

**Video interview with Grant Merritt**

**Interviewed by Margaret Robertson**

**June 8, 1988**

**in Merritt's office, Minneapolis, Minnesota**

**MR:** The first question would be how you got interested in conservation issues. I know you grew up in the Isle Royal area and spent a lot of summers there.

**GM:** That had a lot of influence, growing up in the Lake Superior region, having gone to school at Duluth Central, where we looked out at the lake. Sometimes the boats would be stuck in the lakes out there in the spring. Then going up to the north shore repeatedly, to visit relatives in Grand Marais, as well as to go up to Isle Royal, where we took the boat from Grand Marais when I was growing up, all that. Of course, I was a member of the Duluth Bird Club when I was in grade school. That, I think, got me interested in the natural environment, certainly in birds. Then I became a Cub Scout and a Boy Scout. All that, like a lot of other people growing up in those years, certainly had an impact. But I think the fact that I grew up in the Isle Royal area, spending lots of time, six, seven weeks up there in the summer, and living on the lake in Duluth, had a big impact.

**MR:** When did you first become aware that there might be a problem with Lake Superior?

**GM:** Well, when I was going to college at the University of Minnesota in Duluth, I remember going in to visit with my advisor, Dr. Wolfe, who later became an expert on shipwrecks, and wrote books on shipwrecks in Lake Superior. He's just retired as a political science professor there, and I was a political science major. We talked about what, if anything, the dumping of taconite would do to Lake Superior in the spring of 1955. All I remember about it is that I was concerned enough to talk to him about it, and that was it.

Then later, the summer after I graduated, it would have been August and September of '55, I worked up at Silver Bay for Hunc and Arundel Dixon, the contractor, as a laborer, later getting the school ready for occupancy, because the whole town was starting up that very fall, and they began to produce taconite pellets and to dump taconite in Lake Superior in October of 1955.

So I lived there for about six weeks during the week, down at my uncle's cabins, right there in East Beaver Bay. My uncle, Milt Mattson, had a store on East Beaver Bay, Mattson's Store, which is still there, although it's no longer a store. But his sister, Lillian, was married to Maxwell, who was a manager of the plant. His brother, Kermit, worked for all those years, off and on, during the winter months, anyway, for one of the contractors like Hunc and Arundel Dixon, or Galbraith. He had plenty of friends, as well as relatives, feeding him information about what was going on.

So in the fall of 1967, he came down here with my aunt for Thanksgiving. We were together that weekend, and he told me that they were sending an awful lot of dirty rags and oil and calcium

chloride and chemicals, as well as this term "slag"--at least that's what I wrote down in my journal at the time--into Lake Superior through these two big laundry chutes. That really bothered me, because in addition to that, the Minneapolis Tribune had done a series in a Sunday picture magazine written by John Heritage, a reporter for the Tribune, with a lot of pictures of the green water. The Reserve was denying it, claiming it was either a natural phenomenon, or an allusion. When you think about that, it can't be both; it's got to be one or the other, either. Anyway, the whole thing just wasn't ringing true.

So I had just been elected Chairman of the Newell Board Club, and was active in politics, and I knew Warren Spannaus, the state DFL chairman. It seemed to me that in order to solve this problem of stopping the dumping of taconite tailings in the lake, we had to go through the political process, as well as organizing public opinion. So then I began to take an active role individually over the next year, and then because of speaking out and writing letters and so forth, I was drawn into a couple of environmental groups. One was Mecca, over in St. Paul, which started up because of the Pig's Eye pollution problems. Steve Gabbler was there, Larry Cohen, and they quickly made me Chairman of the Lake Superior Task Force in the fall of '68.

Then several of us organized the Save Lake Superior Organization. So there were two organizations that were really active and aggressive in trying to do something about it, as well as some interest from the others, but there wasn't much action from any of the big groups like the Conservation Federation, Sierra Club, Isaac Walton League, except for the Duluth chapter of the Isaac Walton League. Dr. Dale Olson spoke out, as well as David Zintner, on behalf of the Isaac Walton League, at the enforcement conferences. Then other individuals, of course, spoke up. Then this upswell of interest in the Reserve mining issue. AT the same time, people were getting interested in issues all around the country, and the whole environmental movement was boiling up, which led, of course, right after that, to the first Earth Day in April of 1970.

