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Abstract

H. Anthony "Tony" Ruckel helped pioneer the field of environmental law, was the founding director of the Rocky Mountain Regional Office for the Sierra Club Legal Defense Fund, and later became Secretary, Treasurer, and President (1992-1993) of the national Sierra Club. Ruckel was born on April 26, 1940 and graduated in 1963 from the University of Colorado, Boulder with a degree in Anthropology that emphasized Archeology due to his summer work at Pueblo Indian archeological sites in Mesa Verde National Park. From 1963 through the summer of 1968, Ruckel participated in historic events in Washington DC, where he earned his J.D. from George Washington University Law School. There, Ruckel joined the Sierra Club and co-established the Southeast Group (subsequently the Potomac Group) of the Sierra Club's Atlantic Chapter. Ruckel then moved to Colorado where his first major environmental law case, *Parker v. United States*, established a federal precedent that enabled the designation and preservation of vast wilderness tracts across the United States. From 1972 to 1986, Ruckel worked as the Rocky Mountain Regional Director and staff attorney for the Sierra Club Legal Defense Fund. His legal campaigns include battles against coal-fired power plants and resisting placement of a nuclear waste repository near national parks. Ruckel was elected to the Sierra Club's board of directors from 1990-1993 and 1996-1998, which included his terms as Secretary, Treasurer, and from 1992 to 1993 as President of the Sierra Club. Ruckel became an avid long-distance runner and a mountaineer who has summited all fifty-four of Colorado's 14,000-foot peaks. He has two sons and lives in Denver, Colorado. In this oral history, Ruckel discusses all the above, as well as his service on the Sierra Club's Investment Advisory Committee, where he helped pioneer for environmental non-profits their financial investment in non-extractive industries.
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Appendix: Photographs courtesy of H. Anthony Ruckel and his sons
Interview History

By Roger Eardley-Pryor, Ph.D.
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April 2021

H. Anthony "Tony" Ruckel is a gregarious and passionate advocate for exploring, enjoying, and protecting the environment, particularly the public lands and wilderness areas he helped preserve as an environmental lawyer and Sierra Club leader. As you will learn from Tony's oral history, he is also a great storyteller. In September 2019, Tony and I recorded nearly fifteen hours of his oral history at his home in Denver, Colorado. Those few days that Tony and I shared together made me wish I could have joined Tony around the campfire out in the wilderness, especially over the many years of Tony's adventures while summiting all fifty-four of Colorado's 14,000-foot peaks. The appendix to Tony's oral history includes photographs from a few of his 14'er ascents. Below, I briefly share my experience in orchestrating and preparing for Tony's deeply informative and incredibly enjoyable interview sessions as part of the Sierra Club Oral History Project.

Tony and I first spoke by phone in July 2019 to begin collaborating on his interview. During that call, Tony shared a few of his experiences from the 1960s when he joined the Sierra Club in Washington, DC, as well as a few stories, now recorded in this oral history, of Tony helping pioneer the field of environmental law, particularly as the founding director in Denver, Colorado of the Rocky Mountain regional office for the Sierra Club Legal Defense Fund (SCLDF), now called Earthjustice. Tony and I agreed to meet in person, at his home, in mid-September 2019 to video-record his oral history. The ensuing weeks allowed time for Tony to draft an initial outline of life experiences he hoped to discuss during his interview, and it offered me time to research and prepare for Tony's interview.

I read various books, articles, and cases on environmental law with a particular focus on wilderness preservation to prepare for Tony's oral history. With regard to Tony's career, the most important book I read was his own: H. Anthony Ruckel, *Voices for the Earth: An Inside Account of How Citizen Activists and Responsive Courts Preserved National Treasures Across the American West* (Littleton, CO: Samizdat Creative 2014). Over email, Tony explained that his book "relates many of my environmental law work experiences, together with background for each case addressed. The broader subjects of environmental law and citizen activism are also woven in where I thought helpful." Tony generously sent me two copies of his book, one of which is now part of The Bancroft Library's permanent collection [Call number TD171 .R83 2014]. Given that Tony was the young lawyer who, in 1969, brought the first litigation under the 1964 Wilderness Act, which set a federal precedent on wilderness preservation and, among many other areas, ultimately established the Eagles Nest Wilderness near Vail, Colorado, I thought it fitting to read my own copy of Tony's book in a wilderness area. In August 2019, fifty years after Tony filed that initial Wilderness Act suit in the U.S. District Court for Colorado on behalf of the East Meadow Creek plaintiffs, I took my copy of *Voices for the Earth* on a weeklong backpacking trip into the Emigrant Wilderness area, on the border of Yosemite National Park, in the high country of California's Sierra Nevada. (In the front matter to this transcript, I included a

That July of 2019, it so happened The Bancroft Library made publicly accessible numerous additions to its already significant holdings of the Sierra Club Legal Defense Fund records (BANC MSS 71/296 c, Sierra Club Legal Defense Fund Records, The Bancroft Library, University of California, Berkeley). The existing collection included agendas, minutes, reports, clippings, financial reports, dockets, new matter forms, notes, and subject files, mostly pertaining to SCLDF's now-infamous Mineral King litigation. In late July 2019, I met with Lisa Monhoff, the archivist who processed the new additions to the SCLDF collection. Lisa explained how the new records range from 1967 to 1995 and include environmental litigation cases from more than 30 states and the District of Columbia, as well as amicus briefs for numerous cases, including some for the Supreme Court of the United States.

When I emailed Tony about these newly released papers, he noted how there was "little listed re: the Rockies and the Southwest.... The records are heavily weighted with California matters." He also explained, "I'm not sure amici materials will be of much help; indeed, by their nature, they are in support of some else who is the main player." Nonetheless, Tony highlighted the following archival collections along with sections from his own book on those topics: Series 1: Administrative and Operational Files 1970-1991, Carton 3, folder 6: River of No Return Wilderness (Idaho) 1973-75, also covered in *Voices for the Earth*, pages 94-99; Series 3: Additions Received in 2009 1967-1995, Subseries 3.1: Environmental Litigation 1973-1995, Carton 9, folder 11: Colorado – Pitkin County 1991, also covered in *Voices for the Earth*, pages 116-121; Series 3: Additions Received in 2009 1967-1995, Subseries 3.1: Environmental Litigation 1973-1995, Carton 13, folders 14-15 – Circle Cliffs, Trans-Delta Oil and Gas 1973-1981, also covered in *Voices for the Earth*, pages 33-38. During his oral history, Tony and I discussed all of those topics and many more, including his work on cases related to managing the Grand Canyon (see *Voices for the Earth*, pages 49-65) and his efforts against the creation of a nuclear waste repository proposal next to Canyonlands National Park (see *Voices for the Earth*, pages 195-212).

As part of my research, I also asked Tony to put me in contact with people who could usefully discuss various aspects of his years working on behalf of, and within, the Sierra Club. In early September 2019, I had enjoyable, unrecorded, and informative phone discussions about Tony, in the following order, with Bruce Hamilton, the national Sierra Club Conservation Director and a staff leader in the Club for nearly 40 years; with Aaron Isherwood, the Phillip S. Berry Managing Attorney of the national Sierra Club's in-house environmental law program, who also serves with Tony on the Club's Litigation Committee; with Michael McCloskey, also a pioneer of environmental law and, from 1969-1985, former Sierra Club Executive Director; with Joe Hutchison, then Poet Laureate of Colorado and a teaching professor at the University of Denver who served as a major consultant throughout Tony's writing and publishing of *Voices for the Earth*; and with Lou Barnes, then the Chief Financial Officer, since 1991, of the national Sierra
Club. I'm grateful for their time and excellent stories. Additionally, I read several interviews from the Oral History Center's Sierra Club Oral History Project, including the two interviews with Phillip Berry, two with Mike McCloskey, as well as interviews with David Sive and James Moorman, all of whom worked in some capacity as environmental lawyers.

From Tuesday through Thursday of September 17 to 19, 2019, Tony and I video-recorded his 15-hour oral history over five interview sessions, all at his home in southeast Denver, not far from Cherry Creek State Park. I flew from San Francisco to Denver on Monday, September 16, to meet Tony on Tuesday morning. As confirmed by all with whom I spoke in advance, Tony proved to be an exceptionally convivial and gracious host who kindly answered my inquiries about the environmental art, posters, and maps adorning his walls, including spectacular photographs he took deep within various national parks. Tony also exhibited his extensive book collection, which included first editions and signed copies of various volumes on the history of the American west, numerous biographies of national leaders like Teddy Roosevelt and Ulysses S. Grant, and several historic books on mountaineering. Tony and I conducted two multi-hour interview sessions, one in the morning and another that afternoon, on Tuesday and Wednesday of that week, with a final interview session on Thursday September 19, 2019. I returned to San Francisco that Friday night of September 20, 2019. But, on the morning before departing Denver, I hiked in the foothills above Golden, Colorado with an old buddy who lives nearby, one of the cohort with whom I backpacked in the Emigrant Wilderness the month prior.

Processing Tony's interview took quite some time due, in part, to the COVID-19 pandemic that soon raged across the world and forced new adjustments at the Oral History Center in accordance with the nation's very first shelter-in-place orders that were issued across the Bay Area in March 2020. At the Oral History Center, those adjustments included finding new ways to collaborate remotely with each other and with our narrators on these complicated transcripts, all while working from home—in my case, in a crammed one-bedroom apartment shared with my amazing spouse and our energetic two-year old daughter, all of whom, I am grateful to report, have thus-far survived the COVID-19 pandemic in good health. In late October 2020, I finally sent Tony a copy of his transcript, which he promptly reviewed and returned in November 2020 having made only minor edits for clarity and correction of names. Tony then shared several photographs with me over email, many of which we have included in the appendix to his oral history.

Tony's oral history is significant for those interested in environmental history and United States history, particularly for his work helping pioneer the field of environmental law and his legal efforts in the 1970s to halt the construction of massive fossil fuel and nuclear energy projects in the American southwest. Additionally, from 1963 through 1968, Tony witnessed and participated in several historic events in Washington DC, including marching to the Lincoln Memorial and standing less than 100 yards from Dr. Martin Luther King during his immortal "I Have a Dream" address; standing in line for hours on a wintry November night waiting to pass President Kennedy's catafalque in the Capitol Rotunda; attending Supreme Court arguments presided over by Chief Justice Earl Warren; as well as seeing significant parts of northeast Washington burn in the wake of Dr. King's assassination in April 1968.

Tony's oral history also makes substantive contributions to the Sierra Club Oral History Project. In the late 1960s, for instance, Tony played a formative role expanding the Sierra Club's East
Coast activities. But most importantly, as the founder and director of the Rocky Mountain Regional Office for the Sierra Club Legal Defense Fund, Tony played a substantive role establishing and shaping the evolution of environmental law. His narration here on friendships and legal campaigns with other pioneers of environmental law—like David Sive, Jim Moorman, Phillip Berry, and Michael McCloskey—complements and supplements those individual's existing interviews in the Sierra Club Oral History Project. And with regard the Sierra Club's contemporary campaigns to combat climate change by ending the extraction and use of fossil fuels, Tony's narrative of battles against the Kaiparowits and Intermountain power plants reveals the Sierra Club's surprisingly deep roots to move "Beyond Coal" several decades before that campaign's formal designation. Additionally, as a nationally elected leader on the Sierra Club's board of directors in the 1990s, Tony oversaw challenges to the Club's organizational finances and relationships vis a vis the Sierra Club Foundation and the Sierra Club Legal Defense Fund. During his time on the board of directors, Tony also made significant contributions to ways that Sierra Club finances are invested, accumulated, and presented publicly. It is my great honor to add Tony's interview to the Sierra Club Oral History Project, which is now a half-century old.

With the addition of H. Anthony (Tony) Ruckel's oral history, the Sierra Club Oral History Project now includes accounts from well over one hundred volunteer leaders and staff members active in the Club for more than a century. Varying from only one hour to over thirty hours in length, these interviews document aspects of the Sierra Club's diverse activities and concerns over the years, including protection of public lands and wilderness areas; attending to the "explore and enjoy" aspects of the Sierra Club's mission through its robust outings program; safeguarding water and air quality; promoting sustainable energy and progressive climate policies; and working toward environmental justice. The full-text transcripts of all interviews in the Sierra Club Oral History Project, including this interview with Tony Ruckel, can be found online at the Oral History Center website: [http://ucbib.flip/OHC](http://ucbib.flip/OHC).

The Bancroft Library at the University of California, Berkeley, in addition to holding hardbound copies of all interviews from Sierra Club Oral History Project, also holds the archival records of the national Sierra Club, along with extensive collections of Sierra Club members' papers. The Bancroft Library also serves as the repository for the records and papers of many other environmental activists and organizations. The Oral History Center of The Bancroft Library, formerly called the Regional Oral History Office, was established in 1953. The Oral History Center conducts, teaches, analyzes, and archives oral histories on a broad variety of subject areas critical to the history of California, the United States, and our interconnected global arena. The Oral History Center is under the direction of Martin Meeker and the administrative direction of the director of The Bancroft Library at the University of California, Berkeley.
Sierra Club Oral History Project History

By Roger Eardley-Pryor, Ph.D.
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Oral History Center of The Bancroft Library
University of California, Berkeley
January 2020

The Sierra Club and the Oral History Center of The Bancroft Library at the University of California, Berkeley have a long-standing partnership for preserving the Sierra Club's past through oral history interviews. In 1970, amid an upsurge of environmental activism that produced the first Earth Day and codified a suite of new legal statutes, a collaboration arose between the Sierra Club, one of the oldest and most influential environmental organizations in the United States, and the Oral History Center of The Bancroft Library (formerly the Regional Oral History Office), one of the oldest organizations professionally recording and preserving oral history interviews. The resulting Sierra Club Oral History Project has, over several decades, moved through cycles of intensity and lull due to the availability of funding for recording and publication of interviews. Over the past half century, this ongoing collaboration between the Sierra Club and the Oral History Center has produced an unprecedented testimony of engagement in and on behalf of the environment as experienced by individual members and leaders of the Sierra Club.

Sierra Club volunteers helped conduct several interviews in the Sierra Club Oral History Project. But in its earliest years, as now, extensive and deeply researched oral history interviews with legendary Sierra Club leaders—like photographer and former director Ansel Adams, longtime directors and former Club presidents like Dr. Edgar Wayburn, or former executive directors like David Brower—are conducted on a professional basis through the Oral History Center by oral historians with expertise in environmental history.

Now fifty-years old, the Sierra Club Oral History Project continues to document the leadership, programs, strategies, and ideals of both the national Sierra Club and the Club's grassroots at the regional and chapter levels from the early twentieth century through the present. These interviews highlight the breadth, depth, and significance of the Sierra Club's eclectic environmental efforts—from education to litigation to legislative lobbying; from wilderness preservation to energy policy to environmental justice; from outdoor adventures to climate change activism to controlling chemicals; from California to the Carolinas to Alaska and beyond to international realms. The Sierra Club Oral History Project, together with the sizable archive of Sierra Club papers and photographs in The Bancroft Library, offers an extraordinary lens on the evolution of environmental issues and activism over the past century, as well as the motivations, conflicts, and triumphs of individuals who helped direct that evolution.

In 1969, two separate but related events stimulated the Sierra Club Oral History Project. In the summer of 1969, a fortuitous meeting occurred on a long bus ride from San Francisco to the dedication ceremony for the newly established Redwood National Park. The new and then-youngest Sierra Club president, Phillip Berry, sat next to Amelia Fry, an experienced oral history interviewer at what was then called the Regional Oral History Office of The Bancroft Library. Fry had conducted oral histories with former National Park Service directors and Berkeley
alumni Horace Albright and Newton Drury, as well as leading figures in California politics and natural resource management. On that bus ride north, Fry suggested preserving the Sierra Club's unwritten history through audio-recorded, transcribed, and publicly available oral history interviews with the Club's leading volunteers and influential actors. Both Berry and Fry understood how written documents like board minutes, memorandums, and membership records could not possibly capture the Club's complex past and ongoing story, especially amid its increasing complexity from rapid growth in the 1960s. Berry liked the idea of oral history interviews, given his deep appreciation for the Sierra Club's rich past, its momentous campaigns, and especially its human entanglements. After all, Berry's first Sierra Club presidency followed years of internal debate that resulted in David Brower's resignation as the Club's first executive director.

That same summer in 1969, Marshall Kuhn met fellow Sierra Club member James Rother while hiking in Yosemite Valley. Rother, then ninety-years old, shared his memories from the early twentieth century of hiking with John Muir, the famed preservationist and Sierra Club founder. Kuhn realized that, unless recorded, the reminiscences of Rother and other early Club members would soon be lost forever. That fall, Kuhn convened an ad hoc committee of Sierra Club members interested in preserving the Club's written documents as well as recording its unwritten oral histories. Kuhn's ad hoc group petitioned members of the Sierra Club Board of Directors, including Phillip Berry, who recalled his earlier discussions with Amelia Fry. In May 1970, one month after the first Earth Day, the board established a standing Sierra Club History Committee that initially included four former Club presidents and several former directors, with Marshall Kuhn appointed its founding chairman. That September, the board designated The Bancroft Library as the official depository of the Club's written and photographic records. With that, Kuhn and his committee focused on developing a significant Sierra Club Oral History Project.

Kuhn and the Sierra Club History Committee turned to Willa Baum, director from 1958 to 1999 of The Bancroft Library's Regional Oral History Office (now the Oral History Center), for advice and support. Baum, a nationally recognized authority in oral history, agreed to train Sierra Club volunteers in the arts of oral history interviewing. For additional assistance, the Sierra Club History Committee also hired a professional consultant, Susan Schrepfer, an environmental historian and recent Ph.D. in history then working with the Regional Oral History Office and the Forest History Society. Schrepfer designed and mailed a six-page questionnaire to Sierra Club members who had joined the Club prior to 1931. More than half responded, which helped the History Committee identify several prospects for initial oral history interviews. The History Committee, in conjunction with the Oral History Center, selected additional interviewees (narrators) from the ranks of Sierra Club leadership over the prior six decades.

Beginning in 1971, Sierra Club volunteers from northern and southern California, along with oral history students at California State University, Fullerton, and at the University of California, Berkeley, initiated the Sierra Club Oral History Project by recording reminiscences of early Sierra Club members. In 1974, when Susan Schrepfer accepted a professorship at Rutgers University, Sierra Club History Committee-member Ann Lage began coordinating its oral history efforts. Lage, who earned both her bachelor's and master's degrees in history from the University of California, Berkeley, soon joined the staff of the Oral History Center where she oversaw the Sierra Club Oral History Project until her retirement in 2011. Lage also co-chaired
the Sierra Club History Committee with her husband Ray Lage following the death of Marshall Kuhn in 1978.

In 1980, with considerable support from the Oral History Center, the Sierra Club sought and earned a sizeable grant from the National Endowment for the Humanities (NEH) to thoroughly document the Sierra Club of the 1960s and 1970s. By that time, the Sierra Club Oral History Project included thirty-five volunteer-conducted interviews, and the Oral History Center had conducted or was completing five extensive oral history interviews with Sierra Club leaders. Between 1980 and 1984, however, the NEH grant and matching funds from the Sierra Club Foundation made possible the completion of an additional seventeen professionally conducted oral histories and forty-four volunteer-conducted interviews, totaling over 250 hours of recorded history.

Following the NEH grant period in the early 1980s, the Sierra Club Oral History Project resumed a slower-paced routine, conducting interviews only as donated funding permitted. Between 1984 and 2019, trained Sierra Club volunteers contributed to The Bancroft Library eight new oral history interviews, resulting in two multi-volume collections published respectively in 1989 and 1996. Between 1992 and 1999, the Oral History Center conducted eight extensive Sierra Club interviews, three of which featured narrators previously interviewed. The pace of interviews slowed further in the twenty-first century. Between 1999 and 2018, the Oral History Center completed and published five new interviews for the Sierra Club Oral History Project.

In the Spring of 2018, a renewed collaboration between the Sierra Club and the Oral History Center restored life to the Sierra Club Oral History Project. Therese Dunn, the Librarian at the Sierra Club's William E. Colby Memorial Library, and Jim Bradbury, Communications Specialist with the national Sierra Club in Oakland, obtained fresh funding from the Sierra Club Foundation with hopes that the Oral History Center could conduct new in-depth interviews. That April, Dunn and Bradbury ventured to Berkeley where they met with Martin Meeker, the director of the Oral History Center since 2016, with Ann Lage, the retired oral history expert on the Sierra Club, and with me, Roger Eardley-Pryor, an interviewer at the Oral History Center with expertise in science and environmental activism. Since the bulk of Sierra Club oral histories conducted in the late 1970s and early 1980s, the Sierra Club, the nature of environmentalism, and the natural environment itself all experienced significant changes. In an effort to address those changes while complementing prior Sierra Club oral histories, our renewed collaboration agreed to continue long-form interviews with former presidents of the Sierra Club. Each year between 2018 and 2020, renewed funding from the Sierra Club enabled the Oral History Center to conduct two in-depth, multi-session, video-recorded oral history interviews with former Sierra Club presidents. All six new Sierra Club oral histories will record approximately ten-hours per narrator.

Now, as in the past, each interview in the Sierra Club Oral History Project is transcribed, lightly edited for clarity, and returned to the narrator for their review and approval to publish. Bound volumes of all narrator-approved interviews in the Sierra Club Oral History Project are deposited for research with The Bancroft Library at the University of California, Berkeley, and with the William E. Colby Memorial Library at the Sierra Club's headquarters in Oakland. A list of all published and forthcoming interviews in the Sierra Club Oral History Project follows this project.
history. Since the early 2000s, these transcripts are also available online for free via the Oral History Center website: [http://ucbib.link/OHC](http://ucbib.link/OHC).

On behalf of the Oral History Center of the Bancroft Library, I want to thank all narrators who, since the early 1970s, shared their precious memories in the Sierra Club Oral History Project. We also thank the Sierra Club Board of Directors for recognizing early on the long-term importance of preserving the Club's history and its evolution; to the past members of the Sierra Club's History Committee, especially its founding chair Marshall Kuhn; to special donors who provided funding for individual Sierra Club oral history interviews; and to the Trustees of the Sierra Club Foundation for providing the necessary funding to initiate, expand, and more recently renew this oral history project. Much appreciation goes to staff members of the Sierra Club and the Sierra Club Foundation who helped make these oral histories possible, most recently and notably to Therese Dunn. A special thanks, too, to all prior interviewers, and most importantly to Ann Lage for her more than three decades of exceptional work on this project.

I remain both grateful and excited to conduct new oral histories with volunteer and staff leaders of the Sierra Club, one of the most significant environmental organizations in history. And I appreciate deeply all the narrators who welcome me into their homes, who set aside significant time to conduct these oral histories, and who, in the process, share their meaningful memories of protecting the planet for all of us to explore and enjoy.
List of Interviews of the Sierra Club Oral History Project

Interviews conducted by the Oral History Center, University of California, Berkeley

Single-Interview Volumes


David R. Brower, "Reflections on the Sierra Club, Friends of the Earth, and Earth Island Institute," 2012.


Doug Scott, "Campaigner for America's Wilderness, Sierra Club Associate Director," 2013.


Single Interviews in process: Lawrence Downing; Robbie Cox; Debbie Sease

Multi-Interview Volumes


Brock Evans, "Environmental Campaigner: From the Northwest Forests to the Halls of Congress."


Polly Dyer, "Preserving Washington Parklands and Wilderness."


Martin Litton, "Sierra Club Director and Uncompromising Preservationist, 1950s-1970s."

Raymond J. Sherwin, "Conservationist, Judge, and Sierra Club President, 1960s-1970s."

Theodore A. Snyder, Jr., "Southeast Conservation Leader and Sierra Club President, 1960s-1970s."


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SIERRA CLUB HISTORY COMMITTEE ORAL HISTORY SERIES

Interviews conducted by volunteers for the Sierra Club History Committee

Single-Interview Volumes


Multi-Interview Volumes

The Sierra Club Nationwide I. 1983.

Alfred Forsyth, "The Sierra Club in New York and New Mexico."

Grant McConnell, "Conservation and Politics in the North Cascades."


Anne Van Tyne, "Sierra Club Stalwart: Conservationist, Hiker, Chapter and Council Leader."
The Sierra Club Nationwide II. 1984.

John Amudio, "Lobbyist for Redwood National Park Expansion."

Kathleen Goddard Jones, "Defender of California's Nipomo Dunes, Steadfast Sierra Club Volunteer."

A. Starker Leopold, "Wildlife Biologist."

Susan Miller, "Staff Support for Sierra Club Growth and Organization, 1964-1977."


The Sierra Club Nationwide III. 1989.


Frank Duveneck, "Loma Prieta Chapter Founder, Protector of Environmental and Human Rights."

Dwight Steele, "Controversies over the San Francisco Bay and Waterfront, 1960s-1970s."

Diane Walker, "The Sierra Club in New Jersey: Focus on Toxic Waste Management."

The Sierra Club Nationwide IV. 1996.


Robin and Lori Ives, "Conservation, Mountaineering, and Angeles Chapter Leadership, 1958-1984."

Leslie Reid, "Angeles Chapter and National Sierra Club Leader, 1960s-1990s: Focus on Labor and the Environment."

Sally Reid, "Serving the Angeles Chapter and the National Sierra Club, 1960s-1990s: Focus on Wilderness Issues in California and Alaska."


Francis Farquhar, "Sierra Club Mountaineer and Editor."

Joel Hildebrand, "Sierra Club Leader and Ski Mountaineer."

Bestor Robinson, "Thoughts on Conservation and the Sierra Club."

James E. Rother, "The Sierra Club in the Early 1900s."
Sierra Club Reminiscences II, 1900s-1960s. 1975.

Philip S. Bernays, "Founding the Southern California Chapter."

Harold C. Bradley, "Furthering the Sierra Club Tradition."

Harold E. Crowe, "Sierra Club Physician, Baron, and President."

Glen Dawson, "Pioneer Rock Climber and Ski Mountaineer."

C. Nelson Hackett, "Lasting Impressions of the Early Sierra Club."


Lewis F. Clark, "Perdurable and Peripatetic Sierran: Club Officer and Outings Leader, 1928-1984."

Jules M. Eichorn, "Mountaineering and Music: Ansel Adams, Norman Clyde, and Pioneering Sierra Club Climbing."

Nina Eloesser, "Tales of High Trips in the Twenties."

H. Stewart Kimball, "New Routes for Sierra Club Outings, 1930s-1970s."

Joseph [N.] LeConte, "Recalling LeConte Family Pack Trips and the Early Sierra Club, 1912-1926."

The Sierra Club and the Urban Environment I: San Francisco Bay Chapter Inner City Outings and Sierra Club Outreach to Women. 1980.

Helen Burke, "Women's Issues in the Environmental Movement."

Patrick Colgan, "Just One of the Kids Myself."

Jordan Hall, "Trial and Error: The Early Years."

Duff LaBoyteaux, "Towards a National Sierra Club Program."

Marlene Sarnat, "Laying the Foundations for ICO."

George Zuni, "From the Inner City Out."


David Jenkins, "Environmental Controversies and the Labor Movement in the Bay Area."
Amy Meyer, "Preserving Bay Area Parklands."

Anthony L. Ramos, "A Labor Leader Concerned with the Environment."

Dwight C. Steele, "Environmentalist and Labor Ally."

*Sierra Club Women [I and II].* 1977.

Elizabeth Marston Bade, "Recollections of William F. Bade and the Early Sierra Club."

Nora Evans, "Sixty Years with the Sierra Club."

Marjory Bridge Farquhar, "Pioneer Woman Rock Climber and Sierra Club Director."

Helen M. LeConte, "Reminiscences of LeConte Family Outings, the Sierra Club, and Ansel Adams."

Ruth E. Praeger, "Remembering the High Trips."

*Sierra Club Women III.* 1982.

Cicely M. Christy, "Contributions to the Sierra Club and the San Francisco Bay Chapter, 1938-1970s."

Wanda B. Goody, "A Hiker's View of the Early Sierra Club."

Ethel Rose Taylor Horsfall, "On the Trail with the Sierra Club, 1920s-1960s."

Harriet T. Parsons, "A Half-Century of Sierra Club Involvement."
Interview 1: September 17, 2019

01-00:00:00
Eardley-Pryor: Today is Tuesday, September 17, 2019. I am Roger Eardley-Pryor from UC Berkeley's Oral History Center of the Bancroft Library. Today, we are conducting session one of an oral history with H. Anthony Ruckel. Tony, it's great to see you here in your home in Denver, Colorado. I'd like to start this interview, as we do with almost all our interviews, and ask what was your birthday and where were you born?

01-00:00:26
Ruckel: April 26, 1940. Born in St. Louis, Missouri. My folks lived in Springfield, Illinois at the time. My mother was an older mother, so she went to a maternity hospital, which was kind of typical in 1940 when I was born. So yeah. My father practiced law in Springfield. My mother was a teacher, high school teacher.

01-00:00:54
Eardley-Pryor: And what were their names?

01-00:00:56
Ruckel: My father's name was Horace Austin. I'm Horace Anthony. And my mother's name was Virginia MacElhern.

01-00:01:07
Eardley-Pryor: And how did Horace and Virginia meet and when did they meet?

01-00:01:11
Ruckel: Oh, wow. I don't know exactly when they met, but it would probably have been the early thirties. And the story of how they met is a great story. Dad was practicing law. Mom was teaching school and they had some sort of community event they were going to do, and they were going to bring in speakers of various political persuasions. And this is Springfield, Illinois, [in the] center of Illinois in the thirties. And so, my mother and her committee—but I suspect my mother was chair—invited a Communist to come down and talk from Chicago. And the schoolboard was having none of this. But my dad had made contact with the ACLU [American Civil Liberties Union] previously, or maybe because of this case, and they decided to make an issue of this. And so, they filed suit against the school board for inhibiting my mother's speech. And that's how they met.

01-00:02:33
Eardley-Pryor: It was because of this case?

01-00:02:34
Ruckel: Because of the case. Yes, sir.

01-00:02:37
Eardley-Pryor: That's wonderful. So, you said your mother was an older mother in 1940 when you were born. When were your parents born?
Ruckel: I don't know. You'd have to ask my sister that. I don't know. My dad was also older. He was a World War I veteran and then he came back and went to law school at Northwestern. My mother went to University of Illinois, teaching then. So, gosh, very hard. Had to be around the turn of the century for my dad.

Eardley-Pryor: So, he was about forty when you were born?

Ruckel: Yeah, I think so. And then my mother, sometime later. She was seven years younger than my dad, I think.

Eardley-Pryor: So, she was in her early thirties when you were born?

Ruckel: No, she was in her mid-thirties. Yeah, yeah. In that era, they had maternity hospitals spread around the country for what they considered at that time older mothers, which would be mid-thirties on. I mean, we don't pay any attention to that now but—

Eardley-Pryor: Yeah, it happens more commonly. But even today, if you're older than the age of thirty-five, I believe it's considered a "geriatric" pregnancy, which is crazy to me.

Ruckel: That sounds crazy to me, too.

Eardley-Pryor: So, you mentioned your father was a World War I veteran. Tell me a little bit more about his life and the family that he came from. It sounds like both your parents were Illinois folk.

Ruckel: Yes, they were. His dad was a lawyer, his brother was an insurance broker. He went to Northwestern and played tennis. When World War I broke out, or our involvement, he quickly enlisted. He was very young then. And he served with the First Division in France as a lieutenant. He was in the Quartermaster Corps and he used to joke that the Quartermaster Corps at that time, using horses, would bring ammunition to the front lines. And the enemy, of course, is shelling behind the front lines. So, his conclusion was, well, at least if he was to be a casualty it would be all over one time, because whatever came in—the incoming—would hit the ammunition, and so everything would blow up. Never happened to him.

Eardley-Pryor: Was he forthright in talking about some of his war experiences with you?
Ruckel: No, no. You had to feel him out. Given where he was, he must have seen massive casualties. I mean, he had to have. If I had to guess, I would suspect that's one of the reasons he didn't talk much about it.

Eardley-Pryor: What kind of man was he?

Ruckel: Well, about six feet. He was an outgoing guy. He got along with a lot of folks. He loved the law, loved studying with it. Had a good reputation as an administrative law judge. They called them "trial examiners" in that era.

Eardley-Pryor: I'm not sure what an administrative law judge does.

Ruckel: Well, typically exactly what a real jurisdictional judge does but for an administrative agency. And with him, it was the National Labor Relations Board. So, he would conduct trials of unfair labor practices. That was pretty much his principal chore. He did a lot of other labor relations matters with the [NLR] Board, but principally as a trial examiner, he was called on to conduct these administrative trials. And they'd go around the country trying cases.

Eardley-Pryor: Oh, so was he traveling for work a good bit?

Ruckel: Well, no. He was based in Washington, DC and then he'd go to where the trial locale was determined to be.

Eardley-Pryor: And you said he was working for the National Labor Relations Board?

Ruckel: Yeah.

Eardley-Pryor: So, was he pulled into the creation of the New Deal state?

Ruckel: No. Senator Paul Douglas, senator from Illinois, very well known, big New Dealer, backer of [President Franklin D.] Roosevelt. My dad knew him. So, I guess you could say he was dragged in as a part of the New Deal. Yeah, yeah.

Eardley-Pryor: And did he have particular inclinations towards labor?

Ruckel: He did. Yeah. At that time, unions were pretty much at their peak, I suppose, and there was the tension around World War II and then post-World War II.
So, there was a lot of friction in the labor/employer national interest dynamic. Was very vigorous and exciting. Yeah. He did some trials. A big Ford strike and that sort of thing. So, the law was very big to him.

Eardley-Pryor: And you said his father was a lawyer, your grandfather?

Ruckel: Yes. Not sure he practiced. I think he was a banker more than a lawyer.

Eardley-Pryor: Part of the family tradition it sounds like.

Ruckel: Well, we're from Springfield, Illinois. What are you going to do?


Ruckel: Yeah.

Eardley-Pryor: Tell me a little bit about [your mother] Virginia.

Ruckel: She was from a small town, south of Springfield—Roodhouse was its name, if it's still in existence. It was a station on the Chicago Alton Railroad, connected at that time Chicago and New Orleans. So, it was a big railroad. Her father was a conductor on the railroad, so they lived there at Roodhouse, Illinois where he got on and off the trains and that type of thing. She was the first one in her family to have a college education. She just went up the road—or down the road or maybe sidewise—to Champaign-Urbana. I can't get the north-south orientation of Roodhouse down. I don't remember it. And she was an English teacher. She really liked English. She loved drama and taught quite a bit of both. She had some experiences that were really—I told you the one about her meeting my father. She continued teaching, and then when we moved to Washington, DC, she taught at Anacostia High School, which at that time was, I don't know, 95 percent black, I suppose. And she related very well with the African American community in District of Columbia. Had some good friends there. Actually, she was very well-supported by parents and all that kind of thing. And as an interesting sidelight, she taught two kids of the Kenyan ambassador who were going to Anacostia High School.

Eardley-Pryor: And tell me just for a time stamp, when did you move to DC?

Ruckel: Sixty-three. [1963]
Eardley-Pryor: I mean, when your family moved. When Virginia and Horace moved you and, I guess, your sister to Washington, DC from Springfield?

Ruckel: No, no. From Springfield we went to Geneva, Illinois.

Eardley-Pryor: Oh, okay.

Ruckel: Springfield was 1940 to 1943. Chevy Chase, Maryland 1943 to 1954. Geneva, Illinois '54 to '63.

Eardley-Pryor: Oh, okay. I see. And, I see your sister, Martha, was born just a couple years after you were born. So, those were their two children?

Ruckel: Yes.

Eardley-Pryor: Great. And so just, again, for me to get clarity of the dates there, you moved to Chevy Chase, Maryland, close to the DC area, and you're there until you were about fourteen?

Ruckel: Yes.

Eardley-Pryor: And then, just before high school, you moved back to Illinois, to Geneva, Illinois?


Eardley-Pryor: And that's where you attended high school?

Ruckel: Yes.

Eardley-Pryor: And it's after that, after you finish high school, your parents then move to DC or did they stay?

Ruckel: Yeah. They moved in '63, so that would be five years after I finish high school.

Eardley-Pryor: Okay. So, around the time that you're an undergrad?
When I was in undergraduate school, I was living at home. I mean, it's back and forth between University of Colorado and Geneva, Illinois.

Okay. I'm sorry, I apologize for interrupting. You were telling me a story about your mother and the Anacostia school district.

Yeah. So, she had these two kids and the ambassador, the Kenyan ambassador was so impressed with what she had done for those two kids that she spent a summer living in the embassy, in a residential part of the embassy in Nairobi, and saw all of Africa and all this kind of stuff on the ambassador's ticket. Ethics rules were different in that era. There was nothing considered improper. May not be improper now. She was occupying a—

Wow. What did she say about her experiences there?

Oh, she loved them. She loved them. Yeah. Yeah.

And where were you while she was in Nairobi?

I was in undergraduate school. And then summers, I was in Mesa Verde National Park.

That sounds wonderful. What a cool experience for your mom.

Oh, yeah. Yeah.

You both were getting a different type of education at the same time.

Yeah, for sure.

So, just to get back to where we're going. Well, actually, tell me a little bit more about the type of woman that your mother was. How would you characterize her?

She really liked teaching. She was a good teacher from all accounts. I think she really wanted to be a playwright.

Why do you say that?
Ruckel: Well, because she fiddled around at it. I think that was her first love and drama was important to her in the teaching profession also. She was very close to that. She was not a stay-at-home mother, obviously. Well, from my extreme younger years, she was. But by junior high, she was working again. So, the rest of the time she did most of the raising of myself and my sister. My dad was traveling with these trials and that kind of thing. So, she had two jobs.

Eardley-Pryor: That's a lot of work. That's a lot of responsibility.

Ruckel: Well, looking back on it, having two kids of my own and watching my grandkids now, there were not the services for childcare, preschool. Nobody ever heard of preschool. You had so-called nursery schools. Well, anyway, they weren't preschools. You took naps and then you ran around outside, and then you came back, ate, and then you took a nap and that was it. It was much less structured than it is now. So, she had to do the yeoman's work on that.

Eardley-Pryor: Yeah, especially while your father was traveling.

Ruckel: Yeah, which was often. He spent more time at home than he would traveling, but it was like a sixty/forty proposition, probably.

Eardley-Pryor: That's significant. What are some of your memories of childhood? What kinds of things were you into as a kid?

Ruckel: Well, I started reading very early and I was reading—well, I have a couple of shelves there. I have a couple of old Mark Twain, *Huckleberry Finn* and *Tom Sawyer*. I love *Huckleberry Finn*, and I reread it constantly. More philosophy in that book than you can find in volumes of philosophical writing. And they had this series and I'm trying to think of the name. It was a historical biographies book. It was written for high school kind of level. It was biographies of important people. I mean from Davy Crockett to George Washington, you know, and everybody in between. I avidly read those things. And frequently, I'd have a flashlight by my bed, and after I went to bed—of course, my parents, of course, knew what was going on. But I didn't know that they knew, right? And I'd turn on the flashlight, and I'd read the books. Because I learned if you turned on the top light, they'd be there right away. So, I read and read and read. So that was one thing. The other thing is, I started birdwatching. And I have no idea why I started. But I did. And I've got an old Peterson's [*Field Guides to*] *Eastern Birds* in the secretary out there.

Eardley-Pryor: Were either of your parents into birding?
Ruckel: No, no. But my mom drove me around Washington, DC to various birding venues so that I could hop out of the car and take my binoculars and my bird book. And she'd sit and read the paper and drink coffee or books or that kind of stuff. And I'd tromp around for an hour or two and then come back and head out.

Eardley-Pryor: So, even as a young, young child you were interested in the outdoors and nature and learning more about it?

Ruckel: Yeah, yeah. Well, and my folks and my sister, I mean the whole family, they loved the Big Meadows Lodge area up in Shenandoah National Park. We went there regularly. And neither one of them were hikers much, but there were even junior ranger programs in that era. Right? So, I got a little bit of hiking. You know how those things are. You hike the speed of the lowest common denominator of the group. So, I didn't go far, but I enjoyed it very much.

Eardley-Pryor: So, early experiences in the National Park System?

Ruckel: Yeah. I remember Dark Hollow Falls. That's one of the iconic spots of Shenandoah National Park. The falls just trip down ledges all the way down there, and it's quite dramatic. Yeah.

Eardley-Pryor: That's great. I have a note here of the C&O Canal?

Ruckel: Oh, yeah, yeah, yeah. We walked the C&O Canal a lot. My folks were good Presbyterians. And so, frequently, Sunday afternoons we would have a picnic or carry picnic stuff with us and walk on the C&O Canal.

Eardley-Pryor: Was church a regular thing for your family?

Ruckel: For my dad it was.

Eardley-Pryor: But not for your mom?

Ruckel: My mom went along. Yeah, yeah.

Eardley-Pryor: Did that mean that you and Martha, your sister, also went along?
Ruckel: Oh, yeah. We didn't have a choice. No. We went along. Sundays were so-called family day. So, the C&O Canal would figure in that. But, so would the museums. I mean Washington, DC is a great place for a kid to grow up in. I mean there's so much to do, especially if you're curious at an early date. I don't know why my parents allowed this, but they bought me tickets for the National Geographic lectures, which at that time were given at Constitution Hall. This was before the National Geographic Society built their new building and all that kind of thing. So, they would drive me to the district line there at Wisconsin [Avenue] and the border between Maryland and the District of Columbia, and I'd get on the streetcar. They had streetcars. And I'd take the streetcar all by myself, all the way down to Constitution Hall. Well, I had to walk two, three blocks. Streetcar went down Pennsylvania [Avenue], I believe, and so I had to walk south three blocks. And then when it was over, I'd walk back. And this was in the middle of winter. I'd get the streetcar, and I'd go back. And then I'd use the payphone to call my parents and one or the other would come pick me up.

Eardley-Pryor: How old are you when you were doing this?

Ruckel: My God. I suppose I first started doing it at eleven or twelve.

Eardley-Pryor: Wow. What are some of your memories of those National Geographic lectures?

Ruckel: Oh. I got to see Hillary and Tenzing [Sir Edmund Hillary and Tenzing Norgay] right after they'd climbed Everest. And Tenzing was there. At that point in his life, he was not very conversant in English, but Hillary could communicate with him fine. And slides went up. Everybody was in awe of this thing. I have this vivid memory of both of them up there on the stage and the slides behind them.

Eardley-Pryor: Had you ever experienced mountains before?

Ruckel: No. That came later. I had not. I mean, I had seen the Blue Ridge Mountains. They're not mountains, they're hills.

Eardley-Pryor: But this was a seed in your imagination.

Eardley-Pryor: Any other lectures that stand out for you or experiences in DC?

Ruckel: At that time, they were doing a lot of stuff in the oceans. The lectures sort of followed the projects they had going on. I remember several Pacific island or Pacific oceanography type of things. And I remember the reefs and the fish—and the photography then was not what we have today obviously, but it was pretty damn dramatic to me.

Eardley-Pryor: Yeah. It's one of the things they've always been known for [photography], and their maps.

Ruckel: Yeah.

Eardley-Pryor: You mentioned that with a mother as an English teacher, that you became a voracious reader and, of course, we're surrounded by your incredible book collection here in your home. What were some of the books that stood out for you? You mentioned Mark Twain's *Huck Finn*. What are some of the others that were meaningful to you as a young person?

Ruckel: Teddy Roosevelt wrote a book, it's probably downstairs, about great people, great events, and I was attracted very much to his writing. He wrote so many books I can't remember the title, but I have it downstairs, I think. And that was really appealing to me. I liked the action. I liked the decision-making that was involved with the subject of the essay, I suppose, or collection of small biographies. That stood out, and I reread that and reread that, just like I reread Mark Twain quite a bit.

Eardley-Pryor: Biographies sound like they were a really powerful influence on you.

Ruckel: They were. Yeah, yeah. Yeah, I still read biographies. I mean, I've got a ton of them in my house.

Eardley-Pryor: You have several biographies of Ulysses S. Grant, including one signed by the former president.

Ruckel: Yeah, right. Dedicated to the soldiers and sailors of the Grand Army. I forget the exact caption, but at any rate, yeah, yeah. Oh, Grant's one of my heroes. I couldn't understand even at a young age why he was so vilified. And I guess as a youngster I couldn't get into the details, but he struck me as a guy who won so many battles and defeated the legendary Robert E. Lee and all that. He
couldn't be quite as dumb and stupid as he was portrayed at that time by many, many writers. He's since been rehabilitated significantly and justifiably so. The Vicksburg campaign was one of the great military campaigns in history, not just Civil War history. As a matter of fact, I had some time—oh, I don't know, twenty years or so ago—had a long weekend, and I booked a flight to Jackson, Mississippi, and I retraced Grant's campaign against Vicksburg. Well, that's about a four- or five-day job because you have to go up practically to the Tennessee line. You have to come all the way down on the Louisiana side to Brewinsburg, and there's nothing at Brewinsburg now. But you have to go down opposite Natchez, and then come back up to get to the other side. Here's a white man from Colorado in an overwhelmingly black part of Mississippi traveling around in a rental car, stopping and looking at things.

Eardley-Pryor: What was that experience like?

Ruckel: This is the same thing at Chickamauga and Atlanta. The South did not celebrate Vicksburg. Vicksburg is located in the South. I mean no disparagement by this. I mean, that's natural, right? Why should they immediately step in and try to preserve Vicksburg, right? I mean, like Pennsylvania stepped in right away to preserve Gettysburg, and Maryland with Antietam, and that kind of thing. But after all, the South lost. Right? These guys lost. So, you have to hunt for the geographical reference points. I used Shelby Foote and his biography. I've reread that a couple of times for sure. Or his historiography of the Civil War, which I think may be one of the best works of history written by an American, I should think. So, yeah, and at dinner you're reading all this stuff to figure out where you'll go. You have a map of Mississippi or Louisiana, and you figure out where you're going to go next. Well, I got it down. I had some help with Champion Hill, which was the critical battle in the Vicksburg Campaign. And the government, I'm not exactly sure what government [agency], but I think the Department of [the] Interior, probably, owns a strip of road along the ridge that composed the hill. The word "champion" was from the family who owned land. So, it didn't have any geographical reference or geological reference. There's this ridge. And they own this road that goes down the ridge. And it goes down about three or four miles and that's it. There are no guns. There's nothing on either side. But that's where that pivotal battle was decided. And to many historians, it's militarily speaking one of the three or four most important battles fought in the Civil War. And, of course, Vicksburg was absolutely critical. So, that was the most important battle of Vicksburg. I mean that's the logic.

Eardley-Pryor: Yeah. So, you're down there. This is before Google Maps, this is before GPS.

Ruckel: Oh, yeah. Yeah. And I'm parked.
Figuring out the maps.

I'm parked, my goddamn car is parked, my rental, on this dirt road and this older couple, Anglo couple, was walking down the road and they asked me. They said, "Are you okay? Your car broken down?" And I said, "No, I'm trying to find Champion Hill." And they looked at one another and said, "Well, this is what you do. You drive down until you—" They gave me precise directions to Champion Hill. "And then just continue walking down." I had that experience a couple of times over in Louisiana. I was just trying to find any reference at all. And I found Grant—well, [William Tecumseh] Sherman, really, before Grant tried to build a canal that would obviate the necessity of taking Vicksburg head on from the river. There was an oxbow there where Vicksburg was, and the canal would cut it off and he could get his troops down south of the city, which was his first objective.

And I came up on this place, this marvelous old pre-war plantation. But not with the columns and anything like this. I mean this was just a working plantation. It wasn't Natchez. Wasn't showing off or anything, but it was big. And it was called, by the family there, it was called Winter Quarters. And this is Shelby Foote. It's great to do this with a second volume Shelby Foote on the seat beside me. And at Winter Quarters is where Grant sojourned for three or four days as he was maneuvering the [Union] Army down the Louisiana shore, the Louisiana bank. And the house was owned by a very wealthy planter, wealthy family from New Orleans. And in the summer, they moved up there because the climate was better upriver than it was down in New Orleans. So they called it Winter Quarters. No, wait a minute. I have that backwards somehow. Anyway, that isn't the important thing. The important thing is in the dining room. As you'd go through this tour that's given by—you'll appreciate this—a history graduate student from Louisiana State, and he did the tour. And you go into the dining room, and there's this huge portrait of this black family. The story is that family took care of the owner, the plantation owner and the business owner in New Orleans, and so he commissioned a painting of them and hung it in his dining room.

That's unexpected.

Yeah, right. This is the kind of thing that I love to come across, stumble across when I'm out looking around. It's just so perfect. And you look at that and say, you know, we've got to be careful always to avoid too much generalization. There's always the exception. I guess there's an exception to everything when you get to human affairs. And that was a perfect example. Apparently, this family took care of him in their last illnesses, this kind of thing. It was quite a story.
Eardley-Pryor: From the stories you're telling, I have a strong sense of your passion for how history unfolds across the land.

Ruckel: Oh, yeah.

Eardley-Pryor: And that seems to be a theme that certainly has played a role in your life and career.

Ruckel: Yeah, it has. I think you have to understand—especially practicing environmental law in this part of the world—the history of the American West is almost indispensable.

Eardley-Pryor: Yeah, it's people and how they move across the land that you're trying to figure out [legal] judgements around.

Ruckel: Why the situation ended up the way it is now, what were the various land ownership patterns, the various political conflicts, the local interests versus the national interests? All that is part of the web and wove of what goes on here. And you can never try these cases in a vacuum here. You're always trying them with history behind you.

Eardley-Pryor: Yeah. Context really makes the difference.

Ruckel: So to the extent you can use it in court it can really help. Especially if you had a judge who's interested in that kind of thing. Then it helps even more.

Eardley-Pryor: Then you build that rapport with the judge, I would assume. That can only help.

Ruckel: That's the objective. Yeah, yeah.

Eardley-Pryor: Well, you had mentioned in addition to interest in Civil War and these travels, an interest in Mark Twain. And your family moves back from DC, back to Illinois, to Geneva, Illinois in 1954. You're about fourteen years old, just before starting high school. You told me that you also got to travel a little bit around Mark Twain country.

Ruckel: Yeah. Well, Hannibal, Missouri is right down the way. In little old Geneva, Illinois, probably a third or a half of the kids had traveled to Hannibal,
Missouri. He lived there. His adventures while he was living there, I don't know. I have not read a full biography of Twain.

Eardley-Pryor: Well, I can tell you The Bancroft Library, where your oral history will be a part of, has the Mark Twain papers. Almost everything he's ever written.

Ruckel: I know. I know. Well, the University of Iowa has some down there. Yeah. But his stories, everything is there. They preserved it very well. When I went there, I don't know, but it must be the same way now. Given the economy of that particular area, that must be huge.

Eardley-Pryor: From the importance of Mark Twain in American letters.

Ruckel: Oh, yeah. Yeah.

Eardley-Pryor: Well, I wanted to ask you, what was that experience like—going from this dynamic life in Washington, DC as a young boy to beginning high school back in farmland Illinois?

Ruckel: I liked it. It was fun. It was challenging.

Eardley-Pryor: Why?

Ruckel: I guess, at that age, I liked the small-town atmosphere. I was interested in sports. At Geneva Community High School, if you were male and you had a pulse, there were sports for you.

Eardley-Pryor: You were doing athletics.

Ruckel: Yeah, right. I was the most hopeless, helpless football player you ever saw. But we only had eighteen kids to play eleven-man football. So, of course, I played. Offense, defense, you name it. And all the other kids who had a pulse did the same thing. There was nothing heroic about it. Track, now I really had fun with that. I loved it. And I subsequently ran for the University of Colorado. Yeah, so that part of the small-town atmosphere was great.

Eardley-Pryor: What about track and field, what was it that you enjoyed doing?
I enjoyed distance running. It was contemplative. To me, distance running, it's a challenge, of course, an individual challenge. You have to keep moving. Now, everybody does it. And I think part of it is the contemplating aspect, the feeling of achievement, the liberation. It's pretty liberating.

What do you mean by that?

Takes your mind off of tons of stuff. And I work out actively now. I use all that in part to just get my mind off of a lot of things. Clients, nonprofits, politics. It's very useful.

How much of a relationship is there between long-distance running and some of these long legal campaigns that you've been a part of?

Oh, I think so. I think stamina's a part of both. I'm sure distance running is not a prerequisite, but it certainly helps for these long campaigns. And that would be my number one. Yeah. That's my off-the-cuff. And that's my conditioning, that sort of thing.

You had told me that you also worked as a farmhand in Illinois. What kind of work was that in the mid-to-late fifties?

Well, this was my dad's doing. George Olsen was a Norwegian farmer west of St. Charles, Illinois, near a place called Wasco. Geneva, St. Charles, Wasco, they're all pretty close together. That's rich farmland. My dad somehow heard of him or hooked up with him, and I ended up being a farmhand for one long summer. I actually slept in a garret. I did just about everything. I fed cattle. I milked cows. I weeded. I bailed hay. Gosh. Oh, I fed the chickens—nasty rooster, nasty rooster. God, he should have known me after the first dozen visits or so, but the rooster in the henhouse—at least this rooster—had a definite idea about territoriality, and I was not included. So, I had to wrestle with him. The hens didn't give a damn. They just laid eggs or sat and clucked.

What did you take away from that farmhand experience?

Well, once you have chickens, then you'll have a clean area around your house and the barn. They'll eat anything. It was hard work. I actually read agriculture stuff from time to time in the papers. Of course, now as an investment manager and advisor, I need to have some awareness of the field. But I have something more than that. I can relate to what goes on. I remember sitting
around a table while George and his wife, and I cannot remember her name, discussed markets and that kind of thing.

01-00:42:28
Eardley-Pryor: Who's George?

01-00:42:29
Ruckel: George Olsen was the farmer. And I ate with the family.

01-00:42:36
Eardley-Pryor: And you would discuss the agricultural markets together?

01-00:42:38
Ruckel: Well, he was discussing that with his wife, was the prices of corn. Grew oats. And I spent a lot of time in that oat field because they had a thistle problem in one corner of it. So, I wheeled the mighty hoe against the thistles. It was a chore. But it was hard work. It was good work. The discipline that I got was extremely useful, I think, in getting me through.

01-00:43:15
Eardley-Pryor: What kind of discipline is required for farmhand work? What do you mean by that?

01-00:43:17
Ruckel: Oh, you got up early. You have chores that are laid out which have to be done. You have animals and crops. You cannot postpone the important work for very long. And especially feeding cattle or milking cows. It's got to be done. And we had one pig, George had this sow. Amazing animal, amazing animal. Every farmer for, God, I don't know how many miles around who had a boar who wanted to breed ended up at George's doorstep to see whether this sow was going to—she could ramp it up, get them out in the approved period of time, be ready for more, just like clockwork. Just like clockwork. And one of my images from this—I was asleep in the middle of the night in my garret and Mrs. Olsen came charging up the stairs. It's wood stairs. This was just like an Andrew Wyeth painting, except for the window with the lace curtain, didn't have that. And she shook me awake, said, "Tony, Tony, get down to the barn. George needs you. The piggy," they had a name for it, but anyway, "she's delivering piglets." Or "she's in labor," I guess, is what she probably said. I can't imagine she used the word piglet. And so, I charged down in there, and here's George in this stall with this sow. And these things are big animals. A full-grown pregnant sow, I mean, hell, what, three hundred pounds, I don't know. Charging around in there.

01-00:45:28
Eardley-Pryor: That's big.

01-00:45:32
Ruckel: So, there was this huge wrestling match going on. The sow was charging around. She wanted to be somewhere in isolation to have her piglets. George was trying to get her under control and get the whole thing organized. He
yelled at me to get into the adjacent stall and make a nest. So I said, "Okay!"
It was pretty scary, actually, for me because George was cussing at the top of
his voice and, of course, the sow was bleating and roaring and everything.

Eardley-Pryor: And a three hundred-pound animal running around!

