

**Minnesota Foundational Environmental Laws
Oral History Project**

**Narrator:
Richard Flint (RF)**

**Interviewer:
Stephanie Hemphill (SH)**

**Recorded:
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Stephanie Hemphill (SH): The following interview was conducted with Richard Flint on behalf of the UMD [University of Minnesota Duluth] Kathryn A. Martin Library Archives for the Minnesota Foundational Environmental Laws Oral History Project. It took place on October 20, 2016, at the Flint conference room at the offices of Gray Plant Mooty in the IDS Tower in Minneapolis [Minnesota]. The interviewer is Stephanie Hemphill.

SH: So, Richard Flint, thank you for your time today.

Richard Flint (RF): I'm happy to be here.

SH: Tell me where you were born and where you grew up.

RF: I was born in Duluth and grew up in Duluth, Minnesota.

SH: Okay. And where did you go to college and what degrees did you get?

RF: I attended college at the University of Minnesota at Duluth and received my BA [bachelor of arts] degree there, and I attended law school at Northwestern University, and received my JD [Juris Doctor] there, and I did post-graduate work at Georgetown in Washington, DC.

SH: And you received your JD in 1960?

RF: Yes.

SH: I think that's what you told me earlier. Okay, good. Now, a question I don't have on my list, but I certainly want to ask you, is, how did you get involved, how did you get interested in protecting the outdoors?

RF: Well, I think it started out with a cabin that we had in Upper Lake St. Croix in Wisconsin, only forty-five miles from Duluth. My grandfather had a cabin there and I

used to go there. I'm told that my first visit there was when I was about five months old. And I went there for a long, long time and subsequently I bought a cabin with some other people, not too far from there, on Upper Eau Claire Lake in that area in northern Wisconsin.

SH: And before we started recording you told me that you were a wilderness guide, a canoe guide, in the Boundary Waters [Canoe Area Wilderness—BWCAW or BWCA.]

RF: Right. For two summers I was fortunate, I worked for Sawbill Canoe Outfitters north of Tofte, Minnesota, on the Sawbill Trail.

SH: So, what do you like about being outdoors?

RF: I like the freedom of it; I like the beauty of it; I like the good-breathing fresh air; and the great thing about the BWCA—as I once told a newsman who was wondering what was so great about it—is that you can drink the water right out of the lakes.

SH: So, our focus is MERA today, the Minnesota Environmental Rights Act. How did you get involved with that whole thing?

RF: It just came to be and I'll tell you how. I joined the Gray Plant Mooty law firm in, the first time in 1960, and after being away from the firm for the army, part of the time from 1961 to 1964, I rejoined them and so I was a lawyer working in Minneapolis at the Gray Plant Mooty law firm and there were a group of people—lawyers—from that firm and also, well, usually from that law firm and we used to get together for lunch, because we were all from away, other places, and we didn't have, at that time, friends in the city and so we just kind of got together and made friends with the people there and, especially the lawyers of our age, the younger lawyers who were just getting started in the practice of law.

SH: Uh-hmm.

RF: And one of the things we did was go out for lunch, quickly usually, to get back to get to work, but we'd talk about things when we were out for lunch and it turned out that a lot of us really liked the outdoors. And we started doing things together; we'd take daylong canoe trips together, and some of them, I even ultimately ended up purchasing a cabin with.

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RF: But we'd go skiing in the winter and do the summer things in the summer. And so, we were talking about how we really loved the outdoors and how valuable it was and

how wonderful Minnesota was and so we decided that maybe we ought to do something to help protect Minnesota and keep it with these beautiful outdoors forever. And so we agreed in the, I think it was the fall—correct me if I’m wrong—but, I think it was the fall of 1969? Do you recall?

SH: Well, the law itself passed in '71, so I don't know how long you worked on it before it passed.

RF: Yes, it was '70. So, the law passed in '71?

SH: Yes.

RF: So, it was 1970.

SH: Okay, so the fall of 1970.

