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The Onlooker: April 12-28, 1976

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The Onlooker

a news magazine for North Dakota

Volume Two Number Seven

April 12 through 28, 1976

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I wish all to know that I do not propose to sell any part of my country, nor will I have the whites cutting our timber along the rivers, more especially the oak. I am particularly fond of the little groves of oak trees. I love to look at them because they endure the wintry storm and the summer's heat and--not unlike ourselves--seem to flourish by them.

This little grove of oak trees is in Morton County near St. Anthony.

Tatanka Yotanka--Sitting Bull



Willows which grow on the first Missouri River terrace at Smith Grove develop catkins to greet the spring.

Smith Grove

pations, past Smith Grove and from the river onto the bluffs.

Stuart does not oppose that idea. In the early Sixties, he suggested that the valley from bluff line to bluff line and from the Garrison Dam to Bismarck be acquired for a park. Within the park, he would have let the Missouri take its course.

That bank stabilization would disrupt the river's natural processes is Stuart's major objection to the idea. He doesn't see much sense in preserving a natural area if natural processes, like bank erosion, aren't allowed to work on it and he doesn't see any attractiveness in a river confined by concrete or rock borders so that it becomes, in his words, a ditch.

Smith Grove is the result of millennia of erosion and sediment deposition. The river's natural course has left a series of terraces and sand dunes. Vegetation on these has proceeded in a progression from scrub brush and willow through cottonwood and finally to ash and oak forest, which is the climax vegetation.

Like the oak and the cottonwoods, the ash in this grove are quite large. Several measure 18 inches in diameter and 70 feet in height—exceptional for this species.

The natural progression of vegetation can be seen today. The area nearest the river is a flat, sedge covered plain which is frequently flooded. The next terrace is overgrown with willow and other shrubs (although the willow can become a large tree). The enormous cottonwoods grow on the second terrace. The third is the realm of the oak and ash trees. Some elm grow here, too.



One of the state's largest trees—a cottonwood at Smith Grove.

Places you have to look for:

Thirty miles north of Mandan, near the town of Sanger in Oliver County, is a place called Smith Grove. Here grow the largest and oldest trees in North Dakota.

The oldest is a bur oak which may be as many as 450 years old. The largest are cottonwoods which are more than 100 feet in height.

These estimates come from Elmer (Buck) Worthington, a forester who now heads Morton County's parks program.

Worthington has measured the trees and taken core drillings of them. He bases his estimates of their ages on the progression of growth rings.

The oak is the largest of its species in North Dakota. At shoulder height (four and a half feet above the ground) it is 10 feet in circumference and 3.17 feet in diameter. The tree stands 64 feet tall and has a 50 foot crown spread.

But the oak is dwarfed by the cottonwoods growing near it. One of these is 108 feet tall and nearly 23 feet in circumference. It has a crown spread of more than 73 feet.

There is only one larger tree in the state. That one, at Neche, N.D., stands 124 feet tall but it is only 22 feet in diameter. Its crown spread is just over 67 feet.

Compared to the Smith Grove oak, which is North Dakota's oldest living thing, these cottonwoods are youngsters. Worthington estimates their age at 250 years.

These trees have survived for several centuries despite substantial risks.

They have escaped natural disasters like fire, whether set

by man or caused by lightning. They have survived floods and ice jams and wind.

They were not cut by Mandan Indians who used cottonwood beams to support the roofs of their earth lodges. Mandan villages lined the Missouri River 150 years ago. One of them, at Pretty Point, was less than a mile from these giant trees.

Nor did white men use these trees, although Lewis and Clark commented on the timber in this section of the Missouri Valley. "The land is low and beautiful," Nicholas Bidle's edition of the explorers' journals noted, "and covered with oak and cottonwood."

The trees were passed over by the entrepreneurs who operated wood yards to supply the steamboats which plied the river. They escaped the sawmills which men built in the forest along the Missouri. This grove has not been cleared for roads, homesites or pastures. In fact, the site shows no sign of grazing.



North Dakota's oldest living thing, a bur oak at Smith Grove in Oliver County.

Man's major marks on the grove are the paths cleared to the giant trees and the river, and the signs tacked to the trees. 'Oak,' they say, and 'cottonwood.' There are signs pointing to the river and to the trees themselves.

According to Worthington, "All of the trees appear to be in exceptionally good condition." The cores of the cottonwoods have become punky—a condition common in these trees—but the oak is solid all the way through, Worthington said. Both species of tree can be expected to live another century unless some calamity befalls them.

Worthington worries most about an accidental fire or a windstorm. A manmade calamity is also possible, he said. The Missouri River, whose enormous silt load is now deposited behind Garrison Dam is eating away its banks. Worthington fears the trees may be washed away.

As president of the Missouri Slope Chapter of the Isaak Waiton League, Worthington was instrumental in convincing the North Dakota Game and Fish Department to buy the 25 acre Smith Grove site. He has written letters to that department, to the North Dakota Water Conservation Commission, to the Historical Society and to U.S. Congressmen asking that they seek help in getting the bank stabilized.

That is a job which the U.S. Army Corps of Engineers ought to do, Worthington argues, because the dam, now operated by the Corps, is responsible for the bank erosion.

But Russell Stuart, the Game and Fish Commissioner, disagrees. He said he won't ask for the bank stabilization work. It is too expensive, he said.

Smith Grove is not a prime wildlife habitat, Stuart noted, although white tailed deer and wild turkeys use the site. A bobcat has been reported in the area several times.

Game was scarce when Lewis and Clark passed in October, 1804, as well. The journals noted the land "has been too recently hunted to afford much game."

According to Stuart, the area is too small to support a large deer herd. It's economic value to man is too small to justify the expense of bank stabilization.

Worthington would solve that problem by enlarging the area. He envisions a state park stretching from Pretty Point, which shows evidence of several successive human occu-

Matters at Hand: Whose property rights?

The emergence of land use planning as a major issue in North Dakota raises some very tough questions-- questions which neither those who are enthusiastic about the concept, those who oppose it nor those who pretend some objectivity have yet faced.

To date, the land use planning controversy has revolved around the questions of property rights: What are they, how important are they, can they be infringed or completely denied? These are difficult questions. The big government folks and the right wing each offer their versions of answers. The big government people would regulate the use of land in order, so they say, to produce a utopia for all of us. The right wing would forbid any regulation of property except by its owner and thereby recreate their conception of Thomas Jefferson's democracy. Both are unsatisfactory approaches.

To begin at the beginning:

This nation was unquestionably founded on the notion of private ownership of property. Unlike other revolutionary nations (or truly revolutionary nations) this country's war for independence was fought not by men seeking to gain property but by those seeking to keep it. Jefferson believed deeply in a nation of freeholders, men who could 'build liberty a farmyard wide,' as Archibald McLeish put it.

The quest for property directed much of our history. The Homestead Act under which Dakota Territory was eventually settled was motivated by the nation's desire to have its citizens own land. The same desire to own a piece of land led to the growth of suburbs. In the Sixties and early Seventies, it has sparked a back to the land movement.

Notwithstanding these efforts to distribute the land among the people, however, the United States rather quickly became a nation of landless peasants. More and more of the land now belongs to fewer and fewer of the people. The wealth which land generates is still more inequitably divided.

This is the result of a fraud perpetrated on the American public in the mid-nineteenth century. A group of capitalists discovered about that time that fictional people called corporations were entitled to own property. Even more attractive to these business interests, the fictional characters were afforded some loopholes in the law so that they could acquire enormous wealth, so much wealth, in fact, that Theodore Roosevelt became mightily concerned about it. By the beginning of the Twentieth Century, the power of these corporations had grown so great that the government felt some action to protect individuals had become necessary. Roosevelt acted against the trusts not because he was a Socialist who believed that the government should conduct the nation's business but because he was a conservative who thought that individuals should.

Here we reach the real questions which must be addressed when we consider the issue of land use planning. The question is not--or shouldn't be--what are the property owners' rights but who are the property owners. Who has the rights which go with property. Until these basic questions are asked and answered, the question of what are those rights doesn't make any sense at all.

JEFFERSON'S ADVICE

The United States must decide, and quickly, whether the pattern of ownership of property which has developed in the last 80 years is consistent with the goals of America democracy as they were formulated in 1776 and as they exist today--and will exist in another 100 years. As a people, we must decide who ought to own property because, unlike many other nations, we have realized that man's right to have something is important to his freedom and his dignity.

Jefferson offered advice on this subject. His writing is full of admonitions to distribute property ownership across the broadest possible section of the population. On a visit to France in 1785, he found "The property of this country is absolutely concentrated in a very few hands." He wrote to James Madison, who would succeed him in the White House, "I am conscious that an equal division of property is impractical. But the consequences of this enormous inequality producing so much misery to the bulk of mankind, legislators cannot invent too many devices for subdividing property...The earth is given as a common stock for all men to labor and to live upon...It is not too soon to provide by every possible means that as few as possible shall be without a little portion of land. The small landholders are the most precious part of a state."

The situation in the United States today is increasingly like that of the France which Jefferson visited. In some parts of the nation, a very few control virtually all of the land. Often, these land barons are not human but corporate. Legally individuals, corporations are granted all of the rights in property which the owner of a city lot is presumed to have.

North Dakota's state law forbids farming by corporations, but this state is not immune from concentration of land ownership. We have seen the number of farmers fall by half in less than a generation. Each year, the state loses 1,000 farms. The remaining farms grow larger--to the point that a successful farmer now measures his holding in sections rather than in quarter sections or in acres.