Ruckel: That's right. The racket was—and dust, of course, everywhere. Thought you
were in a war zone. I guess you were. But, see, the point is that she's going to
have nine, eleven—thirteen would be big—but she'd have nine, eleven,
thirteen little pigs. Well, each one of those is worth a hell of a lot of money on
a comparative basis. Out in the wild, she'd probably do just fine, I suppose.
Wouldn't roll over on too many of them. But in captivity and in confined
circumstances, she's going to kill quite a few of them before she's through. So,
he's in there trying to catch the babies as they come out. The babies are
forthwith tossed over the railing to the next stall to me, and I put them in the
nest. And this went on, and we got nine. He thinks there might have been a
couple more, but no way to tell without doing a forensic examination of all the
hay and straw. I don't know how you would do it. But yeah.

Eardley-Pryor: What a wild experience.

Ruckel: Oh, yeah. Yeah. Yeah. It was really something. So, I can tell you a little bit
about birthing pigs in northern Illinois in the fifties.

Eardley-Pryor: Now, how close to Chicago were you in Geneva?

Ruckel: Forty-five miles, but it was on the Chicago Northwestern railroad tracks. So, it
was easy to take a train in. They had commuters. Even in that era, they had
complete commuter trains. They made up at Geneva, that was the end of the
line. But then they went into Chicago. So, you'd get the train and go in. Same
thing with the museums and the Chicago Art Institute. You'd just go in and
you knew the train schedule.

Eardley-Pryor: What are some of your memories of mid-to-late-fifties Chicago?

Ruckel: Well, when I went in, I went to the museums and the art gallery. I went one
other place: Maxwell Street. I don't know if you've heard of Maxwell Street?
What's a good parallel? Maybe the Boston Market there at the waterfront
where you had a bunch of stalls? Oh, Seattle! Pike Place. Yeah. Only, on the
street. There wasn't any huge body of water, there wasn't the Puget Sound.
And you walked along with all these merchants and a lot of immigrants of
various nationalities—Chicago's loaded with them, of course. So, you'd go
down there mostly for the color. We didn't have a lot of money to spend. We had very little money to spend. We couldn't really buy a lot of stuff, but it was an adventure. You'd get two or three high school guys in a group, and you'd go down there and stay close to one another and enjoy Maxwell Street. Yeah.

Eardley-Pryor: That's fun.

Ruckel: And then my dad, of course, had to go to Northwestern for various things, so I went to the campus up there.

Eardley-Pryor: What was your relationship like with your sister, you and Martha, growing up?

Ruckel: Back and forth. It's really fine now. I would say it was argumentative, disputatious as much as it was friendly and brother/sisterly. And until maturity, we had much different views of the world.

Eardley-Pryor: Why do you think that was?

Ruckel: Don't know, don't know. Yeah, don't know. We were not particularly close until a while after law school and a while after undergraduate school for her. She spent a semester or something in Strasbourg. She was a French major. She went to different schools. She graduated from Southern Illinois eventually and met her husband there. And these were venues I was not familiar with. I still have never been to France. Spain, Italy, Portugal? Yeah. But not France. My dad wrote a diary in World War I. I can probably find it for you. It's got a couple of passages. And his unit, when it went over to France, allowed the officers—and he was a second lieutenant. What the hell, he had a year of college or a semester of college; that's automatic second lieutenant, in that era. So he billeted with French families. And he was billeted with a French family or families and picked up conversational French, although my sister maintains to this day his accent was terrible. He knew the grammar and knew the vocabulary but had absolutely zero for accent. But he pretended he had all the accent, right. He went through the motions. What do I know, right? I think that probably had a very heavy regard on her. And then she loved the Washington, DC life and went back there. She worked for the World Bank for a while.

There was very little about Washington, DC that I liked in terms of professional pursuits. I've never been politically oriented. I mean I've been heavily involved in lobbying and all that kind of stuff, but I'm not wanting to become a politician. Besides, environmental law was so exciting. Why would I want to divert any attention to anything else? You can make law. You can
write about the US Constitution—and not for academic reasons and not to
prove a point or to write a column for a newspaper—you carried the goddamn
thing into court, and you had to deliver and you had to convince the boss up
there that your understanding of constitutional law was the understanding.
And this actually evolved from my criminal law stuff that I was doing before I
was doing the environmental stuff full time. I was doing defense stuff. The
group of lawyers I was with—quite a group, about five or six of them.
[Richard D.] Dick Lamm was one of them. He's the past governor of the state
[of Colorado], three-term governor. Yeah.

01-00:54:32
Eardley-Pryor: He ran for the Sierra Club board [in the early 2000s].

01-00:54:33

01-00:54:36
Eardley-Pryor: We can get to that later.

01-00:54:38
Ruckel: Yeah, I campaigned against him.

01-00:54:38
Eardley-Pryor: But you worked with Dick Lamm?

01-00:54:40
Ruckel: Yeah, yeah, yeah. I did, I did. He's an interesting guy to work for. He's still
alive, so I don't want to get too personal here. And the group of lawyers: we
were representing the Black Panthers. Lauren Watson, the Watson family here
in Denver.

01-00:55:00
Eardley-Pryor: This is after you finish law school. This is like '69 or so, when you move back
to Colorado?

01-00:55:04
Ruckel: Yeah, yeah, yeah. Yeah. So anyway, those are the kinds of things I was
interested in. My sister was totally different track, okay. We can get into some
of those things later on the agenda. But my sister was totally—so that's why
there was this difference until relatively recently. We always kept in contact,
and we saw each other once or twice a year. Now, we do a much better job of
connecting.

01-00:55:31
Eardley-Pryor: You had mentioned that religion was important for your father. What was the
role that religion played in your life?

01-00:55:41
Ruckel: Well, now, of course, I'm a card-carrying Unitarian. It's important. A church
community is a community based upon certain moral standards. Now, you
may question the legitimacy of the standards or the morality of the philosophy. But it has as one of its reasons for existence—I won't use the French word because, see, I can't pronounce any of that stuff. It has a moral compass. And the Unitarians have a list. It used to be ten. I think it's seven now. But whatever.

01-00:56:33
Eardley-Pryor: Yeah, the Seven Principles of Unitarian Universalists.

01-00:56:35
Ruckel: Yeah, yeah. So, I like to go. And this is probably a function of my father, because I went to the Presbyterian church. I was dragged. But it's a function of Sunday morning, you don't have anything else on your plate, you go to church.

01-00:56:58
Eardley-Pryor: What was it that you took from being in those early church experiences as a young man?

01-00:57:03
Ruckel: Well, music. I like the music. Chevy Chase Presbyterian Church had a wonderful choir. Wonderful choir and a guy named Dickensheets. What a name. He was the choir director and he was a pretty massive, dominating guy and the choir was outstanding, as is the choir down at First Universalist [Church of Denver] where I'm a member now. So that was one of the things I took away. The church school and the Bible stuff was very heavy, and I didn't like it. I could never warm up to the Holy Ghost. I'm unequipped for this kind of thing. I didn't appreciate the Bible until much later in life, when you can read it as a history, and philosophy for moral standards, and that kind of thing. When I was growing up, I wasn't very good at that kind of thing. I didn't know. My parents exposed me to quite a bit, and I think some of it has sunk in. But boy, they couldn't get me to be a good Presbyterian no matter how hard they tried. I just didn't like it.

01-00:58:35
Eardley-Pryor: What were some of the other things that you did like in high school? For example, you mentioned athletics, track and field in particular.

01-00:58:41
Ruckel: Right, right. Oh, I loved track and field. Yeah.

01-00:58:43
Eardley-Pryor: Some of the work you did in the summer sounds invigorating, very physical, but also outdoors. Were there classes that you liked in particular?

01-00:58:54
Ruckel: I did. I had an English teacher. Mrs. Schroeder. She was a piece of work.

01-00:59:00
Eardley-Pryor: In what way?
Well, she was the best teacher in the whole school for getting along with the boys. And she just had a wonderful attitude. She was a hard-charging person. Uncompromising. You learned to diagram a sentence or you were dead. And you had to go up to the blackboard and do it in front of everybody. But you liked her because, first of all, she went to all of the sports events, football games, basketball games. And she'd come in Monday to her class, and she says, "All right, Tony Ruckel. You had a terrible first half. You couldn't do anything right, could you?" And she'd do this for everybody. You weren't being picked on. That was the kind of person she was. And not only that, she was generally right on the money. And so, she somehow was able to translate that into being a good English teacher.

Sounds like she was committed to the community that she was a part of.

Yeah, I think that's an excellent way of putting it. Yeah. Yeah. And so we all loved her even though she called us out frequently. Right? Frequently. And she was an uncompromising grader, too. But she had what we probably call charisma and we didn't know it at the time, we didn't recognize it. Charisma wasn't something being talked about in that era so much as it is now, where it seems everybody has charisma. Or back then, I guess, none of us had charisma. That must be the difference in the "charisma" aspect.

She sounds like she demanded respect and then made it exciting to be a part of her room.

Oh, she did. Oh, she commanded respect. She would straighten out disputes in the hallways and around the lockers and that kind of stuff. She'd wade right in. She was kind of like a Mark Twain figure in that regard.

As you were going through high school, was there any doubt in your mind about the next steps for you?

Oh, sure.

Both your parents were college educated. Was it an assumption that you would go to college?

Yeah, it was an assumption. I had doubts. When I went to CU—

CU Boulder, the University of Colorado?
Ruckel: CU Boulder, yeah. My [high school] graduating class was sixty-four kids. We had the largest group of kids who went to college or secondary education, and that was in the mid-twenties, number of kids. So, I'm coming from an extraordinarily small—the whole school population was about 350 or so, the high school.

Eardley-Pryor: For all four grades, at Geneva Community High School?

Ruckel: Geneva Community High School. Anyway, between 350 and 400. And, of course, they dropped off by the time you get to my— the senior would calve off a lot.

Eardley-Pryor: Really? What are the kids doing if they're not finishing high school?

Ruckel: Well, some of them are going farming. They're from the farming part of the community, west of town. Others became laborers, storekeepers. Yeah. The valedictorian, his father owned a general purpose store. We were too small of a community to have a store devoted totally to hardware. This was five thousand people. And so he's the valedictorian, and he walked down the street and ran his father's operation. Never went to college.

Eardley-Pryor: So, you were in a minority that did continue on to college?

Ruckel: Yeah, yeah. Upper third in the class. And that was big. This was in 1958.

Eardley-Pryor: Tell me a little bit why you decided to go? Why did you continue on that path towards college?

Ruckel: Two things. Two things. I had dimly realized that there was more to the world than Geneva, Illinois and occasional visits to Chicago. So, I wanted to see it. Well, there were more than two things. Grinnell College recruited me via this wonderful, wonderful estate in the near side of the Chicago suburbs. Jesus, I don't have a comparison—I was going to say Merriweather Post's old mansion in Georgetown in Washington, DC. But anyway, magnificent mansion and they were both Grinnell graduates. So, I got invited to a big deal there. I was ready to go to Grinnell. And then we came out west on a vacation and I went to Boulder and there was the University of Colorado. I said, "Dad, can we go to the registrar's office?" Or whatever, I don't know, admissions office. I didn't know squat, right. And so, admission, I probably used the word admissions office. "And can I ask about going here?" My mother and father are thinking
about Grinnell College and fairly prestigious to people in Illinois anyway, and it's a good school.

Eardley-Pryor: Yeah, absolutely.

Ruckel: You know, "Well, you're going to go to Grinnell." "I'd like to see." You only had the SAT scores at that time. Nobody studied for them or courses like that. You went to school one day and they sat you down. You took the goddamn thing, I guess over two days or something like that, and then you dismissed it from your mind. Nobody paid any attention to it. Right? You paid attention because you had to do it. My kids—God, give me a break! None of that had come down the pike yet, except for the SAT thing. And I had an acceptable score. I didn't have an outstanding score, but I had a good score. And probably for Geneva, Illinois, I had maybe a very good score. I have no way of knowing. We didn't talk about that kind of thing.

Eardley-Pryor: So, what happened when you went to the admissions office in Boulder?

Ruckel: Well, they said fine. Yeah. Fill that out. Well, see, I was out-of-state tuition. Right. You didn't apply to a college a year in advance or that kind of crap. None of that stuff was going on. You just went. You filled out the papers and you went. You took the SAT and you went.

Eardley-Pryor: So, you just showed up on the doorstep of Boulder and fell in love with it?

Ruckel: Yeah, yeah. In the summer.

Eardley-Pryor: Was this the summer after you graduated high school? Was this trip out west?

Ruckel: Uh-huh.

Eardley-Pryor: Tell me a little bit more about this family trip.

Ruckel: Well, we went to Yellowstone. No, I had been to Yellowstone before. Rocky Mountain National Park, I think. And I think we stopped at Grinnell and just kept going from Iowa to Denver. Went to Rocky Mountain National Park. My mother particularly, she was the one who drove me birding, she was the one who had more interest than my father in nature and the outdoors.

Eardley-Pryor: She was the driver to going out west?
Ruckel: Yeah. She would have been the engineer of the trip.

Eardley-Pryor: You said you had been to the Rockies before this trip.

Ruckel: Yeah. One time before.

Eardley-Pryor: What is your first trip to the west?

Ruckel: Well, my mother had a distant cousin living in Cheyenne. And I'm thinking I was eight, maybe nine.

Eardley-Pryor: So, you traveled all the way from DC then?

Ruckel: Yeah. So, we went to Yellowstone. Well, see, that was the era where it was still true—everybody in the United States, every person goes to Yellowstone at one time or another. Fascinating thing.

Eardley-Pryor: Did you all take the train out west?

Ruckel: No, we drove. We drove. And after Cheyenne we headed up to—

Eardley-Pryor: Gosh, you drove!? So, this is the late forties.

Ruckel: That's my memory—up there to Grand Teton and Yellowstone. And then, did I go to Rocky [Mountain National Park] on that trip? I know I went a subsequent trip. I can't remember that well.

Eardley-Pryor: What do you remember as a young boy, in the late forties, traveling before the interstate highway system is developed out to the west?

Ruckel: Oh, I remember the inspection of motels. My parents would drive up to one, they'd look it over. Nah. And then they'd finally find one they agreed with. So that's the nature the travel part consisted of. And there's scenery to be seen, even in Nebraska. In fact, northern Nebraska is a very scenic place. No interstate goes through it. That's probably why it's very scenic. But yeah.
Eardley-Pryor: So a decade or so later, you've just finished high school. You're thinking you're going to go to Grinnell, and your mother and your family bring you out west again. Sounds like that was an important moment.

Ruckel: Oh, I think it was, yeah, critically important. I mean, many if not most of the critically important events in my life have happened as much by accident as on purpose, I think. I like to think I was ready for them, and maybe that's why I've been able to accomplish some of the things I've accomplished. But yeah, I think there's less planning than appears in my life. I think it's more circumstantial.

Eardley-Pryor: That's certainly my experience, too. I think that's pretty much the way most people's lives play out, how you play with the cards that you're dealt.

Ruckel: Yeah. I was never slated for Harvard or Yale. Yeah. It's how the cards were dealt.

Eardley-Pryor: How did your family make it possible for you to attend an out-of-state school like this?

Ruckel: Well, it cost them a bit of money, especially since my sister also went out of state. But my mother was teaching, my dad was at that point a labor lawyer in Chicago, and between the two of them they managed to—oh, I should mention he had a lawyer friend of his who lived [just north of Chicago] in Winnetka or Kenilworth, it was right near the boundary. Had a marvelous house, sort of a Frank Lloyd Wright designed type house, up on a cliff above the Lake Michigan. Bob Drake, I need to mention him. And so my sister and I both got a yearly stipend from him. It was several hundred dollars a school year. It might have been around a thousand a school year. That was big money.

Eardley-Pryor: That is.

Ruckel: Yeah, in the sixties. So my parents probably paid for about three-quarters of my college and that's probably the same with my sister.

Eardley-Pryor: What was the relation of Bob Drake to your family?

Ruckel: Well, he was a lawyer. This gets real complicated. Well, I'll try to give it to you quickly. My dad, having represented my mom in the defense of a
Communist speaking in Springfield, Illinois in the thirties at the high school, my dad got on a list of suspect individuals. Now, the government, they hired him as a trial examiner. They didn't give a damn, the people who were doing the hiring. But Senator Joseph McCarthy had a problem with this. So, my dad was blacklisted by Senator McCarthy.

Eardley-Pryor: Wow. In the early fifties I would assume?

Ruckel: Yeah, yeah. Well, that's why we moved from Washington, DC to Geneva, Illinois. He decided to leave the government rather than fight it all out. And one of the reasons he decided to leave the government is he had some friends like Bob Drake in Chicago to channel some business. And some of the labor unions were favorable to him. This is a great story because it goes on. So, he came out and the Drake family and my family were relatively close. And he asked my dad, having known what my dad had gone through and what it had cost him, what it financially cost the family, asked him if he could help out, would really like to help out. So, he did. And part of what he gave for our education was a loan and part was a gift. So, we had to pay back the loan, which both my sister and I religiously did. This was before all the current student debt. None of those organizations were in existence at the time. You went down to your friendly banker or whoever and borrowed money that way. The universities and schools had some, but the University of Colorado never breathed a cent in my direction. I was a decent athlete, but I wasn't on scholarship. So, he helped out. And subsequently, when I became a lawyer for the Sierra Club Legal Defense Fund, we were looking for Midwest directors. So I said, "Well, Bob Drake would be perfect." So, Bob Drake became a trustee of the Sierra Club Legal Defense Fund for several years. Had a couple money raisers at his place, which were always successful because of his beautiful house. Swimming pool in the basement. This wasn't just a swimming pool. This was a lap pool. This was big. And Lake Michigan was just down the hill through the woods. Yeah.

Eardley-Pryor: Wow. That's a great story.

Ruckel: Yeah. Isn't that a great story?

Eardley-Pryor: So, Bob Drake not only helped your father flee the McCarthy persecutions in DC, but then also helped you and your sister attend university?

Ruckel: That's correct. Yeah.
Eardley-Pryor: And then you later, in your career, helped bring him into [the Sierra Club] Legal Defense Fund?

Ruckel: Yes.

Eardley-Pryor: That's a wonderful circle right there. And bringing up McCarthyism also makes me think about other issues that were arising in the fifties.

Ruckel: Oh, I can tell you one other thing about McCarthy.

Eardley-Pryor: Please.

Ruckel: My older son went to Lawrence University, which is in Appleton, Wisconsin. McCarthy was from Appleton and buried at Appleton. Now, this is on his word, but I have no reason to doubt it; he's that kind of individual. The students with liberal tendencies claim that it's tradition in Lawrence, you go out and you pee on McCarthy's grave.

Eardley-Pryor: That's wonderful.

Ruckel: He asserts that he did this. I believe him. He's that kind of kid that would.

Eardley-Pryor: That's fun. That's a good college experience right there for the liberal kids.

Ruckel: So yeah, yeah.

Eardley-Pryor: Well, with the 1950s in my mind, the rising Cold War is becoming more and more of a concern and nuclear testing and nuclear raid drills in schools. What are some of your memories of how the Cold War—

Ruckel: Well, you'd duck under this desk. Oh, yeah, yeah. You're taught to duck under the desk. And how that was going to protect you, I don't have the foggiest idea. But that's what you were taught. You had a shelter in the school that you would parade into. Now, at our church, we cannot have locked closets because they're shelters from gun violence.

Eardley-Pryor: Oh, goodness. So, it's gone from the nuclear threat to the gun threat today?
Ruckel: Yeah, yeah. Isn't it amazing how it's the same? In other words, you went to the closet for the nuclear test. Now, you go to the closet for the gun violence, little kids.

Eardley-Pryor: What are some of the ways that the Cold War influenced your life in the fifties growing up? Did it?

Ruckel: I don't think it did. I don't think it did. By that time, I was reading a lot of Civil War history. I was more interested in that than, you know, in the Cold War. My folks, obviously they were Democrats. My mother was substantially more liberal than my father.

Eardley-Pryor: Why do you say that?

Ruckel: Oh, he would, from time to time, suggest that guys like [Illinois Senator, Everett McKinley] Dirksen and other guys had a legitimate point of view. My mother wasn't going to accept any of that. Those were the indications. I remember on one occasion, for some unknown reason, I mentioned Barry Goldwater's name to my dad, in the context, "Well, I guess you guys are totally against Barry Goldwater." And my dad said, "Well, he has some good ideas. I'm not for him. I'm against him politically. But, you know, he had some good—" My mother never would have gone that direction. Senators typically from Arizona, they're very protective. McCain. I was there when he defended the Grand Canyon. They're very protective of the Grand Canyon. Well, it's a huge part of the economy in the state. But they don't like people messing with it.

Eardley-Pryor: It's one of the wonders of the world, and it's in their state.

Ruckel: Yeah, that's right.

Eardley-Pryor: That makes sense. But not necessarily all Republicans would go that way.

Ruckel: Oh, no. No, no. They don't, even in Arizona. But it's just that some of these guys did. Goldwater was a defender of the Grand Canyon. McCain was a defender of the Grand Canyon.

Eardley-Pryor: Once you experience the Canyon, it's hard not to love it and want to protect it.

Ruckel: You don't want to build dams in the bottom of it?
Eardley-Pryor: I sure don't.

Ruckel: Okay.

Eardley-Pryor: All right. So, in September 1958, you make this decision you're going to go to school in Colorado. What was college like? What was it like moving out to Colorado? Moving out of home?

Ruckel: It was a tough adjustment. I didn't do well the first couple years of college. I was trying to adjust. I had not developed good study habits, so I was winging it and I didn't wing it very well. I know it's unpopular to say these things these days, but I think fraternity life helped me quite a bit because it anchored me.

Eardley-Pryor: And what fraternity were you a part of?

Ruckel: Delta Upsilon. And we had a good mix. We had some bright kids there. We had some athletes there. And we had some good womanizers—at least they could rustle up two or three dates for those of us who were deprived. And it was a great mix of kids. We recently had a reunion. The best man at my wedding, a friend of mine, lives over in Philadelphia now. He reviewed my book for me and likes the book [H. Anthony Ruckel, *Voices for the Earth: An Inside Account of How Citizen Activists and Responsive Courts Preserved National Treasures Across the American West* (Littleton, CO: Samizdat Creative 2014)]. But at any rate, he was born on the same day I was on the same year. How is that for coincidence?

Eardley-Pryor: And he was another DU fraternity brother?

Ruckel: Yeah, yeah. He was probably my best friend in college although, you know, I had several very good—when you're in a fraternity you have a dozen guys you're probably pretty close to.

Eardley-Pryor: What was his name?


Eardley-Pryor: Where did Dick Smoot grow up?

Ruckel: Kentucky. Covington, Kentucky. It's Cincinnati, across the river.
Eardley-Pryor: Ah, I grew up in Cincinnati, so I'm familiar.

Ruckel: There you go. He was just across the way.

Eardley-Pryor: Oh, wow. And how did he end up in Colorado for you two to meet out there?

Ruckel: No idea. That question never come up.

Eardley-Pryor: But you both ended up in DU at CU.

Ruckel: DU at CU. Yeah, yeah.

Eardley-Pryor: When you were involved in your courses, what were the things that you were interested in? What were you drawn to?

Ruckel: Well, I was definitely interested in the anthropology/archaeology stuff.

Eardley-Pryor: Why?

Ruckel: I have no idea. It's part and parcel of the first two years where I was just looking around. I was trying to adjust from the small town thing to the big university. Hell, there were more people at the University of Colorado than there were in my entire town. There were more people in my biology 101 class than in my entire graduating class in high school. I mean, give me a break. For some reason I was attracted to the thinking in that type of thing. And then, of course, I ended up working at Mesa Verde for three summers. So that sealed the deal. Archaeology still is really fascinating to me.

Eardley-Pryor: Well, those summers in Mesa Verde sound like they were incredibly influential for you.

Ruckel: Oh, they were. They were.

Eardley-Pryor: How did that experience develop for you?

Ruckel: Another fraternity brother heard about the job. He was a history major. He wasn't going to do it, but he mentioned it to me. And I said, "Well, you know—" And even the fraternity kids—we had some wealthy kids, no
question about it. But most of us had to work some. I had to work certainly throughout my student years.

Eardley-Pryor: At Boulder, as well, during school? Were you working while taking classes?

Ruckel:

No, I wasn't. I did some. I worked in the senior women's dorm in the dining room. This was in the era where you waited on eight, ten—I think eight, but it might have been ten. And you had a table or two, and you could only talk to the head lady, and you couldn't talk to any of the other ones. She was the only one that could give you instructions. There are obvious reasons for this, very obvious reasons. But, of course, the other girls would just try to divert you the whole goddamn time.

Eardley-Pryor: But this was not a buffet line. You were serving dinners then? It was like a plated dinner?

Ruckel:

Oh, yeah. Yeah, it was. It was always interesting. And, of course, the head girls were selected. They weren't elected, they were selected for some capability that the counselors saw in them. And they were paid something. They got a free meal—I don't know. In those days they gave you freebies rather than money.

Eardley-Pryor: So what would the head woman tell you while you were working?

Ruckel:

See, if a girl needed something or wanted something or something like that, she had to clear it through the head girl. There was to be no communication. You could nod and say thank you or you're welcome. That's about it.

Eardley-Pryor: That is a different era, isn't it?

Ruckel:

Yeah, it was. Well, God, in loco parentis was everywhere. I mean it was useless. Even at CU, even at our reduced intellectual capacity at CU, which I would never concede, but you found ways around that.

Eardley-Pryor: Yeah, boys and girls are going to be boys and girls.

Ruckel:

What do you mean ours? There were tons of different ways you could work your way around that. And you had help from your fraternity brothers and your date had help from her sorority sisters or her roommates in the dorm or
friends or that kind of—you could finesse all that. You just had to plan a little bit. Just had to plan a little bit.

Eardley-Pryor: That's part of an education as well. Not just the books, but how do you make the social scene all function? How well do you know the system?

Ruckel: Yeah, yeah.

Eardley-Pryor: Well, back to this incredible experience at Mesa Verde National Park. You needed to work in the summer. You found out about this summer job, and you decided, instead of going back home to Illinois, you would stay in Colorado.

Ruckel: Yeah. The pay was somewhat minimum, but it was free room and board. So, I could save money for college. And I did, substantially. I did that in substantial quantity given the era and the amounts of money needed. You're in a tent camp. Now, it's well that you have a cabin for the mess hall, and then a cabin for lab and lab work, and that type of thing. And then you have tents. And the Navajos were down the slope. Or, no, the Navajos were up slope.

Eardley-Pryor: I didn't quite catch that distinction.

Ruckel: Well, the Navajos were probably close to 50 percent of the workforce, were Navajo.

Eardley-Pryor: At Mesa Verde?

Ruckel: Mm-hmm.

Eardley-Pryor: But it was segregated?

Ruckel: Yeah. The tent life was.

Eardley-Pryor: Was this almost like a Jim Crow kind of structure?

Ruckel: No. It really wasn't. Remember that all the archaeologists were educated and pretty progressive thinking for that era. You needed them because they would do the work. Had very little Hispanic or Latino work source then. The ones you had, for instance, the San Luis Valley, they were all farmers and they were working on the family farm. That's where they were working, and that's
where they expected to be working. Or the little towns like San Luis, in the southern part of the San Luis Valley, where you had a service town that serviced all this and had a little church up on a hill. A great selection by the Catholics. So, they weren't available as a work source.

But on the reservation, especially among the Navajo who have, God bless them, have endured as much as any Indian tribe but somehow have prospered. Their traditions, their work ethics when they have jobs, their humor. They have a marvelous sense of humor. It's almost endemic, I think, in the population. Those things have helped mightily. Plus they have a beautiful place to live. They're one of the few Indians that's living exactly where they've been living all along. Right? They've migrated in as Athabascans, but that goes way, way back. Their sacred places, many of them—we'll see what happens to Bears Ears [National Monument, in San Juan County, Utah]—but many of them are there and so that's helped perpetuate their traditions, which has given strength to their community and gains the respect of the young kids, of the youngsters coming up. It's fascinating to watch now. The whole thing that's happening on the Navajo reservation and the suit at Standing Rock [Standing Rock Reservation of the Sioux tribe in North and South Dakota] and throughout the country. The Indians used to be not subservient but lower cast. I don't know. I'm not very good with these words. And the young moved to the cities and became laborers. Very slowly, but gaining speed, the youngsters have been going to college—doesn't matter if it was a trade school, anything beyond high school, okay—has given them increased horizons. And being young, that's wonderful. So, it doesn't matter what kind of school it is. It's beyond the high school level, the Indian school level, that hole where they're shipped, and they stay overnight, and they come back. And they're returning to represent their people as lawyers and doctors.

That wonderful election in southern Utah for the San Juan County commissioners. Oh! The San Juan County commissioners, they're three in number. That includes, God, I don't know, Natural Bridges National Monument, Hovenweep [National Monument], I don't know if it gets to Canyonlands or not, Grand Gulch [Primitive Area]. Anyway, wonderful Southern Utah land. Right? So, the county commissioners were two Anglos and a Navie. Dine. Navajo. I shouldn't use the word "Navie." See, that takes me back to Mesa Verde. That's the reference we used. We didn't know about Dine. What the hell. So, you called them Navies, and not as a pejorative term, just to identify them.

01-01:34:28
Eardley-Pryor: What did they call themselves?

01-01:34:30

01-01:34:41
Eardley-Pryor: So the county commissioners, there's two white people—
Ruckel: There are two white Anglos and—

Eardley-Pryor: And a Dine person who was also a county commissioner?

Ruckel: Yes. So they had an election. One of the whites was up and one of the Navajos. Typically, the Navajos didn't vote. They just don't vote. Not to speak of the fact that voting venues were either extremely limited or almost not existent. They almost had to vote by absentee ballot for Christ's sake. Many of these people are illiterate. Anyway, that's a whole different story. So, this election is coming up and the minority Anglo community down there is fully aware that their tenure may be limited. And the Navajo are fully aware that there's an opportunity for them to be in charge. So, they ran a candidate against the white commissioner and then their incumbent also ran. Well, the state of Utah—well, it was actually the county, but you can't prove it by me, but at any rate the state wasn't involved. They decided that they had to tinker with the election rolls in order to deprive Navajos of the vote. Okay? So just the whites could vote. They knew where they were. So, the election commissioner decreed that most of the Navajos could not vote because they didn't have a definite address.

Eardley-Pryor: Wow.

Ruckel: The ACLU took on the case and went to court and the US District Court in Utah said "Bullshit. They get to vote." I won't go into all the—they got to vote. They elected the Navajo. So now, it's two Navajo, one white man.

Eardley-Pryor: That's really cool.

Ruckel: Yeah, yeah. But this is what's going on, you see?

Eardley-Pryor: It's part and parcel across the country.

Ruckel: Right, right. The Indians are beginning to take charge because their youngsters are finally getting educated. And not only educated, they see participatory roles.

Eardley-Pryor: And that story of people of color and minorities being disenfranchised is part and parcel across what's happening around the country, as well.

Ruckel: Oh, sure, sure. Look at North Carolina.
Eardley-Pryor: Yeah, and Georgia. Yes, absolutely.

Ruckel: Absolutely. We have a lawyer on the [Sierra Club's] litigation approval committee. Robert Jackson. He's a black lawyer from Atlanta. He's your age, maybe a little bit older. He's a general practitioner, trial lawyer. Does environmental law, does real estate law, does a bunch of other stuff, has two young girls. Their whole family—his wife, he, and the two young girls—are all life members of the Sierra Club.

Eardley-Pryor: That's really cool. That's fantastic.

Ruckel: And I was there meeting with him in July. As a part of the meeting, we were talking about election things and all that. And, of course, several of the people there were saying, "Well, Georgia can be tipped. We can get Georgia." And I was among those believing that that could be the case. And he said, Robert said, "Well, that's right, but understand this." He said, "We're getting our people out. They're going to vote. In the Atlanta area they're all there, they're all in, and they're voting. So, you're going to need something more. You can't just rely on us. You're going to need something more. We're walking to the polls or mailing in the ballots." And it was an instructive conversation. He said, "Maybe it's only twenty or thirty thousand, but they've got to come from some place other than the black community."

Eardley-Pryor: Yes, and also make sure that the black community isn't disenfranchised by having fewer opportunities to vote, or [being told], "Your address isn't correct, so you can't vote." That kind of stuff is happening there with Stacy Abrams, and the secretary of state down there who ended up winning that election.

Ruckel: Sure. Well, see, that was like I say: he was putting the burden back on me.

Eardley-Pryor: Yeah, that's right. Because it's not just the black community.

Ruckel: And that's where it belongs—upon the Anglo community.

Eardley-Pryor: Yeah, yeah. Takes a village.

Ruckel: Especially since his part is being done. Yeah, yeah.

Eardley-Pryor: That's great.
Ruckel: Very impressed. I'm sure they could bleed more votes out of the black community. Don't get me wrong. But I think he was just tired of hearing that more of his folks had to go to the goddamn polls in order to elect the right people. "What the hell is wrong with all these pale faces running around?"

Eardley-Pryor: [Whites] putting the burden on the black community. Yeah. "Why aren't the white people voting the right way?"

Ruckel: Yeah, right.

Eardley-Pryor: I hear you. That's right. That's right.

Ruckel: And he's very forceful, so his message was not lost. Everybody else heard the same inference.

Eardley-Pryor: Tony, let's take a little break here and we'll revisit Mesa Verde afterward.

Ruckel: Yeah, I'd like to do that because Mesa Verde is important.

[Break in recording]

Ruckel: So, Tony, you were telling me, before we took a break here, you spent these incredible summers at Mesa Verde National Park. What was the work that you were doing there?

Ruckel: It was archaeological work. There were probably three different categories. There was the digging and the excavating—from pick work to little brush work. And then there was the cataloguing, all the technical stuff—photography of the site, photography catalogue. I did all that kind of thing. And then there was the survey. And my first summer was spent, I spent a week at Long House Ruin or maybe two weeks max, excavating. And they started you out there to figure out whether you were a disaster and were going to harm the antiquities or whether you were a keeper. So anyway, from there I was transferred to the survey. And wow. The survey, it was three of us. A graduate student, myself, and an archaeologist or even another graduate student. You strapped onto your back steel stakes and bags. You had backpacks with bags. And the surveying equipment was located by the surveyor, the project surveyor, and then he went back to camp. You had sort of a radio location device and you triangulated. You have two of them set up, and then you have the source where you are. One was set up on a benchmark, a USGIS benchmark, and there were enough of them in the area. And then the
other was set up at an already surveyed spot. And then, with this equipment, you went back and forth across the mesa. There's nothing else there. No people, no ruins. Nothing has been rehabilitated—or "stabilized" is one of the terms they love. And you look for sites, for evidence of sites. And then, once you've found one, you set up the radio operation—triangulate it, so you would have it, and you kept minutes. So, you would know the exact location. You drove a stake in the ground with a previous numbered—each stake had been shaved on one side and had a number on it. They were iron stakes. And then, you went around and you mapped what you could see. You mapped what you could infer from what you see with reasonable definition. And then you did a collection of any kind of artifacts or stuff that you found—typically potshards in the southwest, but you also found other things. We'd find arrow heads. You could find everything. And sometimes monos or metate half-buried and that kind of thing. And there would be rock walls and all, and you'd describe the thing.

01-01:44:05
Eardley-Pryor: What's a mono or a metate?

01-01:44:07
Ruckel: Ah. Metate is the corn grinder, where the corn's placed. The mono is what you push across to grind the corn. And then you went on to the next finer grain metate and you did this back and forth across. Your directional signals had to be right. Interesting story. The Park Service and the USGIS said, "Well, gosh, these guys, they were so good at what they were doing they got 95 percent of the ruins." Right? You can't get them all. And then they all came and asked us. And we all said between 80 and 85 percent. We couldn't imagine. Because we had to do the interface. We knew that we didn't always—the guy on the left, when he turned around or however you wanted to look at it, you go and then you turn and then you come back, the person marking the extreme line of the previous passage could no more hit that exactly than the man on the moon, for God's sake. Plus, you had geological boulders and you had brush and you had all kinds of stuff, fallen trees. There's just no way, right? And one of the archaeologists, one of the lead archaeologists said, "I told them so." He said, "I told them that these were good guys, but it was impossible to get any more than 80, 85 percent of the ruins." So anyway, that is the byplay. But that was fascinating because it was orienting. It was science, and that kind of thing. It was exercise. Wow. It was good exercise for a track man at CU for sure. And it had a forced camaraderie. Everybody was compatible. All three summers I was there was no incompatibility that I saw. There was one guy, graduate student from, I don't know, University of Houston or something like that. He wasn't there long. But that was it. He obviously didn't fit. He was opinionated. He was a poor worker.

01-01:46:44
Eardley-Pryor: So, along with members from the Dine community, what I'm hearing is mostly it was graduate students and undergraduate archaeology students working there?
And it was a bunch of laborers. Mancos is a town near there, and there were a bunch of poorly educated but hardworking men who lived there. The chief carpenter was from there. Yeah. There were professors and professional archaeologists and some graduate students, and then there were a couple of undergraduates like myself. Right.

Being an undergraduate there, as you were, was not the common thing?

It was not exceptional. I wouldn't say it was common. A couple, three of us a season would be the way I look at it. Graduate students, four or five. Mancos community.

Were some of your professors from CU also there?

Well, one of them, Robert Lister, was on the advisory committee. There's an interesting story there. I took a southwestern archaeology course from him, and a week before the final he came up to me. He said, "Tony, I need to talk to you." I said, "Okay." And he took me into his office. He says, "Now, Tony, this is kind of an unusual situation. I've got to grade you by graduate student standards in this course because you've done so much of it." I still got an A. I was very pleased. But yeah. He said, "You can't pass as an undergraduate here in this course. It just won't work."

"You've had too much experience already."

Well, and he said it wouldn't be fair to the other students who didn't have the experience.

That's really cool that you were already an expert.

Yeah. But at any rate, the other thing we did was—I did a lot of site photography. First of all, I wasn't afraid to climb the tripod, which went up in the air, I don't know, seventy, seventy-five feet.

My goodness.

You climbed one side of it and went up carrying a four-by-five camera. This was the early sixties. We didn't have the cameras you have today. We did have a Leica that the National Geographic—they were funding part of it—and
they had a Leica on each of the principal sites. And since I was the photographer, I also used the Leica and took pictures.

Eardley-Pryor: Had you had much photography experience before?

Ruckel: Oh, no.

Eardley-Pryor: This is where you learned it? Because you've become such an avid photographer now.

Ruckel: Yeah. You're there. You're the low man on the totem pole. You're told to do it. No magic to it. And you either do it okay or you don't. If you don't do it okay, then you go back to where you were.

Eardley-Pryor: You don't do it anymore.

Ruckel: And then they drag somebody else into it.

Eardley-Pryor: So, you were climbing this seventy-foot tripod. Seventy-feet up in the air?

Ruckel: I would say that's about right.

Eardley-Pryor: And that's just to get the full site in view for the picture?

Ruckel: Yeah. I had a platform on the top that the four-by-five [camera] screwed into, and then you could tip it down and you could take the photos. I've got several site books and reports up there you can look at. You can see how a lot of that works.

Eardley-Pryor: What was it like being at the top of this thing in the middle of the national park?

Ruckel: I didn't pay a lot of attention. The tripod, it was very heavy, so it took three people to erect the tripod. You see, you had to locate it so the camera could get without the distortion. See, looking down, if you're looking that way in the ruins, you wanted to minimize distortion, right. So, you had the platform, where the platform would be once the three legs are up. Sometimes it was quite a task, and sometimes we would want one or two of the archaeological
laborers at one of those tripods, one of those steel poles just to make sure of stability and all that. Because I'm moving around up there. The thing has to—

01-01:51:42
Eardley-Pryor: It better stay put.

01-01:51:44
Ruckel: Yeah, yeah. We didn't use ropes or anything like that. There weren't any standards, workplace standards. I mean, huh.

01-01:51:56
Eardley-Pryor: You're just out in the wild.

01-01:51:57
Ruckel: Yeah. And so, the photography. And then the cataloguing. Each thing had to come. Whether it was a piece of bone or moccasin or cooking utensil, an arrowhead or a spare point, you catalogued where it was coming out of the ground, and then you listed the catalogue and all that and the various levels. Stratigraphy is critical in archaeology, can't do anything without it. And I did all these things.

01-01:52:36
Eardley-Pryor: What work did you like the most?

01-01:52:41
Ruckel: Oh, the survey back and forth. Well, that was fond memories. And then Mug House. Mug House is not open to the public. It's the fifth largest cliff dwelling in the park. It's a beautiful cliff dwelling. They couldn't build access to it because it's surrounded by the Ute Reservation and the survey dated from 1910, 1912 and was not done even as well as surveys could have been done at that time. So, the boundary was literally in question, whether Mug House belonged to the Utes or belonged to the Department of Interior, if you will. So now, I've been in it three times, I guess, in visits back. Just descend a make-work pole steps thing down in the canyon. I've taken people in there. You're all by yourself. There's nobody else around. And it's a big ass cliff dwelling. Yeah. That would have been my second favorite thing, is excavating that. I had a couple of kivas I had to get through. And the crew was great. On that crew we had Frank Bluehorse, who was a shaman for the Navajo. And he would sing and chant from time to time, and from time to time the other Navajo would join. Navajo—I forgot, Dine. But my lingo, I go back there. So, the other Dine would join in sometimes. Then we had a guy, he was a "roustabout" and had run around the whole West, spent a lot of time in Montana and learned a lot of cowboy songs: Gordon Lander. So, Frank wouldn't sing for a while. It would be quiet. And then old Gordon would pipe up and be singing some of his cowboy songs. We're working away in here.

01-01:55:16
Eardley-Pryor: That sounds magical.
Ruckel: Yeah. It was, it was. And then you had to guard your lunchbox. See, one of the Navajo humor things is that they'll take your lunch out and put rocks in or put something else in. And if they can find something like a scorpion or something, oh! So, you were always careful where your lunch was. And you always got your lunch, don't get me wrong. They had a great sense of humor. Great sense of humor. As I said earlier, I think it's part of the reason they've been so successful on a comparative basis in the Native American communities.

Eardley-Pryor: I can see why this experience was so influential and enjoyable for you.

Ruckel: Oh, yeah. Yeah. It was.

Eardley-Pryor: As a young man, nineteen, twenty years old.

Ruckel: And then we had the contest. You were talking about the contest. Yeah, that was great. That was Bobby Lee, Bill Wade, and myself. Bobby Lee was the Navajo. Very bright kid. Very bright kid. But he'd had a lot of the typical Navajo problems, drinking and various things like that. But an extremely hard worker. Extremely hard worker. He and I would team on some forest fires from time to time, and it was a pleasure to work with him. He was a bright kid. He was a great guy. And then the other one, Bill Wade was the son of the chief ranger. Well, Mesa Verde's over here. Here's literally the mesa. And you go across, right over the mesa, and then a long canyon dives down here and there's no marker or anything like that. In fact, to do this right, you had to be able to hit a precise point going across the mesa in late afternoon with the sun over your left shoulder.

Eardley-Pryor: Well, tell me the background. So, the three of you would have these competitions together? And it was to—

Ruckel: Well, you didn't do it together. You did it on your own. First of all, when you did it, one went with you and he stood on this interface between the literal mesa and Long Canyon, to make sure that you got into the canyon and you got out because you're going as fast as you can possibly go. And we all had our favorite routes. You wanted to be in and out of that canyon in about eleven, twelve minutes, as I recall, to have a chance at the record. So, you had to barrel ass down there and you just had to pick the right ledge, the right break in the ledge that you could negotiate down. And then, on the other side, you had this wonderful long plain. It was a narrow ledge about like that. And you start at one end and went right up to the saddle, to shore to the saddle. And so, you could really chug along there. But this was fairly risky, fairly dangerous.
And so, when you got to the saddle, you waved to the other guy and he went back to camp.

01-01:58:30  
Eardley-Pryor: You said, "Hey, I made it."

01-01:58:30  
Ruckel: And then you went down into Navajo Canyon. The CCC [Civilian Conservation Corps] boys had built a trail up to Spring House, which is the third largest. That's unexcavated and purposefully so that future technology, as it advances, then you can come back to a ruin that has not been excavated. So they built this thing. So then you barrel assed down the other side of Long Mesa. You see, when you got to the saddle, you're just dripping in sweat. You're soaking wet. Right. It's the middle of the summer. And this magnificent breeze is coming up from the other side as the heat layers change, as the sun goes down. So that had this wonderful breeze, and so you could run against the breeze on this wonderful CCC trail. It's level. The public can't go on it because they want to protect Spring House. But we weren't the public. And, I don't know that—I mean Bill, I'm sure, never told his dad that we were doing this. He probably finessed it. "What are you doing in here, son, tonight? Aren't we—?" "Oh, Dad, I came in with the water truck." Everything was the water truck. See, the water truck had to come in with water, back and forth. "Oh, okay, that's fine." You made your arrangements. And that's how you got back out to the ruin the next day. And nobody really cared. On an archaeological ruin, you're working pretty much from sunup to dinner, and then sometimes I'd be working in the lab with the cataloguing and the photography and that stuff. You had to do the photography in a black bag. Oh, God, I got good at that. No idea how. You had to have the plates in there, and you had to have the film in there, and you had to have the camera in there. And then you'd take it out and you'd maneuver all that. And there were little things on the edge. This is not even done anymore. And so, I was developing four by fives. But you did that. And it was all black and white. You got so you could load the slides with the four by five film and not have any light exposure. It was a laborious process because your hands would heat up in there. And when they get wet, then you're going to mess up the film, so you had to come out and—

01-02:01:23  
Eardley-Pryor: Dry your hands?

01-02:01:24  
Ruckel: —dry your hands, and then go back in. Things were always different than they were when you came out, so you had to rearrange things. I didn't particularly like loading or unloading film. Frequently, with the unloading we could send it in. They had a great big lab with a huge building in a Chapin Mesa, at the developed part of the park where all these artifacts and everything—Wetherill Mesa was one of the biggest projects at that time being conducted in the country.
Eardley-Pryor: As an archaeological site?

Ruckel: Yeah, yeah. So, they had a big Quonset hut that went on forever and ever. Sometimes we'd send the loaded slides in there and then they'd send film out. But it still had to be loaded.

Eardley-Pryor: The mesa experience, working in Mesa Verde at this Wetherill Mesa project sounds like it shaped you in some ways.

Ruckel: Oh, many ways.

Eardley-Pryor: What ways do you think stood out to you for significance in your life? It sounds like a wonderful experience, but what did you take away from it?

Ruckel: Well, I certainly learned a lot of archaeology. Even now, in May [2019] we were at Alhambra in Spain and there was a Roman ruin there beside the thing. And we went in the Roman ruin. Nancy [Olmstead, my partner.] knows by this time, there's a mound over here, there's a mound over here, I'm connecting a wall or I'm doing this kind of stuff just subconsciously. It just occurs. We went to the Yucatan, and I wanted to go see Coba [ancient Mayan city and ruins]. I didn't give a damn about Chichen Itza or that kind of stuff. That's all excavated. I wanted to see Coba, where it's not. There are weeds growing, there are trees, and it's a mess. Nancy nodded her head, says, "Ah, we're going to Coba, aren't we?" The hell we are! I haven't been to Chichen Itza yet, and I'd love to see it. I'd love to see Coba because it's an equally concentrated. It's big. It's got the tallest pyramid, which I climbed. And taller than anything at Chichen Itza for Christ's sake. And it's not developed. The stones aren't smooth or any of that kind of crap. They had a rope so you could take turns at the rope getting yourself up or down. And down, most people were coming down on their butt. So obviously, the whole science of the thing and all that—

Eardley-Pryor: You've taken that with you?

Ruckel: Yeah, has sunk in. I mean, how could it not after three summers? Certainly, the idea of preservation and protection. I had not realized the importance of maintaining areas, the difficulties, the political sensitivities, all that kind of stuff. I didn't know anything about that, and I certainly learned about that and saw a lot of it. Dignitaries who would come through, and all sorts of things, and we'd have to pretend we were adults for a while. Then the camaraderie was really impressive. And working with the Dine—I'm glad I didn't use that
[Navajo] word again. Working with the Dine was a real privilege and taught me a lot. Gave me a lot of understanding. Empathy, I guess.

Did working in the National Park System during your undergraduate summers have any role later, when you were working often on legal cases taking the National Park to task?

No. No, I never had trouble with that. In fact, some of the things the National Park Service did that I had to interfere with were egregious. Egregious.

Having worked within the Park Service, was that something that you could bring as experience to your later trial cases?

Oh, I think in terms of getting along with a diverse group of people, it's clearly a plus. No question. And respecting their culture and respecting their eccentricities. Yeah. Pausing for a minute and letting them say something. [When] you're an undergraduate, [you think] you know everything; God, you know the whole fucking book. So, to pause for a minute because the communication interface is different. Doesn't matter how Americanized they are or how Indianized I might be. The communication is different. You have to work those things out. They gave me a Navajo name.

What was it?

Nachatki "Grasshopper," I'm told. I don't know. Could be a prohibited sex act. I have no idea.

Could be "A Scorpion in Your Lunchbox." So, you spent your first summer at the Wetherill Mesa Project, but then that next school year you did not return to CU Boulder. Why not?

Well, I wasn't being successful grades-wise. I didn't know what I wanted to do.

So, what did you do?

Well, I went to work for Toucey Varnish Company in South Chicago and here's another story. I assume these stories have some relevance here. You'll really enjoy this one. My dad, with his labor connections, knew a leading member of the Chicago bar who had an office on the near north side. Now,
that's a working person's community, in part, so it was kind of away from the lake. Probably three or four miles away from the lake. So it was the heart of the working—but had homes, bungalow type homes and things like that. And then at street corners, it would have your six or eight story old style office building. So, my dad got me an appointment with this lawyer, and I ended up at this office. And it turned out that the law firm's offices were on the next to top floor. Wonderful offices. And he was doing a lot of labor law, a lot of criminal law, a lot of all this kind of stuff. Right? And, it was obvious I was going to get the job because of my dad, not because of me. So he said, "Your dad tells me that you're a history buff. You like to read history." And I said, "That's right." And he says, "Come on." We go upstairs. And the whole top floor—God, they had magnificent windows and shades that went over them—allegedly, is what I was told, it was the finest private collection of Lincolnomia or Lincolnamia in the United States.

Eardley-Pryor: Wow.

Ruckel: And I can believe it. The place was loaded. He had tables. It was just like a library. He had tables loaded with graduate students from Northwestern or from the University of Chicago, who were doing research in there. There was nothing equivalent in either of those—

Eardley-Pryor: This is his personal, private library?

Ruckel: Yeah. Nothing equivalent in either of those libraries, right. This was where you went. If you were a graduate student in history and you were doing something about Lincoln or Illinois in that era or something like that, you didn't go to your library. You went to this guy's library.

Eardley-Pryor: That's cool.

Ruckel: That was really cool. And wow. I was speechless. You just can't believe—I saw one other library like that in North Carolina on a mountaintop. This is out of sequence, but the Sierra Club Foundation had a guy named Philip Blumenthal. Blumenthal's a name you might recognize in history. There are some Blumenthals—minor historical figures. Philip's father, and this was a New York Jewish family, his father liked the Asheville, North Carolina area, the Smokies and that area, and he went down to see if he could find a place to purchase. Well, the Blumenthals have all sorts of money. So, he goes down and he's pretty open-minded about this kind of thing, and he talks to realtors in Asheville and they take him. And he says, "I want to be isolated. I want a place on a mountain or something. I want to be up away from Asheville. I don't want to be in Asheville." And the realtor said, "Well, I've got just the
spot for you." And they drove him to this mountaintop that looks at the crest of the Smokies to the west. Magnificent view. Only has a lot of fog. Well, Philip's father saw it in perfect daylight. Got the whole view. Right? And the realtor said, "Now, there's some competition, Mr. Blumenthal. There's three guys from Texas that are looking at this lot, and they're going to be visiting in a couple of days." Now, this is his son telling the story, but his son's perfectly credible to me, who said, well, his father said, "Well, look, if they're really seriously interested and they're seriously thinking of making an offer, let me know because I'd like to know what their offer is in case I want to overbid them," which I'm sure he wouldn't have had any trouble doing. But in any rate, so the three Texans came on a rainy day, in a fog and all that. They go to the top of the mountain, gravel kind of driveway, up to the top—can't see a fucking thing. Nothing. They tell the realtor they're not interested, they're going back to Texas. So, Philip's father never had to bid for it. I think that's great.

01-02:13:29  
**Eardley-Pryor:** That's a great story.

01-02:13:30  
**Ruckel:** The New Yorker taking the three Texans to the cleaners.

01-02:13:32  
**Eardley-Pryor:** That's fun.

01-02:13:33  
**Ruckel:** It was a great story. Philip—his father started, but he subsequently built there on the top. They did pave the road. His wife was a lady from Aurora, Colorado. Flute player. Big on music. So, he built a conservatory, and they had classes and summer camps and things like that. Graduate student programs, and things like that. That was her plaything. He built a library of Jewish history and literature.

01-02:14:12  
**Eardley-Pryor:** Oh, very cool.

01-02:14:16  
**Ruckel:** And he didn't say this. One of the other trustees said, "You know, Tony," he says, "this is one of the finest libraries of this nature anywhere." And he had like three librarians in there, and he had a lot of stuff under climate control. Well, the guy in Illinois had a lot of stuff under climate control. Had a lot of librarians also. I had no idea there were private libraries like this in existence.

01-02:14:45  
**Eardley-Pryor:** That's really cool. This meeting that your dad set up with this lawyer who had this private library in Chicago, why? Why did he set up this meeting for you? Were you looking for a job that summer?
Ruckel: Oh, yeah. No, my dad said, "You know, you can stay at the house, but you got to work."

Eardley-Pryor: How did your dad react whenever you told him, "I'm not going back to CU this term"?

Ruckel: Well, he knew my grades hadn't been good and that I was discouraged. It was just at a low point.

Eardley-Pryor: And you'd just come off this great experience on the Mesa, probably wondering, "What am I doing back in school?"

Ruckel: Yeah. That was part of it for sure.

Eardley-Pryor: So, he set up a meeting with this lawyer, but that wasn't a job that you wanted to do?

Ruckel: No, it was. See, the lawyer had connections with the Teamsters.

Eardley-Pryor: Oh, they're the ones that got you the varnish job?

Ruckel: They got me the varnish job, yeah. Teamsters were trying to organize the place. I was not a full-time. I was a probationary employee, so I couldn't vote. But they thought, maybe I could influence a couple other people. That's another story. I love these stories. They're great because my life is a whole history of stories.

Eardley-Pryor: It's all stories.

Ruckel: It's what it boils down to.

Eardley-Pryor: Stories, all the way down.

Ruckel: So, I commuted in on the railroad, Chicago Northwestern Railroad to Chicago Northwestern Station. It's not called that any longer. And hopped on the Illinois Central brand commuter trains down past the University of Chicago. And so about halfway between the Loop and University of Chicago was Toucey Varnish Company. The community was 100 percent Polish or Eastern
European. The workforce was largely Eastern European. And I worked in the—they called it a lab. It's where they tested finishes for International Harvester and John Deere equipment. This was a sizable operation. Mid-sized company, regional company. So, to do that, they had to have a lab right there where they could do the mixing of the various stuff they wanted to put in. In other words, chemicals to preserve, chemicals to make it shine, chemicals easy to clean. I mean, the whole nine yards, you know. And then they had the pigments. And much of this had to be ground together. So, you had this grinding room, and all this run by a guy named Percy. I can't remember what his last name was. And he was an African American and he would come into work probably a half an hour, forty-five minutes early and read the Chicago Sun Times from cover to cover. And if he had time left over, he'd do the crossword puzzle. You talk about somebody who had a lot of capability that was never realized. But he was perfectly happy doing all this. The other thing he had is he was very persuasive with all the other workers because the plant was part of the whole picture. Well, the Teamsters, boy, they worked that plant fairly well. They had people in there organizing all the time. They never talked to Percy. He's over in the lab. They don't know Percy from Adam. Nobody referred to Percy. Well, people were going to vote. They're going to ask Percy how to vote. They're going to vote. Most of them are going to vote the way Percy told them to vote. He told them to vote against the union. And the Teamsters never understood why they lost the election. They never talked to the right person.