RF: 1970, we got together and we agreed we'd meet on Saturdays and we would meet at our law office. And we also knew, each of us knew some other lawyers who might also be interested in it, who liked the outdoors and might be interested in doing that. And we got together and we met with them. It was a group of maybe seven or eight lawyers. And as we got together, then we decided, well, "What should we do?" [laughs] was the big issue. And one of the lawyers was a fellow named Charles Dayton. He had graduated from the Michigan Law School and there was a statute that had been adopted by Michigan, it was the only state in the union that had adopted that, which was a statute that allowed someone who wanted to bring a lawsuit against polluters to overcome the concept of "privity," I think it is, that says that you can't sue to prevent something happening to the land unless you are personally affected by it. In other words, if somebody starts digging a hole in the lot next to you and if he keeps digging it deep enough your house is going to fall into it, you have a right to sue him to stop, to protect your own house. But if what he's decided to do is to destroy a lake ten miles away from you, where you're not going to be individually impacted by it, then you don't have that right to do that. And so, that was the concept of—no, I'm sorry—it wasn't "privity," the concept was "standing".

SH: Oh, "standing."

RF: You had to have "standing" for the, in order to bring the suit and if you didn't have "standing", the judge would, without getting into the merits at all, the judge would just dismiss the law suit. And what Chuck Dayton knew was that his law professor, Sax [Joseph Sax], in Michigan, had come up with this concept which allowed a person to sue on behalf of the state. The state didn't have to pay for it, but you could sue on behalf of the state if there were damages done to the air or water or, I don't recall all the

language.

SH: Um-hmm.

RF: And so, we thought that was a good idea and we banded together with some other people—including a professor at the University of Minnesota Law School—and people that he knew through the law school. And we banded together and we took the Michigan statute and we made the appropriate changes in it to make it appropriate for Minnesota. And so, there we had our statute that we wanted and the next question was, “Well, what do we do now?” [laughs] and, we’ve got to go to the legislature to do that.

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RF: And so, one of the lawyers who was in our group was John Broeker, and John Broeker was also a lawyer from Gray Plant Mooty, but his job was working with legislation. Our law firm did work in the medical area and he knew how to draft and get the legislation through the Congress, or through the state, I mean. And so, we got him there and he told us how to do it. First, you needed to get your sponsors, one from one party and one from the other party, and your sponsors carried the legislation through.

SH: Okay so, I could see why, as lawyers, you thought that would be a good idea, because lawyers work through the courts, right? But you could have come up with other ideas for legislation to protect the environment. Why do you think this one was a really good one?

RF: Well, it seemed like a good idea, I guess. But you know, it was new, it was something which allowed people to speak on behalf of the environment in the courts and we thought it would be of significance to it. I mean, we could have, yes, decided to protect one lake, or something like that, but that would only be good for that one lake, if we’d gone there. Whereas, if you went with something like this that could be used by people all over the state, it could have much more effect. So, that’s why, I think.

SH: Okay, great. So, you mentioned that the model was kind of the Michigan Rights Act, which was passed a year earlier, basically, than the one passed in Minnesota. And you mentioned Broeker. Do you remember the name of the law professor at the University of Minnesota that you said you worked with?

RF: I don’t at this point. And I worked with him much more the next year, because, it’s irrelevant to this, but two years later he came over and I think that was the first time I’d really ever worked with him, and he had an idea to get another law passed and that was the State Wild and Scenic Rivers Act. And so, he came by two years later and David

Bennett and he and I drafted that statute and got that enacted in 19—, I think this was, what, '72?

SH: This was '71.

RF: '71. See, the legislature at that time met every other year, and so, we brought it up in '73 and passed a law in Minnesota Wild and Scenic Rivers Act.

SH: Okay now, let me clarify one thing, you said that you were just a bunch of young lawyers that were meeting informally and came up with this idea. You don't think you were a—you don't remember being an official committee of any bar association or anything like that?

RF: Certainly at that point we were not. Later on there was some interest in it by the bar, but I think that it was never officially approved by the bar association. But, so we always referred to it as the "committee of lawyers". I think somewhere, sometimes it's referred to as the Committee of the State Bar Association, but we never, to my knowledge at least, we never got the approval of the State Bar Association to do this, we just, we were what we were, we were a group of lawyers who wanted to do what was right.

SH: And I read somewhere that you were the chair of this group. Do you consider yourself the chair?

RF: Well, one thing you need to know about lawyers, is that it's like herding cats to get a bunch of lawyers to do anything, so nobody was formally the chair, but I guess I was informally the chair because I sent out the notices and called the people and that sort of thing, so that made me the chair. And I think in the legislative process, I'm referred to as the chair in some places. But I don't know that we ever had a real vote on it.