CONCENTRATION OF OWNERSHIP

At the same time that concentration of ownership drives people from the land, it contributes to environmental degradation. More shelterbelts are being removed, more wetlands drained, more prairie broken, more soil eroded as a result of our rush to big agriculture, big farms, big machines and big yields.

No one should argue that farmers should not make money. In fact, the small farmers' inability to make a decent living may well be the state's most serious environmental problem. Insuring the small operator a price for his product thus becomes a critical environmental priority because the small farmer can better husband his land. He is a better steward, if economics will permit him to be.

The concentration of land ownership has another consequence. It removes a larger share of the population from any connection with the land. Thus, more and more people look to the public lands for their recreation. As fewer and fewer people own land, the pressure for regulation of the land will increase because the mass of men will have interest in all the land rather than the home quarter which once occupied so many of them.

The pressures on private landowners are thus the result of their desire to own property. By buying out the neighbor, the neighbor's kid is denied access to land. He must seek it elsewhere.

I am the son of farmers. My family still owns a piece (by North Dakota standards a very small piece) of the earth. My grandfathers came here for exactly that purpose, to own a piece of the earth. Economic conditions, leaving aside my personal inclinations, have made farming impossible for me and for thousands of other young people from every rural community in the nation.

Now these masses of people are claiming rights in property. Since the economic system doesn't permit the luxury of ownership of a quarter section or an eighty (don't we all argue, after all, that no man could support himself on so little) these sons of farmers are demanding their rights in other ways--in public property and in regulation of other men's use of property.

These are concepts which those who still actually own land will have to accept. Resisting them invites a revolution like this nation has never known, a revolution of the landless seeking property.

The right wing is quite correct. The ownership of property is fundamental to this nation. It is a right inherent to every American. But the right wing's economic system has denied the right to most of us. It is that system, a system which fosters concentration of ownership and production of landless masses, which needs adjustment.

So it is the question of ownership rather than of regulation which should be central to land use planning. It is an issue which has so far been overlooked. To continue to ignore the issue has two consequences: A degradation of the principals on which the nation was founded and an escalating pressure on available land and land owners--a pressure which, if not mollified, could have unpleasant repercussions for those who own more than their share of the earth.

Mike Jacobs

SPEAKING OF 'ONE TIME HARVESTS....'



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To the editor

...carmel rolls

Here is another entry for your North Dakota Caramel Roll Competition. I nominate the luncheonette at the Ellison's Department Store in Minot.

IDEA: Why not compile a directory of the best caramel roll locations for those of us who travel the state in search of these chewy, gooey delights?

Keep up the honest, candid but compassionate journalism. We need all professions to do likewise as you do journalism.

Bill Schaefer
Jamestown

I would like to nominate the Sims Cafe in Dickinson for the fine carmel rolls they serve. When you get the chance to taste one, have them warm it and let the butter run over it. They also have the best milk shakes in town.

Ed Hughes
Dickinson

...cheese burgers

I would like to set a new level of excellence in your statewide cheeseburger competition. Announcing: The Hurdfield Cafe Cheeseburger--a slow, sumptuous introduction to ambrosia--Hurdfield, North Dakota. Take your time, eat it slowly for you are experiencing cheeseburger perfection. If you are even remotely friendly, the male partner of this family run restaurant--I don't remember his name--will join you with his coffee cup and, as a fringe benefit, you will be treated to the company of a true conversationalist. An atmosphere of friendly bantering between local gourmards combining the best of local news, wit, fishing stories, auction sales and the stuff that makes the gardens and the wheatfields grow (or did in the old days when it was practical) will reassure you there are alternative futures in North Dakota. A unique dining experience, not to be forgotten.

In addition, I would like to suggest to anyone traveling in the eastern middle of North Dakota that Lipsea's Restaurant in Mayville is worth a stop. After having spent a week there, I have yet to be disappointed by a meal. It's on a downtown corner next to the stop light. You can't miss on the noon and evening specials.

One final note: For your money in small town North Dakota cafes, you are advised to order a hot beef dinner rather than a roast beef plate or dinner. It's just as good and you get more for your money.

The best to you.

Larry Sprunk
Bismarck

Sprunk is director of the North Dakota Oral History Project and travels the state collecting the reminiscences of the state's old-timers and eating in her restaurants. Incidentally, we've had the Hurdfield Cafe cheeseburger--and it is very good.--Editor



The work of water on sand--the Missouri River's bank near Sanger.

photo by Suzzette Blier

We don't want to be without your paper. We had no idea there was so much of interest happening in North Dakota.

Frank and Helen Lassey
Cartwright

I wonder how you do so wide a variety of news coverage. You are doing a fine job. Congratulations on your effort.

George Rait
Noonan

Congratulations on your new format and continued excellence.

I continue to look forward to your first sports story focused on a female athlete or team.

Alice Olson
Fargo

We're working on that.--Editor

Keep up the good work. It's the best paper I read.

H.H. Lundin
Watford City

Thank you for sending the sample copies of **The Onlooker**. I had not examined them for long before I knew a subscription is a must for us.

I was struck particularly by your coverage of wild life, your New Salem speech on environmentalism and the article "Digging for History." I shall look forward to forthcoming issues.

Enid Bern
Mott

If you've got friends who'd like sample copies of **The Onlooker**, send us their addresses. We'll let them know we exist.--Editor

Here's \$20 for two subscriptions to **The Onlooker**. Keep on looking!

Loren Myran
Taylor

The Onlooker is one piece of mail I can say I avidly look forward to.

Stella Fritzell
Grand Forks

I received your letter the other day reminding me that my subscription to **The Onlooker** has expired. I thought I would drop a line to let you know why I am not renewing my subscription.

There are two main reasons for my failure to renew. First, is the overpowering theme of the paper being opposed to coal development. I understand your point of view and really do not need to read any more to know where you stand. Secondly, your attempts to broaden the paper with contests on the best cheeseburger and carmel roll, weeks old sports news, etc., simply are not of any interest to me. Thus, there is virtually nothing in the paper as you are now publishing it that I want to read.

I hope this explains my failure to renew. Should the content of the paper change in the future, let me know and I will again consider subscribing.

Boyd L. Wright
Grand Forks

We published this letter for two reasons. First, we wanted you all to know that not everyone likes **The Onlooker**. Second, we wanted to reply. Mr. Wright has

...subscription renewals

apparently misunderstood the purpose of this paper--and its intended audience. **The Onlooker** is published for people who like North Dakota, who are concerned that coal development might make some very great changes, and who appreciate the fine things this state has to offer--like excellent carmel rolls and delicious cheeseburgers. As for our sports--we think the quality of the coverage justifies the unavoidable delay in getting it to you. Further, any paper which pretends to reflect the diversity of this great state and leaves out athletics just isn't very honest about what North Dakotans do with their time. Maybe Mr. Wright should leave his office and enjoy a cheeseburger at a basketball game.--Editor

environmentalism

A short note is in order to you for your visit with my ecology class. Consequences: a day spent discussing your three-fold environmentalist's philosophy (**Onlooker Five**) and students really getting into Leopold's land ethic. We've decided to carry on a few more days because the interest is finally here. Thank you.

Karen Schumann
New Salem High School

Aldo Leopold, to whom Ms. Schumann refers, wrote **A Sand County Almanac**, now an environmental classic. He outlines a philosophy for man's relationship with the land. The book is available in paperback.--Editor

I have just read your speech at New Salem High School in Vol. 2, Number 5. I bet those seniors needed a few class periods to sort that short speech out.

Your paper sure is helpful when trying to be informed about North Dakota. Politically oriented information has a way of stopping in Bismarck and reaching the removed general public only through old commercial newspapers. It's good to read an article with a purpose other than selling copies. Keep up the good work.

David C. Larson
Barton

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...and farm history

Larry Remele deserves congratulations for his historical perspective on farm movements in the early 1900s in North Dakota (**Onlooker Six**). Very little has been researched or published concerning the first North Dakota Farmers Union organization and therefore, I cannot challenge Remele's contentions as to the individuals who may have instigated the first NDFU organization.

However, I would like to add a couple of items to Remele's historical perspective that would provide perhaps a better understanding of the origins of the second NDFU organization.

He states in the article that the leaders of today's Farmers Union trace their beginnings to the second appearance of the organization in the state. He also makes considerable reference to the American Society of Equity.

Today's North Dakota Farmers Union organization traces its heritage to both the Equity Society and to the Producers Alliance. NDFU was organized in the middle 1920s, and held its first statewide convention in 1927. At that time it had a membership of 13,000.

In 1926, the American Society of Equity and the Producers Alliance voted to merge with the Farmers Union. This merger provided the base membership for the second Farmers Union organization in North Dakota.

The terminal facilities established by the Equity Society (which were dedicated on Dec. 6, 1916 at St. Paul) were succeeded by the Farmers Union Grain Terminal Association.

Both the present Farmers Union state organization and today's Farmers Union cooperatives have their heritage in the Equity Society.

Early issues of the **Farmers Union Herald** (which was the successor of the **Cooperator's Herald** and is now **Co-op Country News**) indicate that when NDFU organizers began moving into Burleigh and other western counties they were surprised to find Farmers Union members already in those areas.

Remele's article provided an excellent informational base of early farm movements, but it didn't take it the one connecting step that is necessary to understand the heritage of the present day Farmers Union in North Dakota.