01-02:18:45
Eardley-Pryor: That's great. That's a great story.

01-02:18:47
Ruckel: Yeah, yeah.

01-02:18:50
Eardley-Pryor: What kind of work were you doing in Percy's lab?

01-02:18:53
Ruckel: I was just a gopher. A gopher. I would mix stuff, I would test stuff. I would put up a slab of metal, usually, because the coverings could go on metal, not on wood. And so, they had ten strips of some aluminum, some steel strips. They had strips for all the metals, paint where the cover would have to cover.

01-02:19:20
Eardley-Pryor: Sounds like hard work.

01-02:19:22
Ruckel: It was. Yeah. But I mean, I was young. Evenings, I often went down to University of Chicago. There was a chapter of Delta Upsilon down there. And this is my experience of the University of Chicago. I played on their intramural basketball team. Nobody paid me any attention.
Eardley-Pryor: That's fun.

Ruckel: And so, I would sleep on a couch. I mean, I'd call my parents and say, "This is what I'm doing." They didn't care.

Eardley-Pryor: Were the worried about what path you were taking? You had steered away from school.

Ruckel: Worried about my path?

Eardley-Pryor: Was it something that you talked about with them?

Ruckel: Yeah. I talked about it to the extent that I really wanted to go back, but I really needed to take this time off.

Eardley-Pryor: So, you knew it was a holding pattern, that you were going to return?

Ruckel: Yeah, I think so. It was kind of a low point in life. Everybody has them. So that was mine.

Eardley-Pryor: How did you know you were ready to come back?

Ruckel: As I mentioned before, the first two years of undergraduate school were kind of a confusing mess for me. My grade point was below 2.0 and that kind of thing. Didn't do well. The other thing I did is I went to Mesa Verde in April rather than in June, so I had a long, long session there.

Eardley-Pryor: Oh, that's what brought you back to Colorado, was Mesa Verde again?

Ruckel: Oh, yeah. I wasn't going to miss that. Yeah. We had a cabin that overlooked a canyon away from the developed area. It was great for lodge girls. Had all these college girls who worked in the restaurants and the linens and that kind of thing. And there were a whole bunch of boys down there, too. But they lived in little tent type things. We, however, lived in a full-fledged cabin. We had a fireplace overlooking the canyon. It was great for getting the lodge girls.

Eardley-Pryor: That's the party cabin.
Ruckel: Well, we didn't party that much because there were a bunch of ranger living quarters not far from where we were. So, we'd party, but it would be—boy, we uniformly kept the noise down. And there wasn't any road access. You had to walk to this place. So, you'd park up the ways. But we certainly were entertaining.

Eardley-Pryor: When you came back to CU Boulder after another wonderful summer experience at Mesa Verde, what was different for you?

Ruckel: First of all, I knew I didn't want to work at Toucey Varnish Company all my life. And remember, the archaeological project's only in the summer. Only the "excavating season," as they call it. So that was a big driver to study. So that interval at Toucey Varnish Company was extremely helpful. That, plus another season at Mesa Verde, especially a lengthy one like that. And I just came out of that down spot and worked my ass off. I had to because my grade—yeah, I had a couple of twenty-hour semesters.

Eardley-Pryor: Gees. Were you also still running track?

Ruckel: Yeah.

Eardley-Pryor: Varsity cross-country and track?

Ruckel: Oh, yeah. Yeah. I'm glad you mentioned that. That was a tremendous benefit and help to me. If I was busy doing that, then I was studying. I was going to the study table in the library, the fraternity. Somebody would be in there early afternoon. They had nailed down the table. It was one of about three tables, and you had to compete with other Greek houses for. Yeah, we actually studied at the University of Colorado, if you can believe that. So yeah. I think it was a coalescence, really, of several things coming together—

Eardley-Pryor: Everything came together for you.

Ruckel: —and track was certainly—cross-country especially.

Eardley-Pryor: I have a note here that you majored in anthropology with this focus in archaeology, as you had said. But you also minored in English literature.

Ruckel: Yeah. Well, that's going back to Mrs. Schroeder in high school days. You see, she interested me. Even though you're embarrassed as hell outlining on the
blackboard, I was fascinated by that, by the language, English language. I was just interested in it. I don't know. Those things come along.

Eardley-Pryor: Yeah. And your mom is an English teacher, too.

Ruckel: Yeah, yeah. And I'm sure that helped. You couldn't get a major in archaeology, so you got a major in anthropology with a parenthesis emphasizing archaeology. That was the way it was looked at professionally, I guess, it's the same, because many students go on to graduate school in that, and I didn't do that.

Eardley-Pryor: Why didn't you? You did go on to graduate school, but it wasn't for archaeology.

Ruckel: Yeah. After three summers, I was a little bit burned out. Boy, in that era, archaeologists were practically dirt poor. They really were. Nowadays, you have the state and federal laws, antiquities laws, where you build a highway and you hire an archaeological team to—nowadays you hire a firm, like an ecological consulting firm and they provide you with all that service. A contractor goes there, and you do an archaeological survey before you go. That stuff turns up amazing stuff.

I went to a class—just a class at the museum [Denver Museum of Nature & Science] several years ago. I'd always wanted to do it, and I signed up for a class. As I walk into this classroom, there must have been twenty people in there, and so the guy giving the class, he turned out to be the director of Paleontology for CU. He's now the director of Paleontology for the Smithsonian. [Kirk Johnson] He came in, and he just is this wonderful guy. He's just cracking jokes, the whole nine yards. So, he looked us over. He had a way of doing that, dropping his stuff—bang—and then looking us over. Says, "All right. How many here are on employee or employer-sponsored tickets?" Some hands go up. "How many are here for graduate school credit for this kind of thing and that kind of thing?" Well, another group of hands go up. I'm looking around and saying what the hell did I get into, for Christ's sake? This is supposed to be plant paleontology, whatever that is. And so, I really liked the course. It was really fun. Not that I could compete with these other folks, but we didn't have to take any test. I was just John Q. Citizen, a member of the museum.

He had a salvage archaeological dig down near Castle Rock [Colorado] on I-25, because the highway department—they're sensitized to this kind of thing—came across a formation, and a couple of the workers thought they'd found fossil ferns or leaves. He goes down there and sure enough, on where
they were going to put an off-ramp, it turns out to be a very critical site for plant paleontology in the Western United States.

01-02:28:23
Eardley-Pryor: Cool discovery.

01-02:28:27
Ruckel: Yeah, yeah. So, they're building the off-ramp, and he's got graduate students galore digging around in all that. Right? And it never would have happened without those antiquities statutes. And he used to love to say, "You know, if only I'd get some more money. There are all sorts of things we can do." Says, "All the goddamn money, it goes to the dinosaurs. Who gives a hell about the dinosaurs? They got to eat, don't they? What the hell do you think this is all about?" The biology starts and he'd stride up and down and people would just laugh. He was tired of all the cash going for dinosaurs. He says, "How many Tyrannosaurus Rex do we have to have in our museum? You realize how much space they take for Christ's sake? Have you ever tried to throw away a Tyrannosaurus Rex? They're useless. We got three or four. What do we need another half dozen for?" It was just hysterical.

01-02:29:32
Eardley-Pryor: That's funny.

01-02:29:32
Ruckel: Yeah. He definitely had opinion about dinosaurs.

01-02:29:37
Eardley-Pryor: And funding.

01-02:29:38
Ruckel: He's now director of—Dr. Johnson, made director of paleontology at the Smithsonian.

01-02:29:45
Eardley-Pryor: Good for him.

01-02:29:45
Ruckel: So, he must have tolerated the dinosaurs to some extent.

01-02:29:50
Eardley-Pryor: So, you graduate with this degree in anthropology and archaeology, but you knew you weren't going to follow through with it. Did you have a sense of what your next step was going to be?

01-02:30:00
Ruckel: Avoid the draft. That was a huge motivation for kids of my generation.

01-02:30:06
Eardley-Pryor: You graduate in June of 1963 from CU Boulder. What engagements were you concerned about at the time? I mean, [US military engagement in] Vietnam really ramped up in '65.
Ruckel: Oh, it was ramping up then. I was perfect age. If I wasn't in school, I was in a draft board, a rural draft board. They had their quota. This was out in St. Charles, Illinois. And generally, you could rely upon the second or third son of a farming family to fill the quota, because volunteers would fill the quota. They only had to draft when the quota wasn't met. But I was high on the list. So, I was literally relying on farmers children and benefitting from it. I recognize that. But staying in school—I just had to stay in school. I was still given a pre-draft physical in law school, because you can't change your draft board. So all the way through, I still had this rural draft board.

Eardley-Pryor: Oh, wow.

Ruckel: And then I got married and that took me out of the lists.

Eardley-Pryor: Oh, wow. And you're married in '66, the Vietnam War is in full effect. Wow.

Ruckel: And I became twenty-six also.

Eardley-Pryor: I see.

Ruckel: So, marriage and twenty-six helped a lot. And by that time, they were after everybody. They were after just about everybody in '63. They were, really.

Eardley-Pryor: I'm thinking about the early sixties. And you were living back in Illinois, working in Chicago at this varnish factory during the JFK election year [1960]. What are some of your memories of that?

Ruckel: I met JFK at a high school gym in probably Oak Park. He spoke in a gym, and I didn't get there in time to be admitted. I was there with a buddy and we'd split up. We agreed to meet back at the car at a certain time. He went one way, I went the other. Well, I ended up at the rear of the gymnasium where he came out and he got in an open car. And so, I leaned over and shook his hand.

Eardley-Pryor: Wow.

Ruckel: Yeah. Yeah.

Eardley-Pryor: And coming from a Democratic family, and being in the Democratic machine of Chicago at the time, I imagine that was a pretty neat moment.
Ruckel: Yeah, yeah. Well, I was never in the machine, but I was a product of the machine. How is that? And Abraham Lincoln, I was a product of him, too, I guess. But at any rate.

Eardley-Pryor: So, in this period in the early sixties, you are moving towards graduation. You know you don't want to get drafted, and so you're thinking about grad school. What made you choose to go to law school?

Ruckel: My dad went. I foresaw three years of deferment. I was not altogether certain that I wanted to be a lawyer. Understand: that was no different than a great number of my contemporaries who were in law school, for sure law school. I remember when we all got on the bus and trooped up to Fort Holabird in Baltimore and had our physicals taken. They had a bus just for GW [George Washington University] kids.

Eardley-Pryor: Wow.

Ruckel: Maybe two buses, I don't know. But anyway, we all loaded. So, there were a number of us in law school for that reason. I had a couple professors and a couple of experiences that I enjoyed. I graduated in the bottom third of my class, something like that.

Eardley-Pryor: At University of Colorado?

Ruckel: No, no. At the University of Colorado, I was in the top half. My grades really—those two years I really worked my ass off. And I wouldn't have met the GW admission requirements. I was a project of an assistant dean. He played baseball in college, and he looked out for athletes that were applying for law school. As he said it, nobody else is looking out for the athletes. And he says, "My experience is there's some promising personnel there. There's some promising untapped resource."

Eardley-Pryor: That's great.

Ruckel: So that, plus the fact I had really worked myself back. And I didn't do badly on the LSAT.

Eardley-Pryor: Why George Washington University in [Washington] DC? How did that come on to your radar?
Ruckel: Well, I could live with my folks.

Eardley-Pryor: Oh, because they had just moved back to Washington.

Ruckel: Yeah, yeah, yeah. Plus, the fact I had some previous familiarity. It wasn't altogether a strange place, even though it had been years. See, Syracuse had accepted me right away. They must have been desperate. This was a time when there was a shortage of lawyers. So, law schools were being expansive in admission. And, again, I took advantage.

Eardley-Pryor: These are the cards you were dealt.

Ruckel: Unbeknownst to me, it worked my way. I've always had a tender spot for Syracuse because they accepted me right away. The University of Colorado would have accepted me right away, and I always could have backed to there. But I wanted to go east. I wanted to see the east. I wanted to see New England. I had never been to New England. I wanted to see Boston. I wanted to see the Revolutionary War stuff, the history. I have Rick Atkinson's first volume of his trilogy *The British Are Coming: The War for America, Lexington to Princeton, 1775–1777*. The other two haven't been published yet, of the history of the American Revolution. It's an attractive book. I'm enjoying it. Page Smith, he was a professor of history at [the University of California] Berkeley for years and years and years. He wrote a multivolume history of the United States and it got worse and worse, so I didn't get all the volumes. But his two volumes on colonial America and the Revolution were just fine. Wonderful. Wonderful.

Eardley-Pryor: So you knew you wanted to go east for law school. That's why you chose George Washington?

Ruckel: Yeah, yeah.

Eardley-Pryor: And you could live at home.

Ruckel: And I could live at home. And, after all, living in Washington, DC would be an adventure. I mean at that time, when I'm going, this is a pretty hot place, and it became even hotter.

Eardley-Pryor: That's great.
Ruckel: Wow. What a three years.

Eardley-Pryor: Well, let's take a break here, and we'll get into some of those experiences in our next session.

Ruckel: Yeah. Why don't we do that.

Eardley-Pryor: Thanks, Tony.
Interview 2: September 17, 2019

Today is Tuesday, September 17, 2019. I am Roger Eardley-Pryor from UC Berkeley's Oral History Center at the Bancroft Library. We are continuing today with session number two of the oral history of Tony Ruckel.

Tony, you told me some stories about your formative experiences in Colorado before you then went to law school in Washington, DC. There was something else that came up for you.

Yeah, during the break, I thought about my experience fighting forest fires in Mesa Verde.

That was part of the job?

Yeah. Well, you see, Wetherill Mesa had this crew of people, so fires that broke out on Wetherill could be fought more efficiently, and, you know, the project paid for it. And they already had the laboring force, and they didn't have to—a lot of reasons. Plus, we were in shape. And usually, [laughs] the volunteers and the folks who would be drafted from the employees were distinctly not in shape. Right? The lightning storms come through Mesa very, very regularly and fires were frequent, especially if a storm comes through and there's no precipitation but a lot of lightning. And, when fires hit Wetherill Mesa, fire crews would be formed by Al Hayes, the director, and then go out and fight the fires. And I was on several of these, but a couple were really memorable. I was teamed up with Bobby Lee, the Navajo I mentioned, my contemporary. And he and I were frequently—well, not frequently, but dispatched when, there weren't frequent fires, they were just regular ones—would be dispatched, and we'd go out as a team. And I was pretty damned good with a shovel, and I don't mean just digging a hole. I mean using a shovel in a variety of ways. And, he was—

What do you mean? Give me an example.

Well, if you're going to fight a fire, you rake, and you turn the head of the shovel away from the direction you're raking, so you want to clear brush, right? And so, you do that. The other thing you want to do is, frequently, you want to throw dirt. You use a shovel for that. The shovel tool is the best for those two things. You're going to throw dirt, and you're going to rake it away. And then you have the regular stuff—building fire lines, of course, is getting the fuel away from the fire. And we would go out on these speck fires, these fires where they obviously weren't going to go out, and they had the potential
of getting big, but they were small. So, the two of us would be dispatched after dinner.

Eardley-Pryor: Just you and Bobby Lee to go out to calm down these fires?

Ruckel: Yeah, two twenty-year-old kids, but that didn't really matter. What they wanted was a work ethic, and we worked well together. He was not a conversationalist much, but, in those kind of circumstances, you didn't need to converse. You knew what to do, and he would be doing one thing and you knew you should do the other, and then, that worked very well. It wasn't like you had to stand there and plan. You bail out of the jeep with your tools, and you came up to the fire and you looked at it. And first decision we had to make was, could we handle it? Because, if we couldn't, we were supposed to radio immediately back and say, "We're getting out of here." And, we did that once. But generally, well, all the other occasions, must have been three or four as a team, we went out, we were able to handle it. And the responsibility, the danger, the heat, and working as a team, two-man team, really, I still remember those moments.

Another time, we and, I think, two others, we were out at—several fires had been set. We couldn't find one because it was just below the lip of the canyon, so it was just in the canyon, and it was cloudy, and intermittent rain. We couldn't figure out what the hell we were doing. We looked for two hours for that damn fire, and of course the smoke was rising above the clouds, so the fire lookout could see that the fire was still burning. It was there. He said, "What the hell's wrong with you guys? Why can't you find it?" And, [laughs] so we ended up sleeping on bare rock, and we didn't have any equipment with us. But like I say, we were in pretty good shape, and so we slept on bare rock, so the fire wouldn't creep up on us. And sleeping, I mean, you had a daypacker tool case, or something like that as a pillow. But one guy had to stand watch the whole time, so you would sleep, and then you'd take a turn, and then the other guy would—I mean, you know, I'd lose, and that's that. Those are very high-pressure situations, especially for somebody twenty years old—nineteen, twenty, yeah.

Eardley-Pryor: Those are intense experiences.

Ruckel: Oh, yeah. Yeah, especially when it was all you, and the other guy, two of you in this. The junipers would tend to explode when they're hit by lightning, and so they'd scatter stuff all over the place. And, much of the time, they would scatter stuff so that the burning fuel would not be enough to catch a bunch of other stuff on fire. So that'd be a—it's when they blew up, and everything went in a very confined space, that you had a dangerous fire. Because there's fuel and there's a fire, and there's no way the fire's going to burn out without
that fuel there. So you had to separate the fuel the fire was looking at and get it the hell out of the way, and those were the tense ones. We had one I remember vividly, because we almost called in twice, and then we said, "Oh shit, we'll stick it out." And we stuck it out, and it worked. Had a little bit of a wind change that helped a little bit. It was on a slope, so there's always—you know, and it died down, and it wasn't blowing uphill anymore.

Eardley-Pryor: It sounds like they were pretty harrowing experiences.

Ruckel: Yeah, yeah, except you're working so damned hard, you see? One of the things I guess I discovered about fear is that, if you're working hard to overcome it, you're at least doing something. You're not there just magnifying it, absorbing it, not all that. You're actively fighting it—I mean fighting the fear, not just the fire—and that's very useful. Stood me in good stead in some tense moments and trials where I wasn't certain I was going to get through or not.

So, anyway, I wanted to add that because I thought that was part of this enormous Mesa Verde experience. I was very lucky. No other kids that I ever met could have that kind of experience for three summer jobs, or, one summer job over three summers, but it wasn't one job. I mean, you did everything.

Eardley-Pryor: What role do you think that Mesa Verde experience played in your eventual career as a lawyer?

Ruckel: Oh boy, it certainly, well, it trained me to get along with people of a different culture, different background, for sure. But most importantly, I think it gave me confidence in myself. I was on my own in a serious fashion, not in an afternoon, or morning, or something like that. So, I think it gave me confidence in myself. Yeah. And I found I enjoyed it, even the scary parts. It's easy to enjoy them in retrospect. Right? But I enjoyed them at the time. We were proud of the fact, Bobby and I, that the project director would come, and frequently, he'd come to the ruin we were working on, and say—because we knew there was lightning about and there wasn't much more—and say, "Tony, I'm going to send you and Bobby out on a couple of these things. So, quit work right now, and come in and get something to eat and rest a little," because we had been working outside the whole time. And, that was a tremendous confidence builder.

And also, he, Al Hayes, really knew how to handle a crew, I'll tell you. He would say, "Okay, I'm going to send Ruckel and Lee out to look over these flair-ups and see what the story is." And so, the rangers' headquarters would say, "Well, when are they going out?" He'd say, "They'll be out there in about an hour, hour and a half." A voice would come back, "Hour, hour and a half?"
The whole place could burn down!" And Hayes would say, "Well, let it burn down. I'm not sending my men out until they've eaten, and they've had some rest. They've been working all day in the sun, hard work, and I just don't want to hear anymore crap from you guys. This is the way it's going to be. And when we're ready, they will go out there, and I assure you, they will do a job. And if you look at your records, you can see that they've done a job when they've gone out. And that's the story, guys. Ten-four." Set the speaker down. [laughs] You'd never hear anything more. Be some ranger who—I'm sure there'd be an experienced ranger—"I told you not to call Al Hayes." [laughs] So don't tell Al Hayes how to run his project, or how to use his men fighting forest fires. He'll figure it out. And no fire ever got away from the Wetherill Mesa crew.

02-00:11:20
Eardley-Pryor: That's great.

02-00:11:21
Ruckel: Yeah. So, that was pretty cool stuff.

02-00:11:24
Eardley-Pryor: Well, fighting fires in the Wetherill Mesa seems far and away different from moving to Washington, DC, to begin law school, as a twenty-three-year-old kid. That's a big change.

02-00:11:39
Ruckel: Yeah.

02-00:11:40
Eardley-Pryor: What was it like when you moved back to DC at the end of—you graduated from University of Colorado, Boulder in June, '63, and moved back East.

02-00:11:50
Ruckel: In June, yeah. I was excited. My mother had, that summer, she had a very close friend who had a guest lodge on a small, maybe a medium-sized lake in Vermont. And so, my mother had been up to this lake in the past, but she took me along, and so knowing that I'd not been to New England at all—God, I'd only been to New York City once, I think. And so, we went through New England, and—

02-00:12:32
Eardley-Pryor: Just you and your mom?

02-00:12:34
Ruckel: Yeah, yeah. And then I went sailing. And the daughter, my mother's friend's daughter, was a looker, boy, a heartthrob there. And she was no more interested in me than the man in the moon. She was Ivy. She went to Pembroke, and then on to Brown and the whole nine yards. And I was a scruffy guy off of the mesa in southwest Colorado. Right? [laughs] And, so, Tony didn't get to first base. But she could certainly sail a small little boat with one sail, two sails. She could get those things around the lake. I'm
hanging on for dear life. That's probably another thing that disqualified me. [laughs] But at any rate, yeah, so I got that exposure.

02-00:13:30
Eardley-Pryor: That's cool that your mom took you out to nature like that, after you had just been out West, when you moved to the East.

02-00:13:36
Ruckel: Even now, she would, both my parents would probably be described as fairly aggressive, fairly opinionated, willing to push the envelope. I think that's been true, that's the kind of atmosphere I was raised in. Often, I didn't know what the hell was going on, but, that's the way it was supposed to be, I suppose. But, so, yeah, and so I had that introduction. And then in Washington, DC, when we were there, of course, in August, Dr. King gave a speech at the Lincoln Memorial. [Dr. Martin Luther King Jr.'s "I Have a Dream" speech during the March on Washington for Jobs and Freedom]

02-00:14:15
Eardley-Pryor: What is your memory of that day [August 28, 1963]?

02-00:14:16
Ruckel: Well, it's funny. He was not the headline. Philip Randolph was, and some of these other guys. Walter Reuther was there. Reverend King was there because he was from Alabama and he was there. And he had limited name recognition, okay? And, he did have the "Letter from the Birmingham Jail [April 16, 1963], and that was pretty critical, because that became more critical later. You see, he was one of many civil rights activists in the South, most of whom were ministers. Looking back on it, you can say, "Well, he was already separating himself from the herd," and that's hard to do, at the point of separation. Right? So, we're all milling around. There are about a quarter million of us—small compared to the Vietnam War days, I know we're small for Washington. But the biggest thing Washington had seen since World War II.

02-00:15:22
Eardley-Pryor: How did you hear about it?

02-00:15:23
Ruckel: Oh, it was just on the news.

02-00:15:25
Eardley-Pryor: And you said, you were like, "I'm want to go check this thing out."

02-00:15:25
Ruckel: I was in law school. Well, I called my dad, and he was going—or he might have called me. Wow, I couldn't sort that out. Anyway, we went down.

02-00:15:41
Eardley-Pryor: You went with your dad?
Yeah. Oh, this is the kind of thing he did. He did this to a tee. I'll tell you about what happened when they burned Washington, DC, down—that was legendary.

At any rate, so, we went down, and actually, I marched twice. See, they weren't prepared. They hadn't had any massive experience like this since World War II. Now, they had crowds. They always have demonstrations. Washington, DC, always has demonstration, what the hell? And a couple thousand people's nothing. Nobody even pays any attention. They just walk on, do their business. And this was a little bit bigger. The parade route wasn't that long. Washington, DC Police—the DC Police, not the FBI and military, all these other guys—they're pretty much ears on the ground. So they probably knew—in fact, ears on the ground, when the place burned down—

You're talking '68, after Dr. King's assassination?

Yeah, after Dr. King was assassinated. When the place burned down, the military was recruited, and the National Guard was nationalized, and so, the way the security went is: You have a jeep. You have four seats in the jeep, and you have one guy sitting on the right-hand side—the death seat, whatever you want to call in the front. And that was always the DC cop. And he was always giving instructions, and the military was just listening. "He should turn right." They'd turn right, and the guys in the back would look—and these guys were armed—the cop had a sidearm, the ones I saw. I think I saw one shotgun, but the National Guard was armed. There was rioting on the streets and the place was burning down. I mean, you tend to have a weapon if you're security. Right? And, so the cop was just instructing him.

And I learned later that the DC cops are so trained in this from the earliest time they're employed, with diplomatic stuff and all this kind of stuff going on, that they're very good crowd controllers. They know what they're doing. Now they may not have enough for a particular situation, or then they may not have the right equipment or something like that. But once they get engaged, the military deferred to them, which made sense. I'm sure the colonels or some director would have said, "Well, if the cop says do that, do that, God dammit! Don't give me any crap!" [laughs] That was the nature of the thing.

So, in '63, was that police force just not quite prepared for the size of the March on Washington?

That's the impression, yeah. I never read any postmortems on it, but, they were not prepared for the size, and they were not prepared to handle the buses. See, if you're going to have a big demonstration in Washington, DC, you got
to be able to handle the buses, because people come in from the burbs where
they can get lodging that they can afford. Not everybody can check into the
Willard [Hotel, or the Willard InterContinental Washington]. And so, the
buses, they converge at the bridges, would you believe, and especially the
ones from Virginia. The ones from Maryland converge on Georgetown. I'm
not sure which is the bigger barrier to get through. But any rate, so it goes.

Eardley-Pryor: What was the vibe on the streets in '63, as part of that march?

Ruckel: Oh, everybody was friendly. I never went to a demonstration where my fellow
demonstrators were not friendly, almost super polite, almost an excessive
defferece to the other person. It got a little nastier in the Vietnam War
demonstrations. But civil rights, they were very—and of course, they were
well coached. You had people going with bullhorns, going through the crowd,
"Don't cause any problems, be nice to your neighbor.‖ You weren't doing it in
isolation. There were people who were trying to keep things on an even keel.

Eardley-Pryor: Before your experience at the '63 march, how much was the civil rights
movement on your radar?

Ruckel: It was. That summer, I also went to a SNCC [pronounced "snik"], Students—

Eardley-Pryor: Student Nonviolent Coordinating Committee.

Ruckel: Thank you. Anyway, they had a fundraiser in the Somerset area of Chevy
Chase—that's where my folks were buying a house, and, Kensington is there
on the west of Somerset. And they brought a steel band. So, in this palatial
estate in this backyard, echoing throughout the neighborhood, was the steel
band. And they were passing the hat, and I was astonished. There's hundred-
dollar bills going in there and this was in '63. Amazing. People came with
cash in their wallets. And I don't know if SNCC even had a bank account in
those days. I'm not sure they even had a bank account or that anybody would
let them bank. These guys were pretty radical, right? And of course, my dad
wouldn't—going to go. So, I mean, he got the invitation. I'm just a kid.
[laughs]

Eardley-Pryor: But he brought you with.

Ruckel: Yeah, yeah, yeah.

Eardley-Pryor: Your parents sound like really neat people.
Ruckel: They were very interesting. [laughs] A load, a load, but very interesting. Yeah. Well, they, as I said, they were pretty aggressive. And they were determined that my sister and myself would experience what was going on.

Eardley-Pryor: It sounds like you did.

Ruckel: And I think my dad's labor experience probably helped him say, feel, "Oh, I can go to the SNCC band thing, a fundraiser, and I'll haul"—they called me Anthony—"I'll haul Anthony along. Maybe he'll learn something." [laughs] "It's hard enough getting him to learn anything. Maybe he'll learn something from this." So, yeah, I remember that.

Eardley-Pryor: When you and your father were marching in the '63 March on Washington, what is your memory of being around the Reflecting Pool and the Lincoln Memorial speeches?

Ruckel: You couldn't get close to the Reflecting Pool. It was so hot, that everybody was sitting on the edge with their feet in the goddamn thing. And some people were cavorting in the middle, but not very—I thought there'd be tons of cavorting in the middle, and they weren't. I think it was out of respect. But, no. There were a lot of trees, and you get under the trees so you could escape the heat. I didn't try to join the throng along the Reflecting Pool. I mostly just walked around on the Mall, I'd march. And then everything is late, begins late. So we were there on time, so I hung around the Mall. And as I said, people were super friendly. You could strike up a conversation with anybody, any race—and it was largely white and black. Looking back on it as I'm reflecting now, I don't recall—well, there weren't a lot of Asians in Washington, DC, at that time anyway.

Eardley-Pryor: What do you remember of the speeches?

Ruckel: Well, Dr. King was mesmerizing. We knew it was something special—

Eardley-Pryor: In the moment.

Ruckel: —when he got up to talk. But then, I didn't see Mahalia Jackson turn to him and say, "Tell them about your dream, Martin." She was tired of listening to the shit she'd heard [laughs] all around everywhere I'm sure. And then he launched into his "I Have a Dream," and his voice carried. It reminds me of the accounts of Lincoln. How was Lincoln, without any microphone or anything, able to talk to a crowd of twenty thousand people without any
amplification? And his voice was high. It was a high voice, so it carried. And that was King's voice. Now, he could go real deep if he wanted to. But when he was making the speech, it was elevated, so, easy to hear, easy to understand. He didn't roll words into one another. His whole thing was a roll. So, easy to understand, and it was so passionate. And of course, he was speaking without notes. It was all ad-lib. He did that out of whole cloth, learning, notes, but he'd left his notes, when Mahalia turned, and I wasn't there, but that's all the accounts saying that's what she did. And I could see them all because they were all right there, and I was close.

Ruckel: Yeah, oh yeah, within two hundred feet, I would think, about two hundred feet.

Eardley-Pryor: That's crazy close, for all the thousands that were there.

Ruckel: Well, you know how the circle goes around Lincoln Memorial? We were on the side where Lincoln is, and we were right at the curb of where the circle is. We were right at the outer curb, and the lectern was in front of Lincoln towards us, so I figure two hundred feet.

Eardley-Pryor: Yeah, you were right there.

Ruckel: Yeah, yeah. I don't see how it could be any more.

Eardley-Pryor: And this was just really days or weeks before you began your classes in law school?

Ruckel: Yeah. Well, I had already gathered after the SNCC thing and all, I'd already gathered that this was not Boulder, Colorado, and it sure as hell wasn't Mesa Verde. So, I knew it was different. One of the advantages I think I had was, I wasn't smart enough or I didn't apply myself well enough to become a law review student. Well, if you're not law review, but you're pretty sure you can graduate, and you're in Washington, DC, and the place is literally going bonkers or it's on fire or whatever, to not go out and see it and participate in it would be one of the stupidest things you could possibly do, you see. And in all these circumstances, I had a classmate with me or more than one, the rest of us who weren't on law review, you know, [laughs] look at that.

Eardley-Pryor: Yeah, you were in the field.
Well, right, right, yeah, and listening to Senator Morse and Senator Aiken debate the Vietnam War. And your guy, damn. You know you had a legendary black congressman from Oakland?

I don't know.

I forget his name more often. He's legendary. He wore all these brilliant two-piece suits, with purple and orange and yellow shirts, and these cufflinks and the whole thing. He was a trial lawyer and a civil rights leader, and that kind of thing; had an amazing order, especially on the floor of Congress.

So, you would go and watch these Congressional sessions, these debates?

Oh yeah, yeah. You didn't need any security. All you needed was, you went to your local representative and got a pass, and you went in. And of course, District of Columbia didn't have anybody to get a pass from, but I had the Maryland connection, you see, with my parents living in Maryland, so I'd go and I'd say, "I live in Washington area, Chevy Chase, Maryland, actually." I lived in Washington, DC, but, I'm sure I could have gotten it by referencing my parents. It seemed the shortest way to the goal, and you just wait on a list. And the same thing with the Supreme Court. They had guards there, of course, but yeah, there wasn't any security. You knew it was there, but, the halls, the Senate office buildings, House office buildings, you just walked in. You didn't even need a pass there. You just walked in, walked down the hall hunting for wherever you're trying to find. And you walked into the cafeteria if you wanted something to eat. You paid, and you got on the little rapid transit thing from the Capitol to the office buildings, and you could just walk on that, and nobody paid any attention. Even though the demonstrations were at their peak, you did that.

There never seemed to be any threat to government as government. There was threat to systems: segregation, military industrial complex. But the anti-Vietnam war people were not going to go into the halls of, say, the Rayburn Office Building and trash the place. They might trash the streets, don't get me wrong. But see, they weren't going into the halls of Congress and they weren't going into the Supreme Court. They were carrying signs, even at that time, out in front of the Supreme Court. They were very respectful. They were out on the curb. Nobody thought of them as a security threat. So, I was really lucky to get that last period of time when access was so easy.

What are some of your memories of Supreme Court cases you heard?
Ruckel: Well, of course, Earl Warren was up there, and so you're looking at Earl Warren, you're looking at a legend, and that kind of dominated your feeling, but you had Hugo Black there, and Douglas, William O. Douglas. They're both short guys. Warren was big, tall, robust, and of course, he's on an elevated—and he's in the center, and so, these little guys—and, was Frankfurter? I think I saw Frankfurter also. These were all short guys. They're little guys. They're peering over the bench, "Hey, look at that. There's Black. He's actually sitting today." [laughs] And so, we were just law students, the Constitution—we knew enough to be reverential. How's that? So, we were certainly impressed with our surroundings. And we loved to hear all that was going on. And I learned a lot about the buttons.

Eardley-Pryor: What are the buttons?

Ruckel: Oh, the buttons are when you have five minutes left and when you have no time to speak and all that kind of thing. Because I had to know that later on. So, I learned them, and they're pushing the buttons, and you know—

Eardley-Pryor: Who is pushing the buttons to determine time?

Ruckel: Well, whichever, probably the most junior justice.

Eardley-Pryor: And then, is the lawyer who's arguing the case, is there a light in front of them or something that says, "Five minutes left"?

Ruckel: Yeah, a little light. Yeah.

Eardley-Pryor: Wow.

Ruckel: Yeah, and I'm sure it's the most junior justice, because why would anybody else want to do it? Right? [laughs] So, the most junior justice doesn't have any choice in the matter.

Eardley-Pryor: That sounds like really cool experiences.

Ruckel: Yeah, yeah. Well, Congress was more interesting.

Eardley-Pryor: Why?
Ruckel: Because they were freer to speak whatever they wanted to speak. You see, the lawyers were arguing detailed cases of one sort or another, and this was random, so we didn't go in. We didn't know when the important arguments were going to be. Whether we could have found out—there wasn't any Internet. The *Washington Post* and *New York Times* had enough problems covering everything that was going on. I don't think they were listening to the docket. So, I assume you could have called the Supreme Court. You could have walked in and looked at the docket. It would be posted somewhere on the premises. It's been my experience, since, that there's always a docket posted somewhere.

Eardley-Pryor: But you didn't know ahead of time. You just kind of went to experience it?

Ruckel: And we just went. You could do all that. We didn't have to have an appointment. We knew, in Congress, you could kind of figure out from the *Washington Post*, that there was going to be a big Vietnam War debate. So, you could go in. You could hear Wayne Morse, the legendary senator from Oregon, or Aiken, Gordon Aiken? Not as legendary as Morse, but from Vermont, he's the one that said that he was damned tired of hearing the fact that the American never lost a war, and he would suggest to everybody listening that "what you do is, you declare you won the war, and get your ass out of there." Who could imagine talking like that today? Something's been lost. We don't have guys who can. And Wayne Morse was just mellifluous like my friend from Oakland in the House, and the guy from Alaska was the third senator, but he was getting pretty old. It was tough for him. And Hubert Humphrey would be bustling around. Hubert Humphrey was bundled energy, right, and he'd be there, and he'd be there, and he'd be there. It was fun to watch, fun to watch.

Eardley-Pryor: You began law school in September of '63, and in November of 1963 is the assassination of JFK. What are your memories of that moment?

Ruckel: Well, as a matter of fact, I was at the US Forest Service Department of Agriculture Building scouting out summer jobs. All through my education, I had to work, so I was scouting out summer jobs. I figured with my Mesa Verde experience, I might have a chance at Forest Service. So, we went in there, and there really wasn't much hiring going on. The Wilderness Act had not even been passed yet, and of course, when the Wilderness Act was passed [1964], then they put on lots of personnel, because they had lots of various issues they had to handle. So, we were unsuccessful. Another guy, a West Point grad, almost made law review but not quite, who was a roommate—we had four, in bunk beds—and, he was a Marine. He'd get up early in the morning, and vault down—he had the upper bunk—vault down to the floor
and start doing pushups and grunting and groaning. And I finally said to him, I said, "You know, this isn't going to work out." I said, "Do you really have to land with a crash on the floor while I'm still sleeping? And I don't mind the pushups, but you don't have to grunt and groan through them all, do you?" Paul Mandry was his name. And he looked at me, and then he laughed and said, "God, I hadn't even thought. Of course, very impolite of me." So, he didn't do that anymore. [laughs]

02-00:37:16
Eardley-Pryor: So you and Paul were in the Department of Interior Building looking for work?

02-00:37:20
Ruckel: Department of Agriculture.

02-00:37:21
Eardley-Pryor: Department of Agriculture?

02-00:37:22
Ruckel: Yeah, because Department of Agriculture—

02-00:37:25
Eardley-Pryor: Oh, right, Forest Service jobs.

02-00:37:26
Ruckel: Yeah. It fronts on—well, it really fronts on a side street—but there's access to the Mall. It's the last significant building, south and west, on the Mall, so Washington Monument's right there. So, we come down the steps, and we didn't know that they were lowering all the flags to half mast, so it was a ripple effect. They went around and all the flags are coming down. We looked at each other, said, "Something big has happened." And it wasn't ten minutes before we knew Kennedy had been assassinated. But those flags, I can still see them coming down to half-mast as the Marines or whoever—

02-00:38:12
Eardley-Pryor: How did the feeling of being in DC change as a result?

02-00:38:17
Ruckel: Oh, the place was like a tomb. The shock was enormous in DC, because DC had come to adopt him as kind of a native son. He was not Boston anymore. He was not Massachusetts. He was not New England anymore. He'd become a legend in his own time, [clears throat] excuse me, and after the Cuban Missile Crisis, he was revered for savvy thinking and good judgment and decision-making. He wouldn't have had any trouble with [Senator Barry] Goldwater. In fact, Goldwater was out. He'd come to the White House to talk about—I think I have this story straight, to talk—this is the kind of thing you get when you're in Washington, right? He'd come to the White House to talk to the White House advisors about something, and he's walking down the drive, and, Jack Kennedy came running out of the White House and ran down the—and this was when he had already declared his candidacy, so, he knew he was going to
be running against Goldwater. He says, "Barry, Barry! Where the hell are you going? I haven't had a chance to say hello!" And so they got to the fence, [laughs] and talked about all this kind of stuff. And Goldwater just took off afterwards, and Kennedy strolled back into the White House. I wasn't there, of course, but this was a story I heard, and I'm sure it was probably true. I don't know. It wasn't quite as colorful as Teddy Roosevelt and his antics about the White House, but—

02-00:39:53
Eardley-Pryor: Yeah, it's neat to hear the stories about the people that we think of as these iconic legends. They're just people. I mean, institutions are made of people.

02-00:40:01
Ruckel: Yeah. Well, have you heard the one about Teddy in the White House and visitors to the White House?

02-00:40:05
Eardley-Pryor: No.

02-00:40:05
Ruckel: Oh!

02-00:40:06
Eardley-Pryor: Teddy Roosevelt?

02-00:40:07
Ruckel: Yeah, yeah. Well, the Court of St. James's had appointed a new ambassador, and, the ambassador was to be received by the president. Had an afternoon appointment, and so the ambassador is walking up the drive, I'm sure, in the finest suit available on the planet.

02-00:40:31
Eardley-Pryor: He's representing the Crown.

02-00:40:32
Ruckel: That's right. Had to be, right? Had to be. Had to be. Had to be. And he's walking up. While he's walking up, two little kids with butterfly nets come roaring across his path practically tipping him over, yelling and screaming, and this sort of chubby, aggressive-looking guy is following them, yelling and screaming too, and they went around the corner. The new ambassador walked up, and Edith is at the door. She says, "Welcome, Ambassador. You'll have to be considerate of my husband. He's just a kid, you know." [laughs]

02-00:41:17
Eardley-Pryor: Running around chasing his own kids. That's great.

02-00:41:20
Ruckel: And to my mind, he might have been the smartest single person we had in the White House, I mean intellectually. And downstairs, I have a large
consignment of Roosevelt stuff. He was just a very bright guy, very smart
guy.

Eardley-Pryor: Well, speaking of bright guy—which is how you have been described to me by people like [former Sierra Club executive director] Mike McCloskey, and [Sierra Club's longtime Chief Financial Officer] Lou Barnes, and a number of other people that you've worked with later in your career—tell me a little bit about what law school was like for you. What were the classes like, and what were you interested in?

Ruckel: I liked the criminal procedure class. These were the days of the Uniform Commercial Code, which was something to get uniform laws, assuming that uniform circumstances always occurred, that you could make decisions based on written theory, that you could somehow mechanize the whole process.

Eardley-Pryor: The whole process of—?

Ruckel: Law, commercial law. And so, God, I'll bet a third of my classes had something to do with the Uniform Commercial Code, all of which I promptly forgot until I had to study for bar associations. So, dismissing that, I was impressed with an international law class I took, I was impressed with criminal law and procedure. Those were the ones that most impressed me.

I was somewhat impressed with bankruptcy, because I thought—I mean, I didn't know any of this stuff. When you go into law school, I thought, you know, the system of giving people a second chance appealed to me, especially since economically, [laughs] I was worthless, all right? So, at any rate, that had sort of a philosophical moral appeal. And I subsequently practiced some bankruptcy law, and the problem is, the clients generally tend to be an unpleasant group of people. Now, they're in trouble, that's true, but they're not in trouble like criminal defendants. Criminal defendants generally wanted to listen to what you had to say. Bankruptcy clients had a contrary view, and of course you were never quite sure they were revealing everything they were supposed to reveal. And, you, as a lawyer have to participate with the trustee in bankruptcy, on the grounds that you're making an effort to get all the facts out and be fair. So, that's a tension.

Now I had clients who were perfectly frank. They'd come in. In fact, they were too frank. They'd lay all their crap on my desk and say, "I'm broke. Straighten it out." [laughs] And I didn't charge by the pound—I probably should've. But at any rate, those clients turned out to be fine, because although there was much more preparation to be done, there was much less tension with the lawyer. They knew they were broke. They knew they didn't have a prayer, and this was bankruptcy and this was where they should go. And they didn't
know anything about bankruptcy, and they accepted that. It's the clients who didn't. So, those were the courses. The international law was a hoot.

And this is just in the wake of your mom having gone to Nairobi.

Yeah, yeah. But international law was taught by a guy named Kramer, Jerry—no, not Jerry Kramer, he was a guard for Green Bay Packers. His name was Kramer. And he thought that the Gulf of Tonkin Resolution was the cat's meow. That resolution made the Vietnam War legal. There were thirteen of us in the class, one of which was Sandy Morrison. Sandy Morrison was an ensign—or whatever, Navy ranks have always puzzled me. Anyway, he was assigned to the White House, intelligence and all that kind of stuff, and the Navy was sending him to law school. He was not law review either, so he became one of the group of us who—we would climb fences and play tennis on prohibited courts, and this kind of thing, and then get chased off by the guard, and [laughs] climb back over the fence. And so, Sandy regularly had to wear his dress whites to classes, because he was on call, so to speak. There were no cell phones, but they knew to call the law school. And so, he was in his dress whites for the final exam. And the final exam was, "Was the Gulf of Tonkin Resolution a Constitutionally acceptable basis for our participation in the Vietnam War?" So, twelve of us wrote, "Oh sure." [laughs]

You knew what the teacher wanted to hear.

That's right. That's right. We knew what the teacher wanted. These were the days when they were three-hour finals and they're handwritten in blue books. Did you do that too?

I did.

Oh, excellent. I'm glad somebody's doing it. At any rate, so, an hour into the exam, we hear this rustle of paper off to the right wherever Sandy was sitting. Sandy stood up and straightened out his dress whites, picked up his blue book and walked to the proctor, gave the proctor the paper. Proctor looked at him, said, "You sure you're done?" Sandy says, "Yes, I'm done," and he walked out. And the grades were posted a week later. There was one A, and there were twelve Bs, and [Sandy] Morrison got the A. He said that "it wasn't a Constitutional exercise, period. Congress declares war." And, I don't know about eloquent, but he could express himself well. And I'm sure in one hour's time, he was able to communicate that.

Wow, that's—
Ruckel: So Kramer gave him the A and the rest of us got Bs, and thumbed his nose at us. Ha! That was a lesson. Sandy was great though, because he had privileges at the Anacostia Navy Yard Officers' Club. So, we would sometimes accompany Sandy down to the officers' club with dates and stuff like that, impress the hell out of them, all of us draft dodgers. [laughs]

Eardley-Pryor: I have a note here that in 1964 to '65, you did find work, as a law clerk in Fairfax, Virginia. What kind of work were you doing?

Ruckel: Well, see, Virginia never had a survey like the Western states. The Homestead Act [of 1862] required a survey and disposition—or the preparation for disposition—of all the publicly owned land. There wasn't any publicly owned land, you see, in Virginia at that time. It was all privately owned. There wasn't any National Forest Service and there wasn't any of that kind of thing. Well, the Homestead Act was thanks to old Abe [Lincoln]. He signed that sucker. And, so, you had to research titles.

Eardley-Pryor: Oh, to go all the way back to who owned the land, for real estate sales?

Ruckel: Oh yeah. Well, no. You go back to the charred remains, when the Confederacy burned the courthouse, because the Union was—that was a big storage place for the Union Army. And I think it was Mosby's Rangers. He was revered in Virginia at that time. He was a guerilla fighter for the Confederacy in northern Virginia, and he destroyed several supply dumps, which was really critical—that could delay a whole campaign. And, as a consequence, the Fairfax Courthouse caught on fire, but it was put out, and it's unclear who's to blame. It's even unclear who put it out. Depends on who you listen to and what side of the Potomac River their ancestors lived on. Right? So, you just leave that hang. The fact remained that, sometimes, it was necessary to trace the titles back that far, and you ended up with partially burnt records, which, the local courts were certainly familiar and could deal with it. Had meant nothing to them, they were used to that kind of stuff. Me, I mean, wow! [laughs]

Eardley-Pryor: So, was your job to go into these charred remains to determine title?

Ruckel: Generally speaking. I didn't go into the charred remains. Generally speaking, they were protected. They were there, but they were protected with Visine or something like that. There was a summary of them typed up beside them, but I didn't care about that. I said, "Wow, look at this shit! Pretty cool."

Eardley-Pryor: That's pretty cool summer work.
Ruckel: And that paid well. That really paid well compared to the law clerks who were clerking around with the big outfits and the big firms. Because, see, they were thinking of work later on. Me, I was just trying to make money, and so, I ended up doing that. And it was pretty cool because I could do it on my own time. It was contract. The number of titles I searched was—and so if I got a subdivision, a developer doing a subdivision, the original research for the subdivision was laborious and took quite a while. But then, I could serially run each lot, and get paid the same amount, because it was paid by title search. Pretty cool proposition. So, you always wanted a subdivision. And then, of course, Dulles Airport got in the swing. And they rebuilt Fairfax County Courthouse. That was my finest hour.

Eardley-Pryor: In what way?

Ruckel: Well, there was a path across the courthouse. It was just people going from one place to another, but it'd been worn down. It was the easiest, straight, diagonal path across the whole lot. The building was not built in the exact center, so this went right in front of the building. Well, under Virginia law, it was a public right of way, and so it had to be treated as such, and if it was a necessary right of way for adjacent homeowners, which it wasn't, of course, because they had cars and automobiles and things were paved and all—kids used it all the time. But you had to establish all that, in the title. So, that job took me about a month, actually, and they paid me a different type of compensation for that, and that was fun. That was fun, yeah, yeah. But not nearly as much fun as the charred records. The charred records, that was a pièce de résistance.

Eardley-Pryor: Quite a different kind of job than putting out fires on the Mesa Verde.

Ruckel: Oh, it was, yeah, yeah, yeah.

Eardley-Pryor: In 1964, the Civil Rights Act is passed, and in '65, the Voting Rights Act. What are some of your memories of being in DC, in law school, while these massively significant legislations were moving through the Congress?

Ruckel: Yeah, the Civil Rights Act was debated much more intensely, much longer, the margins were much smaller, than the Voting Rights Act. Remember, the Voting Rights Act was subsequent to a US Supreme Court decision, that "one man, one vote," written by Justice—I want to say, was that Brennon? He wasn't on the Court then. I mentioned it in my book [H. Anthony Ruckel, Voices for the Earth: An Inside Account of How Citizen Activists and Responsive Courts Preserved National Treasures Across the American West]
Oral History Center, The Bancroft Library, University of California, Berkeley

(Littleton, CO: Samizdat Creative, 2014)]. Any rate, because that was pivotal, but at the time, it was just sort of rounding out the edges of the *Baker v. Carr*.

02-00:55:13
Eardley-Pryor: What was that case?

02-00:55:14
Ruckel: That was the case of "one man, one vote." Was it Tennessee was the venue? I forget where the venue was. I mentioned it in the context of the book.

02-00:55:28
Eardley-Pryor: Your book, *Voices for the Earth*?

02-00:55:30
Ruckel: Yeah, because you see, for the environmental movement, that was pivotal in many ways, because the environmentalists' strength lay in the urban areas and the suburban areas, not in the rural areas, and that's true today, but you still have gerrymandering. But at that time, you had "one man, one vote," and they could create numerous rural congressional districts. You had your electoral vote, you had your number of congressman and your senators, you see, so, you take—

02-00:56:06
Eardley-Pryor: *Baker v. Carr*—is what designated that population has to determine electoral representation?

02-00:56:11
Ruckel: Yeah, well, it says that the "one man, one vote" means that each person's vote must count—

02-00:56:19
Eardley-Pryor: Equally.

02-00:56:19
Ruckel: —equally with the other person's vote. So, you couldn't take a district and make it a population of a hundred thousand, have another one over here as five hundred thousand, and give them each a congressman.

02-00:56:31
Eardley-Pryor: I see. Yeah, that's pretty influential.

02-00:56:34
Ruckel: Yeah, and so that was really, very—

02-00:56:36
Eardley-Pryor: So, the Voting Rights Act came out of that, essentially?

02-00:56:38
Ruckel: Yeah, yeah, it did, it came subsequent to that. And the Court was pretty clear. [Chief Justice Earl] Warren was really an extraordinary figure. He'd get these
practically unanimous decisions on these cases that had fierce, fierce advocates on each side.

02-00:56:59
Eardley-Pryor: *Brown v. Board*’s the one that comes to my mind.

02-00:57:01
Ruckel: Yeah, and he had guys like Black and Douglas. And then Frankfurter and John Marshall Harlan, a vastly underrated jurist, for the conservative side, and he'd whip all these boys in shape and march them right down the aisle and say, "Vote this way!" Exaggerated, of course. It had to do with moral suasion, I think. Presence. Superb handling of some very self-confident minds.

02-00:57:42
Eardley-Pryor: Being chief justice is not an easy job.

02-00:57:44
Ruckel: Historians are correct to rank him amongst the highest of all jurists we've had, because he was. Look at the record. You always look at the record. And, of course, the nation was astounded when *Brown v. Board of Education* was a unanimous decision. Nobody could believe that, including Dwight Eisenhower, who put him [Warren] on the bench, couldn't imagine what he was thinking about [laughs]. And he [Warren] was impressive to see presiding. He'd slowly pivot his chair. He never moved quickly. And a California boy, as you know—always regretted the internment of the Japanese. That's his one. He personally could never live that down, from all I understand. I guess a great man is entitled to a mistake or two. What the hell can you say? You can't condemn the man and his career on that one case. You can condemn the case and the decision, but—and he wasn't the jurist anyway. He was the attorney general. He was locking them up. So, presumably, he was following California law.

02-00:59:05
Eardley-Pryor: And a presidential decree, a presidential executive order. [Executive Order 9066 on February 19, 1942.]

02-00:59:07
Ruckel: Well, I guess it was, wasn't it? Yeah, that they had to be so far from the Pacific Coast or something. What was the decree?

02-00:59:13
Eardley-Pryor: The executive order was from [President Franklin D.] Roosevelt permitting, as far as I know, permitting the internment to happen—in fact, demanding it.

02-00:59:20
Ruckel: But he [Warren] was the prosecutor. Yeah.

02-00:59:24
Eardley-Pryor: And had to go along.
Ruckel: He's always regretted that role.

Eardley-Pryor: Well, take me back to the mid-sixties, the Civil Rights Act. You're in [law school] classes. What was the relationship between these powerful acts moving through, and your classes? Was there [a relationship]?

Ruckel: Well, the professors—and this became even more omnipresent later on—the professors were teaching from current laws and for current decisions. The Warren court moved so fast, in so many areas that were just critical, that you couldn't keep up. There were no such things as textbook on—right? Being able to write a casebook on this kind of shit? I mean, it takes years to write a casebook, and these guys are deciding five or six or four or five big ones a term, for crying out loud. So, the law faculty was conservative, by and large. It was the old traditional law faculty, the establishment bar.

Eardley-Pryor: At George Washington [University]?

Ruckel: Yeah, yeah. Well, the same thing at Georgetown, the same thing. George Washington [University] was more liberal than Georgetown—had night school, and people could go to night school, and they didn't have to go to day school. And then George Washington also had the best-known patent law curriculum at that time—one of my dearest friends was a patent lawyer. And Georgetown had all the rest. They had the reputation. They had the campus. George Washington didn't have a campus. They took houses and buildings and stuff over many square blocks, now, of what's called—

Eardley-Pryor: Foggy Bottom.

Ruckel: Foggy Bottom, yeah, and, so they gradually bought it over the years. They had a couple of enormous breaks. One of them occurred when I was in law school, an enormous break. A lady who owned a block in the north side, I believe it was the north side of Pennsylvania Avenue, right across the street from the university, was old apartments. It was one of those 1940s, 1950s square buildings. Building was very unattractive, bland building and all that. And she died, and she left all that property to George Washington University, so long as they took care of her cats.

Eardley-Pryor: Really!?

Ruckel: So, the president of the university had a cat. [laughter] And, the cat eventually died. The university got the property.
Eardley-Pryor: Wow.

Ruckel: Yeah, but that's how an urban university that starts out with nothing has to put itself together. We didn't have a hill with a view of the Potomac River. We're in Foggy Bottom, for God's sake. Now, we could throw rocks at the White House. And then, the hospital was built, which was the closest hospital to the White House. Right?

So, when Reagan got shot, they'd take him there, and he was near death, apparently. We didn't know at the time, but they took him to GW [Hospital] and GW saved his ass. He was properly grateful to GW for the rest of his life, as was his wife. And the powers that be in the US government got together and said, "All right, well this is where we're going to take our president," so there's a special wing. And when the real hotshots—they're prepared to handle that kind of thing.

Eardley-Pryor: Ah, that's really cool.

Ruckel: So, at any rate, yeah, the cat. The cat would appear occasionally in the campus newsletter. You know, the kids—[laughter]. They'd picture some cat. [laughs]

Eardley-Pryor: That's wild.

Ruckel: Ah, yes. Well, any rate, I'm discoursing, I haven't been ignoring your question. The Civil Rights Act was much more debated than the Voting Rights Act, because of the, well, because of the South, but they had some heavy-duty folk. Richard Russell, the senator from Georgia, real heavy-duty, he was chairman of the Armed Services Committee forever. See, they were all Democrats. And, so the debates were fierce on that.

Eardley-Pryor: Were those some of the ones you attended?