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SH: Yes, but sending out notices and reminding people to come to meetings, that's incredibly important.

RF: Right, right.

SH: Well, do you remember how you found the sponsors in the legislature?

RF: Well, that was another thing we asked Mr. Broeker, "How do we do that?" And he knew some of the legislators and so he would go and talk to them. So, he was our delegate there, if it had been a formal process. And he came back with a couple that he

recommended and he described to us and we said, "Sounds good to us," because he really had the knowledge from working with the legislature on other legislation. So he did that and then he talked to the legislators, too, to tell them, once we'd approved it, he went and talked to the legislators and told them what the statute was about.

SH: Do you remember whether you felt confident that this would go through, or—?

RF: Well, we had no feeling one way or another, none of us except Mr. Broeker, having worked with the legislature. The last time I'd been in the legislature was when I was about ten years old and we came over to look at it once. So, and not having gone to law school in Minnesota, you know, it wouldn't have been like I had been in Minneapolis and go up there to watch things happening and what have you.

SH: Well, so you didn't have an expectation, really, or did you just think, "Well, this is a good idea, so it'll probably pass," or—?

RF: Well, we didn't know. The question is, "Do you get opposition?"

SH: Okay.

RF: And as time went by, we did get opposition.

SH: Tell me about that.

RF: It's just a lot of people—legislators—are just distrustful of anything. And maybe that's a good attribute for a legislator, to be looking at it and saying, "Why do we need more laws?" You know, "Why do we need more laws?" And then, "What does this thing do?" But it was not like we went out and got a lot of publicity. We might have had more opposition if we had got more publicity. But we just thought it was the right thing to do and that you could explain it to other lawyers, and a lot of the people in legislatures are lawyers, who would understand that and say, "Yes, this makes sense."

SH: Hmm. Okay. So, do you remember what the debate was like at the legislature, in committees or on the floor, what arguments were brought up, and what did you have to—how did you have to persuade people?

RF: Often it was just explaining what the law is. You'd explain what the law is, and then you'd have questions from the people who were on the committee. You know, just, "How does it work?", "What if this happens?", "What if that happens?", that kind of thing. I don't recall a particular—although one thing was a lot of fun—most of those hearings were in the afternoon and so they'd get finished at six or seven o'clock, or maybe eight o'clock sometimes, or nine o'clock and there was a bar that everybody

used to go over to after the legislature and we'd talk about the legislation and how it had gone and that kind of thing. So that was sort of fun. You couldn't go too late because you had to get back to work the next day, but it was some of the most enjoyable time I've had in my practice of law, was those times when we'd go back, we'd go out together to have a beer and discuss how it went, whether there were changes we should make in the law, or whether it was okay as is, and where do we go from here?

SH: I bet it was nice. And you were doing this all on your own time? This was not part of your job.

RF: Right, right, right. Although, our law firm has encouraged pro bono work that is to the benefit of the people, even though you don't get paid for it. Obviously we can't do that all the time or the lights would go off.

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SH: Right. So, I understand that some of the debates, for one thing, the farmers got exempted.

RF: Yes. And that was the fact that the farmer, the people who represented farmers, thought that this was a way that you might interfere with their farming, you know, you might think that putting in a row of corn was offensive to the environment. I mean, we wouldn't have, obviously, but that could be, or maybe a ditch ran off the farm and took something over into a park, or something that you didn't want to do. So, there were a lot of objections raised by the farm community. And it ultimately became clear to us that we needed to go along with the farmers, or the legislators that represented farmers, or we were not going to be sure of getting the legislation through. So we did put in significant provisions that said it didn't apply, the lawsuits against farmers, basically.

SH: Hmm. Do you remember some other changes you had to make?

RF: Oh boy, this was a long time ago! [Laughs]

SH: Right.

RF: I don't remember. What I'd have to do is compare each of the drafts and see what was made to see, what changes were. Certainly it was, you see, that's the legislative process, you know, is to go through and do what they consider improvements on the legislation.

SH: Um-hmm. Do you remember the groups, besides farmers, do you remember other

groups that brought up objections or offered amendments?