Karl Limvere
Jamestown

Limvere is director of NDFU's Department of Communications and Research.--Editor

Energy use and conservation on the farm

This is the second of correspondent Randy Bradbury's reports from an energy conservation institute held at Estes Park, Colo., in mid-March. Bradbury is managing editor of The Dakota Student published weekly at the University of North Dakota. His first article—printed in Onlooker Six—offered a conference overview, this piece focuses on uses of energy in agriculture.

Although estimates of just how much it takes to produce a single calorie of food energy in the U.S. vary, every estimate agrees on one point: much more energy is put into the process than is returned in the form of food energy.

Such estimates range as high as 10 to one ratio; that is it takes 10 Btu's (British thermal units), the amount of heat needed to raise one pound of water one degree F, of energy from basic fuels such as petroleum, coal, etc., to produce one Btu of food value. Other estimates are lower; for instance, League of Women Voters research indicates the ratio might be only 6.4 to one. At either ratio, however, food production in the United States deserves the technical jargon label: energy intensive.

A further breakdown of the food processing chain shows that agricultural processes account for from 18 to 25 per cent of energy expended, or about four per cent of the total energy used in U.S. Farming and related energy use consumes about 2,000 trillion Btus annually.

As with almost every area of energy consumption in the U.S., there are many ways in which energy can be conserved in the agricultural process. An article in

Science magazine in 1973 estimated that energy consumption could be cut in half while still maintaining the same yields.

Direct use of fuel is the largest consumer of energy on the farm, accounting for 44 per cent of energy used in the actual production of food. By converting to diesel-fueled farm machinery and improving the operation, maintenance and design of machinery, as much as 10 per cent of this energy could be conserved. These measures could include using machinery correctly scaled to a particular job and carefully operating at the most efficient speeds. Also, as with almost any appliance or device which uses energy, different models of the same basic machine will use energy more or less efficiently, according to its construction. In other words, different types of tractors, just like different types of cars, could get more or less 'acres per gallon' of fuel.

Another method which has been suggested to save energy is to couple different machines together, making only one sweep of a field rather than several, one for each separate operation.

Research suggests that many crops could be grown with little tillage, and, so the research indicates, problems of increased diseases and insects can be controlled with the right techniques. Less tillage means less energy consumed.

Fertilizers consume 18 per cent of the energy used on farms; nitrogen fertilizers use the most energy since natural gas is used as an ingredient in them. One criticism of fertilizing is that many crops are over-fertilized, a practice which apparently could be avoided with ade-

quate soil testing. Much of the fertilizer applied is lost through evaporation and leaching. Land fertilized in the fall leaches and evaporates throughout the winter; this could be avoided by fertilizing crops in the spring, although there are problems with this approach. Preventing poor drainage and soil erosion is another way of reducing the amount of fertilizer lost.

Crop rotation can be used as an alternative to using nitrogen fertilizer where there is enough fertile land. Another type of nitrogen replacement is still in the beginning research stage, according to Dr. Ronald Wagner of the NDSU extension soils department. Attempts to develop cereal crops which could fix atmospheric nitrogen in the same way as alfalfa haven't progressed very far as yet, he said. If such crops were developed, they would eliminate the need to rotate grain crops with legume crops and could reduce the need to apply nitrogen fertilizers. Most research on this has been done in Russia, Germany and Brazil, he said. Presently no one in the U.S. is doing research on the problem. (He warned that currently, there is a group in North Dakota selling what they call a "seed inoculant" which they claim has this effect on grain crops. Wagner said this "seed inoculant" doesn't work and called the effort a "con game.")

Pesticides are another major source of energy consumption in farming, with over 300 million pounds applied to crops each year. By applying pesticides only when it is necessary and by employing more efficient methods of application it's estimated that pesticide use could be cut 35 to 50 per cent.

Irrigation uses six per cent of the total farm energy use, mostly to run the water pumps. Irrigating only when needed rather than on a timed basis, using more efficient water pumps and ditch irrigation are all ways to cut down on this energy use.

Energy use on the farm can be cut in many areas—theoretically, at least, any process which uses energy has potential for energy savings, many up to 50 per cent over current use, without having to sacrifice crop yield.

Federal Energy Administration Regional Administrator Dudley Faver estimated that while the central western states are only 2.8 per cent of the U.S. population, this area uses nearly 10 per cent of the energy and a higher than the average percentage of energy for agriculture.

According to the April 5 issue of *The Wall Street Journal*, energy use has declined two years in a row by a total of nearly five per cent. An energy conservation act administered state-by-state on a voluntary basis by the FEA has a goal of reducing total energy consumption by an additional five per cent, [Onlooker Six]. If Gov. Arthur Link decides to involve North Dakota in the energy saving program, the state would likely look to agriculture as one of the major energy consumers in the state to provide some of the savings through conservation measures.

[Much of the information quoted in this article is taken from a paper on reducing energy use in the food system by Norman L. Dean of the Environmental Law Institute].

In the spring, when the wild geese fly, a young man's fancy turns to ... baseball

By Warren Halvorson

The singular high pitched cry first attracts your attention, a haunting sound as clear and wild and free as the wind they ride on the way to their nesting grounds in northern Canada. You look up to see them, snow and blue geese mainly, etched against the fathomless blue of God's heaven—a kind of living poetry of sight and sound and motion.

Dawn comes more gently now, as if the sun no longer feels an urgent need to leap into the sky to beat down upon a land locked in ice and snow. Heralds of violet and red and gold announce her coming as our life giving star rises above the horizon to warm the plains that have come through another winter.

Mallards and pintails wheel over sloughs suddenly alive with sparkling, dancing light. Unseen robins and meadowlarks greet the day with songs that seem the lyric of reality of beauty and thanksgiving. So [the crystalline beauty of winter passes away, robbed of its hoary power and fury by the soft warmth and life renewing power of that most glad some of seasons—Spring.

And in the spring a young man's fancy, as we all know, turns to baseball. Rinks and gridirons and hard courts give way to the old ball diamond. Skates and pucks and basketballs are regretfully put away (except for the pros, who seem to go on and on and on) while bats and balls and gloves come center stage.

Charlie Brown once again finds the most lovable of all baseball teams and takes the mound looking for that most difficult of all wins, the first one. We watch our prematurely balding young hurler and wait for him to be undressed by that first inevitable line drive hit right back through the box.

Phrases long forgotten crowd into our consciousness and clamor for attention: hit and run, double steal, grand slam, double play, no-hitter, frozen rope, Texas leaguer, double header and pennant race. Golden throated young vendors tune up the tonsils as they prepare to give bent to such mellifluous cries as "Peanuts, popcorn, crackerjacks!" and "Getcher cold beer here!"

The marvellous 1975 World Series come immediately to mind, especially moments from Game 6: Fred Lynn crashing into the wall and crumpling onto the warning track; Dwight Evans racing to the right field wall and making the over the shoulder catch to rob Joe Morgan of a home run; Pete Rose bubbling to Carlton Fisk, "This is some game, huhl!"; and Fisk's memorable 11th inning shot over Fenway Park's Green Monster.

With the new season we confront some less pleasant but very real situations. On the one hand there are late spring trades that uproot the lives of players and on the other—holdouts, contract disputes, arbitration, accusations of bad faith. Baseball, more than any other major sport, has the ability to harken us all back to that fabled "simpler, better time"; but, increasingly, it seems to be dominated by money, contract hassles and judicial proceedings. One almost fears that youngsters today may dream of growing up to be not a player, but a player's agent.

And yet it is to be hoped that with the major league season underway, the game itself will come to the fore. Its serene pace and its sudden moments of frenetic activity and high drama combined with the splendid level of execution the major leaguers achieve, make it a game very deserving of the affection and attention

Americans have bestowed on it over the years.

Soon, too, the shout of "Play Ball!" will go up across sandlots, playgrounds and Park Board diamonds all across the country. Another group of youngsters from little league pee-wees to American Legion hopefuls will sally forth for another go-round with our national pastime.

They must go through that ageless ordeal of conquering the fear of the ball. They must learn to keep their heads down on the ground balls on the stoniest of infields and to stand in there at the plate even when the pitcher is two years older than you, a big dude who throws sidearm.

And when a grounder takes a bad hop off your chest and when you stand there as a change floats over for strike three and you can do nothing but look on, bug-eyed and salivating and unable to make yourself swing—you wonder what the fascination of the game is.

It lacks the gladiatorial splendor of other major sports and does not quite have the fast, slick, cool, Captain Billy's Whizzbag aura of, for example, football and basketball.

It has, however, an observable orderliness to it and it is eminently understandable. There are no zig outs, trap blocks, blitzes or match-up zones to keep track of. In other games you can shoot the ball, pass it, even kick it; but only in baseball can you actually have a chance to pick up a piece of wood and hit the blamed thing. There is satisfaction in that. And the game has charm and marvellous tradition and dignity.

All things change and baseball is no exception. For the first time in six decades Casey Stengel will not be a part of the season; Joe DiMaggio, perhaps the most popular and respected player of all has taken to selling coffee makers; and there may be more artificial surfaces now than natural grass. But outside the bargaining rooms and between the foul lines, the game is still as Mr. Doubleday envisioned it. And for that, and for another beautiful spring, we may all be glad.



Celebrating a mine workers' holiday with a news conference blast at North American Coal Corporation are, left to right, United Mine Workers of America members Frank Bitterman and Dallas Wolf, United Plainsmen Association President Rick Maixner, Mercer County Landowners Association spokesman Herman Hafner and their president, Eugene Keller.

