents in the Crandon area. And Grobschmidt, George and Moore, who were all from the Milwaukee area, had apparently been influenced by the two Milwaukee-based companies I mentioned earlier, Bucyrus International and P&H Mining Equipment.

The ideal scenario for the Democrats would have been to reject Welch’s proposed amendment altogether and rely on the definition of “environmental pollution” that already existed in Wis. Stat. 293.01(4). But even though Sen. Dale Schultz (R-Richland Center) and Sen. Robert Cowles (R-Green Bay) voted with the Democrats in an effort to kill the amendment, it wasn’t enough to counteract the fact that Breske, Grobschmidt, George and Moore had broken rank to vote with the Republicans. The best the Democrats were able to accomplish, through the efforts of Sen. Chuck Chvala, was to remove the word “adjudicated” from Welch’s amendment. So at least that meant if any environmental law had been broken by a mining company, the mine in question could not be used as an example of a non-polluting mine, whether or not the operator had been prosecuted.

The new definition of “environmental pollution” was approved by the Wisconsin Senate on a vote of 17-15. And when it came time to vote on the amended bill in its entirety, it passed on a vote of 29-3 (Figure 120-35). The only senators who held out and refused to vote for even the weakened version of the bill were Carol Buettner Roessler (R-Oshkosh), Joanne Huelsman (R-Waukesha) and Margaret Farrow (R-Elm Grove).

When the senate-approved version of the bill reached the floor of the assembly ten months later, I’m sure Rep. Spencer Black figured that the Republicans would try to put the word “adjudicated” back into the bill to restore the original intent of the Republican Party to totally gut the bill. And that’s exactly what happened on January 21, 1998, as Laura and I sat in the gallery watching the debate. Let me tell you the story.

We had been waiting for the assembly to start its debate of the mining moratorium bill since mid-morning. But it took until about 4:30 in the afternoon for the legislators to finally get around to it. The first thing the Republican lawmakers tried to do was shove through a couple of meaningless amendments to the senate-approved version of the bill (CD 120-50). For example, the first amendment they proposed called for inserting the words “and verified by the department” into the part of the bill that talked about the kind of information to be submitted by a mining company to the DNR to meet the terms of the moratorium. What the amendment boiled down to was this: Instead of the bill just saying that the department had to “determine” whether or not a particular mine had operated in a sulfide ore body without causing pollution, the department now had to “determine and verify” that no pollution had occurred. Do you see what I mean about the amendment being meaningless? As Rep. Judith Robson (D-Beloit) pointed out during the ensuing debate, the bill did not need to be amended to require the DNR to “verify” anything. That was already part of the department’s job!

So what was going on? All the Republicans were trying to do during the first stage of their assault on the mining moratorium bill was change the wording of the bill just enough so that the bill would have to go back to the senate for reconsideration, where it would likely fall by the wayside because of the senate’s 16-16 split that had come with the departure of Sen. Lynn Adelman (D-Mukwonago) in late 1997. It was the same dirty trick that Rep. Marc Duff had tried to pull when the bill was in committee.

Even though the Democrats did not have the votes to stop the Republicans in the assembly (the Republicans had a 52 to 46 majority at that time), the Democrats put up a real fight. And they also had the help of Rep. Bill Lorge (R-Bear Creek), who had crossed party lines to co-sponsor the mining moratorium bill with Rep. Black. I can still see Lorge sitting there in the assembly chamber that day, wearing a white suit and black sunglasses during the debate.
With his pitch-black hair that was combed up and back from his forehead, he actually looked a little like Elvis. But wow! When he took the floor, we knew he meant business. He spoke out strong for the bill and cited all the letters, phone calls and petitions he had received from the public in support of enacting a moratorium. He also stressed that no amendments should be added to the bill. Laura was taking notes on what he said, and when he sat down, she wrote “Great!” next to his name.

The next person to speak wasn’t so great. Rep. Tom Ourada (R-Antigo) piped up to say that the bill needed to be amended in order to strengthen it and that he trusted the senate would act on whatever the assembly decided. What a line of baloney! And I wasn’t the only one to feel that way. Rep. Marlin Schneider (D-Wisconsin Rapids), who was known to speak in a ribald manner at times, stood up and talked about how there was a “testosterone imbalance in the senate” and that it was ridiculous for Ourada to suggest the senators would act on an amended version of the bill. He then stated, “In Wisconsin Rapids, they’ll figure out what the Republican Party did to this bill.”

Reps. Steve Foti (R-Oconomowoc) and Barbara Gronemus (D-Whitehall) got on my nerves almost as much as Ourada. Foti said, “The only way the bill will die is if the Democrats want it to die.” And Gronemus, who in my opinion was no Democrat, went off on a tangent about how DNR Secretary George Meyer was doing a great job, as if to suggest that a mining moratorium law was not needed. Hmm. As I write my book, Gronemus is still in the Wisconsin Assembly. I hope that one of these days a real Democrat challenges her for her seat in the 91st Assembly District and wins.

The next person to speak up during the debate was Rep. Judy Robson (D-Beloit). She asked, “How long has SB 3 been in this house?” And then she went on to comment on how the bill had been stalled, stonewalled and shunted by the assembly Republicans for more than ten months. She said, “It’s too late for the senate to reconsider the bill” and added that amending the piece of legislation at this stage of the game was equivalent to doing a “quarterback sack” on it.

But despite the pleas of people like Robson, Lorge and Schneider, the “do nothing” amendment backed by the Republicans was approved on a vote of 52-46. All the Republicans voted for it, except for Lorge. And all the Democrats (surprisingly, even Gronemus) voted against it, except for Jeff Plale (D-South Milwaukee). Plale, who I didn’t mention earlier, represented the part of Milwaukee where Bucyrus International was located. Not only did he give in and vote with the Republicans, but he actually worked with Rep. Ourada to co-sponsor the amendment (and several other

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**Rep. William Lorge—A Man who Listened to his Constituents**

I cannot say often enough that the story of the mining moratorium debate was really a story of people and how those people acted under pressure. Some of them gave in and went along with the big-money interests that wanted to move into Wisconsin. And others stood their ground to protect the state’s resources for future generations. One of the people in the latter category was Rep. William Lorge (R-Bear Creek).

I never got to know Rep. Lorge personally. But I watched what he did in the assembly with regard to the mining moratorium bill, and I admired what I saw. Even though his Republican cohorts were bent on killing the bill, Lorge had been so bold as to co-sponsor the legislation with Rep. Spencer Black. He knew the people of his district were concerned about the proposed Crandon mine and how the mining company proposed to dump the wastewater from the project into the Wisconsin River that flowed through his part of the state. Like a responsible representative, he listened to his constituents and took an active role in helping the bill to pass.

Unfortunately, Lorge paid a political price for his insurgency in the very next election. The Republican Party decided to actively support someone else for his assembly seat, thereby forcing a run-off in the primary. I suppose the party leadership wanted to bring a lackey on board who would be easier to control. At any rate, Lorge, who was a ten-year incumbent, lost the primary to a restaurant owner who had no real legislative experience. And that person, Jean Hundertmark (R-Clintonville) went on to win the general election.