RF: Well, there were several versions of the legislation. Like, one version had been introduced by the governor, and it was different from ours, and I think, for the most part, ours became the principal bill after a while, but there were different— And then there was, I know there was another provision—come to think of it—another one that was tougher than ours. I don't remember why it was tougher, or in what respects, but we thought it was too tough and that if you went over there that way, you might end up by jeopardizing the bill going through. So ours was, we felt, a moderate bill, and that we could— As it went along and as we talked to the people in the legislature, it seemed like maybe we were going to get this done.

SH: And it really went down to the last few days of the session, didn't it?

RF: Yes, most of the legislation gets, the very ends of it get done in the last days. But I don't know, I would say I was over there four or five or six afternoons talking to different committees. Because there was more than one committee and there's a Senate committee and a House committee. So, it was probably four, five or six times we'd go over there. And at the time, when you got the call, you never knew very much in advance, you know, you couldn't have planned for it a week ahead. You'd get a call at two o'clock in the afternoon saying that at four o'clock there's going to be a hearing on this, and so you'd hop in your car and go over and try to figure out what you were going to say and do it in that period of time.

SH: I read that one reason it passed was because you, from your committee, were willing to be there and make sure that somebody could testify and make the arguments for it and that you were well organized. It must have been you sending out all of those notices of meetings.

RF: [Laughs] No, I think it was each of us, whoever, somebody would get the call from the legislator that says, "Here's what's going to happen this afternoon. Here's where the problem is." And so, that person then would contact the three or four or five of us that were most active here and those of us who could go, would go. You know, if somebody had a trial that afternoon, they couldn't go, obviously, but we'd just hop in the cars and go over.

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SH: Hmm. Do you remember whether Governor [Wendell "Wendy"] Anderson, who was a new governor at the time, and had made kind of a big speech about the environment on Earth Day, I think, April first, do you remember his influence on this process?

RF: Well, I don't think we ever met with him directly. Grant Merritt, who was in the administration, we met with. And I remember the signing of the bill in the governor's office, so he supported the concept and Governor Anderson was a lawyer and he was capable of understanding, you know, he would have understood without a lot of education, what "standing" meant and why it was significant. So I think if there were disputes with the governor or with members of his staff or with the other groups, it would have been on the particular language used in particular places rather than saying, "We don't want this legislation, period, bury it."

SH: Um-hmm. So, let's shift a little bit and talk about how effective the law has been. The Minnesota Environmental Rights Act, do you think of important cases that turned on that Act that lawyers used it to argue to—?

RF: Oh, sure. Oh, sure. And it's used right now. I mean, the initial case was the question of the constitutionality of the law. I did not do the litigation there, so I know generally what happened, but it was a case involving a highway coming up and you could either put this highway at the edge of a farm or you could go right through the middle of the farm. And it was actually a farmer who brought the suit in that case. And—

SH: Now, this was Bryson.

RF: That's right, the Bryson case.

SH: Okay.

RF: And that was the first case and it was, and it established that you could do it and that it was not unconstitutional. So, it was a great— Until you did that, of course, you didn't know whether you had a law that was going to stand up or not, for sure, because anybody could challenge a law if it affects him.

SH: Yes. So, that went all the way to the Minnesota Supreme Court?

RF: I think so.

SH: And—

RF: And I didn't do the work on that.

SH: Yes.

RF: Somebody else did the work on—it was somebody working for Bryson.

SH: Yes.

RF: But I don't know if he was paid by him or not.

[Both laugh]

SH: Now, of course, a law is always interpreted by the courts and do you have an opinion about how effectively it's been interpreted or how the courts have ruled on cases that have been brought under this?

RF: You know, I don't do litigation so I don't follow the cases that much that I can say, "This was the best one and this was the worst one," and that kind of thing. But I know that it has been used in a number of cases and has prevailed and has had a significant effect on preserving Minnesota—the beauty of Minnesota. And it has not been particularly thought of as a crazy case or something like that. It's felt to be, I think, a reasonable statute and there's a legitimate purpose for it. And I don't know of any effort that there has been made to get it out of there.

SH: Do you think of any strengths or weaknesses of this law? Or does it stand as it is and it works?

RF: That's the way I'd put it. It stands as it is and it works.

SH: Hmm.