**MR:** How did the Reserve issue become an issue, then, at the DFL convention in '68?

**GM:** In the aftermath of that meeting that I had with my Uncle Milton Mattson, I went down and talked to Jim Peterson, who was Secretary of the DFL, later went to the Historical Society and is now with the Department of Administration in city government. Warren Spannaus and they were interested. In the early spring of the next year, early '68, Spannaus appointed me co-chairman of the state platform drafting committee, along with another fellow whose name I can't remember. We went around the state, held meetings, and drafted the platform, including having a meeting in Duluth, where we discussed the plank which I drafted, along with the help, as I remember, of Ray Hake, which called for an end to the use of Lake Superior as the dumping ground for taconite tailings. We got a lot of interest, including the media began to be interested in that, because they could see this was going to be a controversial issue.

That then went to the state platform committee at the June 1968 convention at St. Paul, what's now the Radison on Kellogg Boulevard. It became quite controversial, and the United Steel Workers' representative, Glen Peterson, from Local 33 in Duluth, argued vociferously that we should wait before we pass a platform plank like this in the state platform until this give five-agency study was completed. He said--and I have notes on this at the Historical Society, which I took at the time, saying that "if the study showed that there was pollution of Lake Superior, the steelworkers would

be the first ones to do something about it." So he voted against the plank, but it passed nine to one by the committee.

The next morning, I got summoned upstairs to John Blotneck's suite on the top of the Radisson in the Hilton Hotel, and along with some engineer from the city of Virginia, Fitzenriter, I think was his name, Blotneck tried to stop the passage of that platform plank, which was going to the floor of the convention that very day, and just put on a harangue and did everything he could to try and get me to back off, which I refused to do. We ended up enemies, at least for a while, off-and-on-again enemies, I guess, because Blotneck was the chairman of the House Public Works Committee, and was regarded as "Mr. Water Pollution Control," but he was also "Mr. Taconite," and the two roles just didn't jive. He was having problems, and he was obviously carrying water for Reserve Mining Company.

So we wouldn't back off. We passed the plank later on, and it became part of the '68 Democratic platform.

At the same time, that very morning, because of action we took on the Vietnam War, I got summoned upstairs to another meeting, this time with Eugenie Anderson, former ambassador in the Truman Administration. She leaned on me, along with--I remember David Lebodoff was an aide at that time to Mondale, he was around the outskirts of the meeting, and old Humphrey, vice presidential staff, talked me into backing off on the Vietnam plank that we had drafted, as a compromise. The plank called for, first of all, a coalition government; secondly, withdrawal of 35,000 troops. I was very proud of that. We had hammered it out in a subcommittee, which I was on. I was leader of the Humphrey faction in the committee. I was not chairman of the platform committee. Later on I did become chairman of the platform committee when we passed the Reserve mining plank and the rest of the platform in September.

Because of all of the blood on the table with the McCarthy-Humphrey fight, we didn't finish the platform, but we did get to the Vietnam plank that afternoon. They talked me into backing off because they said that the eyes of Hanoi were on this convention, and that the Paris peace talks, which had started in April of '68, were at a very delicate stage, and if we passed this plank, because Humphrey was going to be the presidential candidate, this would be very bad for the Paris peace talks. I thought, "Who am I, I come from New Hope and know something about this war, but who am I to disagree with the Vice President of the United States? They know what's going on." So they talked me out of it, and I'm sorry to say that I did. I remember they asked me then to speak for the amendment that they drafted on the floor of the convention, which I did, but it's the first time--the only time--I can remember losing my train of thought in a public speech. I just was under enormous pressure, and I remember just forgetting what I was saying, having to start over. Of course, this convention was just in chaos. After that, they were marching around.