Ruckel: Yeah. I heard arguments, yeah. There're two ways you can go to the Senate. At that time, you could go anytime, and a senator may be introducing a bill, a committee may be reporting, or he may be giving a little speech for constituent digestion back home, in his state. So, it's not always argument. And then sometimes, there are planned colloquies over legislation where they argue, "Well, this is the meaning of this language." They go on and on and on. And as I said, it was hard to get a handle on what these guys were going to do on a daily basis. Now, you probably know when the bathroom breaks are—I don't know, what the hell? [laughs] Then, nobody had cell phones or anything. You had messenger services, but—. So, you'd go. You'd go and hear it just
because it was fun to go and there were important people, and you were a struggling law student who couldn't make law review, and, so you had this tremendous advantage over everybody else. You just picked up and put on your coat—

02-01:05:28
Eardley-Pryor: You get to explore DC.

02-01:05:29
Ruckel: —and walk down the street, which we could almost literally do. It was a long walk. That'd be about two miles or so from Foggy Bottom to the US Capitol, but—.

02-01:05:39
Eardley-Pryor: What a rich time to be in the nation's capital.

02-01:05:41
Ruckel: Oh, yeah, yeah. And then Vietnam got rich and scary, and—

02-01:05:47
Eardley-Pryor: Yes, so you graduated from law school in June of 1966, and it was that previous spring—well, I guess it was two springs earlier, in the spring of 1965, when LBJ started putting significant boots on the ground in Vietnam. What are your memories of the escalation towards Vietnam?

02-01:06:09
Ruckel: I would say the law school students were probably two to one against the war, and that's not just because of the draft susceptibility. They were. Remember, that era, there were coffee shops. They always tended to be in basements of restaurants and various places around town. People gathered there. They talked about things there. They talked about civil rights. They'd talk about the war. Those discussions could be pretty intense, and there were a lot of them around. You could go in there, and sit down, and do that. Today, coffee shops are places where people sit by themselves and often aren't talking to anyone.

02-01:06:57
Eardley-Pryor: Today, coffee shops are places where people sit by themselves and often aren't talking to anyone.

02-01:07:03
Ruckel: Well, often they're playing with their computers. No, we didn't have any computers. And we didn't have any cell phones.

02-01:07:09
Eardley-Pryor: These were like the real salon discussions.

02-01:07:12
Ruckel: Absolutely, same thing, yeah. We didn't have the panache of the salon, but—[laughs]

02-01:07:19
Eardley-Pryor: Go grab a cup of coffee and talk about the major—
Ruckel: Yeah, right. But I'll bet our conversation was as elevated as the folks in the salon. We just don't read the stuff, what they really said in the salon. Probably just the same kind of garbage that we—brickbats and all that kind of stuff. I'm not prepared to concede that the salons were sharper than we were. I think we had some things to say. But at any rate, yeah, and so that was there.

And in the classrooms, you heard about—I mean these things were going on, in the street. They were there. They were not just going on in the newspaper, or on black-and-white TV. We didn't have any color TV, of course, and you only had the networks, so, that's what you got. It lent itself to a lot of communication between people who were interested, stimulated, pissed off, whatever, by what was going on.

Eardley-Pryor: And Vietnam was among those discussions?

Ruckel: Oh boy, Vietnam. Yeah, it really got—see, the Civil Rights was, that was emotional, but like I said, largely peaceful. The Voting Rights thing is, as I said, was less of a street business. Certainly, significant historically. But Vietnam, that went right to the heart. There were so many kids, and so many students in Washington, DC. Given that half of them were male and they were—it's probably a bigger percentage then of males—you couldn't ignore, nobody, the law school, nobody could ignore the fact there's war out there and there were eager young male faces sitting right there in the classroom. That wasn't possible. So, those things got mentioned. And we had professors like Markward, that was his name, the international law professor—"Glory to the Gulf of Tonkin Resolution." I'm embarrassed to say I've tried to defend it, on multiple pages of a blue book. Got a B for it.

Eardley-Pryor: It's a good lesson to learn.

Ruckel: [laughs] Very good lesson to learn. Very good lesson. Well, especially with the uniform and the military and the whole nine yards and working in the White House, for God's sake. You know, that's where Sandy [Morrison] hung his hat.

Eardley-Pryor: It's neat to have those kinds of colleagues. So, you received your law degree then in the June of 1966. What were your thoughts as to what you wanted to do next?

Ruckel: I wanted to move to Colorado.

Eardley-Pryor: You knew then, you wanted to go there?
Oral History Center, The Bancroft Library, University of California, Berkeley

02-01:10:17

Ruckel: Oh yeah. Yeah, I knew by that time I really didn't want to be another lawyer in Washington, DC. Although I'd had a good experience in—in your senior year of law school, you're given a case scenario. This is called moot court. You're given a case scenario, and then you're told you're for the plaintiffs or you're for the defendants and it's generally a tort thing. And, I did that, and I enjoyed it. That was all fake. But then, shortly after graduation—well, maybe about a year, I was only there for two years after graduation, '66 to '68, yeah—the Wilderness Society had a contract case, and somehow, it got referred to GW. And even then, there's sort of student-practice type of programs. I was a lawyer by this time, but my name was still, along with other names, it's still in the area and all that. And I got a call from the Wilderness Society saying, "Hey Tony, can you do this thing for me?" And of course, I wanted any exposure I could get, and I'd liked the moot court experience, so I went down to general sessions court—that's the equivalent of county court here, general sessions court. And so, I argued for the Wilderness Society, completely unsuccessfully.

02-01:12:08

Eardley-Pryor: Was that your first experience with an environmental case?

02-01:12:11

Ruckel: Well, it wasn't environmental, it was a contract case. But the Wilderness Society was a client because they knew me, and I'd cleared the, whatever research they did at GW or wherever. And I lost the case, and, the judge afterwards, he called me up to the bench. He said, "Well, Mr. Ruckel, I hope we see you around here more often." And he says—he was very complimentary—he says, "Young folks like you, we need them here arguing cases being trial lawyers and doing their thing." And I told him I was moving to Colorado. [laughs] He had a forlorn look on his face. I said, "Well, Judge, I'm sorry, I'm moving to Colorado, and that's it. My wife and I are bailing out."

02-01:13:05

Eardley-Pryor: Well, tell me about that, too. So, the year that you graduated from law school, also, you get married just a few months later.

02-01:13:12

Ruckel: Yes, she was a student at American University.

02-01:13:16

Eardley-Pryor: What's her name?

02-01:13:17

Ruckel: Carol Stinaff, she goes by Carol Ruckel. She lives up the road at Fort Lupton, [Colorado]. And yeah, she used to teach.

02-01:13:33

Eardley-Pryor: Oh, is that right?
Ruckel: [laughs] Yes, yes, yes. Oh yes.

Eardley-Pryor: How did you and Carol meet?

Ruckel: At some sort of mixer. She was in a sorority of the American University. And the sororities around, that'd be Georgetown; GW; University of Maryland— I'm not sure Georgetown had the sororities, they were above that—University of Maryland; Virginia, University of Virginia; GW; American University: they all had sororities. It was never difficult meeting girls in Washington, DC, in the early sixties. And the coffee shop thing that I described, the whole—it was a very open community.

Underneath all the officialdom and all that kind of stuff, people still went to work. You'd drive to work, and you'd see Senator Proxmire. He'd jog to work, this guy from Wisconsin. He was old as the hills, and he'd jog down Pennsylvania Avenue in every conceivable weather. It could be snowing and twenty degrees out there, and Proxmire was jogging down Pennsylvania Avenue. And people in cars would stop, they'd look at him, they'd roll down their window, "Way to go, Proxmire!" I forget his first name, but any rate, he'd smile, wave, and wait for the traffic light, head across the street. [laughs]

Eardley-Pryor: That's a hardy Wisconsin guy right there.

Ruckel: He was, yeah, and he was quite a senator. He was really a very important senator in that era, very progressive thinking, and well liked. The people of Wisconsin loved him, and—yeah.

Eardley-Pryor: Well tell me, with your marriage—you guys, you and Carol, were married in September of 1966, you're twenty-six years old. What drew you together?

Ruckel: Well, we met at this mixer. I think it was a slow budding romance. It wasn't love-at-first-sight type of thing, although we were very compatible conversationally, as I remember. People were circulating around. By the end of the evening, we agreed we'd go out on a date. So that's pretty much the way it all started. Yeah, yeah.

Eardley-Pryor: And after law school, you two get married. Was she a DC gal? Was she from the DC area?

Ruckel: No, from Akron, Ohio.
Eardley-Pryor: Ohio gal!

Ruckel: Yeah, yeah.

Eardley-Pryor: I'm fond of the Ohio ladies. I married one myself.

Ruckel: Ha, well, son of a gun. You see, my mother was teaching in Anacostia High School—apropos that story I told earlier about the Kenyan ambassador—and, so my mother was able to get her [Carol] a job. It was really easy, because my mother was white and she was an English teacher. She's teaching in Anacostia High School which, as I said, was 90 percent or so black. They desperately wanted to keep white teachers. I mean, they wanted black teachers, don't get me wrong. But when they had a white teacher to teach in an inner-city school, they would do everything to protect her. So, if she [my mother] came up and said, "I have a new daughter-in-law as a teacher," they would say, "Say no more." She said she went in, and as soon as she got to the hiring officer of the school district—

Eardley-Pryor: This is Carol's experience?

Ruckel: No, no, this is my mother's experience, my mother, with the recommendation. She said, "I got this new daughter-in-law," and they already knew who my mother was, the Anacostia High School. "I have this new daughter-in-law and she needs a job, teaching. She's got a teaching degree from American University." He looked at my mother for a minute—this is my mother telling it—reached in the drawer, hauled out all the application forms. "Have her sign this, get it in to me by the end of the week, and have her call me personally on the telephone." So that's what Carol did. She got a job. I can't emphasize—my kids were bussed here in Colorado, across-town bussing, and the effort to keep the whites from fleeing to the suburbs was immense, as well it should have been, because they were fleeing in droves. Well, it was the same thing in DC, the schools looking around. The schools that needed to hire people from the black community were the suburban schools and that kind of thing. They had plenty of them in the inner cities, but what they didn't have was Anglo teachers, and especially at the high school level, and then female.

Eardley-Pryor: Is that what Carol taught, at high school as well?

Ruckel: Well no, she taught junior high. Yeah, but my mother is what I'm saying. So, my mother was—they weren't in a position, I think, to say no. I don't think that would've worked very well, especially given how assertive my mother was. So that would not have gone over well. [laughs]
Eardley-Pryor: So, you and Carol were married for six years before your first child, before your son David was born. And then, a couple years after that, in 1974, Geoffrey was born. So that would have been after you moved to Colorado?

Ruckel: Yeah, yeah. I had to pass the bar. She had to get, locate a new teacher's certificate. And she just subbed at that point in time.

Eardley-Pryor: But you knew you wanted to stay, you wanted to get to Colorado. But why did you stay to pass the bar in DC and Maryland then?

Ruckel: Well, I knew when I went to Colorado, I would have a better chance of getting a job if I had passed the bar. Why I struggled through the Maryland bar, I'll never know. I flunked that bar twice, passed DC—that was easy—and I really aced the Maryland bar the third time. I took it just out of pure orneriness, no other reason.

Eardley-Pryor: Just because you wanted to climb over that hurdle?

Ruckel: I wanted to fight back, yeah. God, for three bar exams, I had to write on the rule against perpetuities.

Eardley-Pryor: What is that?

Ruckel: Don't ask me. It's "lives in being plus twenty-one years of future interests." No.

Eardley-Pryor: We won't get into it.

Ruckel: You don't want to know. [laughs]

Eardley-Pryor: While Carol started her work substituting and then working in the Anacostia school district, what kind of work were you doing in the DC area, while you were studying for the bar?

Ruckel: I was with the legal department of Southern Railway.

Eardley-Pryor: What was that job like, and how did that come about?
Ruckel: Well, it was a property job, you see, and it was a perfect segue from the title—

Eardley-Pryor: Oh, your Fairfax, Virginia title work?

Ruckel: Yeah, yeah. And, I was looking. I had my application out, and I was looking for the job that paid the most. Because we'd determined we were going to Colorado, and I had that student debt to pay off. I'm embarrassed when I think of the amount compared to what these students are graduating with now. Jesus. How can they start in the world, with seventy, eighty thousand dollars' debt? A hundred thousand?

Eardley-Pryor: I can tell you from personal experience, it's difficult.

Ruckel: Yeah, yeah. To me, it's just unbelievable.

Eardley-Pryor: Yeah, it's one foot in a lot of debt. Well, back to your experience—

Ruckel: You know, your wife may have the same thing. I don't—

Eardley-Pryor: She certainly does.

Ruckel: Yeah! There's got to be a better way. I shudder to think, how is your generation, the succeeding generation, going to compete internationally with these other populations that try to make it easier for kids to get a college degree, or push a college degree? I mean, hell. Anyway, you don't need to hear that.

Eardley-Pryor: Well so, you start doing this real estate contract work with Southern Railway, you said. And in the meantime, also, another pretty big significant event that happens is, you are introduced to the Sierra Club.

Ruckel: Yeah. Oh yeah.

Eardley-Pryor: March of '67 is the date I have for when you joined the Club. How did you hear about the Club?

Ruckel: I heard about it in the newspaper, they're going to dam the Grand Canyon, and I got it. I said, "What? How can you build dams in Grand—I haven't even seen
it yet, for Christ's sake!" I wanted to see it before they built a goddamn dam in the place. And the only folks fighting it was this organization called the Sierra Club. I dimly knew Sierra was mountains, that was about it. I didn't know about John Muir or any of that kind of stuff. And this was really big news. And the Washington Post, of course, and the New York Times have religiously covered the environment, still do, and the Los Angeles Times—San Francisco newspapers I never get; they just jump all over the goddamn place, Oakland and the Chronicle. But at any rate, let them jump all over the place. I'll read the Los Angeles Times, and I'll know what's going on in California, that's the way I figure it. But, yeah, it was in the Post, and of course the Post and the [New York] Times were in—I mean, they were shouting, they were screaming, because [then Sierra Club's executive director, David] Brower had bought those advertisements.

02-01:24:13  

02-01:24:15  
Ruckel: Yeah, yeah. Damming the Grand Canyon and with a picture of the Sistine Chapel beside it. I mean, it's just brilliant, brilliant public relations. That got the Advertising Council's award of the year, finest advertisement of the year. Oh yeah. Oh yeah, that was a heartbreaker for the Department of the Interior. [laughs] The game was over, just nobody knew it, but when those ads came out, the game was over. They were that effective.

02-01:24:46  
Eardley-Pryor: And that's how you heard about the Sierra Club for the first time?

02-01:24:48  
Ruckel: Well, what I heard about was an article in the Post lambasting the IRS for revoking the tax exemption, the tax deduction. Because see, we had a 401(c)(3).

02-01:24:59  
Eardley-Pryor: The Sierra Club did.

02-01:25:00  
Ruckel: Yeah, yeah. The IRS walked in, physically walked in to one of our [elected Sierra Club board of] directors who was a lawyer, Richard Leonard, in San Francisco, and gave him the notice, said, "Your tax deduction or exemption is revoked." Now, the legend is that Dick looked at it and, "Uh-huh, uh-huh, uh-huh," something like that, dismissed them. They left. He went to his secretary, said, "Call the Chronicle. Call the TV networks, and all that." He stepped out of his office, said, "These bastards, you know what they're doing to us, just because we're trying to save the Grand Canyon?!!"

And so, because the Post and the Times could not let go of the fact that, because we'd exercised our First Amendment rights and put this advertisement in their paper—it was a full-page ad. We had to pay for the goddamn thing,
and where do we get the money for that, right? We had to pay for the
goddamn thing. They could not get over the fact that, because we did that, the
United States ganged up on the Sierra Club, tried to suffocate it out of
existence. And of course, the opposite happened. That was the effect. And
Leonard and Brower and everybody—Brower, tear-jerking, "Ah, my God,
they revoked our tax exempt. Can you believe that? Can you believe that in
the United States of America something like this could happen?" [laughs] As I
said, when the ads appeared, the dams disappeared. There's a lot in between,
but there was no question that the dams had reached a pinnacle, and they were
sinking fast.

02-01:26:54
Eardley-Pryor: So, when you came across the Club, it was through this, the Post coverage
that the IRS had revoked your tax deductibility?

02-01:27:02
Ruckel: Well, I read it in the paper. My reading was contemporary enough to know
that that's what had just happened.

02-01:27:09
Eardley-Pryor: So, where did that take you from there?

02-01:27:11
Ruckel: To Dupont Circle. The Club had a two-room office in an old, run-down office
building there.

02-01:27:22
Eardley-Pryor: In Dupont [Circle]?

02-01:27:24
Ruckel: Dupont Circle, yeah. Yeah, there are no old, run-down office buildings around
Dupont Circle now.

02-01:27:30
Eardley-Pryor: Not anymore.

02-01:27:31
Ruckel: There were then, and that was a kind of a risky part of the neighborhood. By
the time you got to Dupont Circle, you were past Embassy Row at that time,
you were past any lobbying office. You had the Washington Club—there was
a club, was a fancy club on the north side of the street. It wasn't the
Cosmopolitan Club, but it was an equivalent, those days, and that was it.
Everything else was run-down Washington, DC.

02-01:28:04
Eardley-Pryor: So, you went to this run-down part of town, found this office—
Ruckel: Yeah, Dupont Circle. I've got to be one of the few surviving people who knows how run-down Dupont Circle originally was. So, yeah, you walked in, and I walked around the corner, and there was a short little line.

Eardley-Pryor: There's a line to the Sierra Club office?

Ruckel: Yeah, to sign up. And you get to talking, and everybody was there signing up because of the brouhaha of the tax status revocation and the Grand Canyon, and most people had both on their mind and wanted to join the organization, whatever the hell it was, which was opposing this kind of thing. So, all of a sudden, the Sierra Club went from a California hiking club to a national environmental organization, overnight.

Eardley-Pryor: And you were part of that, and that's why you joined?

Ruckel: Yeah, I was right there, yeah, yeah. Because by the time I had joined, and stuck my head up above the water, and said, "Yeah, I could do a little bit of volunteering," I ended up now down at the—where? It was the House office building or the Senate office building. It was one or the other, and, had a van down there and they were unloading the Redwoods book, from the van, and—

Eardley-Pryor: The Sierra Club's publication on The Last Redwoods? [Philip Hyde and Francois Leydet, The Last Redwoods (San Francisco: Sierra Club, 1963)]

Ruckel: Every congressional office got a free copy of the book. And this was [former Sierra Club president, Dr. Edgar] Wayburn who was leading that charge.

Eardley-Pryor: Did you get to meet him during this time?

Ruckel: Yeah, that's when I first met him.

Eardley-Pryor: What was your first time meeting him like? What are your memories from that?

Ruckel: Ah, extremely dignified, extremely. He was a Georgia boy. He still has family—I mean, he's passed away now, but there's still family, Wayburn family, down in Georgia. So, he had the Southern gentleman pastiche to him. I'm poor with words, but he had that kind of aura, and it was different than the DC type of aura that—or whatever it is. He was not self-important. That's quite an exception in Washington, DC, in those days. He was very dignified,
and he knew the redwood country. Holy cow, did he know what was going on there. And that was also impressive, because it was clear that only the Sierra Club knew what was going on in the Grand Canyon. [laughs] And here comes this other guy, and he knows what's going on in the redwoods. I'd not seen the redwoods yet either. I'd not seen the Grand Canyon, I'd not seen the redwoods. I knew they were big. What can I say?

I joined because of the Sierra Club, but I ended up, my first task was peddling the dope on the redwoods. Because by that time, the dams were history, or becoming history. The Club did not need lobbying presence on the Hill at that moment on the Grand Canyon. The question was whether the Arizona delegation would be able to get out of the building alive. So they were, especially with the Post and the New York Times bringing on, and of course, let's see, the Chronicle, Denver Post, Philadelphia—

02-01:32:12
Eardley-Pryor: Inquirer?

02-01:32:13
Ruckel: —Inquirer. Anyway, I know for certain, those. Then, I think they ran as part of the news story, reduced copies of the ad. [laughs]

02-01:32:27
Eardley-Pryor: Oh, that's great.

02-01:32:28
Ruckel: And they were fulminating about it also, and always talking about "our brothers at the Washington Post, our brothers on the New York Times." I mean, you know, [laughs] there was no question, the whole journalistic community, once they knew what had happened, was insulted. They had their own fundamental rights at stake here. We had the goddamn canyon or the trees. They had the journalistic ethics.

02-01:32:58
Eardley-Pryor: And advertising.

02-01:32:59
Ruckel: Was huge.

02-01:33:02
Eardley-Pryor: So, yeah, so in '67, the [Grand] Canyon battle had essentially been won. There wasn't going to be dams built. But trying to create Redwood National Park was the next big goal of the Club, and you got involved in that. That's what drew you in?

02-01:33:14
Ruckel: It did. But I shortly moved to Colorado and had to get established. So, I got involved in the redwoods thing just in the context I gave you. I didn't do anything further. I was ready to head out.
Eardley-Pryor: My understanding was that you also were involved in creating the Southeast group of the Atlantic chapter.

Ruckel: Yeah, yeah, yeah.

Eardley-Pryor: Tell me about what that was.

Ruckel: Well, Jim Moorman—

Eardley-Pryor: Well, maybe take a step back. Who is Jim Moorman?

Ruckel: Okay, he's the first executive director of the Sierra Club Legal Defense Fund, and, he was a Sierra Club member.

Eardley-Pryor: Now, at the time, when you joined [the Club] in '67, Jim was in DC.

Ruckel: Yes. He was assistant attorney general under [US President Jimmy] Carter.

Eardley-Pryor: In the Justice Department?

Ruckel: Yeah, yeah.

Eardley-Pryor: Under Carter? But in '67—

Ruckel: I think it was Carter—

Eardley-Pryor: '67 would have been LBJ [US President Lyndon B. Johnson] still.

Ruckel: Then it might have been '68.

Eardley-Pryor: '68 was [US President Richard] Nixon, so I imagine he was probably leaving town.

Ruckel: He wasn't there. So—

Eardley-Pryor: So, you and Jim cross paths in '67.
Anyway, we crossed paths there. I get the presidents straight by working backwards and the number of terms, so I don't know. Whatever I said in my book is accurate [H. Anthony Ruckel, *Voices for the Earth: An Inside Account of How Citizen Activists and Responsive Courts Preserved National Treasures Across the American West* (Littleton, CO: Samizdat Creative, 2014)].

Sure. Well, yeah, so LBJ is president until '68, when Nixon comes in. Nixon wins the [1968] election, and I imagine all the Democrats that were working for the government had to find new jobs.

Well, I'm trying to think. I think I've got this wrong. I didn't discuss Jim in my book. I met him then. He was a lawyer in the Lands Division, Justice Department. He subsequently became assistant attorney general when Carter was elected. [Jim Moorman worked in the US Justice Department's Lands Division from 1966–1969, then in Washington, DC at the Center for Law and Social Policy from 1969–1971. Moorman became the first executive director of the Sierra Club Legal Defense Fund from 1971–1977. And from 1977–1981, Moorman worked for the Carter administration as assistant attorney general for land and natural resources.]

Oh, wow.

So that's how, that's the connection.

Cool. So, after Nixon and Ford, when the Democrats come back?

Yeah, yeah.

So, you and Jim are just—

But even there? I'm thinking, did he become—was he the guy?

What are you thinking?

Well, I'm thinking he might have come in under Clinton.

I believe he worked for Carter.
Ruckel: I believe he did.

Eardley-Pryor: I think he left Sierra Club Legal Defense Fund in '77, to go back to work for the government.

Ruckel: Okay, well, you would know those dates better than I, yeah.

Eardley-Pryor: But, take me back to '67, when you two crossed paths. You met through doing this Redwoods [National Park] activism?

Ruckel: Mm-hmm. Well, the Sierra Club was having local group meetings periodically. It was just a bunch of people, and of course, two young lawyers who were pissed off at the government were very welcome. So, I was headed to Colorado, and he was continuing in the Justice Department but was trying to lower his visibility. You can do so much as an employee, against your boss, the government, but then you have to kind of cool it. And as I remember, I think that's what he did, he kind of cooled it. We lost contact. We subsequently had very significant contact, but I'm not good on this. If you have information contrary to that, I would definitely go with that information. [laughs]

Eardley-Pryor: The details I—

Ruckel: I mean, he was a good guy. He was a graduate from Duke, and, we hit it off, and, the [Southeast] group needed to be formed. It wanted to become part of the [Sierra Club's] Atlantic chapter. At that time, the Atlantic chapter had everything east of the Mississippi.

Eardley-Pryor: Oh, wow. It was based in New York, but it covered the whole eastern portion of the US?

Ruckel: Yeah, it wasn't until the [Save the] Grand Canyon [campaign], and all of a sudden, this hiking organization from California rears its head.

Eardley-Pryor: Oh, wow. It was just going to be part of that Atlantic chapter, but it was a DC-based group?

Ruckel: Yes, yes. Only, we were responsible for everything south of the Potomac. [laughs] We loved that, yeah. "Of course, we know a lot about the southeastern part of the United States." But I ended up leading some group
trips in the Shenandoah National Park. The Rose River has wonderful drainage. Especially in the fall, it's just gorgeous. I have some pictures downstairs from old—I haven't had them digitized yet. But at any rate, yeah, they needed trip leaders, right?

02-01:38:24  
Eardley-Pryor: So, you led outings?

02-01:38:24  
Ruckel: But nowadays we have insurance, and you have to go through a trip—you had to go through a leader campaign and qualification. You had to be certified. Then, if you were a warm body, and you were willing to get your ass in a car, drive to Shenandoah National Park, and rendezvous with another three or four cars, and hike a trail, that's what you did. The insurance companies hadn't caught on yet. They've caught on now, I'll tell you. I know a little bit about that. But, that was quite easy, and after all, the Sierra Club's a hiking group, right? Sure. So, we hiked, and we liked parks and things like that. Yeah, it was natural, it was natural. At that time, I was also going to West Virginia's Spruce Knob National Recreation Area [Spruce Knob-Seneca Rocks National Recreation Area], the preserved area in the eastern part—it's in Monongahela National Forest. It's run by the Forest Service. And that was a preserved area where you could hike and there wouldn't be the crowds in the Shenandoah National Park.

Now, in a couple of drainages, you had to turn around and not walk up, because the tire tracks would be fresh on the old logging road or whatever. Since there's no logging in the area, you could conclude, rationally, that the fresh tire tracks probably indicated an operating still. You didn't want to come across those guys. You don't want to have anything to do with them. You didn't even want to be in the drainage with them. You turned around and got back in your car, went over to the next drainage. You pored over your USGS [US Geological Survey] map. Nobody wanted to fool with those guys. We're not armed, and who knows what they've been drinking, and what their attitude towards—and we could be revenuers for all they know, right? Oh yeah, yeah, you turned around.

02-01:40:31  
Eardley-Pryor: Wow. You mentioned, the US Geological Survey maps. Is that how you figured out where to hike?

02-01:40:37  
Ruckel: Pretty much. Oh, that was the way in. See, when I came to Colorado early enough, that's when—I have the fourth edition of Robert Ormes up there. [Robert M. Ormes, Guide to the Colorado Mountains (Denver: Sage Books, 1955)]

02-01:40:47  
Eardley-Pryor: And who is that?

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Ruckel: He was the first one to write about the Colorado mountains and hiking and climbing, and that's the fourth edition. I'm very good friends with his son, Jonathan, who has all the editions, of course. And I've offered him a relatively hefty sum of money for a first edition. He's not selling, [laughs] so I've got to exist at the fourth edition. And it's a book I would like to have, because I climbed at least the first third of my fourteeners pursuant to that book, because there was no guide to the Colorado fourteeners until [Walter Borneman], and I have his first edition here also. Boy, I should know his name because he's a contemporary historian and—

Eardley-Pryor: Well you can add it in. That's the beauty of oral history.

Ruckel: Yeah, I can do that.

Ruckel: Right.

Eardley-Pryor: Well, that's great. So, you would lead some of these trips. Would Jim Moorman join you on some of these outings?

Ruckel: Oh, I'm sure he did. I can't remember. Our biggest problem, since we were so completely disorganized: we didn't have the foggiest idea of liability or anything like that, even though we were lawyers, right? We're supposed to know this shit. We'd lose hikers because some of the hikers would trail behind the others and then they'd go onto the Skyline Drive. And the criers and everybody, we're parked down on the Rose River right where it ends, where the boundary line is. Well, oh, there were some tough nights we had worrying about where the hell they were. We were pretty sure that the errant hikers had gone onto the Skyline Drive and probably hitched a ride one way or another, because they all were safe. We never had anybody lost in the woods. It'd be kind of hard to be lost in the woods in Shenandoah National Park.

Eardley-Pryor: There's enough people there.

Ruckel: Yeah. Well, so, it's uphill to the drive, right? And so, the drive approximates the crest for the whole range, Blue Ridge Range. It's not that far up, and you go down, and pretty soon it's farmland, so there're people, so, it's very hard. You had to work to get hopelessly lost in the Shenandoah National Park. You really had to work at it. You can, if you get disorganized, or disoriented. I mean, anything's possible.
Eardley-Pryor: I love that you were leading some of these early outings in what was, then, part of the Atlantic chapter. That's really neat. Well, so, moving forward, you mentioned that you were getting involved in the Sierra Club, but you also had your eyes on Colorado. So, you and Carol—Carol was on board with saying, "Yeah, let's go out West."

Ruckel: Yeah, yeah. Well, she knew that when we got married, when we met.

Eardley-Pryor: That your trajectory was to the West?

Ruckel: Yeah, I wanted to go back.

Eardley-Pryor: I have a note here that in October of '67, before you move out to Colorado, you participated in more marches, but these were anti-Vietnam War marches.

Ruckel: Yeah, I did. I probably participated in three, maybe. Yeah, I would say about three. My date reference is generic—it was in that period—so I can't identify—

Eardley-Pryor: Well, before '68, before you move out—

Ruckel: There was one huge one in DC that I, that everybody, went to.

Eardley-Pryor: What were your memories from that?

Ruckel: Well, it was a lot nastier than the civil rights thing, but the marchers weren't causing the—well, yeah, the marchers were. It was not nearly as well organized as the civil rights demonstrations. It was a lot angrier. People were angrier. See, people in the civil rights thing thought they were going to win. They thought they were going to. They believed Margaret Mead. They thought they were going to make a difference. They thought they were going to win. [A quote often attributed to Margaret Mead is, "Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it's the only thing that ever has."

Eardley-Pryor: They were going to change the world.

Ruckel: The anti-Vietnam thing was an expression of frustration. And they couldn't understand why their well-being was hooked up to this then-obscure location
in Southeast Asia. And they could no more digest the domino theory and the various excuses that were given or rationales that were paraded. They were not sure that it was going to be easy, because after all, the French had given it everything they had—and it wasn't just French soldiers at Dien Bien Phu. It was the French Foreign Legion, their crack troops. Right? Best they had. So, little bit suspicious about the—well, we had another hundred thousand people. Somehow these people were going to give in. It didn't appear very obvious to us that that was going to happen. We didn't have any intelligence or anything of that nature, but we had history. History has huge lessons, especially to those who are trying to run counter to it.

So, people were pissed. They were angry. They couldn't understand why this was going on. With the civil rights thing, they knew precisely what was going on. They knew about Jim Crow. They knew about Martin Luther King, "Letter from the Birmingham Jail." They knew about all the folk music that accompanied it. And I'm not saying there wasn't a lot of music, antiwar—of course there was—but the whole [civil rights] package was more optimistic. I think they felt that by being there, they were making a difference, that it would be worthwhile. Well, I think it's always worthwhile, but they thought that good things could come of their participation. Whereas, the Vietnam War demonstrations were more a cry.

Eardley-Pryor: Did you feel that way?

Ruckel: A little bit, little bit. When you have four hundred thousand—and I don't know when we reached four hundred thousand. We then exceeded four hundred thousand, didn't we? Didn't we have about four hundred forty or so?

Eardley-Pryor: I think five hundred thousand troops on the ground. [US troop numbers peaked at 549,500 in 1968.]

Ruckel: Five hundred thousand at one time.

Eardley-Pryor: I think so.

Ruckel: [laughs] These guys are going to go away? Huh? Right? "Yeah, right, of course they're going to go." But we had Agent Orange! We killed them every way we could think of. One of my best friends, who recently passed away, was a pilot in Vietnam, and he and other pilots—he was a major, and he stayed in. He was lieutenant colonel when he retired, so lieutenant colonel. He and his Air Force buddies—I mean, this is so typical of wars through the generations of time—said, "You know, these bastards are tough, and sure, we're bombing the hell out of them, but we're dropping our bombs on a jungle.
And they're going through on bicycles and carts and on foot. And if you think we're somehow killing them all, and they're not going to deliver supplies, and they're not going to get through on the Ho Chi Minh Trail, you've got to be crazy." And he said, "What military school did you go to, for Christ's sake?" to the upper officers. "All you have to do is look. All you have to do is look at the casualty list. For crying out loud, you don't need a bunch of sociopolitical assessments from learned commentaries. You just look around. Just look around." That's what he said.

I had another undergraduate [friend], he was ROTC, Reserve Officer Training Corps. He was with the Navy, and he was on these little mosquito boats in the Mekong Delta. It was the same thing, and he was a lieutenant: "They send me up this, and I'm in command of maybe a half dozen troops. Three are probably ARVN and three US, and we're sashaying up the Mekong River. These guys could pick their—yeah, they're on the shore. We can't see them. They can hit us with everything they got, so we fire back. What are the odds we're going to hit anything, you know? What, is it they're just not there?"

02-01:50:34
Eardley-Pryor: Shooting into a jungle.

02-01:50:35
Ruckel: "Not there." And they're sitting ducks. It just—the hubris, the hubris.

02-01:50:53
Eardley-Pryor: What did you take away from that experience of the government taking these actions in a way that you disagreed with, with regard to your later legal career?

02-01:51:04
Ruckel: Yes. It told me, since I didn't go to war, but that was not primary consideration, it told me though that I needed to fight for—you hate to say "what was right," but I wanted to fight for my own principles, which had to do with—you know, you could not fail to absorb a lot of the constitutional history and that kind of thing going to law school in Washington, DC, when I went to law school. Because it was constantly in the papers. In the rural areas and the Plains, "Impeach Earl Warren" billboards were everywhere, and you couldn't avoid this kind of thing. So that was one of the things that was being violated, in my judgment.

I was not wise enough to deeply appreciate what Sandy Morrison did in that final exam on the Gulf of Tonkin Resolution. That kind of seeped into me later, how gutsy that play was. And that was his career. They were sending him to law school and that was it. And he's in his dress whites, and after the exam, he's headed for the White House where his job is. Right? You got to be impressed with somebody like that. You give them room on the sidewalk. You step aside. They're impressive people. [For me,] that came later.
But it also told me that, it was clear that the sentiment against the war was growing, by leaps and bounds. Apropos of that, when I came out here [to Colorado], I was practicing—part of our practice was kids trying to get deferments. Well, the interesting thing about a kid trying to get a deferment is, he has two parents. He probably has at least one grandparent. He's got uncles and aunts. You're not just taking on a kid, you're taking on a family. And you multiply that, and you can see that there's a lot more than just one kid as a victim for a huge government. There's a family, and then just family, family, family, go right down the neighborhood. We had leading Denver citizens, rock-rib Republicans, coming into our office, "What can you do for my kid?" We did what we could, but their attitudes were a lot different by the time they came into the office than they'd been through previous adult lives.

02-01:53:59
Eardley-Pryor: Yeah. It's a sea change at that time period.

02-01:54:01
Ruckel: Sure, oh yeah. Yeah. And it matters. You wonder, I suppose, if you were a parent and your kid is headed off to war, and looks like he is, you wonder a little bit about the justifications for the war. You can't help but wonder. And many of these people are educated enough to say, "Well wait a minute. He said that six months ago that this would take care of it, and then he said four months ago this would take care of it." And simple arithmetic—or maybe that's geometry, I have no idea. [laughs] You get the idea.

02-01:54:41
Eardley-Pryor: I get the idea. Well, I want to go back to—before we move into your life in Colorado—some events that still happened for you in DC before you moved there. In the spring of '68, you have these opportunities where you meet two of the founding fathers of environmental law, or at least have some interactions with them.

02-01:55:00
Ruckel: Yeah, well, Wayburn was a doctor, but, he was very influential in the development of environmental law, just by his presence.

02-01:55:09
Eardley-Pryor: Well, Wayburn was—yeah. I'm thinking in particular of David Sive and of Phil Berry. So, the first experience of being twenty-eight years old in the spring of '68, you're getting more involved in the Sierra Club, you're still in DC making ends meet and trying to amass yourself out to—

02-01:55:24
Ruckel: Studying for bar exams. [laughs]

02-01:55:26
Eardley-Pryor: Bar exams. How did David Sive and you connect?
I think he called the Sierra Club office in Dupont Circle, and said, "You got any young lawyers down there who could be available for some Freedom of Information"—see the Freedom of Information Act had just been passed. So, nowadays, people run, do it all the time, in a newspaper, and every state has one. Then, no states had them, and the federal act had just been passed. Nobody knew what it meant. I mean, it had its advocates, otherwise it wouldn't have passed. But David could have gotten on the phone and called the bar association. But he wanted somebody friendly, so to speak, so he called the Sierra Club.

Well, the Sierra Club had [Jim] Moorman and it had me, and I don't know whether they called Jim and he wasn't available, or he called Jim and he didn't have time to do anything. But working at Southern Railway, I had a huge advantage. They had a set amount of work you had to do. And if you got all that work done, you could have a little side practice going, and they didn't care. There's so many things that were different then than they are now, right, little things like that, which really matter. First of all, some very talented individuals stayed longer with Southern Railway, legal department than they otherwise would have.

Because they had that freedom.

And one of my bosses, he wasn't a very good lawyer, but he was a wonderful leader of the Jewish community in Prince George's County and that side of Maryland—then, that would have included Silver Spring and that area. And he was an acknowledged leader in the Jewish community, which took significant time. But he worked his ass off when he was in the office, and that's all they required. That'd be a very interesting way to do it. I was lucky, because they put me, with my background—see, I came in with more background than most of their new hires. So, they put me in the acquisitions department, and they gave me Lucy Covington as a secretary.

Well, Lucy Covington was a—God only knows. She was from Southern Virginia, very Southern. Took me a long while to get the accent. And she thought all this stuff was cool. She was willing to stand at the copy machine—and they didn't have automatic feeds, either—and she would labor over copying parts of the legislative history, parts of the act, and all this. And [David] Sive would be on the phone, "You can get me that stuff? My God, Tony, send it on." And it was because of Lucy and because of this attitude of Southern Railway Company: if you did the work, and you did it well or you did it pursuant to their standards, then—you know.

Were the searches you were doing through the Freedom of Information Act, were they related to [David Sive's legal work on] the Scenic Hudson case?
Somewhat, yes. They weren't all that way. Half of them were the Freedom of Information Act itself. In other words, there was no precedent, so the congressional history—legislative history if you will, the committee reports and all that—were critical.

Eardley-Pryor: Just to learn what the act was about?

Yeah, and interpretation. See, the first thing you do with a piece of legislation is you read the legislation. And if it's obvious, in terms of what your purpose is, then that resolves it. That's a distinct minority, because facts always change, you see. So, you have legislative history, where you've had hearings, and there's reports of hearings. I described some of that. In fact, I described the process there for the public, and you'll see, there's a—


And the blog thing.

Oh, and your blogs?

Yeah, that describes the whole legislative process. My purpose was: There's all this crap out there, what Congress does and, you know, how it works and how the process works. And, there's tremendous frustration, the fact that there's gridlock. And, maybe, if we look at the rules of procedure, we can individually and as a community lower the boom more frequently on guys like [US Senator Mitch] McConnell, who will just sit on his ass—unless he's got a conservative judge to confirm. [laughs] That's it, right? Because it's so magical. It's so complicated. It's beyond your understanding. Well, dammit, it isn't. You can lay out the rules that make sense. This is *Robert's Rules of Order*—he was a major in the Union Army—and they've never been surpassed; they're used internationally. And why do you suppose that is? Because they work, when properly applied. They work. I was able to do a lot of stuff in the Sierra Club because—I didn't know chapter and verse, but I knew the basics. Sierra Club had an employee, Gene—?

Cohen? Gene Cohen?
Ruckel: Yeah. Yeah, Gene Cohen. And I hope an oral history's been taken on him. He's quite a unique individual.

Eardley-Pryor: I don't think there has [yet], which is a shame.

Ruckel: You know, all the time he was working, he was running a private lab?

Eardley-Pryor: I didn't know that.

Ruckel: He wrote the definitive books on freshwater mussels in California?

Eardley-Pryor: Oh, I did hear of his shellfish research. Yeah.

Ruckel: Yeah, the definitive work.

Eardley-Pryor: How cool is that?

Ruckel: Yeah, and I'm not even sure he has a PhD. I think he probably just got into it and started doing it. And it was clearly critically important work. He ended up testifying on the temperature changes from effluent of nuclear power plants, because it was hot water and the effect, so they could—you know, he was used as an expert witness on taking samples, both biologically and chemically, of what's coming out. You can determine whether they're violating standards or not, or whether they're harming the environment.

Eardley-Pryor: That's cool he became an expert on his own.

Ruckel: And he did that on the side. He was full-time employed by the Sierra Club.

Eardley-Pryor: Well, it sounds similar to the side work that you were doing for the [Southern] Railway, doing some of this Freedom of Information Act—

Ruckel: Yeah, but that's much easier that what he was doing, for Christ's sake. He could get time in some labs. He was a maneuverer, and he could get time in labs in San Francisco.
Eardley-Pryor: Well, take me back into your work. So, the work you're doing for David Sive, who's up in New York while you're in DC, is some of the first legal work you do on behalf of the Sierra Club?

Ruckel: Yes.

Eardley-Pryor: And, at that time, this is—I mean, Scenic Hudson, I think the ruling happens in '65? So, this is about three years after that. Is that something that was on your radar, the importance of this new standing [for environmental groups]?

Ruckel: Well remember, Scenic Hudson wasn't resolved, and, I think I have a footnote of that, or at least in the general notes in the rear [of my book, Voices for the Earth]. But it was six or seven years, wasn't it, after 1965 that it [ConEdison's planned power plant on Storm King Mountain] was finally taken off of the planning, and taken off the plate?

Eardley-Pryor: Yeah. I think it was even longer, yeah.

Ruckel: It was still there, but obviously it wasn't going to be built, and I had mention of that with the Kaiparowits thing. You can't start a legal process and then just walk away from it. You have to end it. You have to put closure on it, and it doesn't matter if it's automatic, doesn't, it just has to be closed. It can't be hanging.

Eardley-Pryor: And the Scenic Hudson versus ConEdison [Scenic Hudson Preservation Conference v. Federal Power Commission, 354 F.2d 608 (2d Cir. 1965)], the Storm King case, drew on for quite some time.

Ruckel: And the Scenic Hudson versus ConEdison [Scenic Hudson Preservation Conference v. Federal Power Commission, 354 F.2d 608 (2d Cir. 1965)], the Storm King case, drew on for quite some time.

Eardley-Pryor: It did. It did, and the defendant was the Federal Power Commission, and then Con Ed came in as an intervene orders, I remember. Not that that makes a whole lot of difference, but yeah—but it makes a difference in this: that the cause of action was against the Federal Power Commission, because it didn't consider the recreational scenic values that their act called for.

Ruckel: It did. It did, and the defendant was the Federal Power Commission, and then Con Ed came in as an intervene orders, I remember. Not that that makes a whole lot of difference, but yeah—but it makes a difference in this: that the cause of action was against the Federal Power Commission, because it didn't consider the recreational scenic values that their act called for.

Eardley-Pryor: Was that understanding of this—this new possibility of standing for recreational interests—was that something that was on your radar then?

Ruckel: No. This snuck up on everybody. One of the seminal decisions in twentieth century jurisprudence. I mean now, Planned Parenthood, everybody has access to the courts because of the Scenic Hudson decision. It all came from it.
Previous standard was you had to be personally hurt. That could be contractual. It could be a tort, you know, automobile accident. Could be criminal. But it had to be a person, and the cause of action had to be related to the person. And you had some Fourteenth Amendment rights, and other First Amendment—search and seizure—you had these things. But they were all private rights. They were you against the government, private rights. You never had generic-policy type of remedy: Are you following the law? Not because it's any criminal thing, it's a civil thing. And not because I'm hurt. I have an interest that's affected. I'm not injured.

Eardley-Pryor: Or economically harmed. This was a new type of standard.

Ruckel: Right, and so there had to be that kind of economic nexus of everything I've just recited. And the Second Circuit [US Court of Appeals for the Second Circuit] just broke that with a meat axe, just went right through it, and, we didn't know how to react. When I brought Parker—[Parker v. United States, 307 F. Supp. 685 (D. Colo. 1969)]

Eardley-Pryor: This is in 1969?

Ruckel: —yeah, we were just digesting this, and we didn't have—at that time, there was a guy Ned Fritz at the University of Texas Law School, who was messing around with Texas with that theory.

Eardley-Pryor: With a new idea of standing?

Ruckel: Yeah, with, well, with Scenic Hudson. It was a Court of Appeals decision, and certiorari was denied, so, it was an invitation. And, there was a group in New York again, the Hudson River Parkway suit.

Eardley-Pryor: I don't know about that one.

Ruckel: It didn't get much publicity and all that, but it could have been the second one. Ned Fritz was the attorney in Texas, and he brought something. And I was out here trying to struggle, get employment and—

Eardley-Pryor: Out in Colorado by that point?

Ruckel: Yeah, right. And I wasn't aware of what these guys were doing. I was aware of Scenic Hudson. There was conversation within the Sierra Club, and I was
near enough to what was going on. I knew about it, and, so what the hell? When attorneys are given that kind of invitation, it's pretty exciting to take it up, and see what you can do with it, and see how far you can push it. And I was very fortunate. I drew a dream judge, Judge William E. Doyle.

02-02:08:53
Eardley-Pryor: This is your Parker case?

02-02:08:54
Ruckel: Parker case, yeah.

02-02:08:56
Eardley-Pryor: Before we get in that, because I do want to get into that but—

02-02:08:57
Ruckel: Yeah, that's way out of context. Let's keep the—

02-02:09:01
Eardley-Pryor: —but, I mean, so this is all in the air. You're learning a little bit more about Scenic Hudson and thinking there are possibilities here that are new.

02-02:09:10
Ruckel: Yeah, I was.

02-02:09:15
Eardley-Pryor: Well, there's another figure who played a prominent role as a mentor to you, who also was very active in environmental law, and that is Phillip Berry.

02-02:09:24
Ruckel: Oh yeah, yeah.

02-02:09:26
Eardley-Pryor: Can you tell me a little bit about the first time that you met Phil, and what the circumstances were?

02-02:09:33
Ruckel: First time I met him is, he was subpoenaed by the government in the Parker case.

02-02:09:46
Eardley-Pryor: That was the first time you met him? I thought you had met him at a [Sierra Club] board meeting before.

02-02:09:50
Ruckel: No—

02-02:09:50
Eardley-Pryor: I thought that's what you had told me. I have a note that you went to a Sierra Club Board of Directors meeting in 1968—

02-02:09:56
Ruckel: Yeah, I had. You're right. I did, yes, yes. I'd met him.
So, this is while you're in DC. You're just getting involved in that Potomac group, you and Jim Moorman.

Yeah, and I think he was just, he was there. They had a meeting of some kind, the Sierra Club did, in Washington—might have been a board meeting.

It wasn't in San Francisco?

Well, that's when we started having board meetings in other places. That's proved to be economically suicide. [laughs]

Oh, is that right?

So, well, because the board meetings always have a bunch of folks who want—the Sierra Club is a democratic organization. It's democracy run amok, is what the Sierra Club is. It's absolutely run amok. Anybody can raise hell and frequently does. How it survives, I'm not sure. There've been a couple of books written awhile back trying to analyze it—I don't know that—you know, some team of young folks removed from that period. It'd probably be required to probe back and get some sort of idea why the Sierra Club hangs together like it does. I have several theories, but, they don't satisfactorily explain why this dynamic continues, except—.

I was at a play the other night with a group of people, and there was an environmentalist there. In fact, it was Alma Lantz. I give her credit in my book [H. Anthony Ruckel, *Voices for the Earth: An Inside Account of How Citizen Activists and Responsive Courts Preserved National Treasures Across the American West* (Littleton, CO: Samizdat Creative, 2014)]. She's been a Planned Parenthood activist for years and years. So, she was sitting right below me. There were about, I don't know, a dozen of us. And Alma turns around, voices, "Tony, I've been wanting to talk to you." Says, "I just wrote a sizeable check for the Sierra Club," said, "I just wanted you to know that I'm still doing it, still following through." And her husband recently passed away, and my guess it was a very nice check. It was hard money. She knows the difference between 501(c)(3) and 501(c)(4), and so I'm sure it was hard money, because she used to complain all the time about people who so gleefully give soft money thinking that they're going to get all this lobbying and political action out of soft money. We can't do it. So, she's a hard-money person. You just die for people like that. And she said, "You know"—and she fully knows what I'm doing now and what I've done in the past—she said, "this Endangered Species Act," she says, "that's the limit. I cannot believe that crap." She says, "You just can't tolerate that, and you're the guys to apply the
hurt." This is the expression she used: we're "the guys to apply the hurt" to the government. I consider that a very high compliment.

Eardley-Pryor: And that's part of the reason why you think the Club still works—is because enough people know, that's the engine that will make change?

Ruckel: And it'll take it on the chin. It can absorb a punch. Well, it can take a punch, a hell of a punch. And it can apply the hurt. It's interesting that the Earthjustice broke away—

Eardley-Pryor: From the Sierra Club Legal Defense Fund and the Sierra Club itself?

Ruckel: Well, both. We can get into that later when we have the organizational stuff, which is fascinating. But at this moment, the biggest client of Earthjustice is the Sierra Club.

Eardley-Pryor: Still?

Ruckel: Because we're plaintiffs, we're the ideal plaintiffs. And yet we don't do ridiculous things, because we have—well, the advisory committee (we advise the Executive Committee of the Board of Directors) I'm on [Sierra Club's Litigation Approval Committee]. But the [Sierra Club] staff, too, looks over this stuff and says [laughs], that there are some outrageous suits that get up to our [decision-making] level—not very many, but maybe one a year, that are laughers.

Eardley-Pryor: Well, that's part of—maybe that's what you're talking about, the role that history plays in helping guide present-day decisions?

Ruckel: Oh yeah, yeah. And you know, we invented this. Sierra Club invented this, doing what the Sierra Club Legal Defense did even years ago. Lawsuits are described. Proposals, suits are described, the chain of command, the section on finances, and the New Matter Form, which is what it is that we founded—is the same form now being used by NRDC. You name it, they all use this form, because it's clearly a superior way to review a lawsuit, or have an organization to review a lawsuit.

Eardley-Pryor: And decide whether it's worthwhile to move forward?
Ruckel: Yeah, yeah, decide. Well, see, this is another strength of the Sierra Club. Remember, it's a group of volunteers. And worthwhile—[the lawsuit] doesn't have to necessarily be worthwhile. Legitimate, does have to be legitimate, within the bounds of customary laws. Yes. But it could be a bad idea. It could be what you wouldn't want as a policy—or that you would on a national basis, but there's a question of whether a group of people would be represented or not. And this doesn't happen often, but it's a critical part of the byplay. In our society, citizens have access to courts. Now, a larger part of that is the Scenic Hudson, and progeny. But they're entitled to be heard, and if they have a good—you can have a good case and yet it be, in the total scheme of things, something you really don't want to do. But it can be a good case, right, on the facts.

So, that becomes a pretty dicey proposition. Do you just reject these folks out of hand? And the best way to do it is with this New Matter Form. We have a very organized way of doing it. We've got a broad participation in decision-making. We know the consequences—or we don't know the consequences, but we have a good idea of their parameters. That really helps digest these things, and get them straightened around, and get people's thinking going in the right direction.

It's very dicey. Scenic Hudson opened a can of worms that we're still dealing with. We'll be dealing with it forever. It's part of our jurisprudence now. Now, we do worry that this court could get more catawampus than it is now and could cut back severely on this. They could change their minds.

Eardley-Pryor: You're talking about the [current] Supreme Court?

Ruckel: Mm-hmm. Well, the Supreme is the only way that [jurisprudence on standing] could be reversed now. Every circuit has found standing, in one sense or another—probably every circuit has found standing for an environmental case, not to speak of the, oh, women's rights, the poverty law, tons of other examples, public interest law. They could shut down, theoretically—I'm not sure they could. I'm not sure that it would work. But it's something we think about, I can tell you that. It's something you always worry about. You know, it's five-four does it, and nobody's going to come to your rescue. We just had the case, our case against the wall [Sierra Club v. Trump]. The budgetary diversion continues.

Eardley-Pryor: You're talking about [US President Donald] Trump taking the money from the Department of Defense to build his wall——the border wall [with Mexico]?

Ruckel: Right. Well, we went for a preliminary injunction. I don't know why.
Eardley-Pryor: The Sierra Club did?

Ruckel: Yeah. Oh yeah, Sierra Club and the ACLU. Sierra Club and the ACLU attorneys. Sierra Club is a party, and a group of citizens along the border who coalesced into a regional organization. And, brilliant complaint, one of the finest legal documents I've read in recent times, brilliant complaint, largely drafted by the ACLU, but with a lot of participation with the Sierra Club from our lawyers, our staff lawyers. And the district court in San Francisco granted a preliminary injunction. Tactically, I think this is very poor, to ask for it. You can litigate the thing in the future, and the question was not really the portion that would be built—see this is my thinking—was not really the portion that would be built with the diverted money. It was the whole rest of the thousands of miles or hundreds of miles, you see. So, if you could get judgment that *that* was inappropriate, then it would apply to all the rest of the border, which in my mind, would be the ultimate goal of the lawsuit. Right?

Eardley-Pryor: So, your argument was, "Let's focus specifically on this—"

Ruckel: Well, I didn't have a chance to make that argument. You got to be careful. For good reason, there's etiquettes here you have to follow.


Ruckel: Yeah. And so, tactically, I'm not—but see, I exercise my tactical judgment here and there in various places, and you can overdo your welcome. You got to be, you know, subtle.

Eardley-Pryor: Judicious.

Ruckel: That, too. [laughs] That, too. But the point is, I would love to have had some evidence, deliberate development of the facts of the case. And it's surprising if you get really solid evidence, how you can change minds, amongst the judiciary. I had that so frequently in these cases, these early cases. You go up before a judge, who said, "Jesus Christ, what are you doing here? Who are you? What right do you have to muddy the sill of my court?" [laughs]

Eardley-Pryor: But then once you present the evidence before them, you can see them turn.

Ruckel: Yeah, so you start putting on witnesses, and you start putting on good witnesses, and the other side can't put on nearly as good witnesses, and the
judge is sitting there saying, "Well, you know, maybe this Ruckel is not a complete dummy after all. He's clearly an asshole, but maybe he's got something material to say, and his clients at least deserve good treatment. So Ruckel aside, well, you know, [laughs] so, you don't know how all that thinking goes. I don't pretend to know. I pretended to argue cases, with good witnesses, good evidence.

02-02:22:05
Eardley-Pryor: Well, before we close today, and we'll pick up tomorrow on—

02-02:22:10
Ruckel: Well, I wanted to—and I'm sorry to interrupt, but you see, the Supreme Court tossed out Congress [in Sierra Club v. Trump]. They [Congress] made the same suit and allegation we did. They don't have standing. How Congress does not have standing, I have no idea—I haven't read the decision. But they didn't toss us out on standing. They just said, "You can't be a preliminary judge." We're back in district court in California trying to figure out what the hell to do, and Congress is out of the picture! So, it's the Sierra Club versus the government, the feds.

02-02:22:44
Eardley-Pryor: So, the Sierra Club has standing, and Congress does not, according to this recent Supreme Court ruling?