The miners take a holiday

Zap--(April 1)

This is a mine workers' holiday, a celebration of John L. Lewis's birthday, according to members of United Mine Workers of America Local 9880 who work in North American Coal Corporation's Indian Head Mine at Zap. These miners marked the occasion with a party at their community's Lignite Bar and with a strongly worded blast at their employer.

The company, said the miners, had ordered them to falsify time cards to reflect a greater amount of time spent on reclamation than was actually the case, to bury topsoil, to save less topsoil than was present at a site, to push over trees, to build roads and other mining facilities over sod and topsoil, to stop reclamation efforts before the job was satisfactorily completed, to spread topsoil scraped from 40 acres over an area twice as large, to do mining rather than reclamation work when production schedules demanded.

Perhaps the most dramatic charge came from Frank Bitterman who said the company's management had ordered him to drive a tractor pulling an empty drill around the mine when Gov. Arthur A. Link visited it to inspect reclamation procedures.

The miners said these incidents violated North Dakota's strip mine reclamation law. Miners' spokesmen Dallas Wolf and Bitterman blamed the Public Service Commission, which is to enforce the law, for part of the problem. "To the best of our knowledge, there is no inspection of reclamation efforts at the Indian Head Mine by the Public Service Commission," the miners said. "We have never seen anyone from the PSC at the mine site checking on reclamation."

The miners were joined at their news conference in Zap's town hall by officers of the United Plainsmen Association and the Mercer County Landowners Association, both opposed to large scale coal development in western North Dakota. Herman Hafner of the Mercer County group said that NACCO has "boasted about their reclamation successes even though it's pretty obvious to us that boasting about reclamation doesn't bring

about effective reclamation." As landowners, Hafner said, the Mercer County organization's members "will be affected by huge strip mining activities. We don't understand how reclamation can be accomplished at a large strip mine if its can't be accomplished at a small mine." The Indian Head Mine produces about a million tons of lignite each year. A mine planned by NACCO to supply a gasification plant in Mercer County would take 10 times more coal and the company facility which will supply an electrical generating plant in McLean County will produce nearly six times as much coal.

Rick Maixner of New England, president of the United Plainsmen, told the news conference that the miner's statements "confirm our long held belief that the state's reclamation law is inadequate, that coal companies, if given the opportunity will violate whatever reclamation laws we have and that the Public Service Commission is either unwilling or unable to enforce the reclamation law." He added, "Statements by the miners today document that NACCO is willfully violating the state's reclamation law," and that "The PSC is obviously not enforcing the law. They have failed to cite NACCO for any reclamation violations in the past three years, violations which we have documented in a week's time."

The Mercer County Landowners Association called on Gov. Link to "have these poor reclamation practices at the Indian Head Mine investigated by people who are truly concerned about reclamation." The landowners and the miners suggested that farmers would be better able to return the land to productivity after strip mining than are coal companies.

In his presentation, Maixner said, "We can only assume that questionable reclamation practices are taking place at the other coal mines in the state." He recommended that a full time mine inspector be assigned to every major strip mine operation in the state, that the PSC member responsible for enforcing the reclamation law (Bruce Hagen under the present PSC organization) be required to inspect every strip mine in the state once a month, that the law be amended to require completion of reclamation within one year after mining, that the mine reclamation bond be increased from \$1,500 to \$5,000 per acre—an option which the PSC can exercise under the current law.

Many of the alleged violations occurred on land which NACCO has leased from the state of North Dakota, the miners said. Werner Benfit, a Zap area rancher who leases the surface of the section in

question, showed reporters areas which he said represented violations of the law by the company.

During the tour of the mine, miners showed reporters spoil piles with pieces of sod protruding from them, evidence, the miners said, that the land had been stripped before the top soil was removed.

Miner LeRoy Walsh charged that North American is interested only in production and that reclamation stops to increase the mine's output. He said he didn't blame the company solely, however, but held the PSC responsible, as well.

Several of the miners told reporters that North American Coal Corporation Western division President Robert Murray, now of Bismarck but lately of Cleveland, Ohio, had told them their jobs were in jeopardy if the news conference were held.

No NACCO representatives attended the affair.

Bitterman, Wolf, Maixner and Plainsmen organizer R. Terrance Lamb of Dickinson presented the affidavits to the Public Service Commission which responded with an investigation, completed within a week. No report of the investigation has been released to the press, but PSC chairman Richard Elkin said there is "no question that there appear to be violations of the reclamation law" at the NACCO mine. He suggested that the department's reclamation inspectors talk to miners rather than depending on the word of "company brass."

The PSC has scheduled a public hearing on the alleged violations in Bismarck May 17.

North American has been quiet about the charges. Questions have been referred to the company's Bismarck attorney, Ernest Fleck. Fleck told the *Hazen Star* that the company has done a good job of reclamation. "If the PSC points out a violation, the company will rectify and correct the problem," he said. The law provides that any company violating the law lose its permit to mine in the state.

The Zap news conference garnered impressive publicity for the participating groups, especially because the charges came from men actually working inside the mine, which is normally inaccessible to the public. The *Bismarck Tribune*, which has boasted of its nationwide reputation for coverage of energy matters, chose to skip the news conference, however.

Miners' statements ... Page 6
Governor's reaction ... Page 8

We, the undersigned, are employed by North American Coal Corporation at the Indian Head Mine near Zap, N.D. During our employment at the Indian Head Mine we have witnessed what we consider to be violations of North Dakota's strip mining reclamation law. An outline of those violations follows:

1. Overburden has often been deposited over stockpiled topsoil and sod. The spoilbank on the first cut sometimes extends 150 feet over the edge of the cut, covering stockpiled topsoil and sod in the process.

a. On one occasion a bulldozer was brought in to scrape away the portion of the stockpiled topsoil not covered by the extended spoilbank, to push it farther away to give the impression that topsoil was being properly stockpiled and that topsoil and sod were not being buried.

2. Haul roads (for moving equipment on) are frequently constructed over sod and topsoil.

3. On the first cut land is often dug up by the dragline where topsoil has not been removed. That topsoil then gets buried.

4. Under the old reclamation law which required the setting aside of two feet of topsoil we generally would only take off about six inches on hills. We were ordered not to go deeper than that in that order to avoid mixing yellow clay with topsoil. However, in valleys and coulees we were told not to go deeper than two

feet in stockpiling topsoil, although topsoil would sometimes be six feet or so deep.

5. On a finished reclamation project at the mine the following happened: A spoilbank was pushed into a deep coulee where original sod was never removed. Stockpiled topsoil which was buried under the spoilbank is still buried beneath this reclaimed project. Approximately 15 acres of this coulee was covered by the spoilbank. Management told employees to leave this area, that it would be seeded by hand. This coulee is on Jake Reinhart's land.

6. In 1973, when governor Link visited the mine an employee was ordered to drive an empty seed drill around to make it appear that seeding for reclamation was actually in process.

Employees of North American Coal Corporation at the Indian Head Mine near Zap, N.D.:

Adrian Bauer, Zap, began employment in 1966.

Dallas Wolf, Zap, began employment in 1971.

LeRoy Walsh, Zap, began employment in 1966.

Larry Beck, Zap, began employment in 1966.

Orval Boehler, Zap, began employment in 1970.

The mine workers comment on NACCO's reclamation work

We, the undersigned employees of North American Coal Corporation employed at the Indian Head Mine near Zap, N.D., have firsthand knowledge of improper and illegal reclamation practices carried out by NACCO at the Indian Head Mine. These practices are outlined below:

1. Reclamation workers are frequently told by the foreman to move on from reclamation efforts before the job is satisfactorily completed because the foreman says that too much time and money is being spent on these reclamation efforts.

Frank Bitterman
Orval Boehler

2. During the current mining operation near Zap, on state land, the dragline buried topsoil because the scraper operator could not strip topsoil fast enough to keep ahead of the dragline.

Daniel Neurohr
Orval Boehler
Larry Beck
Dallas Wolf

3. Coal is being left unmined because the proper drainage methods are not being used by NACCO. Thousands of tons of coal are being left on state land because the company refused to drain the water away from the coal after making the first cut.

Larry Beck
Dallas Wolf
Frank Bitterman
Daniel Neurohr
Orval Boehler

4. In an area we call the "island" reclamation workers were ordered in the fall of 1975 to spread topsoil scraped and saved from forty acres of land over an eighty acre area.

Daniel Neurohr
Orval Boehler

5. In the summer of 1973 I was instructed by a NACCO foreman to change my time card from two hours of reclamation work and six hours of mining work, to four hours reclamation and four hours mining. I was told by the foreman that the coal company didn't have to pay all of the reclamation costs.

Frank Bitterman

6. NACCO makes no effort to protect and save wildlife. Bulldozers and scrapers bury duck's nests and eggs and anything else in the way. Spoilbanks are sometimes dumped over trees in valleys, burying them.

Frank Bitterman
Orval Boehler

7. Reclamation comes to a complete standstill when production demands. Workers are frequently pulled off reclamation work and assigned to do mining work.

Dallas Wolf
Daniel Neurohr
Frank Bitterman
Orval Boehler

8. In 1974, I was ordered by the foreman to scrape deeper around stakes set out to mark the depth of topsoil removed in other areas to give the impression that topsoil that deep had been removed from the whole project.

Daniel Neurohr

9. Reclamation efforts are aimed at creating an impression that extensive reclamation is being done, but actually reclamation efforts are limited and are concentrated along both sides of roads and areas easily observable from roads. (If people would get out of tour buses and walk over the first hill they would see that reclamation is not being done extensively.)