I don’t know what Bill Lorge is doing these days, but I hope he always remembers that he did a great service to the people of Wisconsin by listening to his constituents and supporting the mining moratorium bill.
amendments debated later). At any rate, “Round 1” was won by the Republican Party/Exxon. When the amendment was adopted, it meant the bill would have to go back to the senate for reconsideration.

“Round 2” of the Republican assault on the mining moratorium bill involved a second rather trivial amendment, I suppose thrown in for good measure (CD 120-50). It had to do with describing the concept of acid mine drainage. The senate version of the bill referred to the type of sulfide ore body that generates acid mine drainage as one that “is not capable of neutralizing acid mine drainage” (Figure 120-35). And what the Republicans proposed to do was describe the ore body as one that “has a net acid generating potential.” To the best of my knowledge there was nothing earth-shattering about the proposed change in wording. But yet the second Republican/Exxon amendment passed the assembly on a vote of 55-43.

“Round 3” of the fight got downright nasty. While the first two amendments were rather harmless (except for the fact that they threw the bill back to the senate), the third amendment, again offered by Reps. Ourada and Plale, actually gutted the bill by redefining the term “pollution” to be in step with what Sen. Welch had tried to ram through the senate in March of 1997. Here is the exact wording of the amendment supported by the assembly Republicans and Exxon, with the new language shown in boldface print (CD 120-50):

“Pollution” means degradation that results in any violation of any environmental law as determined by an administrative proceeding, civil action, criminal action or other legal proceeding, if the proceeding or action affords to the alleged violator due process rights of notice and an opportunity for a contested hearing. For the purpose of this paragraph, a stipulated fine, forfeiture or other penalty is considered a determination of a violation, regardless of whether there is a finding of admission of liability.

So we were back to the same old idea that if a mine had polluted the environment but its operators had managed to avoid prosecution, the mine would still be able to pass muster as an example of a non-polluting mine.

The amendment was introduced on the floor of the assembly at about 6:15 in the evening. And since both sides knew the battle over this one was going to be fierce, the majority and minority leaders quickly moved to break for caucus meetings and further negotiations. We had no idea how long it would take the legislators to return to the chamber but decided to hang around the capitol and wait. And wait we did.

The lawmakers finally reappeared shortly before 11 o’clock that night, and you can imagine how crushed we were to learn that no real progress had been made. In fact, the situation had deteriorated. Here is how the scene was described by Caryl Terrell of the Sierra Club in a memo she sent out early the next morning to proponents of the moratorium:

The assembly reconvened at 10:50 p.m. The Republicans refused to change a gutting amendment and announced they would change the rules of procedure to complete [the debate on the] amendments and message the bill to the senate without reconsideration. Normal procedure is to allow a two-day break between voting on amendments and final adoption. This new rule would steamroll the bill through the final step, without representatives going back to their districts to hear from constituents before voting on final passage. [Rep. Black] argued against this backdoor way to gut the bill and then not allow constituents the opportunity to contact their representatives ...

The Rules Committee [chaired by Rep. Steven Foti (R-Oconomowoc)] met from 11:15 to 11:30 to adopt the rule change. Then the assembly debated the rule change which was adopted at midnight.

Fifty-one Republicans voted for the rule change to steamroll the bill and forty-six Democrats voted against it. So after sitting on the bill for more than ten months, all a sudden the Republicans found it necessary to ram through a number of pro-Exxon amendments to the mining moratorium bill in less than twenty-four hours and deny the public the opportunity to comment. The whole darned thing told me that the Republicans had absolutely no regard for the democratic process. If you want to see the specifics of not only this particular roll call vote, but all the others I have cited, they are included on the CD-ROM that accompanies the book (CD 120-51).

Before adjourning at midnight, an announcement was made that the assembly would reconvene at 12:00 noon the next day to debate the proposed amendment to the moratorium bill regarding the definition of “pollution.” I suppose the Republicans wanted to sleep in before delivering the final blow.

Laura and I were feeling pretty bad about the whole thing, and as we left the capitol building to go back to my daughter’s house for the night, we ran into Rep. Marty Reynolds. None of us had eaten supper, so he invited us to meet him at a nearby restaurant to get a bite to eat. As we sat and talked, it was clear that Marty was incensed about how the Republicans were tearing apart the moratorium bill. And it appeared to me that he was not only upset
about the situation at hand—but the political process in general. He wanted to know my opinion on what to do when the assembly reconvened. Of course, he was going to vote against the Republican/Exxon amendment that sought to redefine the term “pollution.” But one additional vote would have to be taken at the end of the day. You see, once all the individual amendments were either adopted or rejected, the full assembly would have to vote on the amended version of the entire bill. Marty said to me, “If the bill is gutted, should I still vote for it? Or would it be better to vote it down altogether?”

I wasn’t sure how to answer Marty. But one thing was clear to me. We had been on opposite sides when it came to the Flambeau Mine, but now I saw a young man who was going out of his way to find out what the people he represented wanted him to do. When we got up to leave the restaurant, I offered to pay for his supper, but he wouldn’t let me. He wasn’t out there to get something for free from me or anyone else. I’m sure Marty got no rake-off while serving in the assembly. He was just doing what he believed was right.

Unfortunately, the next day in the assembly was no better than the first. Rep. Tom Ourada (R-Antigo) started out by offering a proposal to change the wording of the Republican/Exxon amendment that had been introduced on the floor the night before. It was a thinly-veiled attempt to make it look like the Republicans were willing to compromise with the Democrats, but we were not fooled for one minute. He was just doing what he believed was right.

Here is the revised wording of the Republican/Exxon amendment, as proposed by Ourada (the new language is indicated in bold print):

“Pollution” means degradation that results in any violation of any environmental law as determined by an administrative proceeding, civil action, criminal action or other legal proceeding. For the purpose of this paragraph, issuance of an order or acceptance of an agreement requiring corrective action or a stipulated fine, forfeiture or other penalty is considered a determination of a violation, regardless of whether there is a finding or admission of liability.

The department may not base its determination under sub.(2)(a) or (b) on any mining operation that has been listed on the national priorities list under 42 USC 9605(a)(8)(B) or any mining operation for which the operator is no longer in business and has no successor that may be liable for any contamination from the mining operation and for which there are no other persons that may be liable for any contamination from the mining operation.

After Ourada made his proposal, two separate votes had to be taken. The first was to either accept or reject the proposed word change to the Republican/Exxon amendment. And the second was the all-important vote on whether or not to adopt the Republican/Exxon amendment in its entirety. Of course, the Democrats went along with the Republicans on the word change because Ourada’s proposal at least superficially narrowed the scope of what qualified as a “non-polluting” mine. But when it came time to debate the Republican/Exxon amendment in its entirety, the two parties parted ways and things rapidly deteriorated.

And I’m not just talking about the fact that the Republicans had enough votes to rule the day. No, we also had to sit through listening to a number of racist comments made by Rep. Joseph Handrick (R-Minocqua) and Rep. Cloyd Porter (R-Burlington). They knew the Native Americans were strong supporters of the mining moratorium bill, and I guess they couldn’t resist getting in a few digs. I cannot recall exactly what was said, but I do remember the feeling of anger I got in my gut as I heard them talk about how they didn’t trust the tribes. And I was shocked to think that people with such small minds had been elected to the state legislature.