Anyway, the amendment then was passed, and I've always felt since then that if Humphrey had not done that, and he had his chief aid, Bill Canal, call us all in. After I was up to see Eugenie Anderson, I got called down to the tenth floor, I remember, and Larry Etka, who is now on the Supreme Court, was there, Bill Canal, Carl Gritner who leader in the Senate for the DFL, and I remember Etka being damn upset that they were doing this. "Why didn't you do this sooner? What are you doing here?" But we all went along with it. That was a lesson that I didn't forget, obviously,

where if we had held tight with the plank that we drafted, and Humphrey had endorsed it, I think he would have been elected President, because it would have been a break with Johnson in June, even stronger than the speech he made at the end of September in Salt Lake City, which helped turn it around and gain some momentum, and he almost won.

But as a result of that, I saw how the hardball politics is played. In fact, early in that week, Carl Allerbach had drafted a plank on the Vietnam War, which was delivered to me by one of the Vice President's staff, from Washington. It was just a terrible hawkish plank on the war, and we disregarded it. But of course, the McCarthy people on the committee felt that we were just carrying water for Humphrey. But they soon learned differently, and with the exception of a couple of the real far-out doves, such as Jim Youngdale, whom I've talked to a lot since then and admire, but on that issue he just wanted Humphrey's blood on the table. They wouldn't accept this compromise, but people like Dr. Leo Horowitz, from the University of Minnesota, who was a McCarthy leader, did, and we passed it, even though the Humphrey people only had a 12-to-10 margin on that committee. That was the margin, as a matter of fact, of the whole convention. It was barely Humphrey over McCarthy.

Anyway, as a result of that, I became more independent in my political thinking. Although I've remained a Democrat ever since, I don't necessarily accept the party line or the Potomac conventional wisdom. Not that I think I know it all or am always right, but I certainly felt that Humphrey made a mistake. In fact, I don't even know if he was consulted on that issue. Even though I knew him quite well, I never wanted to talk to him about it. It was just too hard to bring it up, and I'm sure it would have been difficult. I have talked to his son about it and others.

Anyway, that was a piece of history which influenced my actions as PCA director, I'm sure, because I was willing to stand up to the governor's office a good deal more than other department heads, even though I got along with Anderson. As a matter of fact, when I left, I became an advisor and was able to continue my involvement in the Reserve mining case for a year and a half after I left in '75. Even so, I was able to conduct the job as PCA director the way I thought it should be conducted under the law, which to me meant doing the job that was envisioned by the legislature in passing the statute setting up the agency, and didn't include picking up the phone every morning and getting instructions from the governor's office, which I often thought other department heads did, or at least they would check with Tom Kelm ahead of time.

As a result, Kelm and I used to have a running battle over a lot of the issues, and had some real confrontations over the years. But we also had some mutual respect, because I wouldn't just accept everything he said, and vice versa. So that's a little bit of the background of how I was acting as of the time I became the Director of the PCA in March of '71.

**MR:** How did the DFL plank on the Reserve mining issue carry that issue forward?

**GM:** Well, it was really significant because it influenced, without a doubt, the whole state policy of the Anderson Administration. It helped convince Wendell Anderson, candidate for governor in 1970, that on-land disposal was the answer. Because, of course, that was two years later. As a result of my being involved in environmental issues with Mecca, Save Lake Superior, principally serve, and being active in politics, I became, in May of 1970, the Chairman of the Third Congressional

District EFL. Anderson turned to me more and more for environmental advice, and I was the first congressional district chair to announce support for Anderson. I had been for Spannaus earlier, until he quit and ran for attorney general.

So Anderson and I were quite close, and I was really his environmental aide during that whole campaign. He had no problem in accepting on-land disposal as part of his campaign that year. In fact, he went up to the enforcement conference in August 1970 and personally spoke in favor of on-land disposal, which was really important. The next day, Doug Head, his opponent, went along with him, although we had heard some rumors that he had said, "Well, I'm going along with this, but see me after the election." I don't know if there's any truth in that. But in any event, both candidates from the major parties for governor endorsed on-land disposal.