Orval Boehler
Dallas Wolf
Frank Bitterman

10. At a meeting with miners at the Indian Head Mine on Wednesday, March 24, Robert Murray, President of the Western Division of NACCO, said that the company was 589 acres of land behind in reclamation work and that it was costing the company \$4,200 an acre for reclamation based on the removal of an average of 18 inches of topsoil. Murray also said that at this point in time they can not reclaim the land.

Larry Beck
Dallas Wolf
Orval Boehler

11. A stock pile of topsoil is being buried by a spoilbank near Werner Benfit's farm at Zap, N.D.

Daniel Neurohr
Larry Beck
Orval Boehler
Dallas Wolf

12. In 1975, I was ordered to scrape five to six feet of black dirt up on test plots being set up by the Mandan Experiment Station. Soil was taken from virgin land, not strip mined land, for these test plots to demonstrate that successful reclamation could be done.

Daniel Neurohr

13. To the best of our knowledge there is no inspection of reclamation efforts at the Indian Head Mine by the Public Service Commission. We have never seen anyone from the Public Service Commission at the mine site or checking on reclamation.

Frank Bitterman
Larry Beck
Dallas Wolf
Daniel Neurohr
Orval Boehler

14. In 1973, while working as a dragline operator, I attempted in one area to scrape and set aside topsoil. I was ordered to stop and to bury the topsoil.

Larry Beck

Sod on a spoil pile—evidence, say miners, that NACCO isn't obeying the state's strip mine reclamation law which requires segregation of topsoil.



photos by Mike Jacobs



Mercer County landowner Victor Walker holds a piece of sod he found on a NACCO strip mine spoil pile. At the left foreground, the track of a dragline, in the background, spoil on virgin sod—additional evidence that NACCO isn't stockpiling topsoil as the law requires, miners and landowners told reporters on a tour.

A dragline's track on sod—and a scene inside the Indian Head Strip Mine at Zap. These views were offered reporters on a tour of NACCO's mine by mine workers on a holiday.



photos courtesy The DICKINSON PRESS



John L. Lewis: Mine worker, Labor leader

The man whose birth the miners at Zap were celebrating was president of their union, the United Mine Workers of America, for four turbulent decades. He clashed with six presidents, Wilson through Truman, but especially with Franklin Delano Roosevelt. During the Thirties, he redirected the American labor movement by forming, almost from nothing, the Congress of Industrial Organizations. A few years later, he was instrumental in uniting it with the American Federation of Labor, which he had earlier deserted. In only a few more years, he abandoned them both and set the UMWA on the vigorously independent course it has since followed.

His image is connected most closely with the Thirties. Said the *New York Times* in an obituary June 12, 1969, "With the exception of President Roosevelt, there were few in those years who exerted more influence in shaping the economic face of the U.S." The *Times* called Lewis "a pugnaunt man of righteous wrath and roccoco rhetoric... an idol without peer to millions of workers and the symbol of blackest malevolence to millions in the middle and upper classes... the thunderer of labor."

John Lewis was a coal miner before he was a union leader. He began mining coal in Iowa when he was 15. He was a coal miner in Colorado, Wyoming

and Montana. He mined silver in Utah, gold in Arizona, copper in Montana. He became the UMWA's legislative lobbyist in Illinois in 1910, when he was 30 years old. Within a decade, he was to become president of the international union.

Lewis held that position until 1960. He used it to make the UMWA among the most progressive—and most successful—of American labor organizations. Wages in the mines quintupled while he was president. The far-reaching pension and benefit plans which mine workers now enjoy were inaugurated during his tenure

in office. He tried to make his union responsive to conditions in the mines and in the industry. He fought for health and safety legislation, though the federal government didn't pass its Mine Safety Enforcement Act until after Lewis had retired and miners continue to fight for protection from black lung, a disease epidemic in their profession. In the early Fifties, when the coal industry was crippled by the nation's increasing fascination with oil, Lewis helped to mechanize the mines, although that step cost thousands of union jobs.

Lewis was unquestionably the great leader of American labor in his time. The

Times called him "the most dynamic, the most constructive and surely the most colorful of American trade union chiefs... it is not an exaggeration to count John L. Lewis among the great molder of American society."

As he retired from the union presidency in 1960, he told the miners, "I have never faltered or failed to present the cause or plead the case of the mine workers of this country. I have pleaded your case not in the quavering tones of a mendicant asking alms but in the thundering voice of the captain of a mighty host demanding the

rights to which free men are entitled...The years have been long and the individual burdens oppressive yet progress has been great. At first your wages were low, your hours long, your labor perilous, your health disregarded, your children without opportunity, your union weak, your fellow citizens and public representatives indifferent to your wrongs. Today because of your fortitude and your deep loyalty to your union, your wages are the highest in the land, your working hours the lowest, your safety more assured, your health more guarded, you old age protected, your children equal in opportunity with their generation and your union strong with material resources."

This is the man the men of UMWA Local 9880 honored April 1. Actually, they marked the wrong holiday. Lewis was born Feb. 12, 1880. April 1, a miners holiday by provision of their contract, is the anniversary of the achievement of the eight hour day. A predecessor of Lewis', named Michael Ratchford, won that concession from coal operators on April 1, 1898.

The holiday is a significant one for American labor (whether it honors a movement leader or a great event) and it will become more important to North Dakotans as the coal miners' union gains strength with the expansion of the industry which employs their members.

The governor's reaction: disturbed and embarrassed

Gov. Arthur A. Link said he was both "disturbed" and "embarrassed" by charges of violations of the state's strip mine reclamation law at North American Coal Corporation's Indian Head Mine at Zap.

Link said he was embarrassed because "if that had been my neighbor's farm I would have gone over and asked what he was seeding. I'd probably have looked in the drill box. I didn't look that day. I didn't walk the four or five rods to look into the box."

If he had, the man who was doing the seeding said, Link would have found the drill empty.

The governor said he is "very deeply disturbed by this apparent lack of compliance" with the state's reclamation law. The governor, like the miners, blamed both the company and the Public Service Commission, which is to enforce the law.

Link said he was "almost appalled" that a year after the law was enacted and 10 months after it took effect "that the PSC's visits to the mines are totally inadequate." The governor leveled a blast at the commission's two Republican members, Chairman Richard Elkin (who is seeking his party's endorsement for Link's job) and Ben Wolf. Elkin, he said, has "been generously lampooning me for what he claims are the inadequate deliberations of the Water Commission" of which Link is chairman. The governor asked, "Should he (Elkin) not have taken a more direct approach with the PSC?" Instead, said Link, he tries to "explain this away by saying the Legislature didn't appropriate enough money to the PSC." The governor said he was also unhappy about Commissioner Wolf's statement that "We can't police the whole state." "If that is the commission's responsibility under the law, that's what they should be doing," Link said. He pointed out, however, that the state's strip mines are located in the western third of North Dakota.

Link didn't offer any criticism of the commission's third member, Bruce Hagen, like Link a Democrat. Hagen has the commission's strip mine reclamation portfolio and is in charge of the reclamation division.

Link reserved his criticism for the coal company, North American, the governor said, has been "particularly anxious to assure us they're complying with all the rules and regulations of the state." Still, the governor said, "They have apparently ignored the law." He added, "If they are not knowingly flaunting the law, they are working so close to the edge of its intent that there is much to be desired.

Link has praise for the mine workers. "Those guys signing those affidavits—they didn't do that just for kicks," he said. "I commend the mine workers. They were thinking about all of North Dakota, not only their jobs."

MEMORANDUM

The PSC's inspection report

TO: The Commissioners
FROM: Reclamation and Siting Division Staff
DATE: April 6, 1976
SUBJECT: NACCO Indianhead Mine Inspection

On April 5, 1976, the Reclamation and Siting Division staff, accompanied by Bruce Demarcus, a mining engineer for North American Coal Corporation, inspected the North American Coal Company's Indianhead Mine near Zap, North Dakota.

This investigation was conducted in response to the following allegations brought by UMW employees of NACCO concerning reclamation practices:

Here the inspectors inserted charges one, three and five of the Bauer, Wolf, Walsh, Beck and Boehler charges and Number 11, signed by Neurohr, Beck, Boehler and

Wolf, and Number 14, signed by Larry Beck. A hearing on these charges will be held May 17 in Bismarck.

The inspection dealt primarily with topsoil stockpiles and areas where topsoil was not removed prior to spoil placement. The following observations were made:

Section 36, T144N, R89W (most of the box cut which affected areas in question was made between October 1974 and January 1975 under Permit No. 25).

1. Material has slumped from spoil piles and moved onto the northern side of the most northwesterly stockpile (area A on accompanying map).*
2. Slump blocks have moved onto areas that were not stripped of topsoil (area B).
3. A NW-oriented stockpile (area C) had approximately thirty percent of the NW end covered by spoil material during stripping operations with the dragline.* This stockpile was being uncovered and a recommendation was made that the NW end of the unburied portion be moved to the SW away from spoil reshaping activities in order to reduce topsoil losses.
4. The central portion and entire north flank of an EW-oriented stockpile (area D) had been covered with spoil during dragline stripping operations.* Spoil materials have been removed only from the top portion of the stockpile.
5. Numerous areas exist where spoil material has been placed on topsoil which was not removed prior to spoil material placement. Scraper cuts along the spoil banks indicate these areas generally do not exceed 10-20 feet.