I don’t know if Handrick and Porter were aware of this, but radio station WOJB-88.9FM was in the assembly chambers broadcasting the debate live over the radio. So those two guys had a much broader audience of people who heard their obnoxious comments than what they might have figured. In fact, Eric Schubring of WOJB had been in the assembly for the previous day’s debate as well. That Eric was quite a guy. No matter if it was 12:00 noon or 12:00 midnight, he was determined to do his best to make sure that the people back home could hear what those of us in the gallery were able to see.

Besides Handrick and Porter, there was also a woman legislator we saw that day who really irritated me. She was dressed in a red suit and kept running back and forth between her desk and the lobby. My friend Sandy Lyon described it quite well when she said, “That woman was jumping around like a red piece of popcorn.” It turned out we were watching Rep. Lorraine Seratti (R-Spread Eagle), whose assembly district included Forest County. Seratti had been a vocal supporter of the proposed Crandon mine all along, and my guess was that she was running back and forth to consult with the Exxon lobbyists who were in the hallway outside the room. You see, to this day, lobbyists are not allowed on the floor of the assembly. And since the mining moratorium debate took place before the days...
of having lap-top computers in the assembly chamber, the lobbyists would send notes via legislative aide to any legislator they wanted to see. It was then up to the legislator to decide if he or she wanted to exit the chamber to talk to them. I imagine that Seratti was quite interested in getting input from Exxon—or if that was not the reason for her frequent exits from the chamber, perhaps she had a case of the flu.

As the assembly proceeded to debate the Republican/Exxon amendment that redefined “pollution” to the mining industry’s liking, there were a few bright spots for those of us who were concerned about protecting the water of northern Wisconsin. To start, the minority leader, Rep. Walter Kunicki (D-Milwaukee), got up and said the following to the Republican legislators:

> The mining moratorium bill did not come from the wacky far left. The public forced this on you, and now you’re trying to weasel out of it. They will hold you accountable. You trampled their rights to respond. But [the Democrats] are not going to sell out to that broad-based coalition of people. Exxon is not a citizen of this state. They don’t vote.

And then Rep. Frank Boyle (D-Superior) got up and said, “Before we even discussed this moratorium, it was a done deal. You’re selling out to Exxon!” He was quite emotional when he spoke and right on the money. I was also pleased when Boyle mentioned his concern over honoring treaty rights.

The debate continued for quite some time. And right before the vote was taken on the Republican/Exxon amendment, Rep. Black laid it all out to his Republican colleagues. Here is what he said:

> You cannot serve God and Exxon.  
> You cannot serve the people and Exxon.  
> You cannot serve the environment and Exxon.  
> You cannot serve Wisconsin and Exxon.  
> It’s as simple as that. You want to serve two masters. Your goal was to amend the bill. Whose goal was that? Exxon’s. This amended bill is not in the interest of the people of Wisconsin. It’s in the interest of Exxon. The people will not forget who you serve. This is the vote that determines who you serve.

The amendment passed the assembly on a vote of 51-44. And so that you can clearly see who sold Wisconsin to Exxon, I have included the roll call vote for you to see (Figure 120-37).

And then things got really interesting. You see, just like Marty Reynolds had mentioned to me earlier, the Democrats had to decide if they were going to vote in favor of the final version of the bill (with all the amendments that had been added by the Republicans), or if they were going to vote against the whole darned thing.

As Laura and I watched the chaos on the floor from our vantage point in the gallery, all of a sudden I looked to my left, and there stood Marty next to me. He crouched down and said, “Roscoe, I want to dedicate my vote to you. I will vote whichever way you want.” That really meant a lot to me, but I must say that just like the night before, I didn’t know what to tell him. Finally, after thinking about all the dirty tricks the Republicans had pulled, I said, “Vote against it,” and Marty went back down to the floor. But then, to further complicate matters, all of a sudden we got word that Rep. Black was recommending that the bill be passed because there was still a remote chance the senate might take it up and undo the mess created by the assembly Republicans. So I caught Marty’s eye from where I was sitting and motioned for him to vote in favor of the measure, which he did.

When the final vote was taken, the bill passed on a vote of 75-21. What I found interesting was that most of the Republicans who had voted earlier to gut the bill turned around and voted for final passage. It was a pretty clever move on their part—and highly political. You see, by voting in favor of the weakened version of the bill, they could go home to their constituents and say, “Yes, I voted for the mining moratorium because I knew you wanted it,” when in reality they had taken the teeth out of it first. Here is a list of the representatives who played that little game with their constituents: Sheila Harsdorf (R-River Falls), Rob Kreibich (R-Eau Claire) John Gard (R-Peshtigo), Michael Huebsch (R-West Salem), DuWayne Johnsrud (R-Eastman), Thomas Ourada (R-Antigo), John Ainsworth (R-Shawano), Mary Lazich (R-New Berlin), Mark Green (R-Green Bay), Joan Wade Spillner (R-Montello), Tim Hoven (R-Port Washington), Jeff Plale (D-South Milwaukee), Eugene Hahn (R-Cambria), Neal Kedzie (R-Elkhorn), Stephen Freese (R-Dodgeville), Frank Lasee (R-Ledgeview), Scott Gunderson (R-Waterford), Luther Olsen (R-Berlin), David Brandemuehl (R-Fennimore), John Dobyns (R-Fond du Lac), Robert Goetsch (R-Juneau), Dean Kaufert (R-Neenah), Carol Kelso (R-Green Bay), Judith Klusman (R-Oshkosh), Bonnie Ladwig (R-Racine), Michael Lehman (R-Hartford), Terry Musser (R-Black River Falls), Stephen Nass (R-Whitewater), Al Ott (R-Forest Junction), Clifford Otte (R-Sheboygan Falls), Mike Powers (R-Albany), Richard Skindrud (R-Mt. Horeb), Tom Sykora
Figure 120-37. The official roll call vote on the assembly amendment that gutted the mining moratorium bill showed which representatives served the people of Wisconsin (the Democrats plus Rep. William Lorge) and which ones opted to serve Exxon (the Republicans plus Rep. Jeff Plale). It's interesting to note that Rep. Barbara Gronemus apparently didn't have the courage to vote one way or the other on this important issue. She was there for the vote, but abstained.
The Buzzards Have Landed

(R-Chippewa Falls), Gregg Underheim (R-Oshkosh), Steve Wieckert (R-Appleton) and Robert Zukowski (R-Thorp). You can see for yourself by reading the official roll call vote on the CD-ROM that accompanies the book (CD 120-52). I have also included there a memorandum drafted by the Wisconsin Legislative Council that explained the terms of the amended bill approved by the assembly (CD 120-53).