02-02:22:46
Ruckel: Yes sir. According to the Supreme Court, five-four. Yeah. Like I say, if you get too many justices up there, it may only take one. We pray for—

02-02:23:00
Eardley-Pryor: Ruth Bader Ginsburg.

02-02:23:01
Ruckel: —R.B.G., every night. And I don't see how she can possibly last, with all the cancer she has. But she's a tough lady. But I don't know.

Boy, you're getting pretty deep in it. But I had to know this stuff, or I had to think about it. "The Constitution is a living organism," and I make mention of that in my book, quoting Chief Justice John Marshall [H. Anthony Ruckel, Voices for the Earth: An Inside Account of How Citizen Activists and Responsive Courts Preserved National Treasures Across the American West (Littleton, CO: Samizdat Creative, 2014)]. It's tough. If you go back to Brown v. Board of Education, the black community was beginning to rise. Right? The black community was beginning to think it had rights, that Jim Crow was not its future. If that catches on in society—sure, there's a Constitution, and sure there are dissenting politicians and all that—but if it catches on and becomes more widely understood and more widely embraced, and people raise it in their list of priorities, political priorities? Courts are treading on dangerous grounds if they try to place five justices in the way of that. It's like
the New Deal. Remember how the New Deal went: in the beginning, the Supreme Court tossed everything out—

Eardley-Pryor: And then Roosevelt said—

Ruckel: —National Labor Relations Board, factually, no different than any of the others. And Justice Roberts—another Roberts, right?—changes his mind. Nobody knows what the process internally was, and nobody ever will know.


Ruckel: But what I'm saying is that they couldn't—history was going one way; very difficult for them to go the other way, especially in what purports to be a democratic institution. I'm not sure how that works. Look at Vietnam. It didn't work very well there, did it? And so, even if R.B.G. goes and passes away, and the local conservative dummy gets appointed, it's going to be tough. It's going to be tough, and guys like [Chief Justice John] Roberts are going to have a tough time, because he tries to be judicial and he tries to be fair by his lights. He doesn't seem to write consistently or decide things consistently.

Eardley-Pryor: Yeah, I'm thinking about the health—his ruling on Obamacare.

Ruckel: Yeah. But you work with what you have. It's like Abe Lincoln working with George McClellan, commanding the Army of the Potomac. Clearly an incompetent general, but like he [Lincoln] told his cabinet when they appointed him just before, or just after [The Battle of] Second Manassas, or right with Second Manassas, he says, "You know, I work with what I've got. I work with what I've got, and this is what I got, and it's the best I got available." Of course, the Cabinet was totally opposed to all this and [Lincoln's Secretary of War, Edwin M.] Stanton challenged and said, "Well, the orders didn't come from my office." And Lincoln said, "No, my personal order, I take full responsibility," and that put McClellan in, which was, I'm sure to him, one of the most distasteful things he ever had to do. Of course, McClellan did survive Antietam, since he had the plan, the Confederate plan of battle in advance, and he outnumbered [Confederate General Robert E.] Lee by three to one or so. Old Stonewall [Thomas Jonathan "Stonewall" Jackson]. Stonewall's one of my favorite characters. I love Stonewall. Yeah, Lee's all right, but Stonewall had a panache to him that Lee never had. [laughs]

But at any rate, the point is you deal with what you have, and I think the Supreme Court's going to find that, increasingly, on some of these cases—and
civil rights, I think, was a great example. You had judges in Alabama: What's his name? Johnson, one of the really famous, Frank Johnson, I think, one of the really famous US district court judges, he had a security detail around him to end all the security details. He had to live with it. He decided so many cases down there, civil rights cases. The Courts of Appeal and the Supreme Court get all the credit, [but] the district court judges are what make the system go around. They make it work. These other guys, they pontificate on what's before them. How did it get before them? It got before them because it went through a district court, and, I wish more would be written on that. I might get to that.

Eardley-Pryor: Your book [H. Anthony Ruckel, *Voices for the Earth: An Inside Account of How Citizen Activists and Responsive Courts Preserved National Treasures Across the American West* (Littleton, CO: Samizdat Creative, 2014)] spends a good bit of time with district courts, because that's where a lot of your actions were taking place.

Ruckel: Yeah, yeah.

Eardley-Pryor: Before we close today and move on to events that happened in Colorado in your career, I want one more memory from you, if I can, of experiences in [Washington] DC, and that's in April of 1968. You've referenced it a few times today, that after Martin Luther King Jr. is assassinated, that the DC riots erupt. What are some of your memories of that day, and those days?

Ruckel: Well, to look out my window and see the capitol of the nation on fire was—well, that made an immediate impact.

Eardley-Pryor: Where were you when the riots began?

Ruckel: I was at K Street. Or Sherman Square? Where was our office? Downtown Washington.

Eardley-Pryor: So downtown, in the Northwest District?

Ruckel: Yeah, more north. We were not K Street lawyers, or lobbyists. We were a little bit farther towards the Capitol. I would say going up Georgia Avenue, those were the nearest fires to us that I was aware of. I would say that was probably five blocks from the office building I was in, maybe six.

You know how those streets are. They're diagonals, and you have the circles and all this kind of stuff, so the cannon can—I don't know whether it was to
clear the streets or kill the government. I'm not sure, but any rate, the Rochambeau, or the Frenchman who organized it [Major Pierre Charles L'Enfant], had had the Napoleon experience, right, so I think the circles are to break up the ability of a general to control—see, he can't fire straight, and the rebels have a rallying point, and—

02-02:30:16
Eardley-Pryor: I never knew that.

02-02:30:17
Ruckel: Oh! Well, oh and, okay. Every DC schoolboy knows this stuff. [laughs] Why are those goddamn circles there? And, yeah, yeah. No, they have to do with— I don't have it precisely straight. It has to do with Napoleon, and—

02-02:30:39
Eardley-Pryor: There's some sort of practicality about defending the Capitol from invasion?

02-02:30:42
Ruckel: Yeah.

02-02:30:44
Eardley-Pryor: So, your memories during the DC riots in '68—

02-02:30:50
Ruckel: The place was stricken. People were in tears, and I'm sure that was true across the city. It was difficult to believe. You knew. You knew Washington was going to go off. There wasn't any doubt in my mind. This was before you could see the smoke.

02-02:31:19
Eardley-Pryor: And this is in the wake of the Watts riots in '66 in LA, and the Jersey riots in '67.

02-02:31:22
Ruckel: Yeah, right, I mean, there was, yeah, plenty oppression, plenty oppression. And this one was the grandpappy of them all. So, the first thing that happened is, my wife was at a junior high in Northeast Washington. That was my first concern, but you couldn't get through on the telephone. The telephone lines were completely jammed. And, so I spent an anxious six or seven hours before she got out, and she was driven out by a group of her fellow teachers who were black, and driven to my folks' place in Rockville. Because we lived in Prince George's County, so, for me to get home—or for her to get home—we had to go right through the heart of the riot. But my folks lived in Rockville, so we had a refuge in northwest. And, so she got out. They drove her to the apartment, and I was sort of convoyed out.

I went out with a group of people—and there were National Guard and policemen at this square, and there were a limited number of buses available. But some of us had cars, and I had a car, and so I joined a line of traffic that went up on Mass Avenue. And it was a mixture of cars, buses, vans, service
vehicles, everybody. The police wanted to clear the city. That's the only way they can deal with that kind of riot, where things are going up in flame. They didn't want to have their attention diverted by having to protect on the ground, immediately thousands of people. I don't know. The best way to control it was get the bystanders out of there. And that's what they did. And that's why we ended up rendezvousing at my parents' apartment.

We got there and my dad's not there. Carol was there. My dad's not there. Well, where's Horace? Well, Horace has this reputation of getting involved. Well, my dad said, "Well, this is pretty heavy shit. I guess I got to go see what's happening." So, he'd left the National Labor Relations Board and walked east, beyond the Capitol with all this chaos and stuff going on around him—and that's not even the most amazing part of it. He decided, "Well, here's the riot, I've seen it, it's time to go home," and he got a cab. Until this day, nobody in the family understands how he got a taxicab, and he arrived by cab.

02-02:34:52
Eardley-Pryor: Wild. What did he have to say about what he saw and experienced?

02-02:34:56
Ruckel: Oh, he said, "Boy, it's tough down there. There are people that are getting hurt, maybe killed. Things are burning. It's close to the Capitol." And my wife said, "God, do you suppose Stuart Junior High has burned to the ground by now?" [laughs] You see, that's where she was teaching—and remember, there's no instant communication. See? So, there's no cell phone. It's a different world. So, after making sure your family's okay, then you make sure your close friends' families are okay, and that's why the phone lines were so jammed. See, they didn't know my dad had just flagged down a taxi in the middle of the riot, and driven out of town with a taxicab. I suppose if you're a World War I veteran, you've seen combat—and he certainly saw that—and I suppose that helps you deal with the situation. I don't know. But yeah, yeah, he arrived by cab. That may be the most incredible part of the whole story that I can think of. I don't know how he did that.

02-02:36:11
Eardley-Pryor: What was the experience in DC—

02-02:36:13
Ruckel: But you understand, he could get on a streetcar or a bus, and be engaged by the time he got off in a really good conversation with somebody holding on to a pole right next to him.

02-02:36:25
Eardley-Pryor: That's just how he was.
Ruckel: Yeah, yeah, yeah. And young women seemed to like him a lot. He never cheated on my mother, as far as I know. But young women really cottoned to him. Beats the hell out of me! Never happened to me that way! [laughs]

Eardley-Pryor: What was the experience like in DC afterwards, once the riots had cleared?

Ruckel: Well, yeah, I got back to—the Southern Railway was a critical organization for transportation, and transportation around Washington, DC. So, sometime in the middle of the night, Southern Railway got through to me, said, "Tony, get in here however you can get in here. We got a lot of work to do and the government wants us fully staffed and will protect the office and all that. You won't have to worry about that." And, so we went in.

Well, of course, as these things generally go, we really didn't have a whole hell of a lot to do. We had trains in Union Station. And then that big trunk line leading south out of Washington, DC, goes by Norfolk. And that, that's a big, important—it's a critical facility. It's wise to have your Navy in touch with the Pentagon and with the District of Columbia, and the Navy was headquartered at Norfolk. So, then there's Fort Manassas in there. There's a bunch of stuff, and Fort Mason across the way has always been the center of the protective marine group or combat group, that I suppose defends the White House if all else is up in the air. At any rate, all those guys are around, but they're on the Southern Railway tracks. [laughs] And, so we were critical and then so the government—I have no idea who, I had no residence in the board room. So, we were called in.

Well, we didn't have a lot to do, so another guy and I, we looked at each other, said, "Well, let's go see what's going on." And we walked into the area. Now, by this time, there were still places burning—I have slides of all this—still places burning. What was going on by the time we walked into it was the redistribution of goods.

See, all the storefronts had been broken into, and so people took whatever that storefront had. But that might not necessarily have been what they wanted or needed. So, on all the side streets, you had guys walking back and forth with TVs, mattresses on their head, and that kind of stuff. And they're finding—it's a barter proposition, [laughs] and these goods are being redistributed, the ones that weren't burnt or destroyed. Right? They're being redistributed, and we're sitting there watching this stuff. We're two white guys, and, we kind of stuck close together, but you're watching. What a phenomenal thing to watch. You know? You don't get to see that very often. I suppose you go to any riot in any country in the world, you'd see the same thing, because if you break into the stores and you take thirty pounds of potatoes and you only have two people to feed, you're going to find someplace else for the other—
Eardley-Pryor: Yeah, you get a pair of shoes, but they don't fit your feet. You've got to find the right feet to get what you can.

Ruckel: Yeah, right, yeah. And you know, if you have enough stuff, maybe you can get a good TV. I can logically fill all the blanks in. That's not difficult. I never would have imagined it.

Eardley-Pryor: Wild. And you got to see that happen in DC?

Ruckel: Yeah. I took one picture. I was taking pictures. In that kind of circumstance, you worry.

Eardley-Pryor: What were you worried about?

Ruckel: Oh. These guys don't want a picture taken. After all, they're all criminals. Yeah. And they don't want whitey down there either. So, yeah, it's something to worry about. "Will you hold that pose?" [laughs] "I want to get your picture, buddy." Give me a break. If I had three armed guys beside me, sure. Oh, you know.

Eardley-Pryor: That's gutsy. It's gutsy to be down there with a camera then.

Ruckel: You got to take advantage of what Washington, DC offers you.

Eardley-Pryor: It sounds like you sure did.

Ruckel: They offer you a riot, then go see it.

Eardley-Pryor: The sixties were an amazing time to be there for you.

Ruckel: They were.

Eardley-Pryor: You really did take advantage of it.

Ruckel: Yeah, yeah.
Eardley-Pryor: Let's end today's session. Tomorrow, let's pick up with moving in 1968 out to Denver, and where your life and career takes you from there.

Ruckel: Sure.

Eardley-Pryor: Thanks, Tony.

Ruckel: Yeah!
Interview 3: September 18, 2019

03-00:00:01  
Eardley-Pryor: Today is Wednesday, September 18, 2019. I am Roger Eardley-Pryor from the University of California Berkeley's Oral History Center of the Bancroft Library. We are beginning interview session number three of an oral history with Horace Anthony Ruckel. Tony, it's great to see you again. We are in your home here in Denver, Colorado. I'd like to start today's session with 1968, and when you moved to Denver, Colorado. You had been trying for a while to make this move happen while in DC.

03-00:00:31  
Ruckel: Well, we had been planning for a while. I had that debt that I mentioned that I needed to pay down, and, that was the primary reason for not doing it right away—was, I was so employable in the DC market. I mean, Southern Railway paid me well. By today's standards, it'd be peanuts, but by that day's standards, it was really generous. And so, I was able to pay, oh, at least half, maybe even more, before the move, and I didn't want to carry that debt. It's nothing like the debt that kids carry now. Jesus, I mean it was just, you know, I could look at it and I could say, "If I got this good job, I'll get the majority of it paid off in a couple of years and then I can move without a huge burden." No kid can say that now who's had to rely on student loans. But to me, it was a burden, so that postponed the move—advantageously, because more things were happening in Washington, DC, that I was then—

03-00:01:42  
Eardley-Pryor: Able to experience.

03-00:01:43  
Ruckel: Right there for them.

03-00:01:44  
Eardley-Pryor: And this was the debt to that family benefactor in Chicago? [Bob Drake]

03-00:01:47  
Ruckel: Yeah, yeah.

03-00:01:48  
Eardley-Pryor: That's a great story, too. Also in '68, the end of '68 is when the Sierra Club Board of Directors authorizes filing a lawsuit against the Mineral King [Valley] development by [The Walt] Disney [Company] for this huge ski resort. What was your knowledge of the Sierra Club's efforts around this very influential Mineral King lawsuit? [Sierra Club v. Morton, 405 U.S. 727 (1972)]

03-00:02:13  
Ruckel: Well, I knew about the value that Southern California had for Mineral King. At that time, it wasn't part of Sequoia National Park, and the contacts I had there, I said, at one point, I said, "Well, Mineral King seems more valuable to you guys than Sequoia National Park." [laughs] I said, "That's all I hear is
Mineral King," and it was. It was an area that Angelinos and folks from San
Diego really enjoyed. They really went up there. They were really in the area.
My knowledge of the lawsuit came later. I wasn't involved in the organization
of the lawsuit and that kind of thing. Remember, at this time, we had no
organization. I mean the—

03-00:03:09
Eardley-Pryor: No [Sierra Club Legal Defense Fund] organization?

03-00:03:10
Ruckel: Right, right. So, there wasn't any structure or administrative bureaucracy, and,
so you heard about these on the fly. I heard about it from Don Harris, who was
my contact on most of this. His firm could afford to hire a person, Beatrice
Laws.

Tom Turner [author and Sierra Club historian] was dying to find Beatrice
Laws [to interview her]. Nobody's been able to find her. I don't know that he's
gone to a search firm yet, but—

03-00:03:46
Eardley-Pryor: Wait, but this, you're talking about Don Harris and Fred Fisher's law firm?
That was Lillick, McHose, Wheat, Adams, and Charles?

03-00:03:53
Ruckel: Yeah, it was Lillick, McHose, Wheat, Adams, and Charles. [laughs] Nobody
would use five names like that. But at any rate, it has a ring to it. I mean,
really is musical almost. And see, Gary Torre was with that firm.

03-00:04:11
Eardley-Pryor: Now, these are—Torre, Harris, Fisher, these are all Bay Area lawyers that
were working in conjunction with the Sierra Club?

03-00:04:16
Ruckel: Yeah, mm-hmm. Well, they were all Sierra Club members, and [Gary] Torre
was good friends with, close friends with Ed Wayburn. I never got to know
Gary well. I certainly was in meetings and met him. We conversed, but that
was it. But he was—and I may have this wrong, and I don't know that there's
anybody who can correct me—I had the impression he was one of the
rainmakers in the firm, and that Don [Harris] and Fred [Fisher] were both
partners, but not at the senior level that Gary was at. And Gary made it
possible for Harris to have this corner office with a small office beside him,
which would be empty, which, they then installed a law clerk. She was a
young lawyer, just graduated and been admitted in the California Bar.

03-00:05:23
Eardley-Pryor: And who is that woman again?

03-00:05:24
Ruckel: Beatrice Laws. Now Tom Turner hadn't found her yet, and I haven't gone
searching for her. I can't afford to—
Eardley-Pryor: Well, what role did she play?

Ruckel: Well, she was the first employee of that law firm who devoted her time full time to Sierra Club.

Eardley-Pryor: Ah, so she was essentially the first hire from the Sierra Club as a lawyer.

Ruckel: Yeah, yeah. Well, see, they [the Sierra Club] hired the firm.

Eardley-Pryor: Oh, and then the firm hired Beatrice [Laws]?

Ruckel: Yeah, yeah. So, see, these are the kinds of things that I'm useful for, I suppose. But at any rate, I heard about it with Don [Harris]. My relations with Phil [Berry] were more governance of the [Sierra Club] organization, although we talked about the legal stuff. He [Berry] was even deposed in the Parker case [Parker v. United States, 307 F. Supp. 685 (D. Colo. 1969)].

But, for the ongoing legal stuff—and at that time, for me, it would be the Parker case and Uncompahgre [Sierra Club v. Hardin. No. C-3511 (D. Colo. November 10, 1971)]. They were both, before the cases were over—except for Uncompahgre, which took ten days or so, but the Parker case, the appeal was actually—I was then hired, or I was then an employee or beginning to be an employee of the [Sierra Club] Legal Defense Fund.

Eardley-Pryor: I see. Well, before we jump ahead on that—

Ruckel: Yeah. So anyway, [Don] Harris was the principal—and the point I'm trying to make is, Harris, at that point, was the principal contact person.

Eardley-Pryor: For you, with regard to [Sierra Club] legal issues?

Ruckel: Yeah, he was.

Eardley-Pryor: So, you heard about [Sierra Club's] Mineral King [lawsuit] through him?

Ruckel: And so, I heard about Mineral King via Don [Harris], and he was the contact point for Lee Selna, who's the lawyer who brought the case.
And argued it before the Supreme Court [on November 17, 1971, the same week as *Sierra Club v. Hardin*, Ruckel’s Uncompahgre lawsuit].

Yeah, yeah. And there was a very controversial thing, and I think their lawyer—that the law professor from LA is going to write a whole book about it. But there was a huge argument when the lower courts looked at it, and they kind of suggested what became the opinion of the court, of the Supreme Court. And so, the idea was, why not just get rid of this and add a Sierra Club member, and add a person, add a few members, and some outings group in the Los Angeles chapter, and this kind of stuff? And then—

You said, "Why not get rid of this." What do you mean—"get rid of" what?

Get rid of the controversy.

Oh, I see. So, what was the controversy?

Well, the controversy, the court said—it's one of these decisions that the Supreme Court loves to make, and properly so. The decision was, well, we didn't show a special interest on behalf of the members of the Sierra Club. To get standing, we had to be able to separate ourselves from the common community—had to be a specialized interest—and the best way to have that was have somebody there.

An individual.

Yeah, or individuals. When I filed the *Parker* case [*Parker v. United States*, 307 F. Supp. 685 (D. Colo. 1969)], I listed tons of individuals, all sorts of individuals. I had Town of Vail. I had everybody I could find. I had a wilderness outfitter. The number of plaintiffs was humongous. There were members of the Vail City Council—two of them, husband and wife, owned a bar.

And there [in the Mineral King case], [Leland] Selna decided to go straight with the Club. And the court didn't like that. And so, he [Leland Selna] rejected that advice, wrote the briefing, and argued solely on behalf of the Club. The Supreme Court said, "Hey, well that's not good enough."

That was too broad an issue of standing for the Supreme Court to—?
Ruckel: Well, no. They said it didn't have this separate, this—God, it's been a long while since I read the opinion—that it didn't have enough evidence showing the special interest of the Sierra Club acting on behalf of its members to protect this area [Mineral King]. It acknowledged that the Sierra Club was actively involved in the Sierra Nevada and was trying to protect it and all, but that wasn't enough. There had to be some official statement that they're acting on behalf of members who use the place.

Eardley-Pryor: That specialized interest you're talking about?

Ruckel: Yeah, and who identified with the place, who'd experienced it, and that obviously had an acknowledged interest in its protection, you see. And it's complicated use of language. So consequently, the court spelled all that out.

Eardley-Pryor: There was some famous footnote—is that right? That said, "The Sierra Club itself doesn't have standing per se, but…"

[See footnote in Justice Potter Stewart's decision on Sierra Club v. Morton, 405 US at 735 n. 8: "Our decision does not, of course, bar the Sierra Club from seeking in the District Court to amend its complaint," which informed the Sierra Club how it could acceptably gain standing.]

Ruckel: Famous footnote was maybe [Justice William O.] Douglas, writing the thing—"the land itself ought to have standing."

[See the dissenting opinion on Sierra Club v. Morton by William O. Douglas: "Contemporary public concern for protecting nature's ecological equilibrium should lead to the conferral of standing upon environmental objects to sue for their own preservation. … Those inarticulate members of the ecological group cannot speak. But those people who have so frequented the place as to know its values and wonders will be able to speak for the entire ecological community."]

Eardley-Pryor: Oh, that's the "Should trees have standing?" issue. All right.

Yeah, yeah, yeah. And that [Douglas's dissent] was a concurring opinion, I think. I don't know about a famous footnote. There was a suggestion—and it might've been in the footnote—that "a complaint that would be worded according to these standards, that we've just laid out, would be worthy of review." Something like that. But you could infer all that from all the things that they'd laid out in the case. So, you lose the case, and you win the argument, you see? And that's not unusual at that level.

That's so fascinating the way that law works in that way.

Well, you see, in justice to the court, they want to be keenly aware that they are not—and I mentioned this in my book [H. Anthony Ruckel, Voices for the Earth: An Inside Account of How Citizen Activists and Responsive Courts Preserved National Treasures Across the American West (Littleton, CO: Samizdat Creative, 2014)]—that cases are brought by litigants they know are going to stay the course; they're going to do a good job; they're going to present the argument; they know what the issues are, at least from their perspective. And, they don't want every Tom, Dick, and Harry who's just pissed off at somebody to have access to the federal court system, okay? And that's legitimate. You can't imagine a system that would allow everybody to come in and do it.

There needs to be some order about it.

Yeah, and there needs to be some qualifications. You can't just have everybody. And so, especially when you're opening up to a situation where personal damages or institutional damages don't figure, money damages don't figure, so you're opening a Pandora's box. But, you're hoping you can lift it slowly and control it as it comes out. That's the best way I can describe it. They were fully aware of what they were doing.

And I don't know whether Barney—Barney White was "Whizzer" White's kid [Barney White was the son of Supreme Court Justice Byron Raymond White]—he's a lawyer practicing here in Denver. No, I better not quote him. Anyway—.

So, just to summarize: the Supreme Court ruling for Mineral King in some ways was a tactical loss, but a strategic victory.

Yes.
Eardley-Pryor: As the way you're describing it here. But what did it do? Why was it so important for environmental law and for the [Sierra] Club itself?

Ruckel: Well, the reason of its importance is, heretofore, we'd been relying on the Second Circuit's opinion on Scenic Hudson for standing to get into court.

Eardley-Pryor: The Storm King case.

Ruckel: Yeah, Storm King. And Storm King didn't slice and dice this special interest in that kind of thing. They just said, "These people obviously are interested in the recreation in the scenic Hudson River, and the organization has represented them," and that's it. They didn't have any special showing, that they had a special interest, that this was one of their things in life, I suppose. Anyway, nobody ever criticized the Scenic Hudson case that I know of, that has any brains. But, at the Supreme Court, if you're going to address a new issue like that, you got to be pretty comprehensive. It's not just the Hudson River to you; it's the judicial framework in the system. So, the court is much more conscious of that. Not that the Second Circuit isn't conscious of it, but the last word is the Supreme Court.

The controversy around it was that, I think [Leland] Selna was wrong. I think the complaint ought to have been amended. But see, his argument is—and here, I'm assuming, but I'm pretty sure this must have been it. You know, lawyers draw up affidavits that state—see, I could draw up an affidavit and say, "You used the Emigrant Basin Wilderness Area," or something like that. You sent me a picture, right? [Eardley-Pryor backpacked in the Emigrant Wilderness a month prior to this interview.] And, I can make that look like the most fantastic—that you're one of the country's devotees of this place, and you use it all the time, and you imagine you're going to be using it in the future; you're going to take your kids up there; you're going to baptize them in a lake. You wouldn't put all that in, but the point is, at this level, the introductory level of a lawsuit, you're talking about a lot of affidavit type of stuff that lawyers draw up.

Well, how about the argument that an organization [the Sierra Club] that's been around, at that time, ninety years or eighty years, and has defended the Sierra and has been responsible for Kings Canyon, Sequoia National Park, all this—wouldn't the argument be that would be a sounder party, a more reliable plaintiff, a more reliable institution to protect these things? And that's an organization that the court could really look to and say, "Well, these people obviously have an incredible interest in this kind of thing, regardless of what individuals and who's using it and who isn't."
Eardley-Pryor: And that was Selna's point of view?

Ruckel: Yeah, that probably would have been Selna's argument.

Eardley-Pryor: To take this broader sense, the Club itself was enough?

Ruckel: See, I never talked to him about that, but—at the time, I was pretty busy because I had a law practice, and I was doing that [laughs] East Meadow Creek case [*Parker v. United States*] and then Uncompahgre [*Sierra Club v. Hardin*]. And so, I was awfully busy.

Eardley-Pryor: But eventually, the Mineral King case was amended.

Ruckel: It was amended.

Eardley-Pryor: With individual plaintiffs mentioned, not just the Sierra Club broadly.

Ruckel: Right, right.

Eardley-Pryor: And that, essentially, is what kicked it back down—is that right—to the district courts?

Ruckel: Oh, well that, that never went back to the Supreme Court, the district court, not—and then, legislation was introduced by the California Congressional Delegation and it became a part of Sequoia National Park, which it is now.

Eardley-Pryor: And Disney withdrew its development plans.

Ruckel: Yeah, and Disney—well, Disney knew enough to back out by the time it reached fever pitch. They're sitting there in LA with all the incoming. So, [laughs] Disney eventually beat a hasty retreat. But they had a lot of money riding on that. It was a big deal.

Eardley-Pryor: That's great context for this case. So, all of this, it happens and isn't decided until the early 1970s. In the meantime, in your timeline, you had just moved to Denver, and you were trying to get yourself established here as a lawyer. What kind of work were you doing, and who were you working with here in Colorado when you moved back?
Oral History Center, The Bancroft Library, University of California, Berkeley 125

Ruckel: Oh, one thing I wanted to add to the previous conversation is that it's easy in hindsight to criticize Selna—to criticize anybody. We didn't know what the hell we were doing. There wasn't any guidance. There weren't any directions. We couldn't go to a casebook, or open a volume and say, "Hey, this is authority for what we're trying to do." We didn't have that. Scenic Hudson gave us an invitation to go in there and see what we could do, so that's what we did. So, we were all in sort of the same boat. You'd call [Don] Harris. Harris would call me. I'd talk to Jim [Moorman]. I'd talk to Fred Fisher, and to Phil [Berry], and to Mike McCloskey, and that about covered it. And you said, "Well, what do you guys think?" or, "What's the collective wisdom here of this group of people?" And, so that's what you went on. And we didn't always agree. Now—

Eardley-Pryor: That had to be exciting.

Ruckel: Oh yeah, yeah. Oh, it was exciting. I spent nights in the law library reading the constitutional history of the Constitutional Convention. In fact, I have, in my blog thing, I've had a blog written up for—number eight, I think I have withdrawn; I have to do that because the number system in organizing it in the—but any rate. The point is that, when you go to the Constitution and you try to figure out how modern life fits within its directives and its principles and the protections it affords us, this document was written in the eighteenth century. Right? And it's very short—extremely short, actually—and of course, parts of it deal with things that are completely irrelevant. So, you're looking at even a smaller part of it than you'd think when you just turned the pages. And the position we were in is, we had to go back in it and—well, what did John Adams think, or what did Henry Laurens think, or what did Luther Martin from Maryland or wherever the hell he was from—he was a skilled lawyer. And, what did [Alexander] Hamilton think? What did [James] Madison think? What did they say in The Federalist Papers? You have to read all that to get some sort of idea where the hell you are.

Eardley-Pryor: With regard to environmental law?

Ruckel: Well, this is regarding the fundamental questions of standing, and case and controversy, you see, because we didn't fit under the traditional definitions of case or controversy. So, you go in there, say, "Well, yes, the act that Congress passed soon after it was formed, probably in its first session, was the first federal Judiciary Act. [The Judiciary Act of 1789, officially "An Act to Establish the Judicial Courts of the United States."] It established the federal courts and how you're going to do it, and this kind of stuff. You got to go back to that kind of stuff." There was even an occasion where I found myself reading the Northwest Ordinance [of 1787].
Eardley-Pryor: Really?

Ruckel: Oh yeah, because you wanted to cover the bases. Right? And you wanted to see where you could go. And I do pride myself somewhat on being a better-than-average researcher, that kind of thing. Even in this day of the Internet, I can still get to the volumes as long as they put them on the shelves. And it's fun, it's challenging. It's really intellectually stimulating, because you can't get this stuff anywhere else. And at that particular time [late 1960s, early 1970s], the courts were so receptive.

Remember, at this time, this is the era of the [Earl] Warren [Supreme] Court. They laid down the rules for civil rights. They laid down the rules for "one man, one vote," and search and seizure, and you can on and on and on, and the Miranda case—you know, you're entitled to a lawyer. And so, it was an exciting time. You were dealing with judges and courts whose minds were expanding to absorb all this new stuff. That's one of the beauties of that sixties, early seventies generation. We were just like you guys today, or the guys back in the fifties, forties—same human beings walking around. The circumstances changed—as they frequently do historically. People took advantage of that if they had clients. One of the great advocates back in the seventeenth century probably, before the chancery courts in England—and I'm sure I have all the references wrong—but at any rate, he was arguing a case. This was probably a freedom of press or freedom of speech, and he made this magnificent, beautiful argument, beautiful argument. And he stepped down and the court adjourned, and somebody came up and asked, "Well, Mr. Stryker"—and I hope I have the name right—he said, "what made you capable, or what brought that spectacular closing argument to mind?" He thought for a minute, and he said, "I had two small kids tugging on my coattails." See, he _had_ to argue. He had to try to win to get money to pay for the two kids, for God's sake. It's a beautiful quote, because it's so accurate. But at any rate, that's what you're dealing with in those dynamic circumstances, and they really were dynamic. I suppose history books will be writing about those fifteen, sixteen, seventeen years for a long while.

Eardley-Pryor: I think so, too. Well, let me take a quick pause here.

[break in audio]

Eardley-Pryor: Okay, Tony, so remind me, what was going on in your life as a lawyer, just after you had moved to Colorado? How were you trying to make things work?

Ruckel: Well, I had to find a job, and my wife had the teaching credentials to at least start substituting and then getting full-time work. And so, by Sierra Club
contacts, I immediately got in contact with the Rocky Mountain chapter. It had recently formed over the [Sierra Club's] fight over the Grand Canyon, as so many things did.

And the timbering operations then in the Rockies were—the idea was, you planned to harvest timber over a multiyear cycle. And so what you did is, you built a road and the timber paid for the road, and the road got the timber out. And I mean, the Forest Service wasn't making a lot of money, but they were providing a lot of employment and they were providing a lot of political background in the rural population. And there's the Red Sandstone Road in Vail. Since you've been in Colorado, you might know about it. But anyway, it's on the west side of the Gore Range. At that time, it went to a lake, Piney Lake, and it stopped there. It was private, and there's a ranch there, mostly a recreational ranch. They have the property's homestead around the lake. It's a sizeable lake for Colorado lakes. And the road ended there.

So, the idea was, they would extend that road into the East Meadow Creek Drainage, which is a large drainage of the Piney River, which is a significant tributary—but there are tributaries everywhere, right?—on the Colorado [River]. So, the road would go up, would go through the drainage, up, over and down, eventually, on the east side. And this was all north of the existing Gore Range-Eagles Nest Primitive Area.

And, so the citizens of Vail—and Vail was just a young resort; it wasn't the Vail we know today. It had Vail Mountain, period. And its big run was Riva [Ridge], named after one of the [battles] in Italy by the [US Army's] Tenth Mountain Division. Bob Parker, who was the lead plaintiff, and the owners of Vail, and the owners and promoters of Aspen were Tenth Mountain veterans— as was David Brower. This is the Tenth Mountain Division, they fought in Italy in World War II. Well, they were mountain troops, so they had skis, and they had Camp Hale [in Colorado] between Minturn and Leadville where they trained. They saw the Colorado mountains. And [when] they got out of the Army, they didn't know what the hell they were going to do. So, they said, "Well, let's keep skiing." Some of those went to California, too. I wouldn't be surprised but Mammoth [Mountain Ski Area] may have had some of those dudes.

03-00:28:52
Eardley-Pryor: I wouldn't be surprised either, or Heavenly [Resort] around [Lake] Tahoe.

03-00:28:55
Ruckel: Yeah. So, at any rate, whatever, they scattered about the country. And, I had recently come to town, and they knew I had a little bit of experience because of the Freedom of Information Act stuff. I doubt, right then—nobody else would talk to them. They knew Dick Lamm [Richard D. Lamm] was interested in this kind of thing.
Eardley-Pryor: Now who is Dick Lamm?

Ruckel: Dick Lamm was three-term Democratic governor of the state [Colorado], later. He was, then, a legislator, a representative in the Colorado House of Representatives.

Eardley-Pryor: Oh, a state legislator?

Ruckel: State legislator. And, I had ended up working with him, or getting a job with him, where I was paid for part-time gofer stuff while he was in the legislature.

Eardley-Pryor: And this is right when you moved to Colorado in the late sixties?

Ruckel: Yeah, that was the first. That was my first paying position, if you will. It was a pittance, and it was part time.

Eardley-Pryor: But doing some sort of research for Dick Lamm?

Ruckel: Well, no, it wasn't research. It was really holding down his desk while he was at the legislature. Clearing the mail, answering the phone saying, "Well, Dick will be available whenever," and then, running stuff up to the legislature. We didn't have the Internet, so you had to run papers from one place to another.

Eardley-Pryor: But all of this came from your connections with the Rocky Mountain chapter of the Sierra Club?

Ruckel: Mm-hmm.

Eardley-Pryor: Dick Lamm was a Sierra Club member?

Ruckel: He was a member, yeah.

Eardley-Pryor: Oh. Was he also a Tenth Mountain Division guy?

Ruckel: No, no he wasn't.

Eardley-Pryor: He was just involved and interested in preserving nature?
Ruckel: Yeah, and the environment, yeah. And his brother Tom, too. I should mention his brother Tom, who was more the lawyer-lawyer of the brothers. He actually practiced law. Dick practiced law, but his true interest was politics. Tom's interest was practicing law, so, the difference. But they're very close. And I knew them both—know them both. They're both alive. I don't have much contact anymore because Dick and I later had a falling out, but—

Eardley-Pryor: This was over the [Groundswell Sierrans issue]—

Ruckel: Oh no, we had a falling out early, actually.

Eardley-Pryor: Before the Groundswell-population issue in the Sierra Club came up, in the early 2000s?

Ruckel: Yeah, before that. At this time, see, lawyers were in short supply here, and they were in short supply in Washington, DC. Wherever you went needed lawyers. I suppose as a product of the sixties, you see, you had to have lawyers. It was such a mess out there. Well, it wasn't a mess. It was actually not a mess, because the whole country was going in this direction, but it was a chaotic exercise with a pointed, a good objective, comprehensive objective that was going to change the country. All right? Well, those things are not brought about by coordinated—nobody has a planning sheet. It's not like a coach: you can't draw plays and get there. You just get there or you don't get there.

So, this practice Dick had, he joined up with a guy named Leonard Davies—he was a Welshman, a wonderful guy. And Leonard was developing this practice of defending the underdog and using—this is the day when criminal defense lawyers and DAs [district attorneys] walked into court with copies of the latest Supreme Court decisions on criminal procedure. And of course, the judge has US law. The judge had the same report of the most recent case up in front of him. So here you have this tableau of three, the judge and the two lawyers arguing a case, and what they're arguing from is this printout of this new case that just came down from the Supreme Court—because all the other cases didn't matter much anymore, right, on the point because they were just changing criminal procedure, period.

Eardley-Pryor: That is a dynamic, exciting time.

Ruckel: So, at any rate, Leonard got into that, and he was representing the Black Panthers. Crusade for Justice—I had a little case, Crusade for Justice. Yes.
Eardley-Pryor: That was, was that the name of the [Davies] firm?

Ruckel: Nope, those were the clients, Hispanics. These were the guys who burned down the Rio Arriba [County] courthouse in New Mexico. [Eardley-Pryor shakes his head.] No, you didn't know that? All right, well, there was a radical—I think Black Panthers was from the Bay Area, so you would know some history regarding it. Translate that dynamic and that way of doing things to a bunch of Hispanics in Northern New Mexico.

Eardley-Pryor: Were they part of the Brown Berets?

Ruckel: Yeah, not really; that came later. They were just—

Eardley-Pryor: But influenced by the Panthers, similar kind of activities?

Ruckel: I don't know if they were influenced by the Panthers or they were just doing it their own way.

Eardley-Pryor: So, what happened in New Mexico then?

Ruckel: See, the idea is amongst them that they actually own the land. And of course, the argument is pretty pregnant because, obviously, they did own the land. We took it away from them in the Mexican War. Now that was a while back, but that is the story, right? And then the Indians can argue that the Mexicans took it away from them. And so, the history of the Southwest, you got to put in all this stuff that you don't have in—you talk to a New York lawyer about this, they go, "Huh?" [laughs] And so, push came to shove, and they burned down the Rio Arriba courthouse. And that was handled separately by other lawyers. At the time, others were camped in the Santa Fe National Forest. There was a gentleman named Reies Tijerina who was their champion. And Reies and the boys, "Burning down the courthouse was a good idea. Why don't we burn down this Forest Service sign out here saying 'Santa Fe National Forest'? It's a symbol of the government ownership of this, and what the hell, who are they? We own this land." I'm simplifying the argument.

Well, by one way or another, they found their way to Leonard Davies' office, and Leonard then had George Dique, who is a whole separate story himself. He's still alive. As far as I know, Leonard is. And then Joe Saint-Veltri, who later was hooked up with Walter Gerash. Anyway, I've just named all the activists, iconoclastic, smart-ass, lawyers of that generation in Denver, Colorado, and Dick was a peripheral member of this, very much in agreement with the objectives and that kind of thing, but he was working on a political
career. And so, I thought to myself, "I don't want to work on political careers. I'm not interested in politics. I'm much more interested in this developing law scenario. It's pretty fascinating." And this is where Dick and I came to blows the first time around, was that he wanted me to stick with him helping with his political career and that kind of thing, and I wanted to go in my direction. Well, I ended up representing Reies Tijerina when he was busted.

Eardley-Pryor: For the encampment in the national forest?

Ruckel: For burning down the sign, and the question was whether it was a felony or a misdemeanor, and I was ready to argue. I was just a young buck lawyer. I didn't know what the hell was going on, right? [laughs]

Eardley-Pryor: You were, well, like twenty-eight, twenty-nine years old?

Ruckel: Yeah, something like that. You know, you go in there and you say, "Well judge, I got this great stuff, I got all this," meanwhile there's all this conversation going on between the court's law clerks and the government lawyers, and Tijerina and I am at counsel table, and I'm—"Hey, Judge, can I participate in this? What the hell?" I mean, it wasn't that, but literally, that's what was going on in there, as you will see by the denouement. At any rate, I had witnesses. I was prepared to put on witnesses that local contractors could rebuild that sign for less than the felony amount of money, and boy, I thought, "Wow, I could really win a big deal." I was so far out to lunch, I couldn't possibly imagine. What they were arguing about was that Tijerina had threatened to change his plea to guilty, so he could be incarcerated, not pay the fine, be incarcerated, and then become—

Eardley-Pryor: Elevated in status, as impounded by the government.

Ruckel: Oh yeah, yeah, become a figurehead. You see. And sit there in jail; get three meals—three sound meals a day—and get out to exercise for one hour; and gosh, and become a hero. And the government didn't want that to happen, ah.

Eardley-Pryor: Did he express that to you?

Ruckel: No, he didn't really. He was smarter than that. He knew that that would place limitations on me on what I could say and do. These guys weren't dumb. I'm not saying they were intellectual or anything—they were almost anti-intellectual. Right? But they had savvy, and that counted. In this kind of situation, savvy was worth half a dozen intellectuals, or law professors, or anything like that. Savvy is what counted.
Well, the judge knew what was going on, and of course, the US attorney's looking behind him every—"God, we're going to create a martyr here, what the hell's going on? Why did the US attorney assign me to this case?"—I'm sure the assistant US attorney's saying. Right? I'm sitting there with my papers working on the difference between the felony and the misdemeanor and how I'm going to cross-examine their witnesses, Forest Service witnesses, because it's a felony, and the sign was worth so much money. I was so far out.

Finally, the judge called us all to the bench and said, "The government is going to dismiss this case," [laughs] and I've done all this preparation. It was pretty hysterical. And of course, Leonard and Joe Saint-Veltri, the boys laughed at me, and had wonderful stories to tell about poor Tony, who didn't know his ass from a hole in the ground. But those are the kind of things that were going on.

This is the same thing, same thing with the anti-Vietnam War stuff. Since we were doing the criminal practice type of stuff, we'd get these guys who'd be busted for demonstrating. They were busted under the vagrancy statute, which was an Illinois statute that Colorado had adopted on statehood, right? They had to have something, a codebook. [clears throat] Excuse me. And, there, states were beginning to declare those old vagrancies law unconstitutional as indefinite. In common law, a criminal statute has to be precise, and people have to understand it and that kind of thing. And the vagrancy, the blanket vagrancy statute just failed every test you can imagine. And I had a Vietnam War protester who was also in communication with God and Jesus Christ, and, so—

03-00:41:41
Eardley-Pryor: What do you mean by that?

03-00:41:42
Ruckel: Well, I'll tell you. So anyway, he was the defendant, young man—otherwise, pretty bright. He wasn't any different than lots of people running around in that era. That's kind of the folk you're dealing with in those days. You don't have a lot of that going on now, but you had a ton of it going on then. And so, the county judge, Bill Burnett—Bicycle Billy, we called him, because he rode his bicycle into work—he's the county judge, and this is his moment in the sun. He can declare the ordinance, the vagrancy ordinance, unconstitutional, see? Big feather in his hat, especially since at the county court level, you're at the lowest rung of the—so if you want to work yourself up, work your way up, you see—well, my guy came into court and he decided, "Well, gosh, this won't do." The Bible required him to plead guilty, because the Bible says—it's the "do unto Caesar and"—

03-00:42:58
Eardley-Pryor: Oh, "Give unto Caesar what is Caesar's," with taxation and whatnot?
Ruckel: Yeah, "so that quote," he says, "under that quote, I need to plead guilty because this is the situation." Bicycle Billy said, "Hey, wait a minute. What do you mean? My moment in the sun—" I'm sitting there saying, "All right." And once again, you're faced with the thing where there, you can plead guilty to an unconstitutional ordinance or crime, and nobody knew the answer to that either. This is the kind of lawyering—well, you're there in court and you're standing before the judge. And the judge doesn't know the answer to that. City attorney doesn't know the answer to that. I don't know the answer to that. We can hypothecate but—so that's kind of the way it was. And then, we had a first-degree murder case I was involved with, but I was only gathering evidence; I wasn't involved.

Eardley-Pryor: Well, what happened with the Vietnam protester? What ended up happening to that case?

Ruckel: Oh, he was fined.

Eardley-Pryor: And that was it?

Ruckel: That was county court. He was arrested for not moving off of the street to the curb, and the only real statute they had was the vagrancy statute because he didn't have an address. Well, all right, but you see, the cops had to try to get control of the demonstration, and tear gas is fine, but then you have a bunch of people wandering around after being blown out by tear gas, and if they don't get off the street, get on the curb, well, they're going to be busted—and I don't know whether tear gas was involved in this, but I'd already learned from Washington, DC, the smell of tear gas a mile away. It's not difficult to—I'll probably have that odor in my memory senses forever, although I may never smell it again, right? But you certainly smelled it in that era. [laughs]

Eardley-Pryor: Well, you paint a fascinating picture of what was happening within the courts, and with your new life in Denver, trying to make things work. And in the meantime, you are hearing about this Parker case [Parker v. United States, 307 F. Supp. 685 (D. Colo. 1969)], and the Sierra Club members that are coming to you and saying, "Tony, you know a little bit about this stuff, or you're interested in it." What's going on with the Parker case then? How did that evolve?

Ruckel: So, these individuals came to me and so we had a meeting up in Vail, which I described in my book, and it's attended by, gosh, it was attended by a large number, I'll bet thirty people.
Eardley-Pryor: Was the Sierra Club the organizer?

Ruckel: Yeah, and the Sierra Club at that time had an employee in Arizona, Jeff Ingram. He'd been an employee for quite a while because he came on board to help with the Grand Canyon fight, had a Sierra Club employee on the ground there in the Grand Canyon fight, and he was there. And so, it was a real meeting. I was tremendously impressed, but of course, everybody in there had a college education and were smart. They were starting up a ski area, and they were trustees of the town of Vail—which at that time, a trustee of the town of Vail was not very much, I got to tell you. There were the two that owned the bar, that's where the trustees met whenever there was business to be done. Vail was tiny, very tiny. It was incorporated as I remember, because early on, I thought maybe it wasn't incorporated and I had to list it properly in the complaint. And, oh, these guys, their father was William Mounsey, who did trips for the Wilderness Society, was a Sierra Clubber also. And he was a wilderness outfitter, so I put him in the complaint, too.

Eardley-Pryor: So, all these guys were all at this meeting?

Ruckel: They were all at the meeting.

Eardley-Pryor: And what was the purpose of the meeting, to decide how to move the case forward?

Ruckel: Well, the meeting was for me to give advice. I had no idea. No, I knew that's what they wanted, and I knew there was a statute and I knew there was Scenic Hudson and I knew that—it was shortly clear to me that we had the best standing we could—I had the best crew of potential plaintiffs you could ask for. They did ask me, "What would be the reasonable outcome?" And they wanted the reasonable outcome to be declaration of wilderness. So, of course, we had this big discussion that Forest Service recommends to Congress, and then Congress determines wilderness. But the obligation of the Forest Service is to include all the unit, the wilderness unit—the primitive area and the contiguous lands that qualify.

Eardley-Pryor: Let me just pause for context on this: the Gore Range [wilderness unit] area had already been set aside, or at least designated by the Forest Service as a primitive area; but under the 1964 Wilderness Act, that primitive area had not yet been declared officially a wilderness area.

Ruckel: That is correct. Part of that process though—getting from primitive area to wilderness area—was the critical crux of the case. Does that require the Forest Service to recommend?
Service to study and recommend—I mean, they could always recommend against wilderness, but—have as a part of their process the contiguous lands to the primitive area that qualified as wilderness? And because of the Saylor amendment—

Eardley-Pryor: The what?

Ruckel: Saylor Amendment, John Saylor, a Republican congressman from Pennsylvania who was the minority leader in House Interior Committee that (US Congressman from Colorado, Wayne] Aspinall was the chair of. And he [Saylor] was a wilderness hero, literally. He sat up there, and he defended wilderness throughout the West. He's just a guy from Pennsylvania, but an extraordinarily adroit legislator. He knew the ways of the House of Representatives, and he knew them very well, and—

Eardley-Pryor: From Pennsylvania?

Ruckel: Oh yeah, yeah.

Eardley-Pryor: That's cool. Pennsylvania's one of the few states that has environmental rights as a part of its state constitution, added as an amendment. So, I wonder if there's some connection with that?

Ruckel: Oh no. I think New York has, too. Don't they have a similar—?

Eardley-Pryor: They might. I think Pennsylvania was the first, oddly enough.


Eardley-Pryor: Yeah, that's right.

Ruckel: And the University of Pennsylvania is in Philadelphia. There's some heavy dudes.

Eardley-Pryor: Well, so anyways, to get us back to the Parker case: so, the issue was whether these contiguous lands that border the primitive area would be included in the wilderness review, at the same time that the timber companies wanted to build a road through this area.
Ruckel: See, and that [road] would preempt any possible review.

Eardley-Pryor: Why were your plaintiffs so interested in this maintaining its wilderness status?

Ruckel: Well, first of all, the primitive area was, God, it was only like sixty-five thousand acres, maybe seventy, very, very small. At that time, many of the primitive areas—that's an excellent question you asked—many of the primitive areas were rocks and ice, see? They were the highest point of the range, and the lakes and all that, and their boundaries almost came to an end when they met substantial timber stands, which were to be devoted to timber. This is the Multiple Use Act of 1960, which, if you go back through the history—I think I recited some of that history in my book [H. Anthony Ruckel, Voices for the Earth: An Inside Account of How Citizen Activists and Responsive Courts Preserved National Treasures Across the American West (Littleton, CO: Samizdat Creative, 2014)]. And so, Forest Service had a logical argument based on 1960 legislation and subsequent practice. That 1964 Wilderness Act said, "Hey wait a minute. You got these little—well, some of them are quite big, like the Idaho Primitive Area was nine hundred thousand acres, I guess—but this was just sixty-five thousand—that's my memory—acres, and it may be, the precise figure may be in my book. And it was truly rocks and ice, okay?

So, the wilderness, as Cliff Merritt so dynamically described, was when you look at a picture, when you think of wilderness, when you look ahead as you're walking in, a picture that unfolds. You walk through the trees, and then you walk through the Krummholz—that line between alpine and the trees—and then you walk to the alpine and the crest. And he painted this marvelous picture, which was spell-bounding to Judge William Doyle, which worked like—that's when I tried to make myself as small as possible. I retreated way, way back, so that I was almost against the bar, away from the table.

Eardley-Pryor: As the expert Cliff Merritt was talking to Judge Doyle in the Parker case?

Ruckel: Yes. And that colloquy, which is imprinted in my memory because it was so fine, it was really—I mean, you live for those moments, right? And it just—you won the case. The colloquy probably, that was pretty extensive, because Doyle would stop and think, and he turned his chair. And Cliff was as perfect in his waiting for the judge. He just comfortably sat there, looked at him, and then the judge would speak up. And then Cliff was very deliberate, a very deliberate guy, so there was no mistaking what he said. The judge never had to say, "Will you speak louder? I didn't understand that last part." And, that
colloquy probably lasted, I wouldn't be surprised if it didn't last ten minutes, probably. And in that period of time, you win your case.

I had a whole bunch of issues, and I went back to council table and I had five volunteer lawyers there, various ages—one was a law professor at CU [University of Colorado Boulder]. And they looked at me and a couple said, "Are we going to start on these other issues after Cliff is done?" I said, "No, we're going to head for the door." I said, "We want that to be the last memory the judge has of the plaintiff's case. We don't want any other shit in there. You don't spoil a perfect thing."

We had the same thing happen with [John] McGuire [US Forest Service Chief] on the Holy Cross thing. He, the chief, calls the regional forester—we have all these arguments and all this kind of stuff—calls the regional forester. Game's over.

03-00:55:10 Eardley-Pryor: Before we dive into that, I do want to bring us back. So, I'm still not quite clear why these plaintiffs wanted to have this maintained as wilderness.

03-00:55:19 Ruckel: Well, because first of all, it was trees, and it had lakes and streams. It's a beautiful area, beautiful area.

03-00:55:27 Eardley-Pryor: They just cared about the land.

03-00:55:29 Ruckel: Yeah, yeah. They did. They did. They were always interested—they also had a commercial interest. See, remember, Aspen had the Maroon Bells. It's always had the Maroon Bells; they're there.

03-00:55:44 Eardley-Pryor: And they were designated as part of the 1964 Wilderness Act, weren't they?

03-00:55:46 Ruckel: Well, yeah, they were, and that was a larger wilderness area. And Vail knew that they would have to have a mountain attraction, have something more than just skiing.

03-00:56:02 Eardley-Pryor: So their interest was in having this wilderness be adjacent to—?

03-00:56:04 Ruckel: So, I think back at the time, that wasn't a major consideration, but they were looking. The formative folks in Vail were looking around and saying, "If we're going to have a big super resort, we've got to have several things. We can't just be skiing." And, so, there was that dynamic. But the most important thing is they just wanted to hike and enjoy the wildlife, and they wanted to have some woods to hike in, and that kind of thing, and they didn't want them
all cut down. So, their sentiments were wholly environmental. I’m saying that this other commercial thing was kind of in the backs of their minds, not yet articulated very well, but yeah, it was there. And then William Mounsey led wilderness trips in there, as an outfitter, and even I walked in there. So, yeah, that whole meeting—getting back to the meeting—must have lasted two or three hours. Conversation was intense. People couldn't imagine that you would go into US district court and you wouldn't know quite how it was going to come out. But I couldn't tell them any other thing.

Eardley-Pryor: Yeah, Mineral King hadn't been ruled yet for standing.

Ruckel: No, no.

Eardley-Pryor: You just had Storm King. It was all pretty nascent.

Ruckel: Yeah, that was about it. We might have had the Trans-Alaska Pipeline case. Jim [Moorman] might have filed that.

Eardley-Pryor: I think he had, by that point [in 1969].

Ruckel: He had. So that would've been. And then Ned Fritz down in Texas had filed a bunch of stuff, but that stuff never became mainstream or never became part of the picture of us, the small number of lawyers we had trying to figure all this stuff out.

Eardley-Pryor: Had you heard about those cases?

Ruckel: Oh yeah.

Eardley-Pryor: So, it was just in the discussion?

Ruckel: Yeah, telephone calls. I mean, [laughs] I repeat, there was no Internet. So, yeah, so you hear about these things, and you speculate over the phone. You talk. You have meetings that you can have aside moments where you can get together with Phil [Berry] or some of that kind of stuff and talk it out. Much of the conversation was for reinforcing purposes, since nobody really knew, you see, so you tested your ideas out.

Eardley-Pryor: With each other.
Ruckel: Yeah, yeah, and it had a reinforcing—I thought, "Well, I'm not totally crazy, right?" I may be a little crazy. I hope I'm a little crazy, but if, oh, within certain bounds.

Eardley-Pryor: Was it kind of talking to each other like, "We can do this, right?"

Ruckel: Yeah, yeah, that kind of thing. Well, it's more, "This makes sense, right?" See, the Sierra Club, even in that era and in the sixties—in the sixties, that's another point that's in my book—"We can do this?" was always a question. But more, the question was, "Is this worth doing, and is there a possibility of getting a good result?" Because the dynamic in that era was "do it." Teddy Roosevelt said, "Get out there and do it!" And if you're within bounds and within reason. It's great to sit here and to think back on those times and now be able to philosophize how the thinking was, and exactly what the people were, what their objections were and all. But I submit it's probably impossible to be precise. So, you had to talk and jet around, as you don't have any other alternative. Somebody who comes and says, "Well, I know precisely what was going on," just doesn't know history, because at the time it's going on, only some sort of seer or prophet or guru would know where it was going to come out.