Scrapers were observed in the process of lifting topsoil materials adjacent to the leading edge of spoil materials to prevent further covering of topsoil during spoil regrading operations.

6. Teeth marks from a dragline bucket were observed in area E (use accompanying map). The marks indicate no topsoil removed prior to dragline stripping operations. Scraper cuts where topsoil had been removed indicate only a small area (50' x 50') was affected by the dragline without prior topsoil removal.

E½ Section 30 and SW¼ Section 29, T144N, R88W (This area was mined prior to July 1, 1973, and was reshaped during the summer of 1975).

7. Reshaped spoil materials (area F) were observed covering native sod along the eastern edge of the permitted area. As reshaping progressed northward, NACCO began to remove topsoil before spoils were pushed onto unmined land. Several slumps have covered additional sod adjacent to reshaped spoil materials. This slumping appears to be due to steep slopes and high amounts of water in the spoil materials. NACCO representatives stated that a topsoil stockpile was placed in this area in the fall of 1972 and was subsequently buried during spoil reshaping operations. The Public Service Commission was not contacted prior to the commencing of reshaping activities. It should be noted NACCO was only required to strike off the peaks and ridges of spoil banks at the time this area was mined.

Leon Orris Jacobson:

Roughrider Award candidate

Folks around New Salem, Almont and Sims have a candidate for the Roughrider Award, the state's highest honor for service.

Their candidate is Dr. Leon Orris Jacobson, director of the Franklin McLean Memorial Research Institute at the University of Chicago.

Jacobson was born at Sims Dec. 16, 1911. In 1928, he was graduated from Almont High School. He enrolled at North Dakota Agriculture College (now the state university) at Fargo. The Depression interrupted his education, however. He taught school—and raised chickens—in the Sims District for three years. In 1935 he was graduated from NDAC and entered the University of Chicago's Medical School.

His entire medical career has been identified with the University of Chicago. The North Dakota native's major work has been in administration and in research on blood disorders and radiation.

In research, Jacobson is credited with discovering important elements of the blood formation process and of the treatment for radiation illnesses. He was a pioneer in

chemotherapy and later in the use of radiation treatments for cancers. His research has been the basis for treatments of leukemia, Hodgkins's disease and lymphoma, and has been important in the prevention of radiation damage to humans.

The doctor is modest about these achievements.

When Sims Lutheran Church honored him during its 90th anniversary celebration, he said, "While pursuing my medical studies as a student, I began doing clinical and basic research in the laboratory. Here the good Lord was kind to me—I made a number of fundamental discoveries. These discoveries brought me a number of prizes and invitations to speak all over the United States and the world."

In a telephone interview, Jacobson said his research "has expanded the whole field" of treatment of blood disorders. The University of Chicago's student newspaper, *The Maroon*, quoted him in 1972 as saying "We didn't expect such a gorgeous reaction" to the initial radiation research.

Of his first research work on leukemia and Hodgkin's disease (which was also being

pursued at Yale) he said, "As so often happens what we were doing worked and theirs didn't."

Jacobson said he settled on a medical career until his second stint at NDAC when a professor of German named Metzinger convinced him that science was the field of the future.

Another influence, he said, was his failure in the chicken business. His books showed a \$10 profit at the end of the three year teaching experience at Sims—but the profit was due solely to a subsidy from his mother's granery.

His professional success Jacobson credits to values he learned at Sims: Hard work, honesty and integrity.

Jacobson is fluent in four languages—Swedish and German in addition to his native Norwegian and English—and is a member of numerous scientific societies. The titles of his professional publications cover eight typewritten pages.

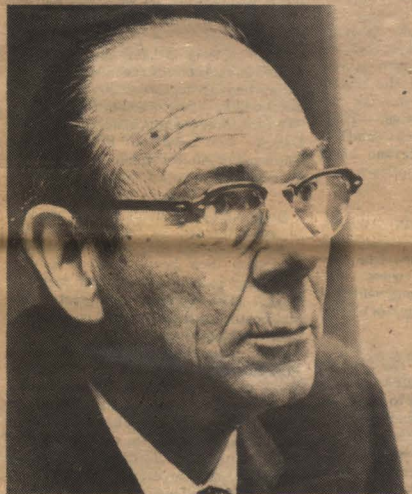
Although he will be 65 years old in December, Jacobson said he is not thinking of retiring. His appointment as director of the research institute runs through 1980 he said. Then, he'll probably move to a country place in Michigan where he can "work with my hands" and garden.

He said he looks forward to frequent trips to North Dakota to visit relatives—and to "look at the hills." The eminent doctor has a brother, Ray, in Bismarck, and an aunt, Mrs. Jack Merrick, in Carson, as well as many friends in Morton County. Among them are Sig and Marjie Peterson of Almont who have been lobbying Gov. Arthur A. Link to honor Jacobson with a Roughrider Award.

What does he think of that?

"In 1931, while I was teaching school, a horse threw me and I broke an ankle," Jacobson said. "I crawled a quarter of a mile to the road and waited for someone to come and pick me up."

"If the award requires some roughriding, than I think I'm qualified."



Leon Orris Jacobson

9

A distinguished record

Dr. Leon Orris Jacobson has a distinguished record in medical research and administration.

In the early 1940s, he discovered that nitrogen mustard gas was effective in treating leukemia and Hodgkin's disease, a cancer of the lymphatic system.

As World War Two began, science became aware of the awesome power of the atomic reaction and concerned about its terrible effects on biological systems. Jacobson joined the secret radiation research being conducted at the University of Chicago. He began testing material which would protect humans against radiation.

During one of these tests, he discovered that the spleen took over the body's blood producing function when the bone marrow was damaged. By shielding the spleen of mice in tiny leaden boxes, he was able to save their lives even under radiation. This conclusion made

possible entirely new fields of experimentation with radiation in the fields of genetics, cancer therapy, immunology and organ transplantation.

"In transplantation science and immunology, especially," Dr. Jacobson said in a telephone conversation, "this discovery has meant a lot."

In research late in the Forties, Jacobson clarified the role of a hormone called erythropoietin, which stimulates the formation of blood. He found that the hormone is secreted by the kidney.

Still later he found methods of transplanting bone marrow from a healthy person to one whose marrow—which is important in formation of blood—is diseased or damaged as, for example, by radiation.

His work has opened other paths for medical research. The base he laid has permitted scientists to explore tissue transplants (which depend on some of his

discoveries in radiobiology). His discoveries relating to the prevention of radiation damage has been essential to the nation's space program.

Jacobson's work as a teacher and administrator has been equally impressive.

In 1939 he became an intern, in 1940 an assistant resident, in 1941 an assistant, in 1942 an instructor, in 1945 an assistant professor and associate dean, in 1951 a full professor, in 1961, chairman of his department, in 1966 dean of the division of biological sciences of the Pritzker School of Medicine. In 1946, he outlined a research program for the University. In 1951, this plan became the Argonne Cancer Research Hospital and Jacobson became its director. In 1973, that hospital became the Frederick McLean Institute. Jacobson has directed the institution under both names, since its founding except for seven years while he was dean of the school.

Programs available from the Humanists

Maybe you didn't know

...about 11 programs available from the North Dakota Committee for the Humanities and Public Issues. These programs, with a common theme "Heritage and Challenge; Human Values in a Changing Dakota," are free to organizations wishing "to bring together the humanist and the public to discuss the issues," according to an NDCHPI press release.

The 11 programs are:

Poetry and Photographs: The Quest and the Questions, the result of travel by poet Richard Lyons throughout North Dakota during the Summer of 1975. Lyons is professor of English at North Dakota State University. The color slide-sound presentation runs 30 minutes.

The Rural Mystique: Migration of People and Its Impact on North Dakota, a color slide-sound presentation exploring why some people leave the state, why some leave and come back, and why some people are coming to make North Dakota their home.

Western Coal: An American Dilemma, a 21-minute color film outlining from a humanistic perspective the value conflicts encountered by Northern Plains citizens as they consider development of their coal resources.

A Measure of North Dakota: The Land and the People, a 30-minute color film examining the value questions raised by humanists and North Dakotans in public discussions in 13 communities throughout the state during 1974.

Our Home Town: Five Sound Self Portraits on Life, a series of 26 half-hour radio programs about the communities of Dunn Center, Mayville, Mott, Strasburg and Turtle Mountain Indian Reservation, probing North Dakotans' attitudes toward the place they call home.

City Lights in North Dakota: The Poet Looks at Industry and Ecology, a 30-minute videotape of poets Lawrence Ferlinghetti, Michael McClure, Gary Snyder, Gregory Corso, Kenneth Rexroth, Peter Orlovsky and Allen Ginsberg talking about North Dakota ecological problems.

Spirit of Place: The Writer Looks at People and Places, two 30-minute and one 15-minute videotapes of writers Ken Kesey, Wendell Berry, N. Scott Momaday, Alice Walder, Ishmael Reed, William Gass, John Barth, Tom McGrath and Jim Welch talking about what it means to call a place home.

A series of 10 independent study discussion programs—"Choice: The Human Dilemma," Marilyn Klawiter; "Roots and Branches: Rural Life-Styles," Albert Anderson; "Women and Men: Adventures in Search of Our Selves," Mary Veeder; "Land, Nature and American Values," Douglas Steeples; "Restraints on Freedom," Gary Greif; "Contemporary America: The Spirit of the Age," Elma Roach; "Business Ethics, Political Ethics and the Human Community," Marcus Riedel; "Parents and Children through the Ag as Seen in Literature," Irving Krutz; "Language and Man," Joseph Milosh Jr., and "Values to Affirm," Patricia Kane.