Before the assembly adjourned, Marty Reynolds got up to speak. And in a very gracious gesture he asked unanimous consent that the assembly “adjourn in honor of Evelyn Churchill, who was a leading advocate for mining regulation and a nationally recognized environmentalist.” Even though the bill that had just passed the assembly was not exactly what we wanted, Evelyn still would have been twinkly-eyed. You see, by keeping the bill alive, the assembly had kept her dream alive. I still get emotional thinking about it.

The Mining Moratorium Bill goes back to the Wisconsin Senate

An important step had been taken when the Wisconsin Assembly passed the mining moratorium bill on January 22, 1998, but we couldn’t lose our focus. The fact remained that we had a flawed bill on our hands that the senate needed to fix. Rep. Spencer Black promptly sent out a letter to various newspapers around the state to inform the public of how the mining moratorium bill had been gutted by the assembly Republicans, and he made it clear that it was now “up to state senators of both parties to put the moratorium back in the mining moratorium bill” (Figure 120-38).

Reporter Jeff Mayers did a service to the public by writing several informative articles for the Wisconsin State Journal that summed up exactly where things stood at the capitol with the mining moratorium bill. He quoted Senate Democratic Leader Chuck Chvala (D-Madison) as saying, “Assembly Republicans have polluted the mining bill so badly that the senate is going to find it awfully tough to swallow. They are sending us back a bill that has nothing to do with protecting our environment but everything to do with trying to cover their political tails” (CD 120-54). Assembly Speaker Scott Jensen (R-Waukesha), on the other hand, had the audacity to proclaim in the same article, “We made the bill tougher.” A third key player, Rep. Black, stated: “We lost the battle but not necessarily the war. I think we have a good chance [of fixing the bill] because of good public support. People are very upset—not only with the gutting of the mining moratorium bill—but with the way it was done” (CD 120-55).

With all the divergent opinions being offered by the ranking leaders of both parties, it was hard to imagine that any kind of agreement could be reached on the bill. In fact, four different hurdles needed to be cleared to get the moratorium we wanted:

- The senate leadership had to agree to schedule the bill for reconsideration on the floor;

- On Jan. 22, the Republicans in the Assembly voted to gut the mining moratorium bill. In a good example of doublespeak like that of government officials in George Orwell’s novel “1984,” Republicans proclaimed that they had “strengthened” the bill.

The Assembly Republicans dramatically changed the bill by voting for an amendment pushed by mining industry lobbyists. Because of this amendment, the Assembly version of the bill will no longer impose a moratorium on sulfide mines such as the Wolf River mine near Crandon.

The mining moratorium bill, as originally introduced and passed by the Senate, would delay a mine in a sulfide ore body such as the Wolf River mine until the mining industry has demonstrated that a similar mine has operated and been reclaimed without causing contamination of water supplies.

However, the Assembly Republicans, with the courageous exception of Rep. Bill Lorge (R-Bear Creek), radically altered the bill so that it is now meaningless.

The Republican amendment guts the bill because it changes the definition of “pollution” so that only a mine that has gone through a legal proceeding would be considered polluting.

Unfortunately, there are hundreds of mines that have caused great environmental damage but have not gone through a formal legal proceeding and thus would not be considered “polluting” under the new Republican definition.

Now, it is up to state senators of both parties to put the moratorium back in the mining moratorium bill.

Rep. Spencer Black
D-Madison

Editor’s note: Black is the author of the original bill.

Figure 120-38. Rep. Spencer Black knew it was important to keep the pressure on the Wisconsin Legislature to enact a workable mining moratorium, so he wasted no time informing the public of how the bill had been gutted by the assembly Republicans (Milwaukee Journal Sentinel, February 3, 1998).
The senate (comprised of 16 Democrats and 16 Republicans) needed to agree to amend the assembly’s version of the bill to restore the original intent; The assembly had to concur with the changes made by the senate; and Governor Thompson had to sign the final package into law.

So here, my dear readers, is what happened. To start, I have to give credit to Senate Republican Leader Mike Ellis (R-Neenah) for his part in allowing the process to move forward. It turns out that before the moratorium bill was gutted by the assembly, he sent a letter to Assembly Speaker Scott Jensen (R-Waukesha) regarding the bill. As reported in the January 28, 1998 issue of the Country Today, he promised in that letter that “Senate Republicans would bring up the bill on February 3 if it were amended by the assembly” (CD 120-45). And Ellis kept his word.

The next three people I need to credit include two Republicans and one Democrat—Sen. Robert Cowles (R-Green Bay), Sen. Dale Schultz (R-Richland Center) and Sen. Kevin Shibilski (D-Stevens Point). They got together to author an amendment to the assembly’s version of the moratorium bill. And what they came up with helped put some teeth back into the bill. I might add that it was hard for anyone to argue against the proposed amendment because the three senators had done their homework. You see, the assembly Democrats had complained that the Republicans “gutted” the bill, while the assembly Republicans claimed they had “strengthened” it. So what Cowles, Schultz and Shibilski did was ask the Wisconsin Legislative Council to cut through all the rhetoric and get to the bottom of things. And it turned out that the Democrats’ claim was substantiated by the legislative council staff with ample evidence. Here is an excerpt from the council’s memo to the three senators (CD 120-56):

This memorandum responds to a question you have asked regarding 1997 Senate Bill 3... as approved by the assembly on January 22, 1998 (hereafter, the “Bill”). Your question is whether a mining operation conducted prior to the enactment of the U.S. Clean Water Act of 1972, that caused the pollution of groundwater or surface water from acid drainage or from the release of heavy metals, could be used to satisfy either of the two preconditions established under the Bill. The reason for your asking this question is that, you note, a mine operated before the Clean Water Act was enacted may have operated in a jurisdiction with no mining laws, or where mining laws were not enforced, or both, and therefore no violation of an environmental law occurred even though the mine did cause pollution.

As will be explained in more detail below, the answer to your question is “yes.” … The bill does not require that the mine used to satisfy … the preconditions imposed by the Bill be operated in a jurisdiction that had any mining laws in effect or an administrative agency that enforced any environmental laws that did exist. Many jurisdictions did not have in effect stringent laws relating to mining designed to protect groundwater or surface water prior to enactment of the Clean Water Act.

So there you have it. Rep. Scott Jensen was full of beans when he said the assembly Republicans had “strengthened” the bill. And having the Wisconsin Legislative Council agree that a polluting mine could indeed be used to satisfy the terms of the assembly’s version of the mining moratorium bill gave real weight to the amendment proposed by Senators Cowles, Schultz and Shibilski.

Before going further, I must explain that the assembly-approved version of the mining moratorium bill consisted of two parts: (1) a section that contained definitions (including the Republican/Exxon definition of “pollution”); and (2) a section that required any company seeking a mining permit in Wisconsin to cite an example of a metallic sulfide mine that had: (a) operated for at least ten years without causing pollution; and (b) been closed for at least ten years without causing pollution. What Cowles, Schultz and Shibilski proposed to do was leave the first part of the assembly-approved bill alone, but to add a qualifier to the second part of the bill. Here is the exact wording of the amendment they offered (CD 120-57):

The department may not base its determination [of compliance with the law] on a mining operation unless the department determines, based on relevant data from groundwater or surface water monitoring that the mining operation has not caused significant environmental pollution, as defined in s. 293.01(4), from acid drainage at the tailings site or at the mine site or from the release of heavy metals.