Eardley-Pryor: Can you lay out for me, with regard to the Parker v. US case—remind me what the issues are, just clearly. What were the issues that were at stake there with regards to road building and timber sales?


Eardley-Pryor: Shall I pause?

Ruckel: Yeah.

Eardley-Pryor: Okay Tony, so what were the issues at stake here?

Ruckel: Yeah, the Parker case [Parker v. United States, 307 F. Supp. 685 (D. Colo. 1969)]. The issue was whether the Forest Service was required to review wilderness-qualifying lands adjacent to established primitive areas, before the Forest Service approved harvesting of timber, and [mining] in those areas, or building of roads. So, the idea of Congress was that primitive areas would be reviewed for wilderness and qualifying adjacent areas would be reviewed for
wilderness, and then the package would be presented to Congress for their yea or nay—

Eardley-Pryor: As to whether it would get wilderness designation?

Ruckel: As whether there would be a wilderness area there or not. Because, see, the primitive area would end upon Congress action, whatever it was. So those were the issues.

Eardley-Pryor: And the Forest Service wanted to build this timber road in these adjacent areas [to the Gore Range Primitive Area]?

Ruckel: Yeah, and remember, the Forest Service had the Multiple Use Act of 1960, four years before the Wilderness Act, that had the multiple uses of the United States Forest Service, one of which was timber, one of which was wilderness and recreation, one of which was grazing, one of which was water rights—all this kind of stuff, right? And so, the Wilderness Act came along because the environmental community was not satisfied that wilderness was getting a fair shake because the Forest Service could decide on its discretion between any of those multiple uses, okay?

Wilderness Act changed the picture and said the Congress decided that, in order for wilderness to be protected since it was a non-commodity use—and for political reasons, wilderness is always going to be vulnerable, it's going to be the weak sister—so we need to have better legislative instruction to the Forest Service. And the Park Service was part of the wilderness review, too, but that never became a litigating issue because there wasn't anybody trying to harvest the timber or give grazing, I mean to do it the whole nine yards and building roads. So, the issue became to Congress, "We passed the Multiple Use Act, there it is, and that's fine, But how do we give wilderness a status that assures that the nation will have a wilderness system?" Okay?

Eardley-Pryor: And that's what they did in 1964 [with the Wilderness Act]?

Ruckel: That's what they did in 1964, yeah, by commanding review of wilderness-qualifying lands. And that was a huge step, huge step for Congress. It was one of the most significant global steps for preservation of the environment, because preservation of the environment previous to that had been more convenience—preservation of wild areas and this kind of thing, with the except of some national wildlife refuges, which I spent an inordinate amount of time researching. But, so, Congress put the Wilderness Act out there—
Eardley-Pryor: And it defined wilderness.

Ruckel: Oh yeah, it defined wilderness.

Eardley-Pryor: Maybe you could read Section 2(c) of their definition that you include in your book there?

Ruckel: Sure. "A wilderness ... is ... an area where the earth and its community of life are untrammeled by man. ... [It] is further defined ... [as] an area ... retaining its primeval character and influence without permanent improvements or human habitation, an area which is protected and managed so as to preserve its natural conditions and which [1] generally appears to have been affected primarily by the forces of nature with the imprint of man's work substantially unnoticeable; and (2) has outstanding opportunities for solitude and a primitive and unconfined type of recreation." [The Wilderness Act of 1964, Public Law 88-577 (1964), 16 U.S.C. 1131.]

Eardley-Pryor: That's great. So, the Wilderness Act sets that out pretty clearly as to what it thinks should or will be wilderness. And the issue in the Parker case was whether there would be an opportunity to designate these primitive lands and adjoining lands as wilderness before timber could be harvested in them.

Ruckel: Right, exactly.

Eardley-Pryor: Because otherwise, harvesting the timber would destroy its potential as wilderness.

Ruckel: Yeah, it would certainly destroy all the land affected by the act of harvesting. And I mentioned before that the Forest Service plan was to proceed with these sales in progression: build the road, sell the timber, right on up to the crest, and right on down the other side.

Eardley-Pryor: That's great. Why do you—

Ruckel: I read that very poorly, I must say.

Eardley-Pryor: I think you did great with it. So, those are the issues at stake. How did the case proceed?
Ruckel: God, I'll bet we were in court, like I said in my book, nine times, and I think we probably were. Remember, all Judge Doyle had in front of him was *Scenic Hudson* and the Wilderness Act, right? And the Forest Service yelling and screaming, and the politicians saying, "This isn't what we did!"—but they always say that. Doyle wasn't worried about the *post facto* gibberish, political gibberish of individual senators and congressmen. He knew better. So, Doyle's sitting there, "Well, give me something, Ruckel. I can't just do this stuff out of whole cloth. I have to have good reasons for it."

Eardley-Pryor: And so you had to find evidence to support your claims?

Ruckel: Yeah, well, I had to develop a theory.

Eardley-Pryor: And what was it?

Ruckel: Well, they had the theory which we've been talking about. I happened to develop a process for getting it before the court in terms of evidence that it would accept, believe, and would be strong enough to have him take a step further than other judges had heretofore taken. So, you had a tough burden, because you couldn't have just any old thing. "Hey guy, it's a great idea, don't you think, and have the lakes and the timber, and the wilderness and not just the rocks and all that?" That's fine, anybody will agree with that. But how you get there, how do you get there?

Eardley-Pryor: So how did you get there?

Ruckel: Well, all the individuals I mentioned. Many individuals became individual plaintiffs. The Sierra Club became a plaintiff and the Town of Vail, and, we first had to defend the standing, and the case and controversy, which is very complicated and was part and parcel of standing, really. If you have standing, what do you have standing for? What is the purpose of saying you have standing?

Eardley-Pryor: Yeah, defining your interests.

Ruckel: Yeah, well, you got to say what the issues are and you got to say that they're right for a decision. The Constitution speaks of a federal judiciary that handles cases or controversies, so that's where the language comes from. [clears throat] Pardon me. It's pretty clear that that's the language you're going to have to relate to. Whether you think it's reasonable, logical, or has any foundation, it doesn't matter to the court, that is the language, so that was an issue. So, you
had standing, you had case and controversy. You had the old argument: "Well, this could be done administratively." The parties could sit down and work it out and all that kind of stuff. That wasn't very good, the abstention, because the administrator would possibly change his mind and go in the other direction.

Eardley-Pryor: You needed a clear ruling.

Ruckel: Oh yeah. Well, the court didn't pay any attention to that stuff.

Eardley-Pryor: Had you already gotten an injunction on the timber efforts?

Ruckel: Yeah, well, that was a preliminary injunction, and he granted it in court just orally, period. He was that kind of guy. He's not afraid to move, and after all, there was no delaying it. I don't know if the Kaibab Lumber Company would've suffered from a delay of a year, and probably not. They would have an enormously difficult time of showing the judge that they would suffer from a delay. I, however, had the burden to show that I had a probability of success, and I had good claims and that kind of stuff. And of course, that's a huge burden when you don't have any precedent to follow. So, we had discussions about that. We had discussions about the scope of discovery. We had discussions about the record, what Forest Service records would be admissible and what would not. Again, all this was done without really guideposts. You had to wing it as you went along.

Eardley-Pryor: And these were part of these nine different motions you had, even before the weeklong trial?

Ruckel: Yeah, and well, I'm thinking—eight before, and then nine.

Eardley-Pryor: So, tell me about the trial itself then. Once you get to the point where you have the trial, what happened?

Ruckel: Well, then I have the burden. And some of these preliminary proceedings had further defined the parameters of how I would get that burden before the court and I would overcome the question of burden and make it the way to go. And so, you have to put together the evidence. And I had to put some standing evidence on, although they quickly agreed to that. They had deposed, oh gosh, seven or eight of the individual plaintiffs. They deposed Phil.

Eardley-Pryor: Phil Berry.
Ruckel: Yeah.

Eardley-Pryor: So, he gave a deposition?

Ruckel: Yeah. Well, he was president of the [Sierra] Club at the moment. And then—trying to think—did they depose Cliff Merritt? I believe they did. They did.

Eardley-Pryor: Where did you find Clifton Merritt?

Ruckel: Well, he was the local representative for the Wilderness Society, so he was in contact with the local Rocky Mountain chapter of the Sierra Club.

Eardley-Pryor: And was he also one of the plaintiffs?

Ruckel: No, no. And then the Sierra Club had a guy, Gordon Robinson, a professional forester that they'd hired at the time. Well, I didn't know what was going to work, so I wanted to have as much as possible, so they deposed Gordon. They thought I was going to attack more on the side of some claims regarding the appropriateness of the timber sale, of the timber itself, and there was this tremendous question about whether this tree was alive or dead. And Gordon looked at it, and in his deposition said, "That tree's alive." And of course, the tree looked like it was—of course, he's right, the tree can look pretty destroyed and still be alive. This was an argument that went on for a couple of weeks, or ten days maybe. See, I didn't pay any attention to it because I didn't care whether the tree was alive or dead. That didn't qualify or disqualify for wilderness. But they didn't know where I was going to go, and I didn't know where I was going to go, and this was part and parcel of helping me determine that I didn't want to go to these other places.

But, we already had Gordon there, and he'd gone through all that stuff. He'd run up the down staircase at the Hilton Hotel on Sixteenth Street to the onlookers' amazement—this old guy, tooling up the down escalator. At any rate, he was a real character. He was a crackerjack forester. He'd been a forester for the old Southern Pacific and all of its forested lands, which were immense. So, he was chief forester for that, and then he retired, came to work for us. And he was critical, certainly in Alaska, but here, turned out he was a straw man. The government and the timber industry devoted enormous energy trying to impeach him. I'm sure they would've, if we'd gotten that far in the case. They would've had a parade of different industry experts and all that kind of stuff, arguing about the quality of this forest. I didn't care what its quality was. It didn't matter whether they were dead trees or alive trees. That's not in the definition of wilderness that I've read.
Eardley-Pryor: So, where did you take the case?

Ruckel: Well, I was prepared to go in all these directions, but I was going to do the wilderness part first, because whatever direction I went, I had to show the court that this was qualifying land, qualified for wilderness. If it doesn't, I'm out of court, doesn't matter what other things I want to argue about, because the Forest Service truly had discretion on the Multiple Use Act to go in multiple directions. So, I'm going to argue that these are qualifying wilderness lands.

And fortunately, I had a magnificent professional witness to do this. I had Cliff Merritt. I think it was probably a third day of trial, I put him on, and then after he got into this colloquy with the court as to what the picture of wilderness is, or what it looks like, or what constitutes a wilderness, as far as I was concerned, the case was over. My co-counsel, of course, was—we'd done all this preparation for all these other issues and all that, but I'd developed enough savvy by that time—I was only twenty-nine or so, but I'd been through the mill—boy, when you see something like that in court, you just don't muddy the waters. You sit down, and say to the other side, "Top that, baby." [laughs]

So, I ignored all this volunteer advice I was getting, and of course, counsel on the other side are ready to attack on numerous fronts. I sat down. And again, that put—I wasn't conscious of this at the time—well, I probably was, I suppose—that put the government in a tough spot. They had to decide right there, then, whether they're going to cross-examine or not, and they'd just listened to this magnificent colloquy to the judge and the witness, right, so they're going to get up and have this repeated? No way. The only decision they could make—they had no choice—if they wanted to cross-examine him, they had that risk of the judge turning his chair, and saying, "Well, Mr. Merritt, tell me what you really think," or, "tell me what really is the picture here. I want to know." And the judge kept saying, "I need to know what's going on." He says, "I don't have any precedent to go on here, and I'm feeling my way." He looked at us at the counsel, he said, "You're obviously feeling your way, and so, I want to hear everything I can hear." That's part of the reason we had eight, probably nine—I have no idea how many, but the court's clerk would call my secretary and, "Get your ass down here, Tony."

Eardley-Pryor: So, what was the ultimate ruling after this presentation of evidence?

Ruckel: The ultimate ruling was the timber sale was permanently enjoined, and the Forest Service was directed in its review and its required primitive area review, that—there was never an argument that they had to review the
 primitive area—and that that review had to include qualifying wilderness
lands adjacent to the primitive area.

Eardley-Pryor: Why was that such an important precedent?

Ruckel: Well, we had, I don't know, seventeen or eighteen primitive areas in the West,
all with qualifying adjacent wilderness lands. The Forest Service was not
agreeing to a mandatory review of those qualifying adjacent lands, and so,
those lands would never be part of the wilderness preservation system, and
presumably, by that date, most of them have not. Practically all of them would
have been dedicated to other uses—timber and road building particularly,
although grazing can certainly disqualify you. Water projects, they're kind of
special in the West anyway, so, that's sort of the third rail you don't want to
touch. Nobody wants to touch it. I mean, you have to, periodically, and the
reserved water rights litigation, later, is a good example of that.

But yeah, so, it immediately became apparent with the River of No Return
[the Frank-Church River of No Return Wilderness, an area of 2.36 million
acres, established under the Central Idaho Wilderness Act of 1980, Public
Law 96-312], and I'll get to the Uncompahgre thing [Sierra Club v. Hardin]
because that's kind of a little bit different take on it. But the River of No
Return and these cases were coming up, and it just was a steady flow.

Eardley-Pryor: Just so I'm hearing you right, an additional reason why the precedent for the
East Meadow Creek area of the Parker case was so important was because it
expanded the possibility of inclusion of wilderness.

Ruckel: It did.

Eardley-Pryor: It's that these adjoining lands had to be also reviewed, whether they could be
part of the wilderness system.

Ruckel: Yes, and so, by inference, every primitive area in the country had to undergo
the same exercise.

Eardley-Pryor: Including the adjoining lands.

Ruckel: Oh yeah.

Eardley-Pryor: And that's what this precedent enabled?
Ruckel: That's right, that's what the precedent established.

Eardley-Pryor: What was the government's response? I imagine they appealed.

Ruckel: The government? Oh yes, they appealed, the Tenth Circuit, Judge Lewis writing for the court, chief judge of the Tenth Circuit, Utah man, with—was a mixed panel. There was a Third Circuit judge, Connor something. I don't know. All this is in the citations [of my book], but there were three judges, and they were unanimous. They were just as aggressive as—well, nobody was quite as aggressive as Judge William E. Doyle. But anyway, they agreed with everything he said. They wrote a pretty lengthy opinion for an opinion that's agreeing down the line with everything that US district court wrote, but there's good reason for that. They're the Tenth Circuit. Wyoming, New Mexico primitive areas, they would be under that jurisdiction, and Utah, of course. So, the Tenth Circuit is writing for those lands within its jurisdiction.

Eardley-Pryor: It's a lot of forest land.

Ruckel: Yeah, yeah. Well then, so the Ninth Circuit, Montana and Idaho, is looking on, and the Ninth Circuit has the well-known and quite admired state of California, and Oregon and Washington, and Arizona. All have primitive areas, so that takes care of the American West, west of the hundredth meridian. And, so, this [Parker case] led to the next evolution of this particular part of the Wilderness Act, which would have been the River of No Return, the Idaho Primitive Area in Idaho, which came to me right after, just a short interval and then there it was. And it was—

Eardley-Pryor: After the Parker case had been decided?

Ruckel: It was all based on the Parker case, and there you were dealing, in the Parker case, you were dealing with tens of thousands of acres. In the Idaho Primitive Area, River of No Return Wilderness, you're dealing with hundreds of thousands of acres, which, much bigger, and you're dealing with—

Eardley-Pryor: Bigger stakes?

Ruckel: You're dealing with maybe our greatest wild rivers in the lower forty-eight [United States]. The Salmon and the Middle Fork of the Salmon are pretty special, and they're in the heart of the Idaho Primitive Area. And again, it was the same pattern of the—
Eardley-Pryor: So, this is [around] 1973, when the US Forest Service takes a new strategy. *Parker* is—

Ruckel: That's just what I was going to get to.

Eardley-Pryor: Okay, great. So, tell me, what was this new strategy the Forest Service was trying to do?

Ruckel: Well, I think more fascinating than that was the fact that—well, as fascinating—was, we fully expected, since that was in the Ninth Circuit, not in the Tenth Circuit, that we would have to fight the *Parker* case all over again, and the Forest Service would be just as opposed. And so, we were looking for a way to interdict the process, to get the *Parker* case before a judge in the Ninth Circuit, and that kind of thing. And so, I was looking over the Forest Service regulations. By this time, I was familiar that there was a Forest Service manual. We never heard of a Forest Service manual, but when you're trying to figure out where you're going to go, as we were with the *Parker* case, and how we were going to get there, especially how we were going to get there, those kinds of things become important. So, I was exposed to it, and there was this provision in there for administrative appeal—

Eardley-Pryor: In this Forest Service manual?

Ruckel: Yeah, yeah, for administrative appeal by interested parties on issues that seemed—it was very nebulous.

Eardley-Pryor: What is an administrative appeal? How is that different from court?

Ruckel: Well, that's where you appeal to the administrator who would be at the top of the chain making a decision regarding a particular area—in this case, a particular primitive area and its adjacent lands, okay?

Eardley-Pryor: So, as opposed to going to court, you could just go directly to the Forest Service?

Ruckel: Yeah, you file a petition, a formal petition. It's a formal administrative proceeding. You can't have all the disputes go immediately to the court. And so agencies nowadays use the Administrative Procedure Act and an administrative process developed through executive order or through secretarial order as a buffer or a first line of review, hoping that many things
can be resolved at that level and not have to go to court, because it's always expensive, takes time, and that kind of thing.

So, this structure was there, and I happened on it. And I said, "Well, what the hell, we'll file appeal to the regional forester," who was in Ogden, Utah, which is not that far from the beginning of the Idaho Primitive Area, and the Snake River, Middle Forks farther up. And so, we filed this administrative appeal. Well, we got a call—or I don't know whether we got a call, or we initiated a call. We could have initiated it. But I rather think we got a call from the Forest Service saying, "Hey, come up to Ogden, let's talk about this."

03-01:28:52
Eardley-Pryor: And what was it that initiated the Idaho Primitive Area to be an issue that came onto your radar? What was at stake?

03-01:29:00
Ruckel: Oh, huge timber sales. Timber sales far in excess of anything in the Eagles Nest or in the Gore Range. Like I said, we were dealing with hundreds and thousands of acres. The Clear Creek-Garden Creek unit was first on their list, and that was fifty-some-odd thousand acres. So, there's going to be a lot of timbering there, and there were others. See, the Idaho Primitive Area was nine hundred thousand acres—I think I've got all this right, and it's in my book [H. Anthony Ruckel, *Voices for the Earth: An Inside Account of How Citizen Activists and Responsive Courts Preserved National Treasures Across the American West* (Littleton, CO: Samizdat Creative, 2014)]—and then the primitive areas around it, the—

03-01:29:38
Eardley-Pryor: Adjacent potential wilderness?

03-01:29:40
Ruckel: —the adjacent qualifying lands were, gosh, another million, maybe even more.

03-01:29:49
Eardley-Pryor: It's a huge swath of forest.

03-01:29:50
Ruckel: Oh yeah, yeah, largest contiguous wilderness area in the Lower Forty-Eight, and, that's rugged country up there. Well, just take a look at the Middle Fork if you want to see rugged country. So, the other units were forty to sixty thousand acres, and they were really surrounding the primitive area on three sides. And then there's this road that's been there forever, a dirt road, but that disqualified the area. And then on the other side was the Salmon Wilderness Area—I think that's in my book also—another wilderness area, not as large as what became the River of No Return, but—

03-01:30:45
Eardley-Pryor: And the Forest Service was going to begin timber sales?
Ruckel: Oh yeah, and they were going to be in a big way.

Eardley-Pryor: But as opposed to taking it to court, as you did with the Parker case, instead, you found this administrative appeal route.

Ruckel: Yes, and so, we went up to Ogden, and we walked in, Doug Scott and I.

Eardley-Pryor: Who is Doug Scott?

Ruckel: Doug Scott at that time was an employee of the Wilderness Society, and subsequently he became assistant executive director of the Sierra Club. He then has written the definitive history of the Wilderness Act, and that, again, I use. I quote liberally from him. He did a magnificent job. [Doug Scott, *The Enduring Wilderness: Protecting Our Natural Heritage through the Wilderness Act* (Golden, CO: Fulcrum, 2004).]

Eardley-Pryor: But at the time, he was a Wilderness Society employee?

Ruckel: Yeah, yeah, the Wilderness Society—well, via Cliff Merritt, who was critical in the whole effort. Cliff knew more about the wilderness and the Rocky Mountains and the Southwest than any other living human being. The Forest Service [saw] no point in even trying to contest his knowledge. It was just impossible. He just knew them. So, the Wilderness Society thus became a concomitant part of our efforts. And, so Doug and the Wilderness Society were as interested in River of No Return as we were.

Eardley-Pryor: So, you went and met up with Doug to go talk to the regional Forest Service in Ogden.

Ruckel: So, I met with him [Doug], and we're going to go up. We got on the airplane. We flew to Salt Lake, and we drive up to Ogden. We walk in the room, and there were probably a half dozen Forest Service there, and we met Mr. Hammer.

Eardley-Pryor: Who's that?

Ruckel: Vern Hammer, he was the regional forester. And so, we're prepared for a day of fighting, and, it became evident to us relatively quickly that there wasn't going to be a fight here, there's going to be a discussion. Well, that was all right. We're willing to discuss anything, but then it became evident that the
discussion might lead somewhere, that they were actually interested in resolving the issue. This was unprecedented. The Forest Service had never done this before. This guy Vern Hammer is a—and that's why I say, the government isn't all bad. They do some things that can be totally surprising. Needless to say, we were. No commitment was made, but it was clear that he was going to review everything we had brought with us, which was descriptive of these lands, maps and all that kind of stuff. They brought an equal supply of maps and descriptive material, and we pored over all this stuff. And guys are saying, "God, I've fished over there"—I mean, Forest Service guys, and those are very helpful discussions, because you're getting them to think the way you want them to think.

Eardley-Pryor: That this is worth saving as wilderness.

Ruckel: Oh yeah, well, they knew that, they knew, but if they had personal experience, you see, it, yeah, it ups the significance to them. So, at the end, our boy Vern made the statement to us, "Well, this has all been very interesting, and I'm going to review it very carefully, and I'll be back in touch and you'll get some sort of"—they hadn't responded to my petition to review—again, you just make up a pleading, right?—"and I'll respond to your petition, and I'll let you know in a pretty short period of time." We got this is number one on our administrative agenda. And so, in those days, you tended to get these things by phone calls, you know, they come in. And so Vern called up and said, "Well, Tony, we really liked the stuff you did. We think you're right on point. The Forest Service really doesn't want to fight over this. We want to go through the wilderness process, and we will not commit these lands to timber management until Congress had decided what the outcome is going to be."

Eardley-Pryor: Wow.

Ruckel: "So, I'm tentatively, I am suspending all timber planning and actions on these lands," I think he said "six years"—five or six years, something like that.

Eardley-Pryor: Until there's a chance for review.

Ruckel: Yeah, yeah.

Eardley-Pryor: That's a pretty great way to get a win, without having to go to court.

Ruckel: Well, yeah, and that's the thing. I can't emphasize how much it meant to us that the Forest Service was willing to talk, that the Forest Service—and they initiated this thing, we didn't. We thought we were going to fight it out along
East Meadow Creek and the *Parker* case. We ended up not doing it, and by golly, the wilderness area now is two million acres, I guess, something like that.

Eardley-Pryor: It's huge.

Ruckel: Yeah, yeah, it's huge. Well, it's got the Middle Fork and the Salmon River. And playing with those rivers? It's like I say in the Maroon Bells case: you're not going to have a marble quarry hard by the Maroon Bells. Well, you're not going to have stuff messing up the Middle Fork and the Salmon River. Those are global resources. Those are truly given to us to preserve for future generations and to appreciate the messages they have to send to you and what they say. So, you don't screw with them. Right? Not a legal term. [laughs]

While we're talking about this—

Yeah, and then the Uncompahgre thing, it happens.

Well before we get to Uncompahgre, there's a really nice connection. You found this creative approach to take this administrative appeal route, rather than having to put all these resources into a full trial and try to get this thing through a different district court. And that eventually created this gigantic River of No Return Wilderness, the Frank Church Wilderness Area in Central Idaho. There's another administrative appeal that you do shortly thereafter, in '74, '75, where you actually get to meet with the Chief Forester?

Oh yes.

What's the story behind that?

This is the Holy Cross [Holy Cross Wilderness Area in San Isabel and White River National Forests in central Colorado, approximately 122,000 acres of wilderness with twenty-five summits over 13,000 feet and Mount Holy Cross at 14,003 feet].

Near Vail, well, this is in White River National Forest—or is it in San Isabel? Anyway, it's just south of the Eagle River. It's the northernmost peak in the Sawatch Range. It's a fourteen-thousand-foot peak surrounded by magnificent
little lakes everywhere, lakes everywhere—it's very wet area. And Vail, on the other side now, was developing the Beaver Creek Ski Area, which was a new ski area on I-70 as it proceeded west from Vail, along the Eagle River, going up towards the Sawatch, the Holy Cross, and the area lakes and all. And Vail filed an application to the Forest Service for unbelievable amounts of land, for their permit.

03-01:39:04
Eardley-Pryor: To build, the permit for Beaver Creek?

03-01:39:05
Ruckel: Yeah, yeah, [instead of a] wilderness area. See, once they get the permit, then they can develop for skiing, and not for wilderness. Well, the environmental community looked askance at this, did not like it, was totally opposed, and was certainly used to defending the Wilderness Act by this point in time. So again, we filed an administrative appeal. Now, we did it through a young lawyer who we'd recently hired, but I kind of supervised. He was new to the whole shebang. So, I was a participant, but I want to give him credit for doing a lot of the background work.

03-01:39:52
Eardley-Pryor: Who was this person?

03-01:39:54
Ruckel: Chan Visher. Lost track of him. He did not stay long with us. He took another path. And so, again, we used the administrative route—the administrative appeal route worked so well in Idaho, why wouldn't it work for the Holy Cross? Well, we did that, and then, I further discovered, reading this by now dog-eared Forest Service administrative procedures thing, that there was an opportunity to appeal to the chief himself.

03-01:40:32
Eardley-Pryor: To the chief forester?

03-01:40:33
Ruckel: Yeah, yeah, the chief forester, big honcho, and seek an oral appearance before him. Those weren't the exact words, but you could ask for an appearance before the chief. So I just said, "What the hell, why not? It's a no-lose situation, right? You either win or you're where you are status quo ante and you proceed on." So, I did that, and lo and behold, got another telephone call—boy, you got a lot of telephone calls in that era—saying, "Well, let's schedule a meeting"—it wasn't the chief talking, it was his secretary or something like that—"let's discuss this thing." And we'd file an appropriate administrative appeal and all that, ala the River of No Return—and boy, the Parker case certainly got worked hard in that era. At any rate, we filed this administrative—or he said, "Come on in and talk." That's what the secretary said, "He wants to talk with you people, so come on in and talk." We arranged a time, and so we flew to Washington, DC.
Eardley-Pryor: Who's "we"?

Ruckel: Chan Visher, and then Jim Moorman joined us.

Eardley-Pryor: Now just for time's sake, this is in the wake that SCLDF has already formed, Jim Moorman has become the first executive director of the Sierra Club Legal Defense Fund, and, you have already started the Rocky Mountain office of it, by this point?

Ruckel: Yes, by this point [the mid-1970s].

Eardley-Pryor: So, we'll step back to cover that progression, but that's where we are in this story. So, you, Jim, and Chan fly to DC to meet with the chief forester.

Ruckel: Jim was there on some other business and joined us, yeah.

Eardley-Pryor: So, what happened?

Ruckel: So, we go in, right, and his office—the Department of Agriculture is there on the Mall, and it's the southwest corner of the Mall. Now the Mall runs east and west, obviously, but it's the southwest corner over here, right near Washington Monument. It's easy to find the building because it's the closest building to the Washington Monument, so you can't possibly get lost hunting for the Department of Agriculture. I don't know where they are now. That's where they were then, and that's where the chief was then. And certainly, if I was the chief, I would fight to my dying breath to preserve this office, because he had a magnificent office in this whole building. It was huge, and you looked out at the Washington Monument and the Mall and this kind of thing. Right? And, it was styled—God, I don't know—well, this, three times the size of this floor, twice the size of this floor, with bank windows, and a huge wall. And on the wall were these wonderful old photographs and pictures of Forest Service history. It just oozed out, and it was all around you, and, his desk was up at the extreme western edge near the windows. Then he had a very nice coffee table arrangement with wonderful chairs and all that in another corner. And then there're bookshelves. I mean it just—oh, this is the kind of thing where you needed a cell phone, right, to take a picture of the goddamn place.

And [Chief Forester] John McGuire is tall. He had salt-pepper hair, an older man but quite fit. He'd already lined the Forest Service up behind the Eastern Wilderness Act, so we already knew he wasn't a reactionary. And he gathered us over there, and the secretary brought in coffee, and a lawyer from the Department of Agriculture solicitor's office joined us—the Forest Service is
part of the Department of Agriculture—and he had an assistant join us. And so we sit down, and McGuire looks at us and says, "Well, folks, this is brand new to me. I have no idea how we ought to proceed, but there is administrative authority, obviously, for doing this, and we'll see what we get out of it."

So, we proceeded to start. I don't know whether I started and then yielded the floor to Chan, or vice versa. It doesn't matter. We both spoke, and we didn't get far before McGuire was nodding his head. Then he said, "Well, let me interrupt a minute. Let me interrupt a minute." He says, "I want to call the regional forester in Denver." And so his secretary gets the regional forester on the line, and this colloquy develops. And the colloquy is to the point that really, there doesn't seem to be any logical reason why the Vail Corporation needs all this land for the new Beaver Creek Ski Area. There're a few miles from the Eagle River to the old Holy Cross Primitive Area line, and they didn't need all that. And so, this conversation develops where McGuire's saying, in his very charming way, he says, "Hey, I don't know a whole lot about all this, but I can look at a map, and that's a lot of land. These guys seem to be very concerned about that land. What's the rationale for the Forest Service saying that 'the Vail Corporation ought to have all this land for their permit'?'"

Well, the regional forester, who was very much in favor of an expanded permit, of course, was taking it on the chin, but what can he do? This is his boss. And so, you could tell before the conversation was over that you'd won the case, of course. And so, he hangs up the phone, he says, "Well, you guys probably heard my side anyway, and we really don't think that Vail needs all this land and that it should be just sort of"—he didn't use the word "offhand," but just quickly made part of a permit, a huge permit for this new ski area, and that wilderness possibilities for Holy Cross should include the possibility that these lands be included. "Well," he said, "we will get an appropriate order out, as soon as I've learned how to write an appropriate order." [laughs] He had that kind of charm about him, informal charm, and by this time, everybody was on a first-name basis. And so, we finished our coffee and left. There wasn't anything more to say, just friendly conversation after that.

Eardley-Pryor: What a cool thing, and what a cool space that happened in.

Ruckel: Oh, and what a historic space. Oh, I should mention that he pointed out that his desk in the corner—I described its location—was the original desk of Gifford Pinchot, who was the first—

Eardley-Pryor: Oh, cool, first chief forester with Roosevelt.
Ruckel: —first chief forester, and who previously had that desk in the basement of the White House when he was advising Teddy [Roosevelt] on what to do about public lands.

Eardley-Pryor: Oh, isn't that neat, Gifford Pinchot's desk in the office?

Ruckel: Yeah.

Eardley-Pryor: Talking in relation to our discussion earlier about Pennsylvania, he became a governor of Pennsylvania.

Ruckel: Pinchot did?

Eardley-Pryor: Yeah, after he left the Forest Service.

Ruckel: I didn't realize that.

Eardley-Pryor: Yeah, so I wonder if there's some sort of connection there between preservation of land in Pennsylvania and Pinchot's role. Could be?

Ruckel: Yeah. That was a classic confrontation between [John] Muir and Pinchot. And Pinchot had his office in Teddy's basement, right? Talk about immediate access. Muir is wandering around in the Sierras and Yosemite. So that camping trip that the gentlemen enjoyed together, Muir and Roosevelt, was absolutely critical. It was a critical moment in protection of public lands. Remember, Teddy had the commercial ethic and hunting foremost in his mind. Now, he was way ahead of anybody else, any contemporaries—although that's not true historically. If you look, there are others. There always are others. But he was quite a departure, in most everything he did, and even with Pinchot in the basement, he didn't give Pinchot everything he wanted to get.

Eardley-Pryor: Yeah, that speaks to the importance of preservation.

Ruckel: That was really a critical moment.

Eardley-Pryor: Let's take a little break here, Tony, before we move forward.
Ruckel: Oh wonderful.

[break in audio]

Eardley-Pryor: All right, Tony, these are great stories. I'd like to move us chronologically a little bit further back in time to these early years just after the Parker case. You argued and had this wonderful victory in this incredibly important precedent in '69. In August of 1969—you're still only twenty-nine years old—you had your first hiking experience to the top of a fourteener [14,000-foot peak]. What was it?

Ruckel: It was Uncompahgre Peak. A wonderful name, Uncompahgre. It means "bad water" or something like that in Ute. It's a mountain that floats on top of the San Juans. It's the highest peak in the San Juans, and it just literally floats on alpine meadows and erupts out. It's a beautiful, beautiful peak. It was a Sierra Club meeting, in a campground at the end of the paved—well, at the end of the dirt road. And we met, but we also had the purpose of climbing the mountain, and none of us had climbed a fourteener. My wife was with me, a couple other guys, and, so I climbed my first fourteen-thousand-foot peak. I learned what it was to reach thirteen thousand and keep going, which was about the time that my respiratory system began to protest, at about thirteen thousand feet. It was a thrilling, thrilling experience. It really was, and it led to my, over the next twenty-five years, claiming all the fourteeners [in Colorado].

Eardley-Pryor: All fifty-four 14,000-foot peaks!

Ruckel: All fifty-four fourteenerers, yeah, and several, two or more times. You see, you have climbing buddies when you're doing that, and they're going for the mountains, right? And, so you go along and help them out, and cheer them on. So, you do end up climbing some of them more than once, because they're going to help you out on the ones you haven't gotten yet. It's just a camaraderie of the community. I thoroughly enjoyed each one. I wish I was able to—I probably would be, but I won't take the time to train to go to fourteen. I won't train to go beyond thirteen thousand feet now.

Eardley-Pryor: What was the last fourteener you climbed?

Ruckel: Snowmass Mountain.

Eardley-Pryor: How old were you?
Ruckel: Well, let's see.

Eardley-Pryor: You were twenty-nine when you did your first fourteener.

Ruckel: Okay, add twenty-five to that, so you get fifty three? That doesn't seem right. Yeah, fifty-three, I guess.

Eardley-Pryor: Man.

Ruckel: Yeah.

Eardley-Pryor: All fifty-four of the fourteeners, that's quite an accomplishment.

Ruckel: Well, yeah, to me, it's one of my signal achievements. How's that? My older son has also climbed all of the fourteeners, and he climbed his first ones about when he was eight, maybe ten.

Eardley-Pryor: Really!?

Ruckel: Well, Sherman is an easy peak. It's just, there's a mine at about twelve-five, or twelve thousand. You can actually drive up to the old mine. It's near Fairplay, but we didn't cheat that much. There's a parking area below the old mine that you can park in, and then you, oh, you get maybe two thousand vertical, and just slowly peak. It's a nebbish mountain. It's not as bad as Pikes Peak—by universal acclaim, that's the worst mountain of the fourteeners—but it's a close second.

Eardley-Pryor: But you got your eight-year-old son up there.

Ruckel: Yeah.

Eardley-Pryor: But Uncompahgre was your first that you did in 1969, then in the summer of 1971—this is while the East Meadow Creek, the Parker case, is still under appeal—there's an opportunity for another suit to be brought forward to protect wilderness. What's the story behind this?

Ruckel: Well, by strange coincidence, it was Uncompahgre Peak. There was an Uncompahgre Primitive Area that included Uncompahgre and its companion
peak, Wetterhorn, which is a magnificent mountain to look at. Oh, it's really one of the really cool ones. I have a picture upstairs on a calendar; I'll show it to you. I think I have a picture of—well, at any rate, be that as it may, there're half a dozen pictures of them both throughout my townhouse here. But this case was not so much the Forest Service, it was the politicians. This was Wayne Aspinall's brainchild.

Eardley-Pryor: And who is that?

Ruckel: He was the chairman of the House of Representatives Interior Committee. Now, it's strange to think that, I mean, you would think that the moving force would be the chair of the House Agriculture Committee. But Wayne Aspinall was an institution, and he was in Congress for fifty years, or whatever. We finally beat him in a redistricting event that put Adams County and some of the northern parts of the [Denver] metro area into his district, which took away strongly Republican areas.

So, he came up, or somebody came up with the idea, "Well, we don't want to refight East Meadow Creek. We don't want to have the whole shebang of the Idaho Primitive Area and River of No Return. So, there must be an alternative way we can do this. And if the primitive areas were established by order from the Department of Agriculture, well then maybe we can conspire to have the Department of Agriculture revoke the primitive area status from Uncompahgre Primitive Area."

Eardley-Pryor: So, what I'm hearing is that in order to avoid review as a potential wilderness-designation area under the Wilderness Act, the Department of Agriculture said, "Let's just take them out and not call them primitive areas. Then we can do whatever we want with the with the resources."

Ruckel: Change their status completely, yeah. Right, exactly.

Eardley-Pryor: I see, I see.

Ruckel: And of course, the impetus was the mining industry. I hate to call them miners. They're just prospectors that drive their trucks up on a weekend and dig around in the mountains hoping to strike it rich or something like that. That is disgraceful. At any rate, so that's what the Forest Service tried to do. Very tricky, right?

Eardley-Pryor: By administrative edict, they were just going to avoid wilderness designation.
Ruckel: So, we learned that. I got the call on probably a Wednesday afternoon, and by—

Eardley-Pryor: Now who's calling you? [Ruckel's landline phone then rings]

Ruckel: Oh, Sierra Club people, staff people. Yeah, right? [laughter] I got to get that thing disconnected. At any rate, not only do I not answer it, but I don't have the recorder turned on.

Eardley-Pryor: So, the Sierra Club is again reaching out to you, in the wake of the Parker case, and saying, "Tony, we got another case here."

Ruckel: Yeah, right, exactly. And this was the local chapter. They heard about it. They knew what was going on.

Eardley-Pryor: And, were they the ones that were also funding or paying for the case, for you to move forward on that?

Ruckel: No, by this time the Sierra Club Legal Defense Fund was.

Eardley-Pryor: Oh, they had already organized? They had already formed?

Ruckel: Yeah, yeah. Well, yeah, they'd just formed—or anyway, the money was coming from the Sierra Club, one form or another.

Eardley-Pryor: So, you had a call from them on a Wednesday of some week.

Ruckel: Yeah, I got the call from the chapter, or whoever it was speaking for the chapter—about on a Thursday—and they said this was going on. It was pretty clear what they were trying to do. They were going to declassify the area. Wouldn't have to be reviewed. So, it was simple to draw a complaint. It was easy. Just describe the Wilderness Act background and say, "That's clearly abuse of discretion." [laughs] It's a studied way to avoid the Wilderness Act. And, so I drew Judge Hatfield Chilson, which by conventional wisdom at the moment, would be the worst draw I can make for a judge for the court.

Eardley-Pryor: Why?
He was the most conservative, least imaginative, and hidebound really. Nice guy, but judicially? It was difficult to imagine him taking on a new challenge and having an expansive view of his jurisdiction and his obligations.

And this was in the US district court in Colorado?

Yeah, he was a colleague of Judge Doyle's, who had of course the opposite way of approaching things, but Chilson was not an Irishman, obviously. At any rate, I drew Chilson and I said, "Oh, God."

Well, our information was the miners were going to move in Monday, and in Uncompahgre, the roads go pretty far up, so when they're moving in, they would be moving into that gap between Matterhorn Peak and Uncompahgre. They'd be moving into these marvelous meadows, the alpine meadows that Uncompahgre rides across, and they would be right within the shadow of Wetterhorn, another fourteen-thousand-foot peak.

So, I had a temporary restraining order drawn up, called the representative in the chapter to execute appropriate affidavits, went down to court—or I called the US attorney, and couldn't get him. This is Friday afternoon. The odds of getting him—but you can't go into court and say you haven't called the US attorney. So I went in to court, demanded an audience with the judge, and the judge was packing. He was getting ready to leave.

It was Friday, after all.

This was Friday, Friday afternoon, and I'm arguing, which is true, that I'm entitled to pretty much an immediate ruling on a TRO.

The temporary restraining order.

Yes. You're not entitled to an immediate ruling on a preliminary injunction, but procedurally, with a TRO, they're supposed to immediately act because the assumption is, you're about ready to suffer grievous harm, they don't have time to have a preliminary injunction proceeding. Well, that wasn't a problem. That seemed to be pretty evident, but he was not inclined to hear me at all. Here's this young lawyer, obviously harassed, storming into his office with these papers demanding that they do something to stop the entire Department of Agriculture from—I mean, at this time, they didn't know the history, and I didn't know the precise history, although I knew it was politically generated—stop them from doing something that they thought they were entitled to do, right? And it's Friday afternoon.
Well, I wasn't going to give in that easily, because see, the United States court system is open twenty-four-seven. Now, they don't make it convenient for you to file things at 3 a.m. in the morning, but, I'm entitled to file an appeal under the rules. And I suppose that's still the rules—I don't know why they wouldn't be—because, just by way government works, they have to be, I would think. But getting something stamped as filed, and then, even finding an open door or calling—I'm sure there's a procedure you had to go through, security and all. They're going to open the Tenth Circuit Court of Appeals, so Tony Ruckel could go in and file. Well, that would be the equivalent of a temporary restraining order at Court of Appeals level, after you had been denied that relief from US district court. But what else you going to do?

Eardley-Pryor: So Chilson wasn't hearing any of this with this TRO. He just wanted to get out the door.

Ruckel: Chilson, he wanted to get out the door. He packed his briefcase as I'm, in impassioned fashion, pleading for Uncompahgre, and, he was packing his briefcase, and he goes to the door. We pass the secretary. I'm on his heels, and I'm arguing all the way to the elevator. Doors shut on the elevator, and I turn around and I walk back to his secretary who's watching all of this with keen eye. [laughs] She was almost suspended, right, although she was perfectly in control of the situation. US district court judges' secretaries tend to be pretty high level. So, I said, "I wish to have time with the judge Monday morning." She says, "Well, I will let him know. I'll call you Monday morning."

So then, I went back to the office. I called the clients and I said, "Suspend whatever you're doing. We need affidavits. We got to get some photographs. We got to really get rocking and rolling, because I want to go in Monday morning with more than I have right now." And in that era, they just said, "Fine, we're off." And, so all weekend, I'm working on that. I call my secretary, "Be in at 7 a.m." I might even have said 6:30. And there we are, and we're preparing something for the Tenth Circuit Court of Appeals. But I get a call about nine o'clock, maybe a little bit before, from Chilson's secretary who says, "Well Mr. Ruckel, the judge would like to see you in chambers as soon as you get over here."

Eardley-Pryor: This is Monday morning?

Ruckel: This is Monday morning. And so, I trot over to the court. Jim Treece, the US attorney is trotting over from—my secretary immediately called the US attorney's office, but they'd already been called by Chilson's secretary.

Eardley-Pryor: Now, Jim was the guy you couldn't get ahold of on Friday?
Ruckel: Well, yeah, right, yes. He was the US attorney and without him, I can't go to a deputy in his office with this kind of an explanation, [laughs] or I wasn't going to, anyway. I didn't want to piss off anybody; I wanted relief. So, I walk in—

Eardley-Pryor: After and the last time you had seen Chilson, when you were yelling at him as he got in the elevator.

Ruckel: As he's getting in the elevator. [laughs] Well, I was not a comfortable person. If he thought I looked harassed Friday—I had no idea whether I'd be held in contempt or not, I didn't. I wasn't worried about the ultimate outcome, but I was worried about my immediate future. And so, the secretary very graciously said, "Well, Mr. Treece is on his way here. He'll be here real soon." And Jim showed up, and we went right on in. The judge stood up, shook hands, welcomed us, and made sure we had coffee and all that kind of stuff, and it was a totally different atmosphere. So, I knew I wasn't going to be held in contempt right away. And then, he looks at Treece and says that, "Well, Mr. Ruckel's made an argument here, and I've looked over some of his stuff, and looked over the Parker case"—

Eardley-Pryor: Which his judge colleague, Doyle, had written the opinion on.

Ruckel: Yes, exactly. And, he knew it was on appeal to the Tenth Circuit because the government could just—I mean, if they had one thing they constantly said, it was that "this Parker case is bullshit and it's on appeal to the Tenth Circuit, and of course they're going to toss it out." Again, it's not a good argument to make to a judge. He's not interested in hearing what the Tenth Circuit's going to do to an immediate colleague of his. Be that as it may, there is an etiquette, there is a protocol these guys follow. They have to. They're in a crucible, and they have to somehow keep things running.

But at any rate, so he looks at Treece. He said, "So, I've read some of this material, and this seems to be right on point. I'd like to hear what the government thinks." And so Treece, this was the beginning of the—I didn't recognize it at the moment, but he says, "Well, you know, I've not had a chance to read this material," or, "I've not had a chance to digest it." He didn't say "read," because later he said he did read it. He was a clever dude. He said that he'd "not had a chance to digest it, but the government wanted to oppose Mr. Ruckel's motion," and since he'd not had a chance to read it all, and that kind of thing, that was the government's position. And his obligation was to present it to the court and say that "Mr. Ruckel doesn't have sufficient grounds for a TRO."
And the judge inquires a little bit farther and says, "Well, I read the *Parker* case, very well written by my colleague, Judge Doyle." And he says, "I'm going to grant the restraining order, and I want you to call Washington, DC, and make sure nobody drives any vehicles into the protected area, or the temporarily protected area, until we can get this all straightened out and get this on the docket, and take care of it."

So, I'm sitting there saying, "Golly! [laughs] There's a difference between Friday afternoon and Monday morning, in Judge Chilson's court." Big smile on his face the whole time, shook our hands, we left. Jim was going over to another telephone there in the judge's office, where the secretary had her office, anteroom, whatever. And so I looked at the secretary. I said, "Wow." It was the same woman who was there when Friday. I said, "I'm stunned." I said, "I was worried he was going to hold me in contempt." She smiled, and she actually laughed a little bit, chuckled, and said, "Well, Judge Chilson likes lawyers who ardently"—or "passionately" was the word she used—"passionately plea their case. Doesn't bother him at all. In fact, he rather enjoyed it." [laughs] Well, he could have told me that. And the judge said, "I want you two to get together with my clerk or my secretary, and we'll arrange a time for a preliminary injunction just as soon as we can." And so, it was set up for like two weeks, and then we adjourned to Treece's office—oh, that's when it was set up for two weeks. And, so he calls the solicitor—

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**Eardley-Pryor:** The US attorney is calling the solicitor's office in DC?

**Ruckel:** Yes, must have been the Department of Agriculture, because by that time, he couldn't be talking to the Department of Interior Solicitor Office. So, he must have been talking to the Department of Agriculture Solicitor Office. And he was saying, "Well, the judge"—you could tell they were opposing. I mean, they were outraged, and he would say, "Well, that's what the judge said. I tell you, I'm passing on to you what the judge said. You're at your own risk if you want to do anything, but he said nobody should go take that risk," he said.

So, as the conversation went on—it wasn't that lengthy a conversation—he, at that point, he says, "Well, I got to take a call," which means he had to go down the hall, "and so I'll give you Mr. Ruckel. He knows more about this than I do." So I'm taking the phone with this guy, didn't even know the guy's name, and he wasn't about ready to give me his name. He was just yelling and screaming, and I said, "Well, it seems to me the only thing we have on our plate right now is agreeing on a date."

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**Eardley-Pryor:** For this preliminary injunction.
Yeah, yeah. Treece walks back into the office, fresh cup of coffee for me, sits down. I hand him the phone, had to unwind the cord—the cord kept winding up these little tableaus—and so, Treece picks up the phone. The solicitor's office with renewed vigor is adamantly opposed to everything that's going on in the State of Colorado, City of Denver, US District Court, and so, they're obviously arguing about who's going to handle the case. And then I hear Treece saying, "Well, we don't really have time to handle this. Your guys are going to have to come out and handle this. On this kind of short timeline, we just can't do it. You're going to have to send the lawyers out from Washington and they're going to have to handle it." And I'm sitting there stunned. I've already been stunned by Chilson. The meaning of that was quite clear: he didn't want to handle it, not that he couldn't. He didn't want to handle it, and if those idiots in Washington—he once referred to them as "the lawyers in Washington" and I thought that was pretty picturesque, given the circumstances—and he told, "They're going to have to come out and do it."

Well, under that short timeline, that's very tough for a solicitor's office. First of all, they don't tend to have litigators, and so they have to find somebody in the solicitor's office who has litigated, who's available, get to Denver within two weeks, and be prepared. Very difficult, very difficult, very difficult. And I was pretty aware by this time that I had won. Be quite an event if I didn't, right? So I went back, and having this preliminary injunction hearing, I was preparing all the stuff. The witnesses with their pictures were coming in, the whole nine yards. The end of the week—no, only five days had gone by—I get a call from Treece, says, "Tony, I know you've been working your ass off." I said, "Yeah, you got that right." He said, "Well, quit working. The government is not going to withdraw the primitive area status for the Uncompahgre Primitive Area. Nobody's equipment is going anywhere."

Wow. What role do you think the Parker case played in the government's decision?

Oh, it was huge, huge. Huge, yeah, huge. Even though there was a difference, a structural difference, it was huge. There was a momentum created. The momentum was to have a good wilderness preservation system nationally. It'd protect these primitive areas, protect adjacent qualifying lands, whatever it took.

Don't let the government pull designation away before it gets reviewed.
have to review it under the Wilderness Act, but it was a primitive area when the US Congress passed the Wilderness Act, and in the notes, the US Code Annotated Notes listed primitive areas. And so, these guys, rather than follow the law, are going to try to duck it by a sub rosa maneuver?

Eardley-Pryor: And subvert Congress in the process.

Ruckel: Yeah. Too clever by half, and I expect that Treece had an opportunity to point that out, and [laughs] pointed out some other realities of the situation. But Treece said, on a couple of occasions, "These are the San Juans. Yeah, I know, I'm familiar with the San Juans." And I'm sure—with conversation subsequently—I'm sure that he thought the wilderness idea was a damned good idea and wanted to see a lot of Colorado classified as wilderness. And I have a sneaking suspicion that after Chilson read those papers, he might've had that thought in his mind also, just because he was so polite, and effusive, and courteous. And after he was polite and effusive and courteous to me, he focused on Treece and that was it. He didn't ask for my opinion on anything. Of course, he'd heard it pretty much to a fare-thee-well on Friday afternoon, right up to his elevator departure from the second floor. So, yeah.

Eardley-Pryor: That's a great story.

Ruckel: It is a great story, and it's poor old Tony wandering around, not really knowing right away what's going on. You're in the position of having initiated something, and then you don't know really what the really important reaction to it is. And so that dawns on you gradually. [laughs]

Eardley-Pryor: You just have to be on your toes. That's great. Well, Uncompahgre, of course, becomes a designated wilderness in 1980. And there it was, your first fourteener, you helped preserve. Another thing that happens in the timeline here that's pretty important for legal cases, particularly later cases that you'll be involved in, is that in January of 1970 [US President] Nixon signs the National Environmental Policy Act, NEPA—well, passed by Congress at the end of '69, then it's enacted at the start of the 1970s. Why is NEPA so important?

Ruckel: Well, it brought environmental review of major federal actions into the bureaucratic world.

Eardley-Pryor: What is environmental review?
Well, it's described in NEPA, but essentially, it is actions having a major impact on the environment shall be reviewed for environmental impact, reviewed carefully. There will be what became known as an EIS, environmental impact statement, will be filed, and there'll be a public hearing on that EIS. And then, the government can go ahead and decide what it wants to decide, having in mind the—I mean, by implication, the act didn't say this, but by implication, that's what the act said—having in mind all these environmental studies and things they did. And of course, one of the alternatives that was to be reviewed was the no-action alternative. In other words, no federal action would take place. They'd had an environmental review, the environmental impact would be so bad that the administrator would say, "Well, we're not going to do whatever the proposed action is," and they call that the no-action alternative.

So, there were alternatives that needed to be listed in the environmental impact statement?

Yeah, yeah, yeah. They're very comprehensive documents, multivolume. The statement is passed to all the decision makers, on the project decision or a new regulation, whatever. They make comments. The public comments and hearing processes—I mean, you don't have to have a hearing on minor things, but just about every major thing. And discretion being the better part of valor, the government's probably going to have a hearing, so it could later argue that they had the input of the public, you see.

What does that allow an environmental lawyer like yourself to do?

Well, you put every project, or every proposal, under environmental review. It changed the system of government to the extent that environmental sensitivity or sensibilities had to be incorporated in the process. So, it didn't matter what—and we're going to talk about the Kaiparowits situation—but it didn't matter what the project was. If it had a major effect on the environment, then it was to be reviewed, environmentally, by any agency. And we'll talk soon about BLM [Bureau of Land Management] and National Park Service, and the power plants in the Southwest. But, it was comprehensive. There were no exceptions to its coverage. It even covers international decisions. Obama had that with the pipeline thing coming down.

Oh, the XL Pipeline [Keystone XL Pipeline].

Yeah, and, there's not a lot of precedent on how that's supposed to be handled, for the obvious reasons that another jurisdiction which heretofore the courts
have not dealt with is involved, and that's the other country, Canada, in this case.

Eardley-Pryor: So, NEPA essentially created a new tool for you to use because the environmental impact statement required hearings, and it required a whole list of alternatives that you could then use in court?

Ruckel: Absolutely.

Eardley-Pryor: That's great. Another major event that happens in the wake of [NEPA] is the Sierra Club finally realizes that environmental law is an avenue that it will pursue, and it organizes what becomes called the Sierra Club Legal Defense Fund. Can you tell me a little bit about the founding, the beginning of this, who's involved, and what the thinking was?

Ruckel: Well, I think I mentioned the lawyers, didn't I, before? I'll mention them again: Mike McCloskey, Phillip Berry, Gary Torre, Don Harris, Fred Fisher, Richard Leonard.

Eardley-Pryor: And these are all Bay Area guys.

Ruckel: These are all Bay Area guys. They're aware of Scenic Hudson. They're aware of Parker. They're aware of what Jim Moorman was doing with the Trans-Alaska Pipeline in Washington, DC. And, actually, they're aware of phreatophyte control on the Salt River in Arizona, which Don Harris ran down and teamed up with an old Harvard Law School teammate of his, or schoolmate of his, and they put a kibosh on the—phreatophyte is a water-loving plant, like a cottonwood or willows along the stream. The idea is, they take water up. So if you take them out, there'd be more water, and, the Environmental Policy Act was used for that. But the project was kind of a dream and pie in the sky and was later abandoned. So, that didn't go anywhere, but that was another NEPA instance of the moment. And, it was clear that this was big. I mean that environmental law was here to stay. Now this was prior to Mineral King—or was it?

Eardley-Pryor: Well, Mineral King, I think the suit had been initiated, but the arguments in court—I'm not sure if the Supreme Court had been—

Ruckel: So, there was Mineral King, too, as part of the picture. So, the Club decided, "Well, hell, we got to have some formality to this." And of course, the names I mentioned got together and talked about it. We had just learned that the Ford Foundation had given a grant to Natural Resources Defense Council, and
Harris's attitude was, "Well, why should they get all the money?" And so he went up, went back, and talked to them—I don't know whether they were in Washington, DC, or I don't think they were in Detroit, wherever they were headquartered, I don't know—and convinced the Ford Foundation to dump a little money our way. It wasn't much, but it would certainly help cover this woman, Beatrice Laws, who I mentioned earlier was squirreled away in a little office in the Lillick, McHose, Wheat, Adams, and Charles—where a particular sensitivity had developed by the other partners that Fred and Don seemed to be doing a lot of this kind of environmental stuff, and this Miss Laws, whoever she is, is running around like she's an employee, and what's going on? I don't know if they wanted to put a stop to it—after all, they were San Francisco lawyers—but they probably wanted to get it under much tighter control and limit it.