Prairie Stills: Works and Days, a 30-minute slide-sound presentation about North Dakota agriculture from a humanists point of view.

Last Stand Farmer, a 30-minute color film which follows the daily life of a Vermont farmer who refuses to mechanize his farming operation, preferring to use workhorses.

We'll Stick, a 30-minute dramatic documentary film tracing the history of the Nonpartisan League in North Dakota.

Programs will be presented to organizations with a discussion leader. For further information contact Everett C. Albers, Director; NDCHPI, Box 136, Dickinson State College, Dickinson, N. D. 58601, or call collect 227-2125.

Garrison Diverson

Study Board meets --- in secret

Bismarck---(March 30)

A group called the International Garrison Diversion Study Board met in Bismarck. The meeting was closed to press and public, but board members voted to grant one hour to those curious about the Canadian/American study team's work. About 40 people showed up for the session. Only a dozen had questions.

According to its plan of study, the board's responsibility is to "provide answers" to the International Joint Commission's questions about the effect of the Garrison Diversion Project on water quality in the Red and Souris Rivers, both of which flow into Canada. The Canadian government has expressed concern that highly saline water draining off irrigated lands in North Central North Dakota may adversely affect the domestic water supply in Canadian towns along the rivers, cause increased flooding along the already flood prone streams, and disrupt the fishery in Canadian waters, particularly Lake Winnipeg which eventually receives the flow of both the Red and Souris Rivers.

Board members skirted these questions by pleading that their work had not progressed to the answer stage. The Canadian chairman, N.R. James of Canada's environment ministry, asserted--over objections from farmer members of the Garrison Diversion Conservancy District--that the Souris would be unavoidably degraded by return flows from the irrigated lands in its Basin. The solution to that problem, he suggested, is to use greater amounts of Missouri River water to further dilute the salt content--but he added that his government wasn't anxious to receive the greater quantities of water. The Souris, he said "has a rather low capacity."

Albert Klain, who farms near Turtle Lake and is among the Garrison project's most articulate opponents, asked how the board could determine what the return flows to Canada might be in the absence of an environmental impact statement. According to Robert Lloyd, the American chairman, the results of the board's studies would be used to produce a return flow model. "The impact statement might depend on this modeling work," he said, "but the modeling work doesn't depend on the impact statement."

Klain and his wife, Aldoris, created a minor crisis for the study board by showing up at the meeting room four hours before the public session was to start. The chairman told them to leave, that the meetings were closed, but the Klains stayed. So, the meeting was adjourned. Members reconvened in the motel room of one of their number.

Lloyd defended the closed meetings--and the treatment of the Klains--by citing IJC policy which declares that "working meetings are closed unless specifically opened by unanimous vote of the board membership." Meetings of the type held in Bismarck are normally closed. This is a long-standing IJC procedure and was not unique to this meeting, he said.

Study board member Peter Gove reminded Lloyd that a vote on the secrecy issue had been taken and that the board's membership had voted against opening the meeting. Lloyd refused to reveal which members voted for the closed meeting, but Canadian chairman James conceded that he had. "I haven't been used to conducting my business in public," he said.

The press covering the public portion of the meeting confined its questioning largely to the secrecy issue--an indication that Bismarck pressmen have been emboldened by recent successes on the issue. Less than two weeks ago, the North Dakota Attorney General ruled that all meeting of state boards and commissions must be open to the public unless the law provides otherwise. The IJC is not a state body, so the ruling did not apply to its proceedings.

The public session closed with heated exchanges between board chairmen James and Lloyd and Rick Madson, regional representative of the National Audubon Society, and Gary Pearson, a Jamestown veterinarian--his specialty is diseases of waterfowl--who is Dakotas representative for the Northern Environmental Council.

Pearson told the board that statements by the U.S. Bureau of Reclamation, which is building the Garrison project, "underestimate impacts on water quality by at least 100 per cent." James replied that the study board "is not relying on a single source of information" and that its final report would contain the best estimates that could be made. He said "I can't tell you precisely what data we have" at this point in the board's work.

Madson recited his problems obtaining information from the International Joint Commission. The study board agreed to intercede in his behalf with the full commission but dismissed his demands for answers to a series of questions designed to determine what alternatives to the project the Bureau of Reclamation might present if Canadian objections to the Garrison Unit are not resolved. "It's not fair to ask this board to get ahead of the Commission," Lloyd said.

Madson, who has devoted more than four years to fighting the Garrison Project, argued that the U.S. government has broken faith with Canadians by proceeding with construction of the Lonetree Reservoir in Wells and Sheridan Counties. The reservoir, he said, is being built to deliver water to irrigation areas in the Souris loop which will drain into Canada and should be considered a part of construction will affect that country. He contended that Bureau statements promising a halt to any construction with potential impacts on Canada are "erroneous."

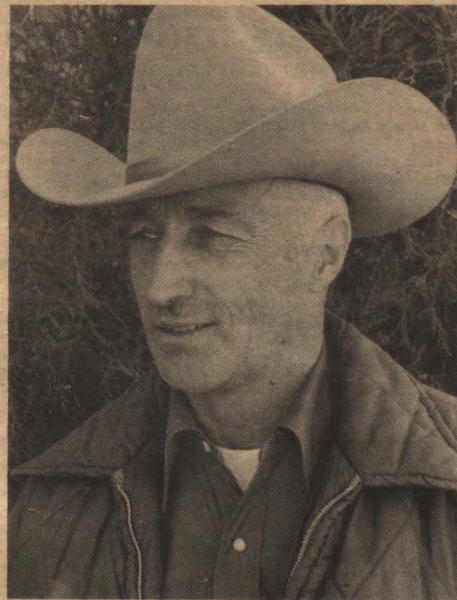
James insisted, however, that the Lonetree Reservoir is "an internal U.S. problem." He told Madson that the board is "answering the terms of reference given us by the IJC", which say nothing about studies of project features which don't directly affect Canada.

In answer to a question, James said the board's directive "remains solely to look at Garrison" and that the IJC "normally does not ask one board to look at two or three different projects." U.S. Interior Secretary Thomas Kleppe had said in Fargo and Bismarck in February that he hoped the IJC would expand its study to include two industrial development projects in Canada which--he alleged--will degrade American waters.

Lloyd told the group that the purpose of the open meeting was "to advise you we are making progress."

The study board's final report to the International Joint Commission is due Aug. 15. Public hearings will be held in September. The commission's recommendations to each government will be made by Oct. 31. Reports of the boards subcommittees--due July 1--will be included in the final report which is to be published and distributed.

James contended that "logistical problems" had put the study board two weeks behind its work schedule. Lloyd insisted this problem had not resulted from trouble getting material. "We have all expectations that our schedule will be met," he said. "This internal slippage is not due to lack of data," James said. "We expect the data to be available. If there is any lack of data, this board will say so."



W.R. [Dick] Bond

Ranchers on Mid East Trade

Almont---(March 31)

Two Morton County ranchers who were among 30 North Dakotans taking part in a trade mission to the Mid Eastern nations of Egypt and Jordan expect the trip to result in business for their firm. The two are partners in Bison Hybrids. Their product is a cross between domestic hereford and charolais cattle and bison which once roamed North Dakota's prairies.

The ranchers, W.R. (Dick) Bond of Almont and M.G. Olson of Glen Ullin, predicted that agriculturalists from the two Mid Eastern nations would visit North Dakota this summer and said that sales of bison hybrid breeding stock could be made.

Olson and Bond indicated the Jordanians are especially interested in the bison/beef cross. They hope to raise the animals on lands irrigated from the Jordan River. Most herds of the hybrids are established through use of artificial insemination but the Jordanians are interested in live animal purchases. That way, they'd be able to extract semen for themselves rather than waiting for calves born from artificially inseminated cows to mature and produce offspring of their own. Olson said a bull could produce enough semen in a week to inseminate 250 cows.

Bond said he'd had conversations with Egyptian government officials who are interested in a 20 head experiment. The Egyptians would probably buy semen from hybrid bulls. If the experiment is successful, purchases of live animals for foundation breeding stock might be made, he said.

According to the two ranchers, the bison hybrid is ideally suited to conditions in the Mid East. Said Bond, "It's a matter of economics. The hybrid is a better converter of feed. They make better use of available range or grain. They're ready to slaughter at one year and produce a high quality carcass with a high dressing percentage." Olson said his bison/beef cross animals average 1,000 to 1,050 pounds at one year of age, compared to 600 to 700 pound averages for conventional breeds of beef cattle at that age.

The clover which is raised in both Egypt and Jordan would make an ideal forage for the hybrid animals, Olson said. He believes the animals could be easily finished for slaughter without being fed grain. According to the Morton County men, who have been partners in Bison Hybrids for three years, this ability to put on weight without grain is the breed's primary attractiveness in the U.S.

as well as in the Mid East. "With the world food situation, we've got to look at something that utilizes resources better," Olson said. "Our hybrid does that."

Olson expects to have about 75 bison hybrid animals on his ranch south of Glen Ullin when calving this season is finished. Bond will have about 200 of the hybrids. The first three eighths bison calf in North Dakota was born on Bond's spread southeast of Almont in mid-March, while the rancher was in Egypt.