RF: Yes. And in fact, as recently as several years ago I was at a group in Wayzata [Minnesota] that was working on a project that we were thinking about suing on and Grant Merritt also had been brought there by a client of his and we evaluated it as whether we should go in that direction and we concluded that that was not the best way to deal with this issue, we dealt with it in another way and prevailed. But I know that Grant Merritt, at that time, thought that it was one of the keystones of the environmental laws that we now have in the state of Minnesota. And those are, after all, it's the people that make the state what it is, but it's the laws that help make sure the people don't make a mistake. [Laughs]

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SH: Really?

RF: Yes.

SH: Hmm. You told me that you weren't so involved at all, really, with the MEPA two

years later, the Minnesota Environmental Procedure—what is it called? Minnesota Environmental Policy Act. Sorry.

RF: Yes. That's it.

SH: But you were involved with other things like the Wilderness Bill.

RF: Oh, yes. Well, on the Policy Act or, what did we agree that it was?

SH: Yes, the Policy Act.

RF: Yes. Chuck Dayton had left our law firm by that time and he was with MPIRG [Minnesota Public Interest Research Group] over at the university, therefore he had more time available, because that was his job and he was closer to the legislature and so he and another group did most of the work on that. I did not. I did, as I told you, I did work on the Minnesota Wild and Scenic Rivers Act.

SH: Minnesota Wild and Scenic Rivers Act, so that would have been at the state legislature.

RF: Right. Yes, that was two years later. That, I think, has been less successful than the Environmental Rights Act, because it has a lot of effect on what the people along a river can do to the river; and that's a lot more controversial. That one works better or less depending on how good the Department of Natural Resources [DNR] is at working with the adjacent landowners. You see, it's a lot better to work with the adjacent landowners as an educational matter rather than, you know, "If you continue to this, this is what the impact it's going to be of the statute, or of the river, down river." And if everybody starting from the top starts throwing junk into the river, it's not going to be nice for anybody, or if you build something across the river to stop it or something, you know. So, that had been a tougher one, which is still, though, on the boards and used by the agency, by the Minnesota Department of—what?

SH: DNR?

RF: Yes, by the DNR. The other one that you referred to, yes, was the 1978 Wilderness Act. That was a federal statute to prevent motors and to limit cutting of trees in the Boundary Waters Canoe Area Wilderness. It also extended the wilderness. At the time, before we passed the '78 Act, there was about a million acres in the wilderness and we added one hundred thousand acres in the '78 Wilderness Act. But that was a mammoth, mammoth undertaking that took, uh, four or five years to do, was very controversial in the state. People from the northern Minnesota opposed it; a couple of US Senators didn't get reelected because of their positions on it. It was a very, very difficult bill; but a

wonderful bill in the effect that it's had on the preservation of that unique area. That's the most used national—

SH: Wilderness, really, right?

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RF: Well, no, but it's more than that. It's the most used; I guess it's the most used wilderness area in the continental United States. There's bigger wilderness areas in Alaska, but it's the phenomenal thing that we have there, and a great statute on which a lot of other people worked.

SH: Um-hmm.

RF: Especially Bud Heinselman and his wife and, who's the other guy, Sig Olson [Sigurd Olson]. Sig Olson and Chuck Dayton and many, many, many, too many people. There's a whole book on that one that you would have to read to see it. Yes, but I had the good fortune, I was at the time that we were considering that, I was at that time the chairman of the—

SH: Sierra Club.

RF: The Sierra Club in Minnesota, and the Sierra Club National was involved, too; so we were the in-between, we were the people dealing with the National Sierra Club and with the other groups that were working on that. So that was an enormously more difficult [one] than the one that we first talked about here.

SH: Yes. That's interesting, isn't it?

RF: Yes.

SH: Do you remember what years you were president of the Sierra Club?

RF: Well, I was five years, either the president or the, there's another officer, there was another office that I had. And what I would do is, in order to get somebody involved, I'd agree to step aside as president and he'd come in as president and then I, or he or she would come in as president, and then I'd take the position of conservation director for that year. So over five years, I was in one of those two. I was either the chair or the conservation chair.

SH: And which five years would you say that was?

RF: That would have been, well, it ended in '78. It ended in '78. So, it would have been '78, '77, '76, '75, '74–

[Both laugh]

RF: It would have been–

SH: Okay.

RF: In fact, we looked previously at the book, remember, and that's when that meeting had been held, that beginning meeting at Sig Olson's cabin on the Boundary Waters.