Eardley-Pryor: So the Ford Foundation gave a little seed money to help fund Miss Law's work?

Ruckel: Yes, exactly, yeah, and to enable Fred and Don to shuffle some of that work out of their office over to the [Sierra] Club and that kind of thing.

Eardley-Pryor: To formalize it.

Ruckel: And, I'm sure Gary Torre all this time was defending Don and Fred when the senior partners were meeting, which they weren't at that moment, to protect them, but he could only last so long. And I'm sure Ed Wayburn was calling Gary, saying, periodically, "Well, Gary, how's it going over there? Is everything working out for you guys?" and this kind of stuff. And they knew who Ed Wayburn was. Everybody in the Bay Area knew who Ed Wayburn was. And you knew that to mess with Ed Wayburn was to mess with trouble, was to invite a lot of trouble. You realize, he was a leader in the medical profession in San Francisco, in a huge hospital there. You would walk in, in those days, and there was Ed Wayburn's picture on the wall. He was that important in the medical community. His capacity for work is unparalleled, unparalleled. I had a picture—I lost it—of he and Peggy, his wife, standing on a gravel bar in the middle of the Noatak River in Alaska. They each have a kayak paddle in their hands. They're both over eighty. That was his Christmas card.

Eardley-Pryor: That's really cool.

Ruckel: Yeah, a cool post, and I lost it. I may have it somewhere. I have a storage locker with a lot of crap in it, and it may be in there somewhere. I don't know. You lose those things. It breaks your heart when you can't find them.
Eardley-Pryor: So, when the Club organizes the Legal Defense Fund, you were in the midst of working on these cases in Colorado. What was your sense of what was happening in San Francisco?

Ruckel: Well, I knew what was going on, because like I mentioned earlier, we had a lot of telephone conversations. That was just axiomatic. A week didn't go by without talking to one or the other of the principals. I'm calling these, my list of lawyers, principals—and I'm fairly calling them principals. That's a fair term. And, so I knew what was going on. I wasn't directly involved in writing the papers or anything like that, but my opinion was sought, and after all, you sought as much information as you could get. You wanted as many minds looking at this as possible. As I said before, so many times in this exercise, you didn't have a lot of precedent. There wasn't a lot of guideposts. There were no guideposts. It was a tabula rasa in front of you, or in your hands. So, you had to seek a lot of advice. If nothing else, it affirmed in your own mind that you weren't crazy, you know? Now, you're talking to a group of lawyers who have an edgy view of things, just like you do, right? But that at least gives you some affirmation that you're not totally off the rails.

Eardley-Pryor: What role did Jim Moorman play in this—I mean, your old buddy Jim from DC?

Ruckel: Well, Moorman at that moment was doing the Trans-Alaska Pipeline.

Eardley-Pryor: Still working for the Justice Department then.

Ruckel: No, at that time, he'd left the Justice Department. He'd worked with this, it was a short-lived environmental law firm. I can't remember its name—

Eardley-Pryor: Oh, it was like the Center for Law and Public Interest or something like that [Center for Law and Social Policy]. I think it was the first public interest law firm.

Ruckel: Exactly. Well, that could've been the first one. I don't know it was the first because NRDC [Natural Resources Defense Council] was ratcheting up in New York. So, everybody's doing this stuff at the same time, and Don Harris, another of his law school buddies was John Adams who was running the NRDC, was the founder of NRDC. And so, he's up there, and Don and John and—

Eardley-Pryor: It's a small world of environmental lawyers.
—and they're splitting the Ford Foundation money, although, they [NRDC] got the lion's share and we [SCLDF] only got—we didn't think of it fast enough, but we weren't near the money—that money, anyway. We were near a lot of money, and we'd subsequently taken advantage of that, of course. But yeah, so, all these conversations are going on, and it's very difficult to pin down who made what decision when, because you really didn't have time. And nobody was writing a journal, right? At Lillick, McHose, Wheat, Adams, and Charles, I'm sure for Fred and Don and Gary the farthest thing from their mind is writing any of this stuff down, any of this stuff they were doing. And, so, it was just—it was far from slipshod. It was deliberate, and it was considered. But it was fast, very fast. You were using your imagination. You were trying to think ahead far enough to keep up with events, and after all, you're in the sixties and early seventies, so, events tended to move pretty fast in that era.

When I look at the way government is now, and I hate to do this—I hate to do this—things moved oh so quickly in that era, and now they move oh so slowly. And that can't be all bad, but boy, you lose a lot when you lose that vigor, that instantaneous community, consensual vigor in the population as a whole—and I was referring to that earlier in the Supreme Court, getting rid of standing, which was, after all, a decision they made. In reinterpretation of the law, they can always turn 180 degrees and go the other way—but can they? The point is that if society is moving, and it's emphatically moving, and the people behind the movement are important people or community leaders or the people the country relies on to run it, it's a tough chore if you want to get in the way.

Yeah, the Freedom to Marry [effort] might be a nice example of cultural changes moving very quickly, and the courts then need to respond.

Say that again.

I'm thinking of the Freedom to Marry Act, and the Freedom to Marry movement, the right for gay people to get married.

Oh, okay, okay. I'm still in the prior era. Oh yeah.

Just as another example of cultural impetus moving quickly, and the courts needing to respond to that.

Yeah, there's no way it could get in the way of that, just wouldn't work. They might totally disagree with it, but what are they going to do about it?
Eardley-Pryor: Yeah, there's a legal standing there that needs to happen.

Ruckel: Yeah, yeah.

Eardley-Pryor: When did Jim Moorman get involved with SCLDF then? Did you play any role in championing that?

Ruckel: Oh, I played, yeah, I did. I did. They even had a favorite candidate out there in California, a guy named Dave Pesonen.

Eardley-Pryor: To be executive director?

Ruckel: Yeah, to be executive director, but they hadn't made any firm decision. And Jim called me up, said, "Tony, I hear you guys have formed some sort of Sierra Club Legal Defense Fund, you're looking for an executive director." I said, "That's right, yeah." See, we thought he was committed to the Center for Law and [Social Policy], and so, it hadn't occurred to us, and he says, "Yeah, I'd like to be considered for the job." So, I said, "Well, let me get back to you right away. I'm going to call Harris." So, I got Don on the phone. I said, "Hey Don, I just got a call from Jim Moorman, and he'd like to be executive director," and Harris said, "Oh my God! That's fantastic!" and he went running down the hall—he'd left the phone on his desk, I think—to tell Fisher, and Fisher thought it was fantastic, and, so, it was done. Jim had told me he'd be willing to fly out to San Francisco at a moment's notice, and he flew out to San Francisco on a moment's notice and was hired. So, I felt I had a role.

Eardley-Pryor: Things did move quickly, didn't they?

Ruckel: Yeah, well, in that era you could. I don't know, something has been lost. I'm not wise enough or I'm not a political scientist. I mean, I read a lot of this stuff, and *Foreign Affairs* has had some penetrating articles, so has the *Economist*. Actually, the *Economist* is a heavy-duty operation, the magazine. And I've got one of the leading historians who wrote about the sixties and seventies there [James Patterson, *Grand Expectations: The United States, 1945–1974* (New York: Oxford University Press, 1996)]. I refer to him, as in a footnote [in *Voices for the Earth*].

Eardley-Pryor: What was the point you were going to make about the *Economist* and *Foreign Affairs*?
Ruckel: The point I was going to make is, I'm still looking for the person who can capture everything that was happening in that era—and maybe it's just too expansive, I don't know—and the spirit behind it. Why was the citizenry consenting to all this? Why were they agreeing? Why were they not only consenting to it, but they would object if somebody was trying to get in the way? That's very unusual. You don't get those opportunities. You get it at the [Great] Depression, but look at the impetus. You get it in the Progressive Era, Teddy Roosevelt and that, but look at the impetus. Civil rights, that's a hell of an impetus, and that's what it was, but it immediately expanded. It mushroomed to where that was only one of several priorities on the domestic agenda that were going to be pursued. Meanwhile, there's a war being fought, and then you had to go protest the war. For some people, you probably had to get up in the morning and figure it out which protest they were going to join, in the same city, and that's the way it was. So, it was dynamic, it was exciting, and most of us didn't know what the hell we were doing.

Eardley-Pryor: You'd mentioned there was another person that the principals were considering for executive director. Who was that person?

Ruckel: Should I mention him?

Eardley-Pryor: Pesonen or—


Eardley-Pryor: Who was he?

Ruckel: He was just a lawyer known to Phil [Berry], practicing in the Bay Area.

Eardley-Pryor: Was he also a Sierra Club member?

Ruckel: Oh yeah, yeah. Well, in that era, I think every lawyer in San Francisco was a member of the Sierra Club. How do you meet one that wasn't? [laughs]

Eardley-Pryor: Well, that's great.

Ruckel: Then Boalt Hall, your amazing institution there [at UC Berkeley], and Stanford, your competitor, were having law students who were more than willing to labor in the vineyard for minimal or no pay even to get aboard this exciting legal event. I actually spoke in a couple of seminars in Boalt Hall,
years ago. [In January 2020, UC Berkeley School of Law formally changed the name of Boalt Hall to the Law Building.]

03-02:41:13
Eardley-Pryor: Let's take a break here, and we'll reconvene this afternoon to move the story forward.

03-02:41:17
Ruckel: Excellent.

03-02:41:17
Eardley-Pryor: Thank you.
Today is Wednesday, September 18, 2019. I am Roger Eardley-Pryor from UC Berkeley's Oral History Center of the Bancroft Library. We are beginning interview session number four with Tony Ruckel, an oral history with Tony in his home in Denver, Colorado. Tony, I'd like to begin this session with you becoming a father. Your son was born in 1972. What is your son's name?

David Austin. Austin was my dad's middle name.

And why David?

We [my wife Carol and I] both liked David. Had no family connection. Names come in and out of popularity, and at that point, we were both pretty much fixated on David. We had a lot more problems with Geoffrey.

Yeah? Well, Geoffrey is born in '74, so just a couple of years later.

We spelled it with a G, which of course has caused him much embarrassment through his life, because everybody spells it with a J, but we kind of like old Chaucer, old Geoffrey Chaucer. And the G looks so much better when it's written out. It's an impressive-looking name.

Made for a nice signature.

Geoffrey's an impressive-looking name when it's written out, and, of course, Geoffrey was what, the older son, oldest son of Henry the Second, who's one of my heroes. Henry Plantagenet, who founded, you can say he founded English common law for the commoners, even though he was king, but he was wrestling with the dukes and earls. His idea was to get the commoners behind him.

So, Henry's son was named Geoffrey as well?

His oldest son, yeah.

That's really cool.
Ruckel: Yeah, and see, there's a lot of poetic justice to this. Henry the Second was an amazing individual. He ruled for thirty years, something like that. He ruled France, most of France, and England. He married Catherine—

Eardley-Pryor: —of Aragon?

Ruckel: No, not Aragon. No, that's Spanish. Anyway, she [Eleanor of Aquitaine] was a pretender to the French throne. And to get support, against the dukes and earls—you know, everybody was fighting everybody—he [Henry II of England] conceived of the king's justice. So, his sheriffs who worked for him would call meetings of the general assizes—that's what it came to be known in towns throughout England. And that's where the commoners could go and get impartial justice, instead of having to get ecclesiastical justice, or justice from the feudal lord.

Eardley-Pryor: That's a pretty neat namesake for your son.

Ruckel: Yeah, and so, Henry the Second would get on his fucking horse, and he would gallop from place to place to place with his courtiers coming behind—Henry didn't appear to sleep much, when you read about history—and they're all trying to catch up with him. And he would dismount right in front of the building, the meeting building, stride inside, sit down at the table, and call the first case, and then he'd dispense justice to the whole. But meanwhile, all the court is catching up with him, right? And [laughs] they never do catch up with him, and he's dispensing justice, and leaving. And he was fair. He had processes, and he had confidants who helped all this. But it was Henry, it was Henry on the horse. And of course, the commoners, who were they going to favor? They're going to favor Henry. They don't want to go to a feudal court, some goddamn feudal lord liable to do anything to them. They didn't want to go to an ecclesiastical court, because they didn't want to do penance and all that kind of crap. And there's old Henry. So those are the courts of the assizes, and that was really the beginning of a structured common law system.

Eardley-Pryor: That's a great story.

Ruckel: Once you install that and the people accept it, you can't take it away. It's like there's a theme that runs through a lot of—okay, that's enough.

Eardley-Pryor: Well, let's bring the story to you. How did becoming a father change you? How did it change your considerations or what you were up to?
Ruckel: Well, the Lloyd Paul Stryker, given that that is his name—I mean, the kids on your coat tails, that means a lot. When you're an adult, and you're married to another adult, you both have the wherewithal to be economically supporting. You don't worry as much as when you have a defenseless child. The responsibility increases geometrically, and, also, the commitment to providing a good future, which in my mind, would be a good environment for them to live in, grow up in. So, it had a profound effect on me, and I'm sure on my wife. Well, you ought to know about this. You're a recent parent, for Christ's sake. This is not rocket science to you.

Eardley-Pryor: No, no, it's real.

Ruckel: So, yeah, you have three?

Eardley-Pryor: No, no, I have just the one.

Ruckel: A three-year-old, yeah?

Eardley-Pryor: She's just about two.

Ruckel: Oh, she's just about two.

Eardley-Pryor: But it does change your perspective on what's important.

Ruckel: Oh yeah, yeah, for sure. And then they later took to the mountains, and they're both avid fly fishermen, and—

Eardley-Pryor: How soon did you get them out hiking and camping with you?

Ruckel: They were still being carried; they weren't ambulatory.

Eardley-Pryor: Really!?

Ruckel: Oh yeah. You had another couple with kids the exact same age. They were neighbors, and we'd get up there and take them in, carry them in. I remember changing diapers in a hell of a thunderstorm up in the Huerfano River headwaters. We'd gone in to climb Mount Lindsey. The wives were going to stay down in the tents with the kids, and Bill Elfenbein and I were going to
climb Lindsey, one of the fourteeners, and we had to bail out because the storm was just too intense. We couldn't keep the kids dry. We could keep them warm, but we couldn't keep them dry, and that's a big difference. And of course then you didn't have Gore-Tex. So, you made do. But we carried cloth diapers in and the whole nine yards.

Eardley-Pryor: How did [your wife] Carol do with all this back-country parenting?

Ruckel: Oh, she did fine; she did fine. I don't think it was her druthers to go up to Huerfano River while we climbed two fourteeners, but she was a good sport. And she probably has climbed ten to fifteen fourteeners herself.

Eardley-Pryor: That's a lot.

Ruckel: The easy stuff. She's not done the tough stuff, but anyway—

Eardley-Pryor: That's impressive. So, you were an outdoor family, from the start.

Ruckel: Oh, yeah. David did North Maroon in his sophomore in high school. We had to help. I had a rope, and I tossed it in. Two guys from Aurora, overweight characters and totally out of shape, they'd gotten to the top but there was no way to get down. It's easier to climb up than it is—well, you know. And so, we had this rope, and we laid them down three or four stretches. David worked the belay one time to their utter horror, because here's this skinny guy, and obviously young. They couldn't imagine that he could hold any of these guys on a rope for what time would be needed. There were two young Germans down-climbing at the time we were down-climbing, and they told me they'd stay near in case—I mean, they could tell that we were struggling to get these guys down. And actually, one of them scouted a couple of things as we belayed from the top.

When David belayed, I held his shoulders. There was just a rope. We didn't have any hardware of any kind, just a rope, and a standard belay. It's not complicated. His feet are braced against a rock and that kind of thing. But without a rope—there's a kinetic energy in that or with that hardware. Jerks can turn you if you're not braced in the—I don't need to explain all that. You know that stuff. But yeah, and so, I told them, I said, "Look, I've done three straight belays. There's no way. My arms and shoulders are really sore and I'm in shape. You're going to have to rely on David here and I'll be"—[growls]. And the Germans helped with that, then one of the Germans said, "Well, it's a question of leverage," something like that, and then he explained, "have his feet out." And I'm holding his shoulders. And I wanted him to get the practice.
Eardley-Pryor: Wow. That was up in Maroon Bells?

Ruckel: Yeah, well, it was on North Maroon, yeah, yeah.

Eardley-Pryor: Wow.

Ruckel: South Maroon is the toughie, Maroon Peak. The climbing route, the standard climbing route on North Maroon has mostly hard rock. So, the question is—it's up and down—the angle of assault. And that's the dangerous part, because everything is a ledge doing that kind of stuff. So, you scramble, but you don't walk up to the top of any of the Bells—or Pyramid, or Capitol. They're all in the Elk Range there, yeah.

Eardley-Pryor: Without having a sense of how you're getting down at least.

Ruckel: Well, you see, that's what people—the flatlanders, as we call them, have no idea that getting down is much harder than going up, on picking route, on stability, on knowing where you are—

Eardley-Pryor: And just energy exertion.

Ruckel: —but think about it. Remember, your head's up here, your feet are here. You're going up, well that's fine. You're coming down, your feet are down there, and what are you looking at? You're looking at space, whereas going up, you're looking at the rock, right?

Eardley-Pryor: Yeah, and you're already tired, because you already climbed the darned thing.

Ruckel: Oh yeah, and you think it's going to be easy, you see, and there are portions where you have to turn around and down-climb, as we call it. But those tend not to be very long. They just tend to be there.

Eardley-Pryor: So, around the time that David and Geoffrey are born, particularly David, is around the time that you began working formally for the Sierra Club Legal Defense Fund.

Ruckel: Yeah, yeah. I got a call from Jim.
Eardley-Pryor: Jim Moorman?

Ruckel: Jim Moorman, recent executive director, and he said, "We want to make you full time. We want to make you a formal employee, but we don't have the money to pay you for forty hours." They had about thirty hours or something like that—but they did have money for a secretary because I insisted I wasn't going to do it unless I had a full-time secretary, and that was a reasonable request. The [Sierra Club] board didn't have any problem with that, even with the limited money.

Eardley-Pryor: And this was in early 1972, or when?

Ruckel: Yeah, yeah, or later '71. I don't have the exact dates. I looked for them when I was doing the outline [for this oral history]. I couldn't find them. Tom Turner couldn't find them. So, we're going to have to rely on my feeble memory for this.

Eardley-Pryor: We'll say '72 then.

Ruckel: Yeah, I think '72 is probably better than saying '71.

Eardley-Pryor: Yeah, because May, '71, was the first meeting at Don Harris's house for the Legal Defense Fund.

Ruckel: Okay, then it was definitely '72, and that was my recollection.

Eardley-Pryor: So, when Jim calls you and he says, "We'd like to hire you," what was the next step? Did they want to bring you to San Francisco, or—

Ruckel: Oh no, no. I was going to be hired here. They had gone to the Rockefeller Family Fund and gotten some money. The Rockefeller Family Fund was following quick on the heels of the Ford Foundation. And the Rockefeller Family Fund was easy to deal with. Laurence [Rockefeller], who was the family representative, from Virgin Islands and all the donations they made. And so, his son, Larry Junior, was contemporary [to me], you see, and he kind of watched out for the legal part of their charity, environmental law. And so, I dealt with him for years.

Eardley-Pryor: What do you mean by "dealt with him"?
Ruckel: Well, I'd have lunch with him. I went back to New York every year, for that—and for Muriel Buttinger [Muriel Gardiner Buttinger]. Fascinating story, we probably don't have time, but she was *Code Name Mary*, a famous movie at the time. She was a striking-looking young Jewish woman, student of Freud in Vienna, and she developed an underground railroad through Europe, of Jews. She was ecumenical as anybody, but it was primarily Jews fleeing Nazism. She even went so far to buy a cabin, a small cabin in the middle of a Paris park, as a safe house, and she had all this established all throughout. This *Code Name Mary* is a classic book. It's Yale Press. [Muriel Gardiner, *Code Name "Mary": Memoirs of an American Woman in the Austrian Underground* (Yale University Press, 1983).]

Eardley-Pryor: So, you would go to New York to meet with the Rockefellers and her?

Ruckel: Yeah, and then she was there. She was involved with Lincoln Center. They had a lot of money, and they probably got a lot of money out of Europe when they fled. She, ultimately, she went through customs with passports strapped to her whole body. In those days, clothes were voluminous—you couldn't do it with Lycra, but—and she goes through, and they wouldn't bother her because the Nazis didn't want to make trouble with the United States, you see.

Eardley-Pryor: Oh, that's a fascinating story.

Ruckel: And, then eventually, everybody caught on. There's this wild train ride across Europe. She's in the train ahead, and the Nazis are in the train behind. They're trying to get her, and she escaped. And she brought out her husband, who'd been previous chairman of the Austrian Socialist Party, and, in the mix-up, her daughter got pregnant by an Italian officer. Her daughter was Constance Harvey, ended up in Aspen, funding a lot of environmental stuff, and I knew her. Yeah, I was a contact point.

Eardley-Pryor: And how—?

Ruckel: She [Muriel Gardiner Buttinger] had a house in Pennington, New Jersey, which is a neighboring town almost connected to Princeton, New Jersey, and she was generous wherever she went. Princeton knew who she was and what she was doing. When Einstein wrote his letter to Roosevelt about atomic energy and the potential for a bomb, a weapon, it was pretty much all a surprise to Roosevelt and the boys, and they needed a place to meet Einstein. Well, Einstein was already being watched by the Nazis—I mean they were there in Princeton, but it wasn't a hard follow or that kind of thing. So, the idea was he could get in his car and drive out, like he's going to the grocery store—
I don't know. Who knows? At any rate, he ended up at Muriel's house, in the living room, discussing all this with the Department of Defense—or Department of Army at that time—and scientists and that kind of stuff, all while Muriel prepared tea and cookies. [laughter] She, with all these awards for having the underground—

Eardley-Pryor: So you, you would meet with her to help raise funds for your environmental law work?

Ruckel: Yeah, well, she was a steady contributor, so you paid a visit. In that era, you paid a visit to your steady contributors. I had some others I paid visits to, but it was primarily the Rockefellers and Muriel.

Eardley-Pryor: Now was that explicitly for the Denver office, or for SCLDF generally?

Ruckel: It was, with the Rockefellers, exclusively for this SCLDF, my office.

Eardley-Pryor: Denver office.

Ruckel: Denver office, yeah. With Muriel, it was the best application of the donation. It was generic.

Eardley-Pryor: That's really great. Well, getting back to the origins here, initially, Jim [Moorman] says, "We've got you for thirty hours. We can help fund you in Denver."

Ruckel: Thirty hours is my recollection. Yeah, it was part time.

Eardley-Pryor: Where did you go with that? How did you get things moving here?

Ruckel: Well, the big break was, is that I could now handle—and this was critical—I could now handle these cases like Uncompahgre and soon to be other cases, with getting at least a stipend for a living. Because we were really—we were not at the edge, but it was hard on substitute teacher pay, and just doing part-time work for these lawyers that I mentioned before.

Eardley-Pryor: And with a new son.
And with a new son. Well, the idea of family, by that time, was figuring in all of our plans. The son didn't just pop there; we had—right? So, in terms of stability of family life, it was huge. Economically, it was huge. The other thing was, I could pursue cases that I was attracted to, things that were going on. I had more selectivity, in other words.

At that time, I had to write a letter to the [Sierra] Club leadership saying, "Look, we can't handle all the cases. We don't have enough money. I can't return your telephone calls right away. I can't hold your hands. I can't come to all your meetings," and this kind of thing. "I'm either going to litigate these cases or I'm not." It was a hard-hitting letter. It was about two pages, and a couple of the folks saved that letter. They had it up on the wall, and this kind of thing. They gave me all sorts of crap about it, but all in good fun. It was a good letter, a smart letter to write.

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Eardley-Pryor: Do you still have a copy?

Ruckel: It got me a lot of sympathy. They treated it respectfully.

Eardley-Pryor: Do you still have a copy of the letter?

Ruckel: No, I don't know. It disappeared. It's like the whole Parker case record disappeared. We were a nonprofit office. We moved offices how many times? I have no idea. Different buildings, things moved. Records would be built in San Francisco, therefore I didn't need to take the limited space we have and keep records here. They did the same thing, of course, as [the other SCLDF regional offices] in Washington, DC and Alaska and that kind of stuff. Yeah, we didn't have the assets to do anything more than prosecute the cases we currently had on the docket and to do it well. [Cell phone vibrates] Excuse me for a moment while I take this call because I'm expecting the body shop.

Eardley-Pryor: Yeah, we'll just take a quick break here.

[break in audio]

Eardley-Pryor: So, if you aren't able to take all of the possible cases that were coming your way now, how did you determine which cases you would take?

Ruckel: Say you have a selection of three or four, at a moment. You can take one. You'd look them over, and say, "Well which one? A, which one has real possibilities? B, which one corresponds to the Sierra Club's priority list?" Priority list is very important to the Sierra Club. The board establishes board
priorities, and it did way back then. So, those were the first two. Second, too, was how expensive it was going to be—do we have the resources to do this? And I guess the fourth one would be, how committed is the Club backing, how committed is the chapter, or group of a chapter? Or if it was in case of national [Sierra Club], you didn't ask that question—they were paying your check. But, that was the—and most of these things came from the chapters in that era, whereas chapters here—

04-00:22:50
Eardley-Pryor: Would the chapters be responsible for funding the lawsuit?

04-00:22:53
Ruckel: No, not then. Now they are. We're much more sophisticated and the [legal] program is huge. So, we have accounts at the [Sierra Club] Foundation, chapter accounts, 501(c)(3) money, which can be used for litigation. So, nowadays, they hit their fund; especially if it's dedicated to litigation, they hit it automatically.

But all the money, it's one corporation. Sierra Club's one corporation, a little bit different than say, some of the other operations. So, all the money is Sierra Club money. All the money is subject to Sierra Club debt, but that's a totally different story. But, you totaled up those assets, you figured what national could put into it, and this was relatively quickly done. There wasn't any mystery to it.

04-00:23:54
Eardley-Pryor: In your recollection, in this period in the early to mid—throughout the seventies even—what were those priorities that the board had set?

04-00:24:00
Ruckel: Well, certainly wilderness protection because of the recent Wilderness Act. Protection of the national parks was always there. Protection of wildlife—now the Endangered Species Act wasn't passed till '73 or something like that—

04-00:24:13
Eardley-Pryor: That's right.

04-00:24:13
Ruckel: —so we didn't have that tool. But we did have NEPA, National Environmental Policy Act, we could use that. Energy, certainly in this part of the country—not just in Utah, but in Arizona and New Mexico and in Wyoming, and to a lesser extent in Colorado, so that was very big. And then, getting a redwoods park—you would win these battles. It's just like the whole River of No Return Wilderness. We won the legal battle, and it took seven years or so to get the wilderness dedication. And it's just remarkable that the Forest Service was so disciplined in that exercise. Their discipline was awesome to behold. We didn't have a chance to behold it much, but it was there.
Well, you'd made mention one of those priorities was energy issues. So, the 1973 energy crisis, after late '73 and the OPEC oil embargo. What are your personal memories of that energy crisis?

Well, we were driving Volkswagens at that time and things like that, so we got good mileage. Around here [in the Rocky Mountain region], we didn't have the lines, the really upset urban conditions that you had in the East, particularly. I'm not sure it was as bad on the West Coast as it was in the East. Northeast was just really suffering from all this. Besides that, you have all sorts of refineries out there in California. You do now, and you did then. We had two small refineries, which we've always had as long as I've been here, up in Commerce City north of downtown [Denver], plus in Casper, Wyoming, there's a huge refinery, and there's a huge refinery in Utah, Ogden area, or, anyway, in between Ogden and Salt Lake. So, we didn't have the problems that many other areas had. But it was certainly a cost problem, because the cost, we had for sure. Amongst the people I socialized with, and then professionally the folks I was dealing with, it was a problem. But it was not a priority problem. It didn't so influence their life that they diverted attention, much attention, to it. They just hoped it would go away. [laughs]

Well, along with this, which became a national crisis, even if it wasn't as impactful here in Colorado, energy did become a big issue, especially in California, with the concern that most of the power plants there were running on oil, and suddenly there's the quadrupling price.

We even had some coal burners.

Yeah. So, what I'm leading to is that, in the early seventies, there's a real concern about the rising use of energy and the rising cost of energy, and how to plan for that. One of the reactions to this was what was called the North Central Power Study, this idea that western coal would be used for power plants for energy production. Can you talk a little bit about what that was, how you heard about it, and then legal cases that came from it?

Well, I guess I heard about it in terms of the product. I know what you're talking of [the North Central Power Study], I never read it. I didn't have time to read things. I had time to deal with cases. My time was dedicated to cases that came in.

What cases came in on this then?
Ruckel: In effect, I did do a nuisance action—God, I forgot all about that—against the Four Corners Power Plant. This was back before—God, this was Parker days. Well, never mind. We eventually lost it in the New Mexico Supreme Court; we had won in trial court, and Judge Frank Zinn—at that time, the state court was above the railroad station. But at any rate—

Eardley-Pryor: So, how did you hear about these energy issues? What cases came to you?

Ruckel: Oh gosh, in terms of turning away? I don't know. But it was clear before we were heavily engaged with Kaiparowits—and that was the forerunner of planned power plants throughout the Southwest, using largely Colorado River water for cooling purposes or its tributaries—there was coal, especially like the Kaiparowits Plateau, which was, is a very rich seam. Very, very rich. High BTU, low sulfur, there's not a lot of that around. And the political establishment was such that the proponents of these large projects could expect a friendlier reception than they could, say, in California, where a lot of this was scheduled to go. It was clear California didn't want to build this stuff, they just wanted to consume the energy, right? So, we [the Intermountain West and Southwest regions] became their backyard, especially since technological improvements have been made in the long-distance transmission of energy, such that you could build a two-thousand, three-thousand-megawatt power plant in Utah, for instance, to supply Southern California—

Eardley-Pryor: That's a huge power plant.

Ruckel: —or in Intermountain to supply Department of Water and Power in Los Angeles. That's a municipal corporation, or it's part of the Los Angeles government. So that combination—political, resource, and technological—focused huge attention on the Southwest.

Eardley-Pryor: Could you maybe describe the Kaiparowits Plateau and what's there, where this plant was going to be built, this three-thousand-megawatt plant?

Ruckel: I have a picture of it upstairs hung on my wall—

Eardley-Pryor: Could you describe what's in the area, maybe?

Ruckel: Yeah, it's about a hundred and twenty-five miles long. It rises above Red Rock. This is the rim Red Rock, I guess you would call it. I don't know. It rises probably two thousand feet. It's precipitous, has a unique ecosystem on top because it's been uninterrupted by—much of the plant life, for instance,
much of that kind of thing has evolved on its own. It's the same species, because not enough time, but, curious variances, interesting adaptations that have been tinkered with by nature. And, it's a gorgeous looking thing. It just goes diagonally a hundred and twenty-five miles right through the heart of the Red Rock country.

04-00:32:01
Eardley-Pryor: And, what is Red Rock country?

04-00:32:03
Ruckel: Red Rock country is—well, I always say to people, "Read Terry Tempest Williams. She knows about that." It's the canyon country. In one of my blogs, as a matter of fact, I'd write about that point where the Colorado River—this was southwest of an abandoned oil town of Cisco, and just south of I-70. In Utah, a road departs from the highway, from the interstate now, heads down towards the river. It's twelve miles or so. And at the river there, it meets up with the Jurassic sandstone, which means the sandstone has been located south of—some of that's in Colorado, in Colorado National Monument and all that kind of thing—but it stays on the south bank of the Colorado River. Well, when it gets to Dewey Bridge, it has no choice. It has to dam up, or it has to cut through the sandstone. There's no option, geographically. So, it cut through.

The Colorado River's an expert, I would think one could easily concede, at cutting through rock. And of course, part of it is the Grand Canyon part of that, and maybe most of it is the rising geological formation, and the river's trapped in the bottom. The more it rises, the faster runs the river. The faster runs the river, the more silt that builds up. The more silt in the water makes a more abrasive substance. Wonderfully logical, right? Unimpeachable. So, the Grand Canyon gets carved. I think the Grand Canyon's a grand place, don't get me wrong. It was certainly the place for the [Sierra] Club to make a stand. It had tremendous national, international recognition. But I've always preferred the canyon country in Southern Utah, the Canyonlands.

04-00:34:19
Eardley-Pryor: This is the Red Rock area, you're talking about?

04-00:34:20
Ruckel: Yeah, Escalante, that kind of thing. And the red rock is mixed with yellow, and white rock. The coal seams tend to be purple. You have shales, which will be gray. You have very colorful Capitol Reef. The Indians, and I say that in my book, the Indians view Capitol Reef as a rainbow on the ground. They have such a picturesque way of describing some of this stuff, right? A rainbow on the ground. Okay, well that's what Capitol Reef is. Everybody should see Capitol Reef, but I don't want anybody to go there, because then it'll be like Zion and Arches. But it's a magical place, it really is. It's where nature decided, she'd been experimenting all around the Southwest and she decided to put all those colors together in one place, give them a dramatic setting, and
then dust her hands off and say, "You know, I finally found it. I finally got it all together, right here. It's right here." And then white man comes along and calls it Capitol Reef. I don't know what the Indians, what the Ute, or Paiute—that would be Paiute, mostly; well, it could be both, either—anyway, I don't know what they called it, but—

Eardley-Pryor: Well, you've read off a number of different national parks that are all in this area.

Ruckel: Yeah, yeah. This is the golden circle of national parks, so start with Arches in the north and east; go down to Canyonlands, which is just below Arches on the other side of the Colorado River. As the Colorado River again has to carve its way through, it hit the Jurassic sandstone at Dewey Bridge at Moab. It's a solid wall, and it's got to get through, and it finds a way, as it always has. And, so then there's Arches, Canyonland south of—and then, from there, you swing down to Grand Canyon, and then north to Capitol Reef, and then go west to Bryce, and then southwest to Zion, and it gives you six national parks.

Eardley-Pryor: The golden circle?

Ruckel: The golden circle, yeah, because if you do the circle from, not the way I describe it, but Arches, Canyonlands, on down, and Capitol Reef too is up there in the top, and then on down and around, Grand Canyon and over to Zion, and then back, and then, almost all of Capitol Reef and all of Bryce land is in the middle.

Eardley-Pryor: Where was the Kaiparowits Power Plant planned for? Where is the Kaiparowits Plateau in relation to this?

Ruckel: It was going to be right near the—it's the southern terminus, right on the southern terminus, with easy access to Colorado River water. So, these mega power plants had to be built near water.

Eardley-Pryor: And that was going to be right in this golden circle?

Ruckel: Yeah, mm-hmm, oh yeah, yeah, right. I should go farther and say, when President Clinton issued an executive order declaring the Grand Staircase-Escalante National Monument, he was taking—it's really, if you look on a map, it's startling—he was taking all that left-out country in this circle, dumping it in his national monument. Now I'm saying "all," that's not—but you can see, it is truly, it's like a space picture. There are details, but the overall picture is pretty clear. It is the Grand Circle of national parks. Greer

Eardley-Pryor: How did you hear about the Kaiparowits Plant then?

Ruckel: Well, the staff, at that time located in Tucson, the regional staff of the [Sierra] Club and the Utah chapter, were pretty much on top of things as they developed, and these guys were going to go fast. There were no questions about it. They recognized this golden opportunity of technology, resource, and politically friendly environs.

Eardley-Pryor: It's after the Four Corners Plant had already been built.

Ruckel: Four Corners Plant had been built, yeah.

Eardley-Pryor: It's a smaller model.

Ruckel: Well, at the time, it was the biggest, I suppose, two thousand megawatts when it was built. But it was built on Indian land, and we're singularly ineffective, as is everybody else, in that kind of circumstance. And we had no desire—well, we tried a public nuisance action. I filed a public nuisance action under New Mexico law back at the time of East Meadow Creek, and we did a trial court—[New Mexico District Court Judge] Frank Zinn loved us—but the Supreme Court in New Mexico wasn't having any of this kind of stuff, and it was not a public nuisance, and we were directed to go home, which we did. But, so, and like I said, that's fueled by the Black Mesa Coal Mine, which is some two hundred miles west, I suppose, to Farmington, probably two hundred miles west. There's a railroad. There's slurries down there. There's all sorts of ways they get the coal to the water, and the [Four Corners] plant is at the water.

Eardley-Pryor: And the Kaiparowits Plant, also at the water, was going to be near a strip-mined area, is that right?

Ruckel: Well, they were going to strip the Kaiparowits Plateau of—in the stratigraphy underlying the surface is this wonderful coal seam that goes on for practically the whole—the northern part of the plateau goes into a very high promontory, almost a mountain. It's about eleven thousand feet, it's the Aquarius Plateau.
And in Navajo—no, in Ute, the Kaiparowits means "big brother's little brother." Big brother being the Aquarius Plateau, and they had the Kaiparowits formation—Kaiparowits is little brother, a hundred and twenty-five miles or so straight of amazing mesa biology, and of course, now, paleontology. Even in Utah, the natural history museum has a separate room on the formations in the paleontological finds in the Kaiparowits Plateau, because there are already like twelve new dinosaur species and there's numerous plants and all that kind of stuff that have been found on the plateau. And it's undisturbed, it is. You talk about access, wow. Scientists can get up there because they devote months' planning. They take their stuff up, and they do their thing, and come out with these wonderful things that deserve a special room in, of all places, the natural history museum for Salt Lake City.

Eardley-Pryor: When you heard about Kaiparowits from these local [Sierra Club] chapters, how did your case develop? What was your strategy?

Ruckel: Well, it developed as we went along. NEPA was certainly high on the list, because Kaiparowits was not proposed for a wilderness area, wilderness study area, or a national park or national monument. I should say, in the golden circle of the national parks there's this healthy sprinkling of national monuments all around, Natural Bridges, other places like that. And so, you looked, obviously, at NEPA. You looked at the large water diversions, because everybody knew there would be a fight over—I mean, water is something people fight over, something you say, "Well, I can fight over water as much as, well, as anybody else."

And then we had this very interesting decision from the Public Service Commission. It was the State of New Mexico, and I don't know, I certainly heard about that very early. The Palo Verde Nuclear Plant in Arizona was a plant to serve—I think 40 percent or so was dedicated to New Mexico. And in New Mexico, some clever lawyer down there or some clever policymaker, that kind of thing—anyway, the New Mexico Public Utilities Commission said, "Well, wait a minute. Don't we have an interest in this plant? I mean after all, we're paying for 40 percent of it."

Eardley-Pryor: So even though the—

Ruckel: So they changed, actually, they changed public utility law around the nation, from a little stay in New Mexico on this Palo Verde Plant, because they wanted to have a hand in the location, the size, the operation of this plant for which they were paying 40 percent of the total.
Eardley-Pryor: Now, let me spit that back. What I think I'm hearing from you is, this nuclear plant that was going to be in Arizona, part of the funding for it was coming from New Mexico.

Ruckel: Yeah, like 40 percent, or something like that.

Eardley-Pryor: So, the New Mexico Public Utilities Commission decided that they had jurisdiction on this Arizona nuclear plant.

Ruckel: That's right, and see, that was the first trans-border interstate assertion of jurisdiction by a state public utility. It was unheard of.

Eardley-Pryor: And they were successful in making that claim?

Ruckel: Yeah, and they wrote a short little opinion, which of course, I glommed onto, and grasped and carried vigorously.

Eardley-Pryor: So, in the relationship to Kaiparowits, that plant: although it was being built in Utah, the major investors were California utilities.

Ruckel: Correct.

Eardley-Pryor: So, what role did the California Public Utility Commission have with this Utah plant?

Ruckel: Oh, they didn't have any role until we went there and told them that they'd better get their ass in gear, and they would have a role. They had a legitimate role, and it was not to be denied or sneezed at.

Eardley-Pryor: How did you go about doing that?

Ruckel: Well, we filed a petition. Well, I traveled to Los Angeles, got the Center for Law in the Public Interest or whatever it was, founded by a guy named Carlyle Hall, and—

Eardley-Pryor: This is another one of these new public interest law firms.
Yeah, right, and then Rick Sutherland [later, the executive director of the Sierra Club Legal Defense Fund who helped establish it as Earthjustice] was part of the founding [of the Center for Law in the Public Interest]. These were three lawyers who calved off from O'Melveny & Myers, which is a law firm in Los Angeles. They did a lot of municipal bonding work, all kinds of stuff like that. And, so Carlyle Hall, John Phillips, Rick Sutherland, oh and Brent Rushforth, four. And Rushforth's the man—how can I forget him? And so, they formed this thing [the Center for Law in the Public Interest], and they did the Century Freeway in Los Angeles.

What do you mean, "they did the Century Freeway"?

Well, they fought that under NEPA, so they were early NEPA advocates.

Is that how they came onto your radar?

Yeah, oh yeah, yeah. And Carlyle Hall knew some of our folks. I don't know that the other three did. So, I went to Los Angeles carrying New Mexico's Public Utilities Commission opinion, copies to distribute everywhere I could distribute them, right, and say, "This is it, man. You guys are environmentalists and environmental lawyers. Here's your career."

"Let's do this in California."

Yeah, and "we'll do the same thing in California," and they petitioned, and we petitioned the California Public Utilities Commission to look at this.

So, let me just ask, just mechanically, how did that work? Did you as a part of the Denver SCLDF office go to LA and hire this public interest law firm?

In fact, yes, that's what, yeah, yeah. Brent Rushforth was our lead lawyer on it, and John Phillips knew a lot of public service commission law in the State of California, and Rick knew—Rick knew a lot of stuff. He had a lot of other things on his plate at that time, so, it wasn't until practically in the end that he was seriously involved with the Kaiparowits struggle. And then, of course, we subsequently hired him to be executive director [of the Sierra Club Legal Defense Fund] after Jim [Moorman]. I don't know, did John Hoffman serve any time as executive director part time?
Eardley-Pryor: He did, yeah. So, I think what happened, from what I'd read—I think maybe this is even from Tom Turner [Tom Turner, *Wild By Law: The Sierra Club Legal Defense Fund and the Places It Has Saved* (Sierra Club, 1990)]—that Jim Moorman was executive director, but he wanted to be a staff lawyer; he wanted to be on the cases. So, he stepped down [in 1974] to become a SCLDF lawyer, and John Hoffman stepped in.

Ruckel: Okay, that's what I didn't know. I thought maybe. And then what happened after—

Eardley-Pryor: And I think in 1977, both Hoffman and Jim Moorman left SCLDF—Jim to go back to work for the Carter administration, and I don't know what John did. I think he—

Ruckel: Oh, John kept working for them. He was working for them.

Eardley-Pryor: Oh, did he?

Ruckel: Yeah.

Eardley-Pryor: Okay, I thought he went into private practice, but I guess maybe he did some environmental work too. And I think it's at that point that you mentioned Rick Sutherland, then in LA, came in to work to SCLDF as executive director.

Ruckel: That's right, that's right. And Rick [Sutherland] was at loose ends. He was looking for attachment. He was at a point where he was looking for something else other than the Center.

Eardley-Pryor: In LA?

Ruckel: In LA, yeah. And so he was—it was just like the Moorman thing—he was available, and he had experience, and we liked him, and so, he came on as executive director.

Eardley-Pryor: Well, to bring us back to this [Kaiparowits] case. So, through the Denver SCLDF office, you go down there to get the LA Center [for Law in the Public Interest] involved in the California Public Utilities Commission.
Ruckel: Yeah, because they were California lawyers. I'm a Colorado lawyer. I'm on the pleadings, but I had to associate with a California lawyer and all that, but I argued, usually.

Eardley-Pryor: What was it that you were hoping the [California] PUC would be able to do?

Ruckel: Take jurisdiction, and then utilities would have to file for certificate from the Public Utilities Commission of California to spend money and to build the plant. That would be sort of an administrative, evidentiary proceeding. And we would have the opportunity to introduce whatever evidence we desired that was relevant.

Eardley-Pryor: Before the Public Utilities Commission. So, you were seeking an audience, a hearing, essentially through the PUC.

Ruckel: Yes, we were a participant. We won an official process that ended in an official decision that was mandatory on California utilities, with large bases of California ratepayers. See, the [Public Utilities] Commission is there to determine to protect the ratepayers, and to ensure that the State of California has sufficient energy supply, for power plants, and for just for electrical energy.

Eardley-Pryor: Were you just looking essentially for a place to have a hearing?

Ruckel: No, no. We wanted their jurisdiction. We wanted them to be forced to make a decision. We weren't asking, I mean, we were asking, sure, but the idea would be if they decided that they had jurisdiction based on the population base of the ratepayers, then they had to make a decision as to the convenience and necessity of the proposed power plant. Because you see, it would be built by ratepayer money, so the money would be committed and spent before the power plant's there—although, things get much more confused. But that's the way things start out, I'll say. And so, at any rate, the Center agreed to take it on. Rushforth became the lead counsel on it, and the [California Public] Utilities Commission appointed a hearing examiner, which is like an administrative law judge. And see, he was to make findings of fact and law, and then refer those findings to the Commission.

Eardley-Pryor: And then the five-member California PUC would then decide whether to approve this rate increase to build the plant, or deny it?
Ruckel: Well, the way it works is, the utility goes in and says, "Well, now here's our plan, over—just accept the years—say ten years, and we want to build these power plants, and build these for the transportation of energy. We want to spend this money for this concept." Okay? So, that's what they approve. All right. That's why when Cal Ed [Southern California Edison] told the Commission it was removing the plant from—that's technically how it went. Southern Cal Ed told the hearing examiner [that] Southern Cal Ed had removed the Kaiparowits Plant from its plans.

Eardley-Pryor: Well, tell me that story. What's the background on that? So, you do get this hearing from this administrative law judge—

Ruckel: We do get the hearing. We appear maybe four or five times, arguing various points, particularly the point roundly asserted by the power plants that California had no jurisdiction. At some point in this process, relatively early, the attorney general of California came in and said, "Ay! We got your station. We joined in on this thing." And we welcomed their presence, but they didn't spend any money. We had to spend all our money. We didn't get any help from them, and we wrote all the briefs. They were—talk about a piggyback operation, I swear to God. And of course, oh, they took a bunch of credit in the press and all that, but that didn't work out very well, because Larry Pryor and the Los Angeles Times had been following this religiously, and they knew what the hell was going on.

Eardley-Pryor: Larry Pryor was a reporter?

Ruckel: Reporter for the Los Angeles Times, outstanding, and he wrote—I had part of that article in my book, the headlines of the Los Angeles Times, the front page, and he's the writer of the article. Anyway, he attended every hearing, everything going on. This was one of the biggest things going in Los Angeles. It rivaled almost the Academy Awards, for Christ's sake, and this is really big stuff, and Angelinos tend to get involved and excited—

Eardley-Pryor: Especially around energy issues, in the early seventies, at that.

Ruckel: Oh yeah. Well, water issues, too. My God, oh, were they hungry.

Eardley-Pryor: So, what was the result from this hearing? You had these hearings. SoCal Edison's on the other side.
We had these hearings, and we were coming down to the point where the hearing examiner, a guy named Blecher, would take it under advisement. That means, he's finished taking in the evidence and hearing the arguments, and he would then decide on—well, he would do findings of fact—"These are the facts, conclusions of law, this is my interpretation of the law"—and then, send it to the commission who would make a decision, using his stuff and whatever other stuff they wanted to use that was coming along. But it was clear, this was sworn testimony. It would have been, if the process had continued. This was the way it was done. Anyways, I'm sure it was procedurally set out. In California law, some statute somewhere said, "You want to do this, you got to go there and get this permit, whatever is going on, and this is the process you got to have, and the permit's got to evolve from that process, right? You got that, PUC? Okay, go about your business." I'm sure that kind of law is there in the statute books; I just never read it.

Well, I do know that California PUC is constitutionally mandated from the California Constitution, so it has a great deal of authority in the state.

Sure. Well, inevitably, they withdrew the project in a very dramatic fashion. We had this last argument—

SoCal Edison withdrew?

Yeah, well they withdrew it from their plans. I think I state it precisely in there [pointing to a copy of his book: H. Anthony Ruckel, *Voices for the Earth: An Inside Account of How Citizen Activists and Responsive Courts Preserved National Treasures Across the American West* (Littleton, CO: Samizdat Creative, 2014)].

Well, it's in your book, but it's not in your oral history.

Right. Oh, yes, of course, sorry. They withdrew from their plans, the Kaiparowits Power Plant, in practically so many words, which as I explained before, means the Public Utilities Commission no longer has to worry about anything regarding Kaiparowits Power Plant because it isn't going to be built.

It didn't need to make a decision whether it has jurisdiction in Utah.

That's right, not at that time.
Eardley-Pryor: And was that why SoCal Edison pulled out, they didn't want the PUC to make the decision? What was their argument?

Ruckel: They gave this song and dance that too many people opposed it. Well, you couldn't get any more people than—I mean, the three Eastern newspapers were ready to publish anything on the dispute.

Eardley-Pryor: So, this Kaiparowits issue was, it was covered in the Eastern press?

Ruckel: Oh, it was national. Yeah, oh yeah, it was. It was covered heavily by New York Times, Philadelphia Inquirer, and the Washington Post. It was not a rivalry, but boy, they were on it.

Eardley-Pryor: Why do you think it was such a national issue?

Ruckel: Oh, that's easy, because in those states, in that milieu politically, people were aligned with the environmentalists. And politically, it was like Yellowstone. Politically, these people are there and said, "Well, Christ, I want to see this thing before it's a strip mine, power plant, dirty place. I've seen pictures of Bryce. I've seen pictures of Zion. I know what Arches—I've seen Delicate Arch." Everybody in the world's seen Delicate Arch. It was in a police station in Rome—or, yeah, in Rome—no, in Milan, in their airport, there were pictures of Red Rock country in Utah all around the police station wall. How about that? And there was a guy there who thought he was the living authority on Southern Utah and obviously had been there a few times, and you could converse with him on the subject. He was just a cop, in Italy.

Eardley-Pryor: So, this was getting national press just because of the area where it was located?

Ruckel: Well, I think that's right, plus the size. This was immense. At the time, it was the largest thing anybody had ever dreamt of for a power plant, okay? Originally, it was proposed at five thousand megawatts. Well nobody's ever tried to build a plant that size. Oh, physically, it's possible, but I'm not sure realistically it's possible. So then they carved it down to three thousand megawatts—I used the three thousand megawatts because we started the fight at that and maintained it for a while with that size, the same thing with Intermountain Power Plant, which we'll get to in a moment. And then it got, at some point, it seemed to kind of trickle down to two thousand megawatts. Even at two thousand megawatts, at the time, it would have rivaled the biggest in the nation. We're not talking kilowatts, you see. We're talking megawatts. And the Navajo power plant, which is there on Lake Powell, is what, two
hundred and twenty megawatts or something like that, or two thousand two hundred megawatts or something like that? And, the strip mine there is Black Mesa, two hundred miles wide. Everything with Kaiparowits was going to be right there, and you had to build a town to support all this and to house people.

So, immense. And, I'm sure at the time, it must have been—it was certainly the biggest energy proposal, energy development proposal in the United States. It might've been one of the biggest, if not the biggest, total project imagined in the United States at the time. So this was big news, plus, it was right in the middle of all these goddamn national parks, which, at this point and time here in the seventies, mid-seventies, people are aware that there are these environmentalists, these hungry-looking guys running around with their hungry-looking lawyers ready to shuck and jive over these issues. And we had precedent. Environmental law was blossoming out everywhere by this time. So, they knew that, and those three newspapers are playing to a largely educated crowd, and largely a crowd of people who wanted to see those parks and had intentions of going—maybe inchoate at that moment, but if somebody asked them, say, "Yeah, I want to get out and see Zion. I want to see Arches." You know, that Delicate Arch is sitting up there all by itself on that edge, and I've just got a glorious picture. The backdrop is these mountains that have snow on them, and—upstairs in my bedroom—and there it is, right? Who wouldn't want to see that?

Eardley-Pryor: Do you think that—Larry Pryor, and the reporter that's covering this in those Eastern presses—that public pressure is what encouraged SoCal Edison to withdraw their plans?

Ruckel: Oh, I think it was very important.

Eardley-Pryor: So, the press played a significant role here?

Ruckel: Oh yeah, because they knew even if they won for the Public Utilities Commission, they still had the National Environmental Policy Act. They still had the water. They still had Department of Interior interference with running these national parks, the so-called Organic Act, 1916 Organic Act. And, so there were a lot of jurisdictional points of pressure.

Eardley-Pryor: Now, were you managing all these, this—

Ruckel: Yeah, yeah, I was.

Eardley-Pryor: So, it wasn't just this California PUC issue?
Ruckel: No, they were just managing that part of it, yeah.

Eardley-Pryor: What were the other issues? You brought up a number.

Ruckel: Well, we brought up NEPA, which was huge. National Park's management of their parks. Their parks were all going to be affected.

Eardley-Pryor: In what ways?

Ruckel: Where are they on NEPA, where are they on protecting the Organic Act? The Organic Act states what the parks are preserved for, and it directs, now it directs in specific language, that they take affirmative action to support their parks. And that came out of the redwood case, which I mentioned but which is not part of—you know, that was brilliant lawyering on behalf of contemporaries and colleagues of mine in the San Francisco office, Hoffman and Mike Sherwood.

Eardley-Pryor: This golden circle of parks in Utah, how would these national parks have been affected by Kaiparowits plan?

Ruckel: Well, the air pollution was huge. Air pollution would have been huge, absolutely huge.

Eardley-Pryor: So, was the Clean Air Act at issue here?

Ruckel: Oh, you bet, yeah. And then the resources. Where are you going to mine, who are you going to lease the materials to? The water question—where are you going to take the water from and whose water is it going to be? Are you going to take more than you need? Normally, filing for water rights is filing way beyond their bottom line, right? You go for the best you can get, and, what was it? I think the proponents to the project managed to negotiate a commitment from the United States government of 109,000—I think it was—acre-feet of water. Huge, right?

Eardley-Pryor: I assume that's the Bureau of Reclamation that's making that deal, is that right?

Ruckel: Well, it was the Department of Interior. The bureau was a part of the Department of Interior. It was the bureau, the bureau was on the contract, yeah.
Eardley-Pryor: That's a lot of water.

Ruckel: So, this is a collection of vulnerabilities, beyond the Public Utility Commission, and besides the fact that California voters are really getting pissed, especially in Southern California where they love to—this is just made for those guys. And Larry Pryor was coming in, outstanding journalism. He was always there, and we were always mystified—how the hell? He must have been plugged in to California government lawyers. I think I know the conduit, but I can't mention his name for various reasons. But, he was plugged into this gentleman, and this gentleman was in a process to know everything that was going on, and so, Larry Pryor knew everything that was going on.

Eardley-Pryor: Now, I read that—you had made mention, there was a whistleblower involved in this as well?

Ruckel: Well, that was in Intermountain, not the Kaiparowits.

Eardley-Pryor: Oh, okay. I got you, okay.

Ruckel: But I'm not going to tell you who the whistleblower was. I can only tell you the product.

Eardley-Pryor: Tell me a little bit more about what you're doing in Denver. You have this arm working on the PUC issues; you're mentioning that there's all these issues with these different jurisdictions and different bureaus and departments. What role are you playing in helping orchestrate this?

Ruckel: Well, I'm trying to figure out how to bring all these things together for a maximum impact, right, because I was pretty confident we could sink the goddamn thing, if could just get everything going full steam. And so, it occurred to me, let's go to Washington, DC. That's where the decision's going to be made. So I packed up our air pollution expert, and John McComb, who was the staff person for the Club in Tucson and knew more about the whole project, the whole Southwestern panoply of projects, than anybody else alive—kind of a Cliff Merritt on the Southwest power plants, and he knew more than any of the government dudes, for sure, and so we strapped him into his seat. Mike Williams, the expert air pollution guy, myself, Rick Sutherland—this was the first active role he'd taken—then we had a couple of volunteers.