Then after Anderson was elected in November, he went up again, after being sworn in as governor, to appear at the next enforcement conference and repeated what he said. That was very significant, probably critical, because at the time, Reserve had been down lobbying the chairman of this federal enforcement conference in Florida to accept the judge's decision. Judge Eckman had come down with a decision in December of 1970 at the election, urging that a compromise be approved by the enforcement conference, calling for 14 pipes under water and continued dumping in the lake, but with some kind of a coagulant added which would help sink the taconite to the bottom of the lake. There was a great deal of momentum going, and if Anderson hadn't gone up there and repeated what he said during the campaign, I don't think that we would have gotten on that disposal.

I have my souvenir 20th limited-edition PCA cup here that I use all the time.

**MR:** Very appropriate. (Laughs)

**GM:** That's right.

**MR:** You had spoken about the Reserve lobbying after Judge Eckman's decision. How important was Reserve's position in this state? I know that they had quite a bit of influence.

**GM:** A great deal of influence. They had their own dirty tricks department. I've just learned since I talk with you last, an interesting little story. Here's how they operated. The law firm that represented them from Duluth, Ed Freedy, had heard, erroneously, that we had some sort of a pipe going into Lake Superior up at our cabin at Isle Royal, because somebody had gone by and seen our water intake pipe and thought it was a direct pipe from an indoor toilet into the lake. So Freedy hired an investigator to go up there to check this out. I got this from the investigator--Freedy's dead now--just recently. I don't suppose the investigator would have told me if Freedy were still around. But that's typical. I readily admit that I'm a polluter, but we obviously aren't dumping sewage into Lake Superior. We have, as a matter of fact, an outhouse, which is better than a septic tank. So obviously the investigator reported back, "There's nothing to this." But had Freedy found out something, he would have used that, even though as the Director of the PCA, whatever I do personally has got nothing to do with the lawsuit. But that's the kind of thing we're up against.

They were down in Washington spending money, lobbying at the very highest level in the White House. They had Bill Verety, who was the chief mastermind behind the scenes, in the White House

all the time. So we were up against a lot of corporate muscle and money, and they spent millions every year just to stop on-land disposal or to forestall it as long as possible. That's why it took 13 years to finally win.

**MR:** How important was the discovery that Reserve was seeding the delta area to make it look green?

**GM:** It certainly was important in molding public opinion. As I have often said, we wouldn't have won this case but for the fact that people became incensed as to what was going on. While you need lots of technical expert advice and consultants' reports and scientific studies, in order to win these cases, you need more than that. What finally won was public opinion, putting pressure on politicians, pushing and prodding the politicians to action. What was largely instrumental in that were things like Reserve claiming that the green water was an illusion, or that the delta should be seeded green when the Secretary of the Interior flew over, so that it would look very nice down there outside the Silver Bay, where they were dumping the taconite, and where the delta had built up by that time 250 acres, approximately. So those things, of course, became public, due to the efforts of the environmental groups that were involved, and they became big issues. That particular matter ended up on the front page of a Sunday Minneapolis Tribune article by Charles Bailey, who was the Washington correspondent for the Tribune at the time, and later became the editor of the paper here. That was part of a memorandum which also talked about other influences that Reserve was exerting, all of which didn't make them look very good.

So those things added up in a hurry in the period of '68, '69, '70. By the time the enforcement conferences were into the final stages in '71, after I became a part of the conference committee myself, why, public opinion was strongly against Reserve and strongly in favor of going on land, building a taconite basin and doing what every other taconite company in Minnesota was doing and in the United States, probably in the world, was doing, and that was containing the taconite in a basin on land.

**MR:** That's an important point, that Reserve was the only company that was doing that, is that right?

**GM:** Yes. They had a public subsidy of Lake Superior for all those years because the only costs they had was extending their two big laundry chutes every six months or so, due to the fact that they built up the delta. They had to extend them out closer to the water. Even though they continued to dump the taconite on the delta, by the time they got to actually going into Lake Superior, they were just gently falling into the lake, contrary to what they said when they got their permit back in '47, and that is that they would have this great density current created by this enormous 26-foot-wide chute dumping directly in the lake, which would take all these tailings to the bottom of the lake. That quickly didn't happen, because the delta was built up and they built out the shoreline.