SH: Right, the history of the Sierra Club, it's called A Light To Reckon By.

RF: But also on the other one, on the book, oh, we don't have the book here, but we have my answer to it, on the Wilderness Act itself, I can't remember the name of it. We don't have that here with us.

SH: Well, we'll get you to read these comments that you made when you received an award, in just a minute. But I want to ask you to reflect a little bit more on why it was relatively easy, as you were describing it, to pass this Minnesota Environmental Rights Act, compared to some of the other things you were involved in later.

RF: Well, several fold, first of all, I would say that the people who wanted to exploit the resources started organizing into groups that got legislators elected who were in the same boat. So, they got organized, just as we had been organized and were sort of without real enemies, or without organized enemies in that first one. They started getting associations and what have you, would get together and hire lobbyists. You see, all of were working for nothing on that first one. But there are now a lot of lobbyists in the legislature and they still get some things done, but it's a lot harder. Some of the work that they've done, Minnesota is sort of a leader in the area of solar heating and that sort of thing and there's a lot of good legislation getting by with the cooperation of the utilities, so that's going good, but it requires a lot of money and a lot of people in it. And we didn't have much. The whole, I think the whole, there was no budget for the first one, the Rights Act; there was no budget at all. Everybody just paid for their own car to drive over there.

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RF: But later on, the Sierra Club got a budget, had a budget of twenty thousand dollars for all of its activities within the state. And now there are single organizations over there that pay, that will raise, like a million seven hundred thousand, a million eight hundred

thousand, and it's amazing really, the number of organizations that have arisen out of this one, with basically the same, I mean, some of the people that were educated here, going on some of these, one was Project Environment, which was a Sierra Club organization and then there was the Project Environment Foundation. After Project Environment was organized to be, to work solely in the legislature, so you needed to raise lobbying money once it got going. We raised about twenty thousand dollars to have, which was enough to have a part-time lobbyist, one part-time lobbyist in the legislature. But after a couple of years of working that way, I came to see that a lot of the things we were doing was not legislative lobbying. For example, the lawsuits that were brought up there to prevent some of the bad timber cutting in the BWCA, that's not a lobbying matter, that's a legal lawsuit. And so we formed another organization that was called Project Environment Foundation and the Project Environment Foundation was organized to do the non-lobbying. And so, it's easier if you have an organization like that where you can get a tax deduction; it's easier to raise the money. I was the chair of that for a number of years, and after about six or seven or eight years, when I was no longer there, they changed the name of that to a group called the Minnesota Center for something—

SH: Environmental Advocacy?

RF: Yes, Environmental Advocacy [MCEA]. That's right. You know all about this, too.

SH: MCEA. Well, I didn't remember that it came out of Project Environment.

RF: Yes, it's— See, the question was, "What do you call this thing? Do you call it the Sierra Club?" You wanted to go beyond that, beyond the Sierra Club, and attract people who thought the Sierra Club was too—messing around with things they shouldn't be messing around. But so, we used the Project Environment, but subsequently, it became the Minnesota Center for Environmental Advocacy. And that has a budget of a million eight hundred thousand dollars a year or so now and has done very, very significant things over the state. And it's partly, it's partly done through lawsuits, but it's also working with other organizations and that kind of thing. And working with, often with, the companies to get them to go along. So, I mean, this was really, I think the beginning of it and it just mushroomed from that. It's just amazing when you think of that small group of lawyers on Saturdays. [Laughs]

SH: Saturday mornings.

RF: Yes. Yes.

0:45:00.12

SH: So, that's what you mean when you say, "This was the beginning of it." You mean that little group of lawyers meeting and deciding to do the Rights Act?

RF: Right, right. Now, and some people would say it had started even before that, because the Sierra Club had moved into Minnesota, or had a Minnesota arm before that, and you could say, "Well, the Sierra Club was it." Or you could say the Izaak Walton League, or you know, there had been other environmental groups, but I think this one really materialized, maybe because it was so successful on that first effort, that it blossomed into these other groups that came along after it and have done such a great job, with new people coming along and it's been marvelous, marvelous. Like on the fighting right now over whether there ought to be mining above the Boundary Waters Canoe Area Wilderness where you could have all that bad stuff flowing into the waterways. And so, those have been very successful. And I think a lot of that has, I mean, there's an awareness of the public now, in part, and not just because of this, but because of all the other things as the country gets bigger and bigger or the state gets more and more people, you need to take these actions to protect what we came here for in the first place and what makes Minnesota what it is.