What the amendment accomplished was to insert the original, tough definition of “environmental pollution” found in Wis. Stat. 293.01(4) into the second part of the bill. Ideally, the amendment would have also eliminated the Republican/Exxon definition of pollution contained in the first part of the bill, but I guess that was too much for the Democrats to ask of their Republican colleagues if they wanted to have any chance at all of reviving the bill.
Before the senate had a chance to vote on the amendment, Sen. Robert Welch tried to undermine the whole thing, just like he had done when the senate first considered the mining moratorium bill in March of 1997. Laura and I were not there to watch the proceedings, but our friend Sandy Lyon had come to the State Capitol for the day and told us what happened. To start, Welch moved to outright reject the amendment proposed by Senators Cowles, Schultz and Shibilski.

As the various senators weighed in on the issue, Sandy watched from her perch in the gallery. In particular, she had a bird’s eye view of Sen. David Zien (R-Eau Claire) and noted that while the debate was raging, he just sat there doodling on a pad of paper! Sandy knew the mining moratorium issue was of great importance to Zien’s constituents. After all, both Exxon and Kennecott had previously tried to lease land in eastern Eau Claire County, close to the Beaver Creek Nature Reserve, and Kennecott had also tried to get its hands on more than 13,000 acres of forestland in Clark County, also part of Zien’s senate district. The Eau Claire and Clark county boards had taken the mining threat seriously and passed their own ten-year mining moratorium resolutions in the mid-1990s. Surely Zien was aware of those facts.

But there he sat, the senator who represented not one, but two counties that had enacted resolutions consistent with the intent of the bill being debated on the senate floor, and all Zien could do was sit there and doodle. Sandy did say, however, that at one point Zien looked up from the little boxes he was drawing on his note pad and said, with a disgusted tone in his voice, that someone who attended the Master Hearing on the Flambeau Mine in 1991 had brought some dead fish into the meeting room and put them on the stage in front of the hearing examiner. Hmmm. What did that have to do with anything?

When the senate got around to voting on Welch’s motion to kill the amendment by Cowles, Schultz and Shibilski, things got even more interesting. Luckily, even though Roger Breske (D-Eland) and Gary George (D-Milwaukee) voted with thirteen of the Republican senators (including David Zien) to cripple the moratorium, we had three Republicans (Tim Weeden (R-Beloit), Robert Cowles and Dale Schultz) and fourteen Democrats on our side. So Welch lost his bid to reject the amendment on a vote of 15-17. And when the senate proceeded to vote on whether or not to actually adopt the amendment, it passed on a vote of 27-5. The only senators to vote against it were Welch, Joanne Huelsman (R-Waukesha), Margaret Farrow (R-Elm Grove), Mary Panzer (R-West Bend) and Scott Fitzgerald (R-Juneau). I have included the roll call vote on the CD-ROM that accompanies the book (CD 120-58). The net result was that the senate put the moratorium back in the mining moratorium bill!

As an aside, there was some talk in the 14th Senate District of trying to recall Welch for his role in trying to scuttle the mining moratorium bill. A lot of his constituents were upset, especially since both the Wisconsin and Wolf rivers run through the area he had been elected to represent. Some people even started referring to Welch as “Exxon’s favorite senator.” Unfortunately, however, he was not recalled over the issue and continued to pander to corporate polluters. In fact, the Wisconsin League of Conservation Voters announced in early 2003 that Welch, along with senators Scott Fitzgerald (R-Juneau), Alan Lasee (R-De Pere) and Mary Panzer (R-West Bend), had tied for having the worst environmental voting records in the Wisconsin Senate during the 2001–2002 legislative session (CD 120-59). What’s more, during the 2003–2004 session, Welch had the unique distinction of being the only Wisconsin Senator to receive a 0% approval rating from the league. You can see for yourself by going to the web page of the Wisconsin League of Conservation Voters (http://www.conservationvoters.org). There you will also find a record of how everyone else in the Wisconsin Legislature, Democrat and Republican, voted on the important environmental issues of the day.

Before moving on, I would like to pay a special tribute to Sen. Alice Clausing (D-Menomonee), who was one of the true champions of the mining moratorium bill. You may recall that when the Democrats took a 17-16 lead in the Wisconsin Senate in late 1996, Clausing became the new chairperson of the Wisconsin Senate Committee on Agriculture and Environmental Resources. And she was the one who hustled to move the mining moratorium bill out of committee and onto the floor of the senate for a vote in March of 1997. Clausing, who represented the 10th Senate District in northwestern Wisconsin, was a real powerhouse on other environmental issues as well. In fact, she received a score of 113% from Clean Wisconsin (a state-wide conservation group) for her stance on conservation issues during the 1999–2000 legislative session (Clausing exhibited so much leadership that she even got bonus points).

Needless to say, Clausing was no friend to corporate polluters and the other special interest groups that held sway with the Republican Party. And when
the 2000 election rolled around, it became real clear real fast that the Republicans were out for her hide. They recruited a former state representative by the name of Sheila Harsdorf to enter the race, and the Republicans went about promoting their candidate as someone who was concerned about protecting the hunting and fishing heritage of northwestern Wisconsin (as if Clausing was not). What’s more, Harsdorf’s supporters launched an expensive smear campaign against Clausing just a few days before the election, giving the two-term incumbent no time to set the record straight. We never learned where all that money came from (the 10th Senate District is largely rural), but the Republicans got what they wanted—Clausing was defeated.

So what kind of senator did Harsdorf turn out to be? During the 2003–2004 legislative session, she was given a score of 8% by Clean Wisconsin for her voting record on conservation issues. Yes, Sheila Harsdorf, the same person who had donned blaze orange hunting gear and brandished a rifle in her campaign ads, showed her true colors on the floor of the senate. What she and her Republican colleagues to this day seem to forget is this: Unless we protect our forests, lakes and rivers, there will be no good places left to hunt or fish.

Even though Alice Clausing is no longer in the Wisconsin Senate, those of us who worked with her on the mining issue will always be grateful to her for her role in moving the mining moratorium bill through the senate and on to victory.

Victory!

We were ecstatic when the Wisconsin Senate managed to put some teeth back into the mining moratorium bill with the Cowles/Schultz/Shibilski amendment. But we were still not out of the woods. The next hurdle that had to be cleared before the mining moratorium bill could become the mining moratorium law was for the assembly to approve of what the senate had done. And approve of it they did! On February 4, 1998, the assembly voted 91-6 to concur with the new senate amendment (CD 120-60). The only representatives to vote against final passage of the bill were Marc Duff (R-New Berlin), Lorraine Seratti (R-Spread Eagle), Scott Jensen (R-Waukesha), Glenn Grothman (R-West Bend), Suzanne Jeskewitz (R-Menomonee Falls) and Frank Urban (R-Brookfield).