**MR:** What was the impact of the discovery of asbestos-like fibers in Duluth's drinking water?

**GM:** That really was the final blow to Reserve; however, it still took another seven years to get them on land. However, I also feel that despite the strong public opinion, that we would have had a very, very difficult time achieving on-land disposal if it hadn't been for the discovery of asbestos

and potential health hazards. I guess one of the lessons of the Reserve case is certainly that in order to have a healthy environment, you've got to have some kind of health issue if you have entrenched corporate might, the power of Reserve Mining Company. Or putting it another way, it's hard to win these cases unless you show that there is some life-threatening injury involved, which is sad to say.

The other side of that is, however, that I think we've also learned that you really have to have a health environment in order to have sound public health and safety for the residents of the area. So it's kind of a complete circle. You can also, as I've said in speeches before, for a long time, put it this way: if you're going to have a health environment, you need a healthy economy. You can't have a healthy economy unless you have a healthy environment. So it's a real circle, and the two--economy and environment--are directly interrelated.

**MR:** Were there some other things that you learned from the Reserve experience, maybe personal?

**GM:** Well, yes. I also learned the importance of operating through the political process and that the system works. It took a long time, it wasn't easy, but the fact of the matter is that the political process played a large role in solving the problem. The statutes passed by Congress setting up the enforcement conference mechanism provided the forum to develop the public opinion that won the case. That conference went on for two and a half years. I feel that mechanism should have been retained, but one of the things Congress did as a result of the Reserve case, and maybe for other reasons, is to throw out that whole enforcement conference mechanism, replace it with nothing but court cases. Even though I'm a lawyer and I think you have to have lawsuits, and you often have to go to court, I think you can also solve these problems by conferences and other mechanisms. So it's too bad we lost that. We wouldn't have had as strong a case in court if we hadn't had a two-and-a-half-year period to build up the public opinion and to get the studies that were necessary.

During that period of time, the Stoddard Report, of course, came out. It came out actually before the enforcement conference was called, and was a direct cause of the enforcement conference. That's the study that showed that pollution was interstate in nature, and the green water all the way down to Duluth was being caused by Reserve Mining Company. Of course, the steel workers never changed their opinion, which was unfortunate. They really were a sweetheart union and went along with the company, except for the local up at Babbitt. Those people up there, after the discovery of asbestos, really became concerned, because they were the ones being directly exposed to the most asbestos fiber, because they were working in the mines where all the blasting was going on and all of the crushing was taking place. That chapter or local was more on our side to solve this problem than the one down in Silver Bay.

But they were intimidated. They were really hostages, as Judge Lord later said. So you can understand why they didn't speak out, although that's really, I think, the function of the union. They weren't looking out for the health and welfare of their men and women by going along with the company line, which was wrong. The company line was basically, "Do nothing. Stall. Spend money on lawyers and consultants." They spent over \$25 million over that period of time on lawyers and consultants, just to continue making large profits. When the profits went down due to the economy, then after they spent all this money on on-land disposal, half of which went to produce a better pellet, then they shut the plant down, which is really unfortunate, because even though we were accused in the state government, and environmentalists that were pushing to go on land were

accused, also, of trying to shut the plant down, that was not our intent. I'm still upset that they shut the plant down. Then, of course, maybe the expenditure on cleaning up the whole problem was part of the reason they shut down.

**MR:** But you don't feel that the Reserve case had an impact on their eventual "shut down"?

**GM:** I don't really think so, because they ended up with a better product, less silica, by far. Half of the money they spent went for that product improvement. We discovered during the discovery process, in subpoenaing documents, that a committee of the company's, Republic and ARMCO, the two owners of Reserve, wanted to go on land anyway, because they could produce a better product and be more competitive. So Reserve ended up with the most modern plant, one of the best pellets, and yet they shut it down. The reason they shut it down, in large part, was one of the two owners went bankrupt or into Chapter 11, and ARMCO, in my opinion, took advantage of the bankruptcy to get rid of a property which they didn't need at the time. Now it might be different today because there's now increased demand for taconite pellets due to an increased demand for steel. I'm sure some of the companies, from talking to them and others in the state, would like to reopen the plant. It may reopen one of these days with different owners.