SH: When did you join the Sierra Club?

RF: Just about the same time that we, the time period that we talked about here. I think it was, what we said, 1990-what, right?

SH: You started meeting in 1970, in the fall.

RF: '70? [Laughs] Okay, yes.

SH: And then it was passed in '71.

RF: Yes, so, it would have been probably that same year, because it was John Broeker who was one of the people that was in our group who was then chair of the Northstar Chapter of the Sierra Club. And when his term was up, he invited me to a meeting and at that meeting they elected me the chair.

[Both laugh]

RF: Goes to show you how hard it was to get somebody to lead the Sierra Club. So that you took them to the meeting on other pretenses and then elected him chair. [Laughs] So, but those organizations grew as the need for conservation and we've had this, what do they call that day—

SH: Earth Day.

RF: Yes, Earth Day.

SH: Well, and there were other groups. You mentioned the Izaak Walton League.

RF: Right.

SH: And there was also the group that presented the more stringent form of the Rights Act, which was MECCA, Minnesota Environment–something–Citizens Association. Control–Minnesota Environmental Control Citizens Association.

RF: Yes.

SH: So, they were active already?

RF: They were active about the same time. I don't know whether they're still active, that one is, I don't know about MECCA.

SH: I don't think so.

RF: So, some of them continued and then some of them were like what we did with the, in the Wild and Scenic Rivers Act for Minnesota, you know, we just created the organization for doing that. There were only three of us in that organization. [Laughs] And we did it. But, you know, to run an organization, you have a lot of other things. Like, when I was chair of the Sierra Club, I was interested in the environmental side of it, I was not interested in the social side and that kind of thing and so there were other people that handled that very, very well. But through that all we got Earth Day and–

SH: Well, you mentioned a minute ago that there's a growing awareness of the need to protect the environment.

RF: Right.

SH: But I also wonder, whether in those days because it was the very beginning of Earth Day, with Gaylord Nelson in Wisconsin, and the Clean Water Act and the Clean Air Act were passed soon after that on a national level, including signed by President Nixon, so do you recall, do you feel like there was a different atmosphere in those days from now, as regarding partisan politics and environmental protection?

0:50:23.2

RF: Well, yes. For example, some of those legislation, the federal legislation, one of the

leaders in that was the senator from Minnesota, the Republican senator from Minnesota—

SH: Durenberger?

RF: Yes, Dave Durenberger. And he was great; he was really great. And there were about six of them, the moderates that really saw this as a need. And Durenberger had worked when he was here, I mean, he was a lawyer for a company in St. Paul, whose name escapes me at this point, but he worked for them, but he was also interested in what was going on in the environment. And he was very active in a group that put together the organization that established what is now the Three Rivers Park District. At that time it was, I forget what it was called, then it was just Hennepin County at that time, but he was very active in that and in getting the money to buy out the— The forward-looking people in the county realized that the open space was going to go away unless somebody got in there to preserve it. So they passed through—I don't remember which legislature—but it was very soon after what we did, they put through the legislature to create the Hennepin Parks. Which, you look at it now, what a great contribution that has made to the life of people in the city. And so when Durenberger, then in '78, was elected to the federal, to the Senate, and he was one of the leaders in that legislation that you talked about, and they got me to, I was a, let's see what it was, oh, I was perceived as a Democrat, just because I had been to a Democratic convention. But I was perceived as a Democrat, and so, one of my friends that was supporting him asked me if I would co-chair a group called Environmentalists for Durenberger. And we had one Democrat and one Republican in that. And so I got to work with Dave and to know him very, very well, and became a very close friend of his as a result of that. But you were just, I mean, that was not a direct spin off of this, it was other people that were working on that and then we got together with them. But he did that significant— I can't tell you the other five or six senators that were the key there, but they were a great, great, great group. And they got support from both sides of the aisle. It was wonderful. One of the last times I was in Washington [DC] when he was a Senator, I went to lunch with him and we were walking out to the luncheon thing and he said, "Dick, isn't this sad?" And what he pointed out was that all of the Republicans were in one room and all of the Democrats were in another room and that, how this had grown into not working together but just trying to overcome the other guy. So it was really, it was really, in that period of time that had happened, not only in Minnesota, but in the federal Congress, too.