Bond said he and his partner decided to make the trip to Egypt and Jordan "when we learned they were interested in upgrading their beef cattle. We were interested in selling the hybrid breeding stock." The ranchers were certain the Mid Eastern nations wouldn't be attracted to conventional breeds of beef cattle from the U.S. since these would be available in Europe which is several thousand miles closer to the Mid East. "The only thing we North Dakotans could offer them that the Europeans don't have is the bison hybrid," Bond said. He said he doubted the Egyptians or Jordanians would be interested in the so-called exotic breeds of domestic cattle from the United States. Breeding stock for these animals, like simmentals, charolais and Maine anjou and others, were imported from Europe in the first place and would be more readily available there than in the U.S.

Olson said he's confident Mid Eastern cattlemen will be impressed with the bison hybrid's meat characteristics, its weight gain potential and its ability to utilize range. In the Mid East, and in the United States, he maintained, the hybrid "is the coming thing."

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Implementing land use policy choices

This is a flyer distributed by North Dakota State University staff members at land use planning meetings held throughout North Dakota in March. A brochure distributed at these meetings was printed in Onlooker Six.

By **RON ANDERSON**
Extension Resource Economist
North Dakota State University

Land use issues in North Dakota involve urban and rural areas with concerns about urban expansion, coal development, scenic areas, saving prime farmland, environmental quality, rural development and roles of state and local government. **Land use policy** is an agreed upon public course of action adopted and followed with respect to encouraging wise and prudent use of land. Historically, state policies have delegated most land use planning and regulation to local governments. Land use planning involves selecting and implementing a land use pattern to achieve desired objectives of the public policy. The plans may be implemented through mechanisms, such as regulatory powers or related actions, available to governmental units.

REGULATORY POWERS

The following mechanisms are some of the legal tools available to governments, primarily local units, in North Dakota for regulating land use:

Subdivision Regulations

These regulations govern the conversion of open land into residential building sites, requiring the developer to submit a map of his proposed subdivision for approval before recording it and selling lots. Its purpose is to produce desirable neighborhoods in which to live and to protect lot purchasers against shady development practices.

Zoning Ordinances

Zoning is presently allowed by counties, organized townships and incorporated cities. These ordinances govern the use of

land which is for any purpose other than actual farming. Zoning is intended to guide proposed developments, control population density, reserve adequate space

for future public needs and protect current uses of land.

Nuisance Control Ordinances

Communities enact these ordinances to prohibit the location of facilities which may be dangerous, unsanitary or unhealthy. Nuisance control ordinances should be coordinated with zoning ordinances to have maximum impact.

Building Codes

Building codes regulate the manner of construction of buildings and protect against the erection of unsafe, fire-hazardous structures. It includes provisions governing the construction of electrical and plumbing systems.

Fire Prevention Codes

These special codes are aimed at fire-hazardous conditions, including accumulation of waste and other such hazards. They also contain provisions relating to building construction and maintenance.

Health Regulations/Housing Codes

These regulations govern the internal layout and facilities of residences, sanitary facilities, water systems, and other matters of interest primarily from the standpoint of public health.

Restrictive Covenants

Restrictive covenants are established by the seller of land. They are extremely versatile and can be used to control lot layout, the type of buildings built and can even be used to control future allowable uses of land.

Leasing and Easements

Using these procedures, the public can purchase from present owners, the right to construct signboards or other structures on their land. Easements for the use of wetlands as waterfowl production areas, pathways for utilities, bikeways, etc., are other examples.

Eminent Domain

Eminent domain is the power to acquire land for needed public purposes. Land for roads, schools, parks, etc., may be obtained in this manner. However, the land owner must receive just compensation for the property taken. A 'land bank' for future public use may be assembled using this tool if it is for a clearly state public purpose.

OTHER INFLUENTIAL POWERS

In addition to exercising regulatory powers, the public can influence patterns of land use and development through state and/or local governments by more indirect methods, including:

Public Ownership

Public ownership may be desirable to preserve historic sites, areas for recreation or to provide access to recreational areas. Joint public and private action can often be used to preserve the original charm and character of unique areas.

Placement of Public Facilities

Conscious shaping of public policies can affect land use. The routing of a major highway and its related interchanges may greatly influence surrounding development. If public water and sewage systems are extended into some areas and not into others or if they are extended according to a planned sequence, the location and density of development will be modified from what might otherwise have occurred.

Taxing Power

Taxing power can also be used as an effective land use control. A rise in the tax rate might serve to stop new construction. A moratorium on taxes for specific periods for industrial buildings and enterprises, new apartments, etc., would probably provide an incentive for their construction, consequently hastening the development of land. Taxing powers in combination with limited use covenants are often used to maintain open space around municipalities.

Economic Development Programs

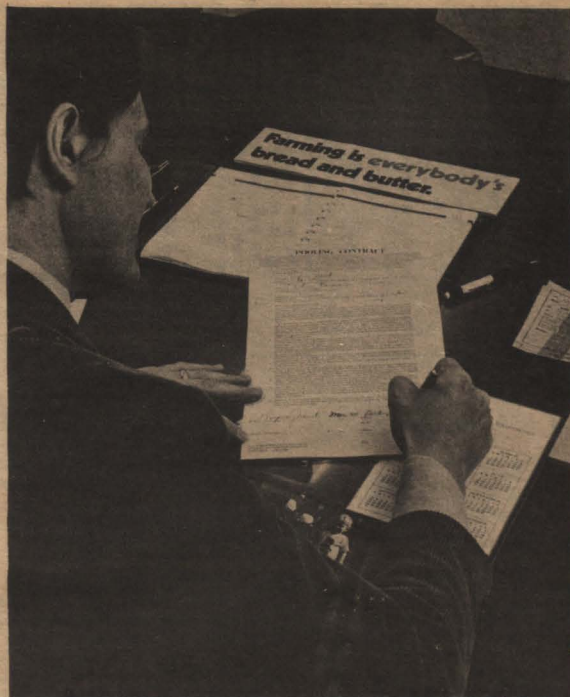
Such programs may include: 1) intensive studies of existing and potential resources for fostering economic growth, such as North Dakota's lignite resources; 2) preparation of plans for handling any problems stemming from economic growth; 3) zoning for protection of potential business and industrial sites; 4) provision of governmental facilities (such as sewer and water systems and access roads to such sites); 5) provision of fire and police protection, garbage collection, and other services desired by new and expanding industries at charges which will be attractive; 6) advertising and other solicitation of potential new industries, furnishing advice and assistance to business and industrial prospects; 7) encouraging the formation of private business development corporations which can make buildings or sites available to new and expanding industries on favorable terms. These factors can have an important impact on land use in specific areas.

INFORMATION AND EDUCATION

Information, education and other purposive communication can also be included as instruments to implement land use policies. Persuasion through education and social pressures can influence decisions of landowners and public support for land use policies.

SUMMARY

The above measures, both regulatory and otherwise, are available to state and/or local governments in their efforts to plan for and achieve a high standard of development along with a desirable quality of life. Therefore, the goals and objectives of the public, at the state and local levels, will influence the policies that are developed and the methods used to implement those policies.



The North Dakota Farmers Steering Committee—despite legal problems and a bout of low morale—is gathering commitments to the North Dakota Wheat Pool, a plan to market North Dakota Grain abroad by using the North Dakota Mill and Elevator and local elevators. Here, Commissioner of Agriculture Myron Just, who is a Steering Committee member, signs a contract committing his grain to the pool. The Onlooker will have a full report on the pool's progress next issue.



Through most of April, residents of Minot have waited for a record breaking flood. The U.S. Army Corps of Engineers provided the city with nearly 40 miles of dikes to protect more than 4,000 homes on the flood plain of the Souris River. Nearly a third of Minot's population left their homes to wait out the flood, which reached its crest on Easter Sunday morning. In the wake of the flood: As much as \$20 million in damages to rural and urban property, new questions about the annual flood on the river and new demands for flood protection. The Onlooker will examine all this next week. Watch for our feature "Why does the Souris flood?"

ONLY IN THE ONLOOKER THE NEWS MAGAZINE FOR NORTH DAKOTA

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The state's largest trees and her oldest grow at Smith Grove in Oliver County--Places You Have to Look For.....Page 1.

Sport

Spring is the time when a young man's fancy turns to... baseball. So says Warren Halvorson--Sports.....Page 4.

Awards

Folks around Sims have a candidate for the state's Rough-rider Award. He's a medical researcher who's credited with major discoveries in radiation biology. Meet Leon Orris Jacobson.....Page 9.

Property

Land use planning has emerged as a major issue in North Dakota, but so far, the debate has ignored the most important question--Matters at Hand.....Page 2.

Energy

Correspondent Randy Bradbury continues his coverage of an energy conservation institute in Colorado. His report this time: Energy Use on the Farm.....Page 4.

Trade

Two Morton County ranchers are back from the Mid East. They're confident they'll be selling their product, a hybrid of the domestic beef and the wild bison.....Page 10.

Letters

We've got a whole page of letters this week. Our readers have comments on carmel rolls, subscription renewals, sports, environmentalism and farm history--Letters to The OnlookerPage 3.

Reclamation and the law

April 1 is a mine workers' holiday--and members of United Mine Workers of America Local 9880 celebrated. We have a report.....Pages 5, 6, 7, 8.

The Week

All those things that can go wrong in a family newspaper business did go wrong this week. The editor got spring fever and the typesetter got the flu. We had equipment problems. We had morale problems. Then along came Hal Simons to solve them all. Special thanks to him this week.

The ONLOOKER

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