**MR:** Is it possible for industry to be a good corporate citizen?

**GM:** Very much so.

**MR:** Do profits go along with that?

**GM:** Oh, yes, yes. It's been proven time and time again in the state. I would say 90% of the companies that I dealt with in my four-plus years at the Pollution Control Agency were good corporate citizens and were willing to not only spend the money, but made the sacrifice necessary to clean up over a reasonable period of time, or as fast as possible. There weren't very many recalcitrant companies like that, that were just . . .

[End Tape I, Side 1. Begin Tape I, Side 2]

**GM:** Well, I think the whole acid rain issue is right up near the top, if not number one. Of course, that is caused not only by our own pollution, but largely--and even more so--by pollution from Ohio and states that haven't done as good a job of cleaning up the stack pollution from fossil fuel plants as Minnesota has.

The second issue is hazardous waste and the landfills, which are certainly at the top of the list in most people's minds, and the effect on groundwater and, of course, even on air pollution, when you look at alternatives such as incinerators.

Thirdly, I think the need for more emphasis on recycling and what we called source reduction when I was at the PCA, we had a special division, which worked hard for that idea, which, simply stated, means to try and do something at the beginning of the solid-waste stream, instead of waiting with band-aid approaches at the end, to reduce plastics and over-packaging and all of the waste that goes into packaging products in this country. There is a small program now in state government for

waste reduction, we call it, but it doesn't get any real support and very much publicity, although there is more talk now about doing something on that subject. But the legislature doesn't have the guts to do it. Neither party can pass a ban-the-can, and if you can't pass a simple little piece of legislation like a beverage-container law, you aren't going to be able to solve the really tough problems.

So there still isn't the will in the political process, unless you get a special issue and a lot of momentum directed toward it, and then you can. Generally speaking, the politicians still don't see the problem. And the whole drought issue may be caused by the greenhouse effect. We don't know yet, but some scientists are saying that and have been for some time. One of these days, we may wake up and it's too late. Not having taken the environmental steps that we should have, we'll pollute our own environment to the point where it's too late and irreversible. So it's easy when you get into a job like I had for four years to see this, if you're working at it full time, but it's very hard to get that message out and get it over into the legislative process and pass the laws. Although we pass a lot of good laws, that isn't enough. You've got to have the will to carry through and confront the very strong lobbyists that come up on the other side.

For example, when we went over trying to pass the beverage-container bill in the '73 session in Minnesota, we couldn't get it through. A compromise emerged, calling for regulations of packaging. Those packaging regulations then were contested in court and the state won. Well, as a result of that, the lobbyists swung into action and the whole program was defeated by a strong lobby action and insufficient will by the legislative bodies.

Then another good example is the attempt to restrict or ban the use of plastic milk containers before they were brought into the state. My successor at the PCA, Peter Gold, fought that battle, and they won. Went all the way to the Supreme Court. The law was upheld. What happened? The lobbyists for the milk-container industry that wanted the plastics hired, as I understand it, some very good lobbyists, and swung into action and repealed the law the next session. That's why the milk containers are here today, and once they get in, it's very, very hard to get rid of them.

So you can get very discouraged when you go issue by issue, which is the only way you can really go. I mean, you can pass general laws which are helpful, such as we passed in the '73 session, the Environmental Rights Act. I use that as a lawyer today from time to time in environmental cases that I handle, and other lawyers do, or the Environmental Policy Act. Those are very helpful, but you still have to fight each pollution problem as it comes along, and you almost always need support from legislators. You generally get it, but you have to educate them and have to use the process we talked about here in order to get the job done. In other words, you don't get too much leadership from legislators. There are some exceptions, like Willard Munger, the Chairman of the House Environmental Committee, has been top-drawer on that issue for 25 years. But he doesn't always get the support of his committee, such as on ban-the-can. He can't get the bill passed by his own committee.

So it's a constant struggle, but you find that in lots of other areas, too. It's part of the democratic society, where everybody has a right to hire their own lobbyists and to go to work on the legislators or the law-makers and fight it out. I am certainly a very strong proponent of that system, so you just have to get more people involved, more interest, and elect more candidates.

**MR:** That's right. That's good. That's exactly what we had in mind.

[End of recording]

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