SH: Hmm. Well, if you remember the signing ceremony for the Minnesota Environmental Rights Act, do you remember how you felt or what you were thinking at the time?

RF: Oh, yeah, it was great! It was great. And I got one of the pens that Anderson signed

with, you know the way they go through and they sign a little bit here, a little bit there, and pass the pens out. But the one that I think of mostly is the one for the other one, the Wild and Scenic Rivers Act, because we did it overlooking the Mississippi River and I forget whose home that was at, but we were there overlooking the Mississippi River and the governor signed the Environmental Rights Act. Or, not the—

SH: The Wild and Scenic Rivers Act.

RF: Yes, the Wild and Scenic Rivers Act. Yes.

0:55:22.9

SH: Okay, well, I was going to ask you to read something that you wrote upon receiving the— You tell me what this award is.

RF: Oh, that. That was for the, that was a long time later than the period we're talking about. This was the Boundary Waters Conservation Award, was given to me by, let me see who it was. The Friends of the Boundary Waters, which was the organization that we had created in '76, which is still in effect today. And so they, at their annual meeting, they gave me an award. So this was my philosophy, that I stated when I received that. I said this, *"That we who live in Minnesota have been greatly blessed by our creator. We have so many small streams and great rivers here that our state has been characterized as a gathering of waters. We have more than ten thousand lakes. In our state, major vegetation zones come together—the prairies of the Great Plains, the hardwood forest of the temperate zone, and the great pine forest of the north. And we have the Boundary Waters Canoe Area Wilderness, a reminder of the frontier that shaped this nation from its earliest days. The BWCA represents only one percent of the nation's wilderness system, yet it receives ten percent of the usage of the system, of the total wilderness system anywhere in the country."* That would have been in 2004 when I wrote this. [Shuffling of papers] *"As a donor, last Friday evening, I heard Robin Riley, superintendent of Quetico Provincial Park, which adjoins the BWCA across the Canadian border. He spoke of the great changes which have come upon the United States, Canada, and our world in the past five years—the horrible 9/11 attack on the World Trade Center, the war on terror, and the battles in Afghanistan, Iraq and elsewhere. Yet, the BWCA and the Quetico remains as it has been for hundreds of years—a reminder of peace and quiet, of clear water that you can drink right out of the lakes, of a system of nature, where as it says in the Wilderness Act, 'The earth and its community of life are untrampled by man, where man himself is a visitor who does not remain.' But yes, we Minnesotans are greatly privileged, but with that privilege comes a great responsibility. As our increasing population and modern technologies place great pressure on our natural resources, we have a responsibility to protect the resources and to use them wisely, so that we can pass them on, we can pass on this great land, this pure water and this clear air to our*

grandchildren and their grandchildren and their grandchildren to the end of time. May Minnesota also be a land where the rains fall on small streams which water the woodlands and wetlands which absorb the water into the ground for the use of our people, animals, and plants many miles away. May Minnesota never become a place where the forests have been undermined by clear cutting and shortsighted forestry practices, where subdivisions of one kind or another run from Iowa to the Canadian border, or where our beautiful lakes have become polluted by runoff from manicured lawns and parking lots. May Minnesota always provide a healthy and abundant outdoor environment for all our people and for all of God's creations. And may Minnesota always be a place where we can go to sleep somewhere in this state hearing the call of the loon and the howl of the wolf."

SH: Hmm. Hmm.

RF: Thanks. That's it.

SH: Well, that sort of explains why you have spent so much of your life working on this.

RF: That's right. [Laughs] That's right.

1:00:37.1

SH: And I want to ask you two more things. One is, if there's anything that I haven't asked you that you want to talk about, you want to be sure it gets mentioned on the tape. And if not, then I would like to ask you how you feel about all your work you've done on these issues over the years.

RF: Oh, great, great. I feel very good about it. You know, we've got to contribute to the world as well as take from, not just be taking things from it. And this is, here was something I really cared about and that I was allowed to, first of all, I found a place to live here in Minnesota, a place to work here in Minnesota, and an opportunity to help protect what makes Minnesota what it is.

SH: Well, I want to thank you for your service and thank you for your time talking with me today.

RF: You're welcome.

1:01:34.2

[End of interview]