Well, this was big news (Figures 120-39 and 120-40)! I cannot explain why so many of the Republicans eventually decided to vote with the Democrats. All I can say is that the Republicans were out there in the public eye on this thing and had put themselves in a position where they pretty near had to vote for it. For example, as reported in the February 7, 1998 issue of the Capital Times, “After the assembly had gutted the bill [on January 22, 1998], Rep. Dean Kauffert (R-Menasha) returned home to the Fox Valley to find some 250 constituents screaming bloody murder. That response in a Republican stronghold pointed to the kind of wide-spread opposition there was to the Crandon mine” (CD 120-62). When Kauffert returned

Figure 120-39. As reporter Ron Seely wrote, “Something happened Wednesday that few thought possible a year ago. A mining moratorium bill cleared its final legislative hurdle.” See CD 120-61 to read the complete article (Wisconsin State Journal, February 5, 1998; republished with permission).
The Buzzards Have Landed

Passage of Mining Moratorium a big victory

By Rep. Spencer Black

Madison, Wis.—On February 4, the Legislature—at last—approved a strong Mining Moratorium Bill. This bill will delay a mine in a sulfide ore body like the proposed Wolf River mine near Crandon until the mining industry can show that a similar mine has operated and been reclaimed for at least ten years without causing pollution.

Passing the bill hasn’t been easy. When I first introduced the Mining Moratorium Bill in 1995, state Capitol pundits gave it no chance of passing. In 1996, the Republicans refused to even allow the bill to come up for a vote.

The state Senate passed the bill in March, 1997, but the Assembly Republicans delayed a vote on the bill until January, 1998. Meanwhile, Exxon, Crandon Mining and other mining interests spent millions of dollars on lobbying, campaign contributions and advertisements trying to kill the bill.

The Mining Moratorium passed only because of the actions of tens of thousands of citizens. A broad coalition of hunters, anglers, environmentalists, church groups, senior citizens, local governments, students and Native Americans created the largest grassroots campaign for legislation in recent Wisconsin history.

The success of this legislation shows that concerned citizens can make their voices heard even if they are vastly outspent by well-funded special interests.

When the bill finally did come up in the Assembly, Republicans altered the Mining Moratorium Bill by voting for an amendment pushed by mining industry lobbyists.

The Assembly Republican amendment gutted the bill because it changed the definition of “pollution” so that only a mine subject to a legal or administrative action would be considered “polluting.”

Had the Assembly Republican action been allowed to stand, the Mining Moratorium bill would have been useless because hundreds of polluting mines (mines that have contaminated drinking water and rivers with cyanide, arsenic and other toxic chemicals) would have been declared “non-polluting.”

When citizens heard about the Assembly’s action to gut the mining bill, they were outraged. For example, over 200 anglers jammed a meeting in Menasha to castigate their Assembly representatives for voting to weaken the bill.

Fortunately, the state Senate listened to the strong public sentiment. The Senate restored the original intent of the bill by closing the loophole contained in the Assembly Republican version of the bill.

As a result, the bill that passed defines “pollution” the way it should be—as contamination of surface or ground water by toxic chemicals based on scientific data.

As one newspaper put it “The Senate put the muscle back in the Moratorium.”

Passage of a strong moratorium bill is a big victory for our environment. I introduced the Mining Moratorium Bill because I believe that protecting our rivers, lakes and streams is essential to the future of our state.

After all, our greatest wealth in Wisconsin is not copper or zinc—it is our plentiful supply of clean water.

The last step to making the Mining Moratorium Bill into the Mining Moratorium Law is the Governor. The same citizen pressure that forced the Legislature to pass a strong Mining Moratorium bill must now be directed at the Governor.

I urge you to call or write Governor Thompson today and tell him to sign the Mining Moratorium bill.

You can call Thompson at 608-266-1212. (Sorry, he does not have a toll free number) or write him at: Gov. Tommy Thompson, State Capitol, Madison 53702. Your call or letter can make the difference.

(Editor’s note: Representative Spencer Black is the Assembly author of the Mining Moratorium bill.)

Figure 120-40. Rep. Spencer Black stated that the mining moratorium bill passed “only because of the actions of tens and thousands of citizens.” But don’t let his modesty fool you. The bill would have never become law without Spencer’s endless support and determination (Masinaigan, Spring 1998).
to the assembly on February 4, 1998 to vote on whether or not to concur with what the senate had done the day before, he switched gears and voted with the Democrats, as did most of his Republican colleagues.

Another thing that may have helped change the Republicans’ minds on the moratorium bill was that Exxon had just announced on January 23, 1998 that the company was selling its half of the Crandon mine project to Rio Algom, its Canadian partner in the endeavor (CD 120-63). The announcement came the day after the Wisconsin Assembly passed the Republican (i.e., gutted) version of the mining moratorium bill. While Exxon never admitted it, I imagine the company knew it could not even meet the requirements of the gutted bill, and that’s why the decision was made to pull out of Wisconsin. At any rate, here’s what the Capital Times had to say about the whole thing (CD 120-62):

Political cynics might surmise that when Exxon pulled out of the Crandon project it cleared the way for the Republican-controlled assembly to finally back the mining moratorium. After all, Exxon’s ties to Wisconsin are legion, from former Thompson aide Jim Klauser’s lobbying work to speculation that Exxon money might have been used by Wisconsin Manufacturers & Commerce against Democratic candidates in the last election.

It’s probably more accurate, however, to say that good old-fashioned public participation finally pushed the mining moratorium onto Thompson’s desk.

And push it onto Thompson’s desk we did! As soon as the mining moratorium bill cleared its final hurdle in the Wisconsin Assembly, those of us who had been writing and phoning our legislators to demand passage of the bill turned our attention to Governor Thompson. You see, we knew old Tommy might still veto the bill and were not about to rest until we saw him sign the piece of legislation into law. Tom Soles of Walleyes for Tomorrow summed it up best when he stated, “[We] are not willing to use our lakes and rivers as guinea pigs for unproven mining technology. We want this bill signed now” (CD 120-64).

Thompson apparently felt the heat. He couldn’t just ignore us because people from all around the state started to bombard his office with phone calls, letters and emails demanding that he add his signature to the bill. What’s more, Thompson was up for reelection in the fall, and I’m sure he knew that we weren’t going to let this thing die. So finally, six weeks after the bill was approved by the legislature, Thompson announced that he would indeed sign it. Normally, the governor was pretty splashy whenever he had a big announcement to make. But not this time around. Just a small story appeared on page 2C of the Wisconsin State Journal (Figure 120-41). But we were thrilled.

It didn’t take long, however, for Thompson to get back to his usual, flamboyant self. We were told that he was going to sign the mining moratorium on the banks of the Wolf River in Shawano, Wisconsin—and that he would be surrounded by school children for the big event. To add to the drama, the signing was scheduled to take place on April 22, 1998, which just happened to be Earth Day (Figure 120-42). All I can say is that I heartily agreed with the headline of an editorial that appeared in the South Central Wisconsin Press after the ceremony took place: “Oh, the games some Wisconsin pols play.” Instead of dwelling on all the pomp that surrounded the signing of the bill, editor Bob Seltzner summed up the day’s events in one sentence (CD 120-65):

[The governor signed the mining moratorium] at Shawano in a ceremony in which observers described Thompson so angry he could spit.
The Buzzards Have Landed

The Buzzards Have Landed

Apparently even the devil was not impressed with Thompson's dog and pony show on the banks of the Wolf River. As you can see from a photo that appeared in the April 23, 1998 issue of the *Milwaukee Journal Sentinel*, Satan himself showed up at the ceremony to remind the crowd of who really owned the governor's soul (Figure 120-43).