We had a delegation of probably six to eight people we descended on in Washington, and then we went to the various offices, the various jurisdictional
offices. So, we stopped at Department of Interior, we stopped at EPA [Environmental Protection Agency], and we also went up to Congress, because Congress is getting very interested in this thing, and so we got a hearing room. By our very capable lobbyist in Washington, we got a hearing room to do a presentation. We had maps and we had grease board, and we had all this kind of stuff. We didn't have these wonderful slide presentations you do. We had the slides, but they didn't have the type of thing you present now, with a clicker and a computer—

Eardley-Pryor: Right, you didn't have PowerPoint.

Ruckel: Yeah, PowerPoint, that's what I was looking for. We didn't have, there wasn't any PowerPoint. And so we descended on Washington, DC, and we hit these bases, and we ended up in House of Representatives, huge hearing council, huge hearing room. It was really huge. So, we're up front, and it's just the most chaotic meeting I attended, but certainly one of the most productive, because people are coming and going. Staff and congressmen are coming in and out the back door. We're up in the front giving this presentation. Well, there's constant disturbance in the rear, right? But there's a whole lot of people, say a hundred, sitting there, taking in everything. And then all these, another fifty, seventy-five are coming in and out the damn door in the back, and everybody's talking. It was a zoo, but it worked fairly well. We were prepared. The agencies weren't there. Nobody was there from the other side. You always like that, right? Yeah, and you can point to the empty chair. No, I don't want to go there with what's-his-face in the Republican Convention—

Eardley-Pryor: Ah, Clint Eastwood.

Ruckel: Yeah, but at any rate—

Eardley-Pryor: What was your reception at the different bureaus and departments that you attended?

Ruckel: Well, and I have yet to mention one place we went: the Department of Interior. See, the Park Service was there. They had a representative in that meeting. And we knew that the Park Service was opposed to Kaiparowits—and I can give you that in a minute—but Department of Interior was calling the shots. They're running the show. Oh, we went to the Federal Energy Administration, forerunner of the Department of Energy. Again, the secretary of Interior, the administrator of the Federal Energy Administration, they were hardcore against us. And EPA wanted to be opposed [to Kaiparowits], but it was in a hostile political environment. But they were willing to lend us
whatever help they could short of running into conflict with the administration in the White House. So—

04-01:11:16
Eardley-Pryor: At that time, who was president? Was it Nixon? Was this after Nixon’s resignation?

04-01:11:25
Ruckel: Nixon went out in ’73, right?

04-01:11:27
Eardley-Pryor: ’Seventy-four.

04-01:11:28
Ruckel: Okay, so it would have been Ford.

04-01:11:32
Eardley-Pryor: Or shoot, was it ’73?

04-01:11:34
Ruckel: I thought it was ’73, but whatever.

04-01:11:35
Eardley-Pryor: I think, I thought—yeah, okay.

04-01:11:38
Ruckel: And then in ’76, Carter came in. I think I may have it right.

04-01:11:43
Eardley-Pryor: Yeah, ’76 was Carter, when he was elected.

04-01:11:46
Ruckel: So, we were talking to Ford people, because the Carter administration, the Carter administration came in in ’77, right? He was elected in ’76.

04-01:11:56
Eardley-Pryor: That's right.

04-01:11:57
Ruckel: And these people were all steadfastly opposed [to the Sierra Club's arguments].

04-01:12:03
Eardley-Pryor: So, when you were in DC making these cases, this was in 1976?

04-01:12:09
Ruckel: Yes, I believe, yeah, pretty sure.

04-01:12:15
Eardley-Pryor: I'm not even clear, actually, who owned the land, the Kaiparowits Plateau.

04-01:12:20
Ruckel: The Bureau of Reclamation and Department of Interior owned the land.
Eardley-Pryor: I see.

Ruckel: Yeah. And they owned the minerals, and they're leased under the Mineral Leasing Act, which is a 1920 act providing for the lease of minerals. Now, we have the whole fracking thing going on—again, the Department of Interior, and, apparently, they want to lease the entire original Bears Ears National Monument. And the silly thing is, none of the majors [major oil and gas corporations] are going to go in there, none of the big boys. It's not enough resources they'd be interested in.

Eardley-Pryor: It's just a political point that the Trump administration's making.

Ruckel: Of course, of course, it's a political thing, yeah, right. "We won't have the federal government telling us what we can do in Southern Utah"—even though the federal government owns the property. And certainly, the national parks are there, but they're not interested in the national parks. We could go into hearings then, in that era, and to a man, our [Sierra Club] volunteers had been to places, had been throughout. And the local citizens sitting there [opposing us] had not been anywhere, anywhere more than five hundred feet off of a paved road, or a gravel road. So, our folks knew what was out there, and the locals had no concept. And we didn't have alternative facts and that kind of stuff. The [Ford] administration was not as crooked as the [Trump] one we have now, but it was clueless.

Eardley-Pryor: You had said that there was another place you visited, and I steered the conversation away from that.

Ruckel: Oh yes, yes. Yes, the Council on Environmental Quality.

Eardley-Pryor: Oh, the CEQ.

Ruckel: The CEQ, yes. CEQ is there to resolve conflict between federal agencies on a particular situation.

Eardley-Pryor: Was that created out of NEPA as well?

Ruckel: Yeah, yeah, or was that the Clean Air Act? Oh wow.

Eardley-Pryor: They were both 1970.
Ruckel: I think it was created out of NEPA because—I think it was a product of the NEPA setup, but see, Tom Turner corrected me on one of those, I was just thinking about, and—

Eardley-Pryor: Well, either way, so you go to CEQ. How were you received?

Ruckel: Yeah, we go to CEQ, and we knew that we'd get a favorable response. See, the conflict was between the EPA and the Department of Interior. Now, the EPA was not particularly vocal about the conflict, but it was clear their standards and regulations would be violated.

Eardley-Pryor: Particularly around the Clean Air Act.

Ruckel: Yeah, and that was the pressure point. So, we went to CEQ, and you had to climb this spiral staircase, went up forever. Well, that wasn't a problem—most of us were young—but we were carrying all this crap, and you had to negotiate when somebody was inevitably coming down at the same time. Anyway, we got up there, struggled up there. No elevator in those old buildings around Jackson Square—or Lafayette Square, with the statue of [Andrew] Jackson in the middle of it. Yes, and so, we get up there, and they have every expert they could possibly assemble for the meeting, which was substantially their professional staff, since they were not really ever fully staffed because their whole reason for existence was to moderate or to resolve conflicts between agencies, and none of the agencies were enthusiastic about giving up any of their own jurisdiction. So, how do you know this thing? To this day, CEQ is sort of an afterthought. But we knew, we were pretty confident that they had one power. See, they could say to the president, "There's a conflict here and you've got to make the decision." That's what we were seeking, referral to the White House.

Eardley-Pryor: Why did you think the White House would be sympathetic to your point of view?

Ruckel: Oh, we didn't, not at that point, we didn't know. We knew Carter would be, but we knew that Ford would not be. None of this is Ford's fault. He just didn't know anything about these things.

Eardley-Pryor: That seems like a risky gambit to try to push things up to the White House when you don't know which way they would go.
Ruckel: Well, see, we were playing a lot of tunes on our music box. That's just one of them. So, you play every tune you have, and you plant the seed. The utility of some of these appearances becomes more obvious when you look at the nuclear waste thing, which we'll get to, which has—you know, you get to parade your heavies before an agency's heavies, and if you know your heavies can outweigh their heavies and have more information, more data, and all that, that'll help down the road.

Eardley-Pryor: Your heavies are your experts.

Ruckel: Yeah, yeah, and, well, not just that. John McComb knew more about the goddamn thing than anybody I knew, and I knew all the major players, practically. The Indians were, at that time, not asserting themselves, and the short-time job thing was really dominant in their world. So, yeah, so we went there, and Peterson—a guy named Russell Peterson was director of CEQ—and he wanted us to keep him informed of just about every step we had in mind. Of course, we knew he'd have to report that to other people in the government, so we weren't about to inform him in advance of every step we had in mind, but we were very friendly. We said, "Oh, we'll give you advice, you bet, you bet." You had to be both clever and understanding. And, so then we came back from DC well satisfied with what we'd done. We felt we had momentum and things were going our way.

Well, meanwhile, of course, the whole thing before the Public Utilities Commission in the State of California was kind of in limbo because we hadn't heard from the hearing or examiner, or that kind of thing. So, there was a hearing scheduled there shortly. The final hearing before he takes it under advisement was scheduled a couple weeks after we returned. So, I and [Brent] Rushforth and Rick Sutherland, and Larry Pryor, showed up at this absolutely—oh God, it was this old hearing room, in an old, practically abandoned office building of the City of Los Angeles, in a rundown downtown. It was pathetic, especially after you'd recently been in John McGuire's office and in Washington, DC. But it was a hearing room—at least it was constructed like a hearing room, very small. Had a little staircase outside as a fire escape, because we were kind of below ground level, so there was a walkout place and you climbed some steps to ground level. Right? A side door.

And so we're in there, and we all sit down, and both Rushforth and I stood up because we both had something to say. I said what I had to say—it wasn't much—and Rushforth started in. As the plaintiffs, if we're going to add anything or make any arguments we hadn't made, this is our last chance. So, Rushforth starts his presentation, and no more than thirty seconds after he starts, the principal lawyer for Southern Cal Ed stands up and says, "Well, I'd ask leave of the hearing examiner, I have an announcement to make, which is
pertinent to this proceeding. Do I have permission to do that?" And Bleacher
nodded his head. There was, like I told you, the people that were there. Oh,
the San Diego Gas & Electric lawyer was there. What a pompous son of a
bitch. In fact, sometimes, he just had to get up and rail on, and Southern Cal
Ed lawyer would be going like this, like that [scratches his head].

Eardley-Pryor: Rubbing his head.

Ruckel: Yeah. [laughter] What rock did this guy come out from under? Anyway, he
never did any good for the proponents, although I'm not sure he—he wasn't
intelligent enough to do any harm, actually.

Eardley-Pryor: This poor San Diego guy. [laughter]

Ruckel: He was just there, and you had to give him his five minutes to pontificate and
yell and scream.

Eardley-Pryor: So, when the SoCal Edison lawyer stood up and made this statement, what did
he say?

Ruckel: He said, "I wish to formally announce on the record that Southern Cal Edison
has removed the Kaiparowits Power Plant project from its active list of
projects that will be executed." That's about it, and as I explained before.
That's the way—that was legally the way they'd go to get out of it. Just,
project died.

Eardley-Pryor: What'd you do? All of a sudden, you just are handed a victory.

Ruckel: Well, of course we were stunned, and then we leapt up, charged out into this
stairwell, the stairwell, and danced around giving high-fives to one another,
yelling and screaming, with Larry Pryor of the Los Angeles Times, and the
court reporter looking on. Those were the only two people left in there,
because Bleacher declared a ten-minute recess to evaluate this startling
development, and then she called it. The court reporter came out, opened the
door, came out and said, "Well, you guys need to get back in here." And so,
Bleacher came out and said, "Well, what do we do now?" and [laughs] fair
question. And neither we nor Southern Cal Ed wanted to make an apodictical
statement of what our position was at the moment.

There's a lot of stuff going on. A lot of water rights around that Southern Cal
Ed wasn't going to be able to use. There were a lot of things, so we didn't want
to say anything. And certainly the utilities, I'm sure, thought, "Boy, we said
enough for the entire hearing, nothing more for us to say. We'll all take it under advisement." And, it was agreed that Southern Cal Ed would start off, start the ball rolling on what we do to close this out, conclude it, whatever you want to say. So, we left it at that. That was certainly fine with us. It was their initiative. It was their project that they wanted. They'd said they were withdrawing it; now we got to put a period, the end of the sentence.

And, so then we left it. And one of the reasons we left it so quickly is the Intermountain Power Plant had reared its ugly head, and that was a three thousand megawatt power plant, about a hundred and twenty-five miles northwest.

04-01:25:06
Eardley-Pryor: Was that also going to be funded by SoCal Edison?

04-01:25:08
Ruckel: No, this was by the D-WaP, Department of Energy and Power and Water—whatever—for the City of Los Angeles. [Los Angeles Department of Water and Power]

04-01:25:12
Eardley-Pryor: It's a different kind of story. Once SoCal withdrew from the California PUC process, did that put a knife in the heart of the Kaiparowits Plant?

04-01:25:22
Ruckel: Well, yes, but they might have to maintain their dignity. They had water rights that were huge. Of course, this a hundred-and-nine thousand acre-feet, and we had filed—one of the petitions we filed for picking up later on was with the Utah state engineer, to not let them have any of Utah's allocation of the Colorado River, until such point as the state engineer and the State of Utah and the Water Commission, whatever, reviewed the matter and determined that it was the best use for that huge amount of Utah water. And they said, "Fine, yeah, that's very nice." And we were friendly with the lawyer for that, for the state engineer, a guy named Dallin Jensen, another one of those gentlemen you meet on the other side, and he was friendly to us the whole time. I formed an opinion of that later on, which I mentioned in my book. We'll get to that with Intermountain Power Plant.

And so, that was there. So, Southern Cal Ed had to deal with it, and they subsequently filed a motion to amend their application for use of the water to thirty-nine thousand acre-feet for gasified coal, and that type of thing. The intent: They'd not decided on gasified coal. They decided this was the best way to put those water rights in a hold and see what develops, if there's other ways, other channels, and that kind of thing. And everybody knew it was a holding pattern, but since nobody was directly hurt by it, nobody was going to pursue it. It was just going to hold.
Eardley-Pryor: So, California never made—the CPUC never got to make a claim, whether they had jurisdiction or not.

Ruckel: Yeah, it did, it did. About a year later, I got a call again, Larry Pryor, I think probably from the *Los Angeles Times*, "Tony, Tony! They've issued an opinion." No, I got a call from one of the commissioners. I got a call from Claire Dietrich; she was one of the commissioners. She said, "Tony, we've just issued an opinion," and I almost asked, "On what?" [laughs] To the effect that the State of California did have jurisdiction. It just followed the New Mexico decision right down the line and asserted they did have jurisdiction over the plant. Well, that made water rights and everything really questionable.

But again, we'd turned our heads almost a hundred and eighty degrees to the Intermountain Power Plant plan for just east of Capitol Reef National Park, on the Dirty Devil River.

Eardley-Pryor: Let's take a little break just before we move into that, because that's a whole other chapter here.

[break in audio]

Eardley-Pryor: So, the next step is Intermountain.

Ruckel: Yes.

Eardley-Pryor: What happens?

Ruckel: Okay. Intermountain was on this grand plan, for the power plants, so we knew it was coming. It was there. We weren't unprepared for Intermountain. It proceeded much faster than we thought it would, but Intermountain was proposed by the Department of Water and Power of the City of Los Angeles, which is a municipal corporation, which means that it's not subject to the jurisdiction of the PUC. Because the theory is that the citizens of Los Angeles themselves are the clientele of the Department of Water and Power, because it's a municipal agency, so that they're protected by that department. You see? Whereas the private citizens can only be protected if the PUC takes jurisdiction, you see, otherwise, there's no protection.

Eardley-Pryor: Oh, I see. So, the citizens of Los Angeles, because this utility is owned by the government of Los Angeles—
As a channel.

I see, so they were outside the jurisdiction of the California Public Utilities Commission.

Correct, because of that legal—that differentiation.

So, how did that change the way you would go about a strategy?

Well, it changed it tremendously, because what became more important: water became critical. Okay? Let's start with that, because that can be quickly disposed of. They were going to drain the Dirty Devil River. That's the Fremont River that goes through Capitol Reef, takes a curve to the south and changes into the Dirty Devil River, flows into Lake Powell, on the Colorado. And they were going to take practically all the water there. They could take all the water in the Escalante River Drainage, which went from Capitol Reef, east to the Kaiparowits Plateau, the Aquarius Plateau. Anyway, I'd have to look at a map. There's a whole headwaters, and they would have taken all that water. This was a three-thousand-megawatt plant proposed, just like Kaiparowits, and then they needed water—not a hundred-and-nine thousand acre-feet, nobody needed that. Except the City of Los Angeles and totaled—well, that's an exaggeration. They needed lots of water. But the point was, they were going to drain all these rivers. So—

This was also around 1976?

Yeah, '76, '77. These were in rapid sequence. This all transpired in a total of about five years. Bingo. We were working on that. We had yet to hear from the PUC on Kaiparowits, you see. That came soon after we started the battle against Intermountain.

I see, so you're working on both these things at the same time.

Well, with the Kaiparowits thing and the PUC, we were waiting for a serious plan from Southern Cal Ed, and all they'd done is file this amendment stuff that nobody took seriously. It was just preserving their place, it was place-holding, and—
Eardley-Pryor: While you went out to Washington, DC with this contingent, while you were arguing your case before the different departments or the CEQ, et cetera, were you also talking about Intermountain?

Ruckel: No.

Eardley-Pryor: That was focused specifically on Kaiparowits?

Ruckel: Yeah. These poor administrative minds, how are they going to tackle two of these in one fell swoop? It never entered our mind that we would do that. Plus, with Kaiparowits we had so much national momentum. We had a lot of momentum. We didn't want to do anything to, "Oh by the way, add to your agenda…"

Eardley-Pryor: What was the Sierra Club itself—not just the SCLDF portion of the Club—what was the Club, the national Club, doing with regard to these cases?

Ruckel: Well, it'd call up the New York Times and say, "Hey, there's a new development, get your ass in gear." That was part of it. The other part of it was, congressmen were being besieged with correspondents. And local chapters of the Sierra Club—and Audubon was involved by this time—and they were all saying, "Hey, we don't want these goddamn things built. Whatever they are, we don't want them built."

Eardley-Pryor: Was that—I imagine that was probably one of the first times that the Sierra Club and the legal arm were working together in coordination nationally.

Ruckel: Oh, no. No, that wouldn't be accurate. The coordination was always there. If it wasn't there on a national basis, it was there by the chapters. But the coordination with public information, public relations publicity, was critically important, because it's a hot button in Washington, DC. We didn't want the agenda in Washington, DC to be dominated by the Bureau of Reclamation or Department of Interior. We wanted congressmen and senators worried about this goddamn thing, wondering what in the hell is going on: "I'm getting all this correspondence. I'm getting all these telephone calls. My people are upset." Doesn't matter whether it's Southern Utah or Timbuktu, they're upset. "So, we have to ask questions. We have to find out about what the hell's going on. Why are they so upset?" It doesn't matter where this thing was, or maybe even the issue. They're just upset. You're a congressman from Upstate New York, or from rural Pennslyvania, or Ohio where you're from. "What do I know about Kaiparowits, whatever—and what crazy name that is—and what do I know about the golden circle of national parks? We don't have anything
like that in Ohio, for God's sake, but I've got all these constituents raising hell with me. I guess I better find out what the hell's going on." [laughs]

Eardley-Pryor: That's great.

Ruckel: Sure. That's part and parcel of this whole thing, you see.

Eardley-Pryor: All right. Well, back to Intermountain. So, Intermountain is moving forward quickly, and what is it that you were going to do about it?

Ruckel: Well, we had the water thing, which I just explained. And then we had the Clean Air Act. The Clean Air Act had a provision in it that the Clean Air Act—in almost the introduction to the Clean Air Act, but not quite as part of the real statute—to the effect that the EPA will preserve the quality of the air in the United States, not just correct it past standards and that kind of thing, but will preserve it, preserve the clean air. And that was about it, that's about what the court said.

But we were attacking on many fronts. We were saying, "Oh God, this sulfur is going to come out of this stuff, and the particulate matter, and God knows what else, mercury for sure, and that violates all the standards. But beyond that, you have these national parks. And this act says this, 'never again deterioration.'" And we had determined that earlier and filed a US district court action. Judge Pratt, when he got the thing, he looked at it. He says, "You know, these guys are right. I can read the statute, and I don't agree with the government, and so I'm going to say there's an obligation to protect the clean air areas. And that became known as the "prevention of significant deterioration" of clean air.

Eardley-Pryor: PSD.

Ruckel: I mean, you had to describe it somehow, more than just protection of clean air.

Eardley-Pryor: So that PSD, the prevention of significant deterioration, is there.

Ruckel: And so, that was his decision. Well, the government certainly hated the hell out of—they just could not understand and were totally—"How could they possibly read that there?"

Eardley-Pryor: Where was Judge Pratt in the hierarchy of courts?
Ruckel: US district court. Yeah. I've often thought, if I wanted to be in the federal judiciary, I'd want to be a US district court judge.

Eardley-Pryor: Why?

Ruckel: He has subpoena powers over everybody. [laughs] When Nixon was fighting impeachment, who was issuing the subpoenas? The judge, Sirica, the US district court judge. Courts of appeal don't do that kind of shit. They can if they want. Even the Supreme Court can do it. It can send a special master to hear it, just like a trial and all that. But the overwhelming process, the exception was much—I'm not even sure there are some. US district court has subpoena power, and the court is attended by the US Marshals who are available to serve the subpoenas. And then the judge can command an appearance.

Eardley-Pryor: That's a lot of authority.

Ruckel: That is a huge amount of power. Remember, in Great Britain, that thing was fought, and wars were fought over this, who has the power to call the citizen. In Great Britain, a yeoman is a—Henry the Second: "Why should they be subject to the feudal courts or the ecclesiastical courts, when I can create a court that's fair. And then I'm king. I'm king, so I control. I have an army. I have sheriffs, and the sheriffs can go out and execute and enforce my decisions, and execute subpoenas"—I don't know what they called them then—"to bring these witnesses before me." You see?

Eardley-Pryor: And Judge Pratt, who issued this PSD ruling had that ability?

Ruckel: Well, he had that power. He had that power. He didn't have the kingly power to make kingly decisions, but he had the subpoena power. That's what the US district court judge has. I'm just a dirt-bag litigator. What do I care about all this structure ahead? I want to know who has the immediate power over my case, and who has subpoena power and who can enforce it?

Eardley-Pryor: And that's the district court.

Ruckel: Yeah, yeah.

Eardley-Pryor: So, when Pratt rules the PSD opinion on the Clean Air Act, what does that do for your case on Intermountain?
Ruckel: Well, we knew, I mean, it was apodictic, apodictical that the thing would pollute the hell out of the air for hundreds of miles. Three thousand megawatts barely controlled in terms of pollution controls. And that was a great jurisdictional point, because the rest is subject to a permit process, and the permit process would take time and all that. But if they were, I'll use the word apodictically, prevented from doing anything at all because they're going to pollute—the clean air was going to be significantly polluted—that ends the argument. Now, at the same time this was going on—well, it was appealed. The Court of Appeals obviously was split, had divided counts on divided opinions. As is typical in those cases, they often adapt the district court opinion, Judge Pratt's four-page pronouncement. [laughs] This went through the United States Supreme Court. The United States Supreme Court granted a certiorari—

Eardley-Pryor: What does that mean?

Ruckel: That means, well, when you go to the Supreme Court and you don't have an appeal of right—appeal of rights are described in a very limited fashion, treason and stuff like that—and, you have a petition of a certiorari. So, the Supreme Court can select what cases it's to review. Remember, there are only nine dudes up there, and you can't have every Tom, Dick, and Harry who are dissatisfied with the Court of Appeals wandering into your courtroom, right? So, you have this power of certiorari. Again, it goes back to some of these common law powers, good old Henry the Second. And he probably wouldn't recognize where we are now, but he would determine, he would discern its roots. And so, you have this petition of a certiorari, which is a petition in effect saying, "We want the court to certify this as an important matter which is subject to our jurisdiction and therefore we want to hear, we want to brief it and we want to hear argument."

Eardley-Pryor: And the Supreme Court said they did want to hear argument on this?

Ruckel: Yeah, but then it declined to issue a decision, based again on a four-four vote. One of the justices abstained. We have no idea who. This is not of record. It didn't get to the—the petition wasn't granted. So, some judge says, one of the circuit judges, or one of the judges will say—and he's just appointed to be the messenger—says, "Well, we're not going to overturn this decision, but we're not going to write an opinion ourselves."

Eardley-Pryor: So, does it get kicked back down to the original ruling?
Ruckel: Right. The only opinion by that time that's been written is Judge Pratt's four-page opinion, which he had no intention of it being the opinion. That was his opinion, but he would have written a massive discourse.

Eardley-Pryor: So, this important reading of the Clean Air Act on prevention of significant deterioration of air, it gets kicked up to the Supreme Court and then back down to the District opinion.

Ruckel: Now, part of that process is where the whistleblower comes in.

Eardley-Pryor: Oh, yeah. What's the story with this?

Ruckel: Okay, this is fascinating. The story is that you have, before the Court of Appeals, you list the administrative record. Now, the administrative record is the government's record, right? We don't have an administrative record. We're objecting to the whole picture. So, you file the administrative record with the court, and an index, and you say, "This is the record, Judge. This is the basis for our decision. It includes everything. It's super inclusive, and there it is." And so, Tony [Ruckel] gets it. And I got a call from a person who says, "Tony, that's not the entire administrative record. There's as much more that they have not filed that should be filed, than what they have filed." I think that sentence makes sense. So—

Eardley-Pryor: So, there's something missing from the administrative record?

Ruckel: Of course, of course, and he says—

Eardley-Pryor: Did you know this person?

Ruckel: He says—do I know that person? Yeah.

Eardley-Pryor: Did you know the whistleblower ahead of time, or was this a blind phone call you received?

Ruckel: Oh, yeah. No, I knew him. I knew him all along. I didn't know he was in a position to do this, but I learned that he was. It's a he. I can say that, because the English language does not have a neutral pronoun. So, I'll call him a he, or I'll call her a he. It doesn't matter. That isn't going to help you find him. And, he says, "There's as much administrative record that they haven't filed that is in existence, and I have reason to believe—and I assure you, Tony, I've seen
parts of it—I can tell you that it agrees with your arguments, the arguments you guys are making.

04-01:45:14
Eardley-Pryor: The parts that were being left out agreed with your arguments?

04-01:45:17
Ruckel: Yeah, on significant deterioration [of air]. Now, the law is you go to the statute, you go to the language there, [then] you go to the legislative history, you go to the language there. And if there's nothing there that helps you—and in this case, there wasn't anything there to help you—one of the areas you can go to is the administrative—the way the professional administrators have looked at it. Okay? So, that has relevance to interpreting a statute that's difficult to interpret—and I told you how brief the wording was, and that has relevance to interpretation. The court can look at that and say, "Hey, you know, that kind of backs [Bruce] Terris and Ruckel a little bit there. Huh, how about that?" And these guys are professional, and these are the EPA talking who's now arguing contrary in court. You can see the scenario. And so, arrangements were made, I'll say that, for me to see what they had.

04-01:46:36
Eardley-Pryor: To see what was missing?

04-01:46:37
Ruckel: Yeah, oh yeah. So, I traveled to a place where it was being made available to me, saw what they had, made arrangements for that to be copied, because I only had this weekend exposure to it.

04-01:46:57
Eardley-Pryor: This is very cloak and dagger. It's like the Pentagon Papers.

04-01:46:58
Ruckel: Oh, it's absolutely cloak and dagger, and I'm not telling you the whole story. I can't. So, I get them copied, right? Well, Bruce Terris, who was the chief counsel on the thing as kind of his second man—he's in Washington, DC, and I'm in Denver—and his lawyers and his law clerks are pouring over this stuff that Tony [Ruckel] is pouring out of these copying machines, into the office. And I was there in his office actually copying this stuff, but I didn't show it to anybody. I didn't want anybody else handling the materials but myself and Terris. In other words, the fewer people who handle the shit, the better off you are. A secret can only be really a secret if only you know it, right? Every time you expand that level, you get in trouble, and I might have been overly careful, but this was an extraordinarily exceptional circumstance. Like a lot of what I've described, you're in uncharted water, uncharted territory. So, you do the best you can, and we got it.

And so, Terris's office filed this long—it was page after page after page, of a supplemental index to the government's index of the administrative record. And the government had to say, "Yeah, they're right. They discovered that
we'd had no idea that was there. [laughs] And we really apologize to the court. We didn't intentionally do this. It's just, somehow, the nosy assholes”—that isn't what they said, but "somehow these counsel of distinguished opponents found that stuff, and we have to confess that it's on point."

Eardley-Pryor: They were caught red-handed.

Ruckel: Yeah, oh yeah, yeah. And we don't know. You don't know, see, and you file that stuff, now this is the court, and this was filed after Judge Pratt issued his decision. This was filed at the Court of Appeals level, and since there was no opinion, you don't know whether this was important stuff or not. Since there was no opinion from the United States Supreme Court, you have no idea whether it was important there or not. But I submit to you that it was very supportive of our stuff, our arguments.

You see? So, if it's a very close vote, some justice or a judge on a Court of Appeals may say, "Well, I know you guys think this is crazy, but look at this stuff, this argument, these files that say the act really does require us to go out and protect clean air areas." And, all you needed was that. A decision that that's close, one judge goes either way, you win or lose. Right?

Eardley-Pryor: So, you want as much info in there as possible. Let me just say back what I'm hearing, and you tell me if I'm hearing you correctly. That [Judge] Pratt has made his decision at the district court level saying PSD was part of the statute for the Clean Air Act, and it needs to be enforced.

Ruckel: [We were] fighting for this interpretation, yes indeed.

Eardley-Pryor: That then moves into the Court of Appeal, it gets appealed, it moves up to the next level, which—what would that be?

Ruckel: DC Court of Appeals.

Eardley-Pryor: It's the DC Court of Appeals, and the government is including information as a part of its appeal process, but withholding—

Ruckel: Well, it had to provide a record from the very beginning of the material, so, their record was part of the district court. It was there. That was the record, that was the record of the case.

That [record] was moving into the appeals, the DC appeals?
Ruckel: Yeah, it was going, starting through the process, climbing the steps.

Eardley-Pryor: But the whistleblower is the one who told you that he found—

Ruckel: He comes in and he says, "Well, you know"—

Eardley-Pryor: "There's a lot missing."

Ruckel: —yeah, "Tony, there's as much missing as they are including, and that's fact."

Eardley-Pryor: Now, this is forty years later, Tony. Why are you unable to explain what happened behind the scenes? Why still the cloak and dagger around this?

Ruckel: Well, people are still alive. Remember what Mark Twain said. His autobiography's being published, and he said, "You can't publish my autobiography until one hundred years after the death of the last person mentioned in my autobiography." That's why it's only recently been published. It was his right to do that. It was his autobiography, and he kept that pledge. And so now we have, recently—I have the first volume. Maybe I have the second, I don't know. I'll have to ask Joe. It's going to be three volumes. It's massive. It's upstairs by my bed. Joe knows all about Mark Twain—

Eardley-Pryor: Joe Hutchison?

Ruckel: Joe Hutchison, yeah.

Eardley-Pryor: The current poet laureate of Colorado. All right, so—

Ruckel: No, I think his term just expired.

Eardley-Pryor: Oh.

Ruckel: Well, it was extended. He was an excellent poet laureate.

Eardley-Pryor: We're getting a bit off track, so I want to get us back.

Ruckel: Yeah, I don't want to get off track.
Eardley-Pryor: The Intermountain Power Plant, essentially, once the ruling comes back down to [Judge] Pratt, in part because you were able to add this extra information that the whistleblower made known to you, once that ruling gets kicked back from the Supreme Court on this odd split decision, where they make no opinion, it's four-four and somebody—

Ruckel: They say, "we're not going to take the appeal, or we're not going to"—I don't know how technically, I don't know what they particularly noted. I just know what the effect is or what we were—

Eardley-Pryor: And it moved back down to this four-page ruling from the district court that says, "Yes, in fact, prevention of significant deterioration of air"—

Ruckel: It can't get any closer than this. I mean, it was victory by the slimmest margin you can possibly imagine.

Eardley-Pryor: That's essentially what shut down the Intermountain Power Plant plans?

Ruckel: Yes, it did, but at the same time, remember, there's a collateral, there's a contemporary issue going on, and that is Congress, we're in 1977 and Congress is reviewing the 1970 Clean Air Act.

Eardley-Pryor: Oh, it was up for new limits?

Ruckel: Yeah, it's up for renewal. And so, [prevention of] significant deterioration [of air] by this time was a big, big deal, right? "These crazy lawyers were interfering with stuff they had no business interfering with," and it was hurting, and, so, they rushed through the House of Representatives language on the Clean Air Act that we didn't catch. We couldn't catch everything, first of all. Tons of this stuff was—they were redoing the Clean Water Act at the same time. How the hell do you—it's like the Manhattan telephone book. God, you can't get through the stuff. The Manhattan telephone book at that time—they may not even have one now. And we discovered that, lo and behold, there was nothing regarding the prevention of significant deterioration in the new statute.

Eardley-Pryor: In the amendments to [the Clean Air Act?]

Ruckel: Yeah, in the amendments. Well, they rewrote the statute. It's called the 1977 Amendments, but the significant parts would be—not just significant
deterioration, but other things were rewritten. Remember, it was a new act. They'd had seven years now trying to interpret it, the EPA had had seven years of trying to promulgate regulations and all. So, behaviors had resulted and interpretations resulted. It's natural for Congress to do that kind of thing—the way we ran Congress in that time, okay? You eventually handled immigration, how uncomfortable you felt about it. They eventually handled civil rights. They eventually handled voting rights. They did criminal procedure and all that. Not necessarily because they wanted to, because they had to. That's the way they interpreted their duty. We have limited numbers who interpret their duty that way at present, and that's our fault as voters. What the hell? We can't escape blame for this. We can't blame politicians that we elected.

04-01:55:49  
Eardley-Pryor: Right. So, in '77, this new interpretation, the new act, new Clean Air Act is passed—

04-01:55:54  
Ruckel: Yeah, so it was sneaking past the House of Representatives, before the US Senate.

04-01:55:56  
Eardley-Pryor: But it did not include, from what I'm hearing, it did not include the—

04-01:55:59  
Ruckel: Protection of clean air areas, yeah. Significant deterioration can no longer be interpreted from the act, because the language supporting it had been removed in the amendments.

04-01:56:10  
Eardley-Pryor: Oh wow, it got taken out.

04-01:56:12  
Ruckel: Right? Just taken out.

04-01:56:14  
Eardley-Pryor: Well, what did that do to your Intermountain case then?

04-01:56:16  
Ruckel: Well, it could have destroyed that leg of our argument, if it passed, and that's why we geared up a lobbying effort: myself; Mike Williams, who was our air pollution expert, a PhD engineer working for RAND at Los Alamos. He was way up there. I used him on another trial where he was explaining his air pollution theories. Sitting there listening to that crap, you have no idea what the hell he's talking about, but he could talk civilly, and at a conversational level.

04-01:56:56  
Eardley-Pryor: Now was he a Sierra Club member, is that why he was—
Ruckel: Oh yeah, yeah, he was a member. He was our air pollution expert. See, we only hired the best. We only got the best experts. Everybody else can have the field, if they want it. We want the best, and we'd get them again and again.

Eardley-Pryor: So you and Dr. Williams, again, went to DC now.

Ruckel: Went to DC, yeah. We joined up—at that time, all our lobbyists were busy—we joined up with Friends of the Earth. So it was kind of a joint, Sierra Club-Friends of the Earth lobbying exercise in the US Senate. And so, Rafe Pomerance, of Friends of the Earth—I'm surprised I remember so many of these names—but he was free, as a lobbyist, available, and so, we hooked up with him. The three of us conspired in his office at Friends of the Earth, which was adjacent, their office building was adjacent to our office building, and everybody was together. You did that because of all the incoming. You wanted to have a friend.

So, we got together and we figured out what we'd do. And Mike had already—the government, the EPA was already talking about these structured Class I, Class II, Class III areas: the Class I being the purest; Class II, in between; Class III, in violation of all the standards. So, you could apply this classification system to an airshed. If it was a real clean airshed, it became Class I area, which was the clean airshed. Then that severely limited the pollution you could add to that airshed. Okay? And that would've obviously eliminated Intermountain Power Plant.

Eardley-Pryor: Yeah, I imagine the clean air around this golden circle of parks was absolutely—

Ruckel: Well, it had the Four Corners Power Plant, and Navajo Power Plant was coming online. But you're talking about what, four hundred twenty thousand, four hundred fifty thousand square miles, if you take Colorado, Utah, Arizona, and New Mexico, and you have to add parts of Nevada, because the Nevada comes down to the Colorado River. So, you're talking, well, it'd probably be no exaggeration: round it off to five hundred thousand square miles. Yeah, a substantial hunk of territory. So, you would have, as we explained it to Congress, you could build moderate-sized, reasonably or appropriately separated facilities that would have the latest pollution control material, and the most reduced emissions that technologically were available, and people could understand that. You can sell that to senators, actually.

Eardley-Pryor: That seems like a reasonable concession.
Ruckel: Yeah, and that's what we—so we only had a short period of time to do this before Congress would vote. Now we had some senators who were sticking their feet in the spokes, and we always had a group of those guys around. We still do.

And Dick Durbin from Illinois is priceless, and of course he's what, second leader of the Senate for the Democrats [Senate Democratic Whip]. He's the assistant majority, whatever the hell they are. I have no idea. Anyway, Durbin is our buddy, and, he wants to see Southern Utah, and then of course he's also big supporter of the Southern Utah Wilderness Alliance, which is the on-the-ground operation presently, has lawyers, has the whole goddamn thing headquartered in Salt Lake, and I swear to God, they have an avenue right into—they're right into Durbin's ear and they say, "We got to do this," and Durbin says, "Okay, tell me what I need to do," and goes ahead and does it. He loves Southern Utah. He just loves Southern Utah, and—

Eardley-Pryor: Was Durbin a senator in the late seventies?

Ruckel: No, not then.

Eardley-Pryor: So, who was it you were talking to in the seventies?

Ruckel: Okay, we talked to a senator from Louisiana, a Democrat, in the era when Democrats were sent from there, who was very friendly and very helpful. We talked to a senator from Montana, who was less friendly and helpful and was a Democrat. We talked to a Republican senator from North Carolina, I believe. And then, we had staff people as we would evolve our—they were spreading out in our wake to hit other offices. Okay? And then we hit several committee staff people, and, I suppose in the three days or whatever we were lobbying—anyway, whatever I say in my book is correct—in the three days we were lobbying, we probably saw four senators personally, three senators, four senators personally. I shouldn't say that because we would stop in offices like a guy like [Wisconsin's long-serving US Senator William] Proxmire and folks like that, and kind of give a staff person a quick précis of what we were about. He would go in and give Proxmire an even briefer preface, and he would come back and say, "Go for it. The senator's behind you; just give me a call." So, we had those conversations, too, but those guys weren't the ones we were trying to hit hard. We were trying to hit hard the ones we assessed we could get them on our side.

Eardley-Pryor: I'm surprised to hear how much the role that lobbying plays in your legal strategies.
Ruckel: Well, this was inevitable, because since the act was up for reconsideration, we didn't have a choice.

Eardley-Pryor: But even on the Kaiparowits Plant, lobbying was a significant part of—

Ruckel: Oh yeah, this idea that all this is decided in some public vacuum is bullshit. It's like I was saying about the Supreme Court the other day, it can't issue its opinions if the overwhelming movement of the population is in this particular direction. Now I can't say that is absolute certainty, because certain personal rights, freedom of speech, religion, that kind of thing, it can interfere. It can hold its hand up, but those are clearly defined and acknowledged things it can interfere with. It can't interfere with the idea of equal rights for citizens, you see, or "one man, one vote." These are fundamental governmental principles. You're either going to reject or you're going to accept as necessary given changing history and times.

Eardley-Pryor: So, part of your lobbying effort is to ensure that environmental rights are included in that.

Ruckel: Yeah, well, that this particular environmental right would survive. And it did

Eardley-Pryor: Yeah, tell me, what was the result of this lobbying then?

Ruckel: Well, the result of the lobbying was, I think, I mean, the immediate result was, we certainly educated a ton of Senate staffers, particularly, and a few critical senators. And as it resulted, that turned out to be enough, because Congress passed its version of the 1977 Clean Air Amendments and included not only [prevention of] significant deterioration [of air], but I think included some of this class reference, too, you see.

Eardley-Pryor: Oh, so you were able to reinsert the PSD language?

Ruckel: Oh yeah, yeah, it was reinserted. And of course, the House had done this kind of, it wasn't on their plate, that kind of thing. And the Senate brought it up in the conference committee, and they said, "Ah sure, we don't have any problem with that."

Eardley-Pryor: And so that's what actually ended the Intermountain Plant, was the Clean Air Act's getting amended with the inclusion of the prevention of significant deterioration? That's great.
And then there was the water thing. Yeah, and the whistleblower can say, "Wow, look at what I did, pretty cool." He can tell whoever he wants to tell, but I'm not thinking he's telling anybody. I've never heard. He—yeah, interesting character. So, yeah, that was pretty determinative, and there was no question.

The state engineer—matter of fact, Dallin Jensen, the lawyer for the state engineer in Utah, told us, "Well, you remember that old thing we filed with Kaiparowits, that needs some water planning"—they needed to determine whether that amount of water was necessary for the Kaiparowits. He said, "We're going to take a look at that," and then he inferred that nothing would be granted to the applicants for the water until they'd done that. And, that's why I say in my book, I always had the—he, and there were another two or three individuals in position of power. But you could just tell—body language, when they'd smile when they talked, or when they didn't smile when they talked—there's lots of things you can tell what's on a guy's mind, and he has no intention of saying it out loud. Okay? But he can use these dodgy words, like the counsel for the state engineer used, you see, and use these dodgy words, "Well, you found this. We're going to take a look at it, and this Intermountain Power Plant's come up, and it's time we took a look at this and see what, if anything, we ought to do." That's all he needs to say. We're not dumb. Nobody said that before to us.

Before, we thought it was railroaded through. Now, we didn't. Because we had the suspicion all along that Utah wanted some plants, but they would have loved fifteen hundred megawatts or twelve hundred megawatts. They weren't convinced it's three thousand megawatts. I mean, Jesus, these are the largest plants in the United States, two of them within a hundred and twenty-one miles. Give me a break. And, I think some of the minds—and undoubtedly, there was more than Dallin Jensen and couple of others—they were surely not alone inside the Utah state government.

And I should mention, before we pass through all this, that with Kaiparowits, the National Park Service reared up and showed it had some guts. We'd been wondering about that. You know, Redwoods, Grand Canyon, all that kind of stuff. We'd been wondering about that. And they established an office of a designated deputy to the Secretary of the Interior in Salt Lake City, and he had this wonderful office with two flags: the flag of the United States, the flag of Utah, a small office—it'd just barely take these flags—and people could come in and give their opinions to the Department of Interior through the Park Service in the Salt Lake office. Well, it was symbolic. Nobody was thinking it but it was saying, loud and clear, this was tremendous boost to the morale of the Park Service. They didn't care if he stood on his head, so long as the door said "Department of the Interior," right?
Eardley-Pryor: That they were going to defend the parks?

Ruckel: Well, that they were announcing that this was serious business to the parks, and that it was going to be taken as such—again, a departure, you see, from their habitual behavior. It took a lot of guts because the political climate was not in their favor doing this. So, that's, it's fair to bring that into the equation, and I had nothing to do with that. Our people banging on doors and calling up Congress surely had something to do with it. Because the pressure—the departure—to do this came, I'm sure, directly from the congressional offices.

Eardley-Pryor: That's great. That's a good story to hear about how you were able to build a legal and political campaign to resist these power plants.

Ruckel: Oh, it was. And I mentioned before, I was like a symphony conductor. I don't recall any period in my life where I had such prolonged concentration, prolonged fight for anything. Tom Turner asked the question, "Well, Tony, give me a couple of the most important things you did or the most important events." And I said, "Well, the Wilderness Act stuff." And then I said, "that telephone call from the lawyer for the Department of Water and Power in Los Angeles saying that they're going to move the goddamn power plant a hundred and twenty-five miles northwest, to the Sevier River Valley."

Eardley-Pryor: And that was the final decision?

Ruckel: Yeah, yeah, yeah, and they actually built that power plant, but a much smaller edition, like fifteen hundred megawatts.

[Beginning in 1981, the Los Angeles Department of Water and Power constructed a coal-fired, 1,900-megawatt Intermountain Power Plant near Delta, Utah, near the former World War II Japanese American confinement camp of Topaz.]

Eardley-Pryor: And not going to affect the air of Capitol Reef.

Ruckel: Well, of course it affects it. No way it could not affect it, but DWAP [Los Angeles Department of Water and Power] is removing it because DWAP is going coal-free. I think one unit's already been shut down, and then they're soon going to be shutting down the other unit and that will take care of—

Eardley-Pryor: Yeah, some of that has to do with the PUC cracking down on what—
Ruckel: Well, since the city [of Los Angeles] was not subject to that [CPUC] jurisdiction—but the tenor of the times, it obviously changed in California. And remember, California, California's been recreating in Zion National Park for I don't know how long. They must own Springdale, that's the entrance community. That's the entrance community from the west. Those [Southern California] people defended Mineral King, and when it gets right down to it, they don't have a Yosemite down there. They don't have a San Francisco Bay, and they don't have the North Shore of California. They've got tons of people crammed into this limited area of size, right? So, they're aggressive, and they have the entertainment community, which is always ready to get up and fight for the environment—then there're a couple of notable exceptions, but the exceptions kind of prove the rule. They tend to open their wallets from time to time, or open their checkbooks, I guess you'd say.

Eardley-Pryor: You mentioned that this was an intense fight over several years that—you told me before—at times, it felt like you couldn't even breath because there was just so much going on across this national landscape.

Ruckel: Well, the responsibility was heavy, very heavy.

Eardley-Pryor: How did that play out in your family life? You had just had these new kids.

Ruckel: Oh, it was distress. It was distress, but—

Eardley-Pryor: How did you all deal with it?

Ruckel: As best we could. At this time, I was being paid relatively well by the [Sierra Club] Legal Defense Fund, so my wife didn't have to work full time. She worked part time, took care of the kids. I was able to do significant work at home. The pressure came from, I'm sitting here and I'm trying to decide what to do, or who to call, or which piece on the chessboard to advance, and which to draw back. That's what I was kind of doing.

I did write substantial parts of the Court of Appeals brief on the significant deterioration [of air]. I sort of outlined the regulatory structure under the class thing for the Senate and the Senate staffers. I certainly participated in the oral argument, and Brent Rushforth and John Phillips were such spurred lawyers, they wrote magnificent briefs, but I owned some. I read them all and approved them, or, I mean, I wasn't in the position of approving everything, but I was the obvious person that things were coordinated through. So, and I certainly did orally argue before Trial Examiner Blecher, whoever he was.
So, I was heavily involved. And of course I was leading off the discussion on the Kaiparowits trip, Department of Interior. And the Intermountain, my involvement was one of the three, I mean, in the lobbying, Rafe Pomerance, Mike Williams, and myself. Mike was our expert, and you might say that he was a little bit more important than the other two of us.

04-02:15:38
Eardley-Pryor: You had told me that you were also taking your family on camping trips and hiking.

04-02:15:41
Ruckel: Oh yeah, and climbing fourteeners. Through this process, I had to keep climbing the fourteeners. There were fifty-four of the damn things, and by the time I climbed fifteen, twenty, I said, "Well, let's go for the whole enchilada." So, I was doing that, and that was a wonderful relief. That was a wonderful psychic relief to all this shit that was going on. It worked fine.

04-02:16:08
Eardley-Pryor: That's great. Well, just to put a period on this part of the conversation, this ruling's coming through at the end of the 1970s. Twenty years later [on September 18, 1996], Bill Clinton makes an executive order to create, as you'd mentioned before, a Grand Staircase-Escalante National Monument over this entire area.

04-02:16:27
Ruckel: [With Clinton] sitting at approximately the spot where Teddy Roosevelt stood when he said, "You got to protect this, the Grand Canyon," his "place for the ages" quote, then, "it's for the people of the world, not just people," and in his wonderful prose to defend the canyon.

04-02:16:51
Eardley-Pryor: That's great.

04-02:16:52
Ruckel: So, the Department of Interior and Park Service worked hard figuring out the exact spot, and that's where they set up the desk where Clinton sat and signed the executive order creating Grand Staircase.

04-02:17:07
Eardley-Pryor: Well, we'll see what happens now, because twenty years after that, of course, in 2017, President Trump is trying to reduce the size of Escalante. So, well, the courts are still involved.

04-02:17:17
Ruckel: Yeah, yeah. I think he has a poor argument on Grand Staircase. He has a better argument on Bears Ears.

04-02:17:23
Eardley-Pryor: Well, we'll have to see how courts decide. Let's take a break here.
Ruckel: But I'm hoping his whole thing falls. And, I'd be surprised if his actions upheld at Grand Staircase.

Eardley-Pryor: I hope so too. Let's take a break here, Tony.

Ruckel: Yeah.

Eardley-Pryor: All right, Tony, so, great stories about energy politics in Utah. Another case that came up for you that I think I'd love to hear you tell is, in 1977, filing suit against the National Park Service in the US District Court of Arizona, with regard to river running in the Grand Canyon.

Ruckel: Yeah. The Park Service, a couple years before 1977, had determined that, and we'd certainly been urging this, as had the particular individual involved here, had been urging the Park Service to begin to manage the river. Because the river runners were running riot, and human waste was not transported out, except by only the most conscientious. Paths to attraction sites just off the river were totally eroding; there were no vegetation. All the potential driftwood and all was being burned in fires, and the canyon environment was going to hell in a handbasket, just disappearing before our very eyes. It was just thousands of people, and there were absolutely no regulations, no planning at all.

So, the Park Service commissioned this study by the University of Northern Arizona, which was nearby. It's in Flagstaff. And so, I think they had three major biologists running the study, and then they had graduate students and other professors in specialized areas. It was quite a study. It was two volumes, and these were thick volumes. This was a hell of a study, hell of a job, and it was a preliminary study, just preliminary. I'd never seen a preliminary study of that competence, or that comprehension, or that big. Comprehensive, I guess, is the word I'm looking for. So, we thought, "Well, problem solved." But of course, you got into a political thing, and the river runners have always been disproportionately powerful, politically.

Eardley-Pryor: Why?

Ruckel: Oh, they claim they're the only people that go in the river safely and take large numbers of people down the river.
Eardley-Pryor: So, by providing what they claim is that unique access, that gives them political clout?

Ruckel: Yeah, yeah. The Grand Canyon is the Grand Canyon, from Toroweap or from Glen Canyon Dam, however you want to measure it, down past Grand Wash Cliffs, which is where the river comes out of the canyon country. There are no access points other than crawling down trails and that kind of thing. There's feet and donkeys, and then there's the river. So, they're the only ones who can get large numbers of people down to enjoy the river, you see? And meanwhile, they're tearing it to hell. So, that came into my office, probably via John McComb.

Eardley-Pryor: And who is John McComb who brought this?

Ruckel: He was the Southwest regional representative for the Sierra Club. But Sierra Club brought litigation. We had no co-plaintiffs, that I can remember.

Eardley-Pryor: Well, what had happened with this preliminary study?

Ruckel: Well, the Park Service made all these noises, and this is pretty typical. They made all these noises about river management plans, mm-hmm. Well, the politicians protecting the big river runners intervened, and the whole idea would die aborning, and meanwhile, the river's continuing to be deteriorating. And so McComb and the [Sierra Club's] Arizona chapter—and the Arizona chapter's always been a vigorous chapter, had some heavy-duty financial backers, too—and they were outraged. And so, they came to me and said, "Well, what the hell can you do about this?" and they brought this study along with them, and they recited the history that I've just given you. And I said, "Well, this sounds like it's got a lot of potential, because you have"—you see, the National Park Service Organic Act says the priority's to be the scenery and they'd be managed "unimpaired for future generations"—that's probably the most applicable phrase—there were many phrases, but—"unimpaired for future generations." And obviously, it was being impaired.

So, the statutory nexus was there, as the courts would call it, and I had this magnificent evidence in this preliminary report that the Park Service had commissioned—we hadn't commissioned it, the Park Service had, because it was a Park Service report, right? The Park Service commissioned this, and so, we danced into court with this. As a matter of fact, it was kind of interesting because the court was meeting in various auditoriums around town because the courthouse was being refurbished, and we met in somebody's auditorium. I don't know who it was. Anyway, weird way to argue a case. But they cleared some chairs and they had some tables, and it approximated a courtroom. And,
so, we argued that the clear statutory duty, or the statutory duty was clear, and the Park Service itself had conceded this. The Park Service had this magnificent study.

Well, this is another case where the politicians made the decision, the politicians made the decision on no evidence. The evidence was all contrary to them. We're going into court. The court's charge is to make sure everybody's following the act, not satisfying politicians. If it satisfied politicians, fine. If it doesn't, that's fine, too. They're not involved in the political stuff. They're involved in the act and what the act says, and what the evidence in the case says. So, this is another one of these instances, and we had them before where the government really didn't want to take this thing to trial, and they really didn't want to get involved. There was no way they could overturn the evidence. This is their own report. Preliminary report—hell, each volume was a great big heavy volume, and research, initial studies, and that kind of stuff. There were scientific reports in there. They weren't just somebody's interpretation of scientific reports. The reports were there. So, we had this marvelous, marvelous case—

04-02:25:01
Eardley-Pryor: Well, what was it you were arguing for?

04-02:25:03
Ruckel: Well, let me finish my thought.

04-02:25:06
Eardley-Pryor: I'm sorry.

04-02:25:06
Ruckel: Yeah. And, so, their argument was, "Well, these problems are there and we're going to deal with them," and all that kind of thing, "but we do need to get people into the park, and the National Park Service Organic Act just does say it's for the enjoyment of the citizens, and that the citizens will be welcome," and all that kind of thing—and this is the kind of thing—and, "we're the best qualified to bring the citizens through the canyon."

04-02:25:38
Well, it turned out there was this horse rancher up Moab way named Ken Sleight—and he was a buddy of Ed Abbey and that community—had a nice horse ranch. Nancy [Olmstead] and I stayed there a couple times, a very nice ranch, right in the mouth of the canyon to the La Sals, and this is La Sal Mountains. He ran a lodge there, and especially cross-country skiing in the La Sals in the winter was a big part of his—well, in the summer, he did river trips in the Grand Canyon on the Colorado. And he had the latest and best boats, no motors. He had incorporated into the process containers to take out human waste, and he was doing all the things that were called for in the report of the Northern Arizona, and bringing people through.
Now they paid, just like they paid the big river outfitters, but he totally
destroyed the notion that the big river runners were the only people, you see,
who could bring people down through this marvelous but hard-to-access area,
that you had to do it the river runners' way. Meanwhile, Ken Sleight, a smaller
operation obviously, is chugging up and down the river—well, you're not
chugging up, you didn't have any motors—and taking people down, and
obeying all the rules, and that kind of thing. So, what you do is you attach his
affidavit to the complaint to verify that kind of—it was called verifying the
complaint—and that helped mightily with TROs and things we might need
where the court didn't have a chance to gather evidence. You had that in
Uncompahgre that we talked a bit about.

04-02:27:45

And so, the Park Service—oh geez, and we were very simple. We were asking
the most obvious, the least-offensive relief. We were asking for a river
management plan, which is what the study had recommended. I took one look
at the study and said, "This is our evidence, so whatever we do, we want to
have it backed in the study." Well, once again, you had the government on one
side and the Park Service saying—they'd commissioned this study, and the
judge never could get it under his—of course he understood, but he always
said, "I can't understand. Here you guys go and you commission this study,
this voluminous—and Mr. Ruckel is showing us this. And then you reject it,
and you issue these contracts to these river runners who are operating, as the
study says, and destroying the river. So, what changed your mind? Nobody's
given me a satisfactory answer."

Well, they couldn't say, "Because the politicians told us." Right? The judge
knows that. He's trying to just keep an open wound open, and this went on for
a considerable period of time because you had high muckity-mucks and
Department of Interior, who were not going to give in easy.

04-02:29:25

Eardley-Pryor: And I imagine—

04-02:29:26

Ruckel: And all you had to do is just preserve your position and get before the judge
often enough to get the judge gradually more pissed off and more riled. So,
you can imagine judge's point of view: "These guys are going to lose this
thing. I've got a lot to do. We're not making any progress. They're objecting to
everything, and this has got to come to a stop." And it did, because the Park
Service finally had to, so to speak, do this or the judge was going to lower the
boom. And so, we got a management plan, a river management plan, and it
was a good start, actually, and adopted most of the recommendations. And
through the years, it was amended and provided further protection. At the time
we brought the