The bottom line, however, was that the State of Wisconsin now had a mining moratorium law. It is officially known as 1997 Wisconsin Act 171, and you can find it in the *Wisconsin Statutes* as Wis. Stat. 293.50. I have included the exact wording of the law on the following page for you to see. In addition, the Wisconsin Legislative Council issued a memorandum to explain the law that is included on the CD-ROM that accompanies the book (CD 120-67). To get more information about the mining moratorium struggle and mining issues in general, I also refer you to the web pages of the Midwest Treaty Network (http://www.treatyland.com), Anishinaabe Niijii (http://www.protecttheearth.org), the Wisconsin Resources Protection Council (http://www.wrpc.net) and the Rusk County Citizens Action Group (http://www.rccag.com).

How Did We Do It?

In retrospect, it's quite amazing that a group of
regular citizens could force the enactment of a law that clipped the wings of Exxon and the other powerful mining companies of the world. It was truly something to celebrate, and the significance of what had transpired was not lost on reporter Ron Seely of the Wisconsin State Journal. Right after Thompson announced that he would indeed sign the bill, Seely wrote an article entitled “Here’s how to lobby if other side has $1 million.” Here are a few of the observations that he made (CD 120-68):

Even staunch opponents of the mining moratorium to be signed into law next month say the unlikely coalition that emerged to get the bill passed showed unusual power. When Gov. Tommy Thompson signs the bill, he will bring to a close one of the most intense battles ever waged on behalf of a piece of Wisconsin’s environmental legislation.

WIS. STAT. 293.50 MORATORIUM ON ISSUANCE OF PERMITS FOR MINING OF SULFIDE ORE BODIES.

(1) In this section:
(a) “Pollution” means degradation that results in any violation of any environmental law as determined by an administrative proceeding, civil action, criminal action or other legal proceeding. For the purpose of this paragraph, issuance of an order or acceptance of an agreement requiring corrective action or a stipulated fine, forfeiture or other penalty is considered a determination of a violation, regardless of whether there is a finding or admission of liability.
(b) “Sulfide ore body” means a mineral deposit in which metals are mixed with sulfide minerals.

(2) Beginning on May 7, 1998, the department may not issue a permit under s.293.49 for the mining of a sulfide ore body until all of the following conditions are satisfied:
(a) The department determines, based on information provided by an applicant for a permit under s.293.49 and verified by the department, that a mining operation has operated in a sulfide ore body which, together with the host rock, has a net acid generating potential in the United States or Canada for at least 10 years without the pollution of groundwater or surface water from acid drainage at the tailings site or at the mine site or from the release of heavy metals.
(b) The department determines, based on information provided by an applicant for a permit under s.293.49 and verified by the department, that a mining operation that operated in a sulfide ore body which, together with the host rock, has a net acid generating potential in the United States or Canada has been closed for at least 10 years without the pollution of groundwater or surface water from acid drainage at the tailings site or at the mine site or from the release of heavy metals.

(2m)(a) The department may not base its determination under sub. (2)(a) or (b) on any mining operation that has been listed on the national priorities list under 42 USC 9605 (a)(8)(B) or any mining operation for which the operator is no longer in business and has no successor that may be liable for any contamination from the mining operation and for which there are no other persons that may be liable for any contamination from the mining operation.
(b) The department may not base its determination under sub. (2)(a) or (b) on any mining operation unless the department determines, based on relevant data from groundwater or surface water monitoring, that the mining operation has not caused significant environmental pollution, as defined in s.293.01(4), from acid drainage at the tailings site or at the mine site or from the release of heavy metals.

(3) This section applies without regard to the date of submission of the permit application.

Wisconsin tribes, sporting groups, environmentalists and local governments proved to be a formidable grassroots force in favor of the moratorium. ... Even officials with the mining companies admitted during
the course of their campaign that they had been outmaneuvered and out-organized by the anti-mining coalition. Dale Alberts, a lobbyist with Rio Algom, was often heard complaining bitterly during the fight over the bill that proponents of the legislation seemed to have an edge because of their savvy use of World Wide Web pages and E-mail.

As just one example of the type of “formidable grassroots force” to which Seely referred, take a look at an article that appeared in the February 8, 1998 issue of the Shawano Leader (Figure 120-44)! It featured some of my friends from the Shawano area who were members of POW’R (Protect Our Wolf River), including Len

Figure 120-44. The mining moratorium bill passed the Wisconsin Legislature because of the tireless efforts of concerned citizens all over the state like Len and Judy Pubanz and Fred Ponschok of Shawano, Wisconsin. These three individuals were members of an effective grassroots organization called POW’R (Protect Our Wolf River). See CD 120-69 to read the complete article (Shawano Leader, February 8, 1998; republished with permission).
Chapter 120  The Wisconsin Legislature Passes a Mining Moratorium Law (February 1998)

Pubanz, Judy Pubanz and Fred Ponschok. Here's a brief excerpt:

While hundreds of organizations throughout Wisconsin were part of a grassroots effort to win approval of the mining moratorium bill, two state legislators say few groups played a more significant role than one in Shawano.

“The mining bill only passed because of a broad-based citizen effort that got behind it,” said Rep. Spencer Black, D-Madison.

Protect Our Wolf River, Black added, “was certainly one of the most active and effective.”


“That group and lots of other groups had a strong role,” Cowles said, “But POW'R would be right up there in the top several that mobilized interest in this.”

My friend John Mutter of Shawano, Wisconsin wrote a whole book about the struggle waged by POW'R to get the mining moratorium bill passed into law. It's called To Slay a Giant (Burstone-LLC, Shawano, WI, 2000; ISBN: 0-9679770-0-2), and the title reflects exactly how we felt about taking on Exxon (Figure 120-45). John wrote the book from his own unique perspective as a POW'R member, and the pages are filled with many interesting details about the ups and downs of the battle. I highly recommend that you read it. By the way, John was a very active participant in the struggle he chronicled in the book. He frequently wrote letters to the editor that appeared in various newspapers around the state and did a darned good job of goading the legislators and DNR officials. Laura also appreciated how John regularly sent her information and news clippings about what was happening with the struggle in his neck of the woods.

I cannot begin to list all the individuals like Len, Judy, Fred and John who played a role in helping to secure the enactment of the mining moratorium law. Some you met earlier in the chapter and countless others remain unnamed. But I must show you at least one more photo of my friends from the Wolf Watershed Educational Project (WWEP) because they were my family in this long struggle (Figure 120-46).

As mentioned earlier, WWEP brought together people from all walks of life who supported the mining moratorium bill. Some of them were tribal members and others belonged to organizations like POW'R, the Wolf River Watershed Alliance, Trout Unlimited, the University of Wisconsin–Stevens Point Progressive Action Organization, the Mining Impact Coalition of Wisconsin, the Rusk County Citizens Action Group, the Sierra Club and the Wisconsin Resources Protection Council. The coalition was a real force in getting the word out to the public about the importance of passing the mining moratorium bill, helped to collect thousands of signatures in support of the legislation and organized rallies that caught the attention of the news media and our state lawmakers. WWEP was just one more example of that “formidable grassroots force” which helped make the mining moratorium law a reality.

And of course, there would have never been a mining moratorium bill for all of us to support had it not been for the efforts of all those good legislators who took their responsibility seriously to protect the state’s natural resources for future generations. Some of them kept the dream alive in the early years of our struggle and others appeared later on the scene to craft and buoy up the bill that eventually became law. I am talking about Rep. Spencer Black, Rep. Harvey Stower, Sen. Russ Decker, Rep. Bill Lorge, Sen. Robert Cowles, Sen. Dale Schultz, Rep. Tom Loftus, Sen. Chuck Chvala, Sen. Kevin Shibilski and Sen. Alice Clausing, among others. These lawmakers were truly servants of the people of the State of Wisconsin.

Before bringing this chapter to a close, I have one more little story to tell you. After the mining moratorium became law, Laura decided to make a push to have the law named in honor of Evelyn and me. I

Figure 120-45. John Mutter, Jr. of Shawano, Wisconsin was one of the grassroots activists who pushed for the enactment of the mining moratorium law. He also wrote a book about the struggle entitled To Slay a Giant. See CD 120-70 and CD 120-71 to read more about John and his book (News Photo, Green Bay News-Chronicle, May 10, 2000; republished with permission).
The Buzzards Have Landed

Figure 120-47. People who knew of the tireless efforts of Roscoe and Evelyn Churchill to protect the state's waters from mining pollution contacted Governor Tommy Thompson to ask him to declare that the law be named the Churchill Mining Moratorium. Even though Governor Thompson did not honor the request, many people still refer to the law as such (Burnett County Sentinel, June 17, 1998).

Laura Furtman Webster

Let's name it Churchill Mining Moratorium

Dear Editor,

It's unusual for me to pay a compliment to mining companies.

But I'd like to thank them for one thing. And that's for bringing Roscoe Churchill and his late wife, Evelyn, into my life. These two people have become quite dear to all of us who are fighting for safe mining laws in Wisconsin. And it's time they got some recognition from the state. Let's name our newest mining law the "Churchill Mining Moratorium."

Roscoe turns 82 this month. For over 20 years he and Evelyn worked tirelessly to protect our drinking water, rivers and lakes from the pollution caused by sulfide mining. The Churchill law have become role models for us "younger ones" who continue to fight against the mining "buzzards," as Roscoe is known to call them.

The Churchills farmed for many years near Ladysmith in Rusk County. Their farm is three miles from the Flambeau Mine and has a creek running through it that provides water to their Appaloosa and Belgian horses. When this precious place was threatened by mining back in the 1970s they decided to do their homework and fight back.

Even though they were simple folk from a small community, their efforts eventually paid off to help protect every county in Wisconsin, including Burnett. You see, Evelyn is the one who first came up with the concept of having a mining moratorium in the state. She and Roscoe fought hard for it. I wish she could have been here to see "Senate Bill 3" signed into law this past spring.

Luckily though, we still have Roscoe with us. Too often we sing a person's praises after he is gone. Why not do it differently this time? In honor of Evelyn and Roscoe Churchill, let's ask Governor Thompson to declare that "Senate Bill 3" be named the "Churchill Mining Moratorium."

He's taken the time to honor other heroes in the state. So why not give due respect to a farmer and his wife who have truly made a difference in protecting Wisconsin's water. Call the Governor at 1-608-266-1212 or write to him at room 115 East, State Capitol, Madison, WI 53702.

Maybe he could even do the honors for Roscoe's birthday on June 28!

Laura Furtman Webster
wasn’t too keen about the idea, but she cunningly said to me, “Roscoe, if you’re too modest to want to have the law named after you, then think of it as being named after Evelyn.” I responded, “Laura, you really know how to dig in your spurs.” She then sent a letter to all the newspapers in the state to promote the idea, and it was published in quite a few (Figure 120-47).

In addition, Laura sent a personal letter to Governor Thompson in June of 1998, asking him to declare that the new law be named the “Churchill Mining Moratorium” (CD 120-72).

Laura heard back from Thompson about six weeks later, but he left her standing high and dry (CD 120-73). As she reported to our friends, “Governor Thompson, who was able to work wonders for Kennecott and Exxon over the years, wrote back to tell me that he did not have the authority to name the law after Evelyn and Roscoe.” Some people, however, still refer to Wis. Stat. 293.50 as the Churchill Mining Moratorium (Figure 120-48).

In closing, my dear readers, it’s not important what we call the mining moratorium law. The idea was that the state should have the power to stop a mine that would destroy our lakes, our rivers and our landscape forever. We wanted the state to have the authority to say “No” when it was absolutely necessary. And that’s what we got.

CD-ROM References

CD 120-1. Essay written by Evelyn Churchill regarding the proposed Crandon mine and the need for tougher mining laws in Wisconsin, May 1996.


CD 120-7. Petition circulated by RCCAG in support of an emergency moratorium on all sulfide mining in Wisconsin, March 1993.


CD 120-10. Letter and petition circulated by RCCAG regarding the importance of enacting a statewide mining moratorium, February 11, 1994.


CD 120-12. Original versions of: (a) 1995 Assembly Bill 758; (b) 1995 Senate Bill 516; (c) 1997 Assembly Bill 70; and (d) 1997 Senate Bill 3.


CD 120-17. Letter sent out by the Mining Moratorium Coalition to help organize support for the mining moratorium bill, March 1997.

CD 120-18. Resolutions passed by the Town of Wescott in Shawano County and the Shawano County Board of Supervisors in opposition to the proposed Crandon mine and in support of a mining moratorium, 1996.


CD 120-20. Tally of governmental resolutions opposing the Crandon mine and pipeline as of March 12, 1997, as reported on the web page of the Menominee Nation, November 2003 (http://www.menominee.com/nomining/).


CD 120-33. Letters to the Editor by Jan Olson and Laura Furtman, Shopper Stopper, December 8, 1997.


CD 120-36. “Mining movement’s grand elder” and “Mining road show comes to Milwaukee,” Shepherd Express, October 9, 1997.


CD 120-38. “What mining equipment firms are doing to try to stop this bill,” Shopper Stopper, October 6, 1997.


CD 120-41. Letters to the Editor by Jan Olson and Laura Furtman, in support of Rep. Spencer Black’s mining moratorium bill.


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CD 120-56. Wisconsin Legislative Council staff memorandum regarding mines that theoretically satisfied the preconditions of the assembly-approved version of the mining moratorium bill, January 30, 1998.


CD 120-60. Roll call vote in the Wisconsin Assembly regarding concurrence with Senate Amendment 1 to Assembly Amendment 4 to 1997 Senate Bill 3, February 4, 1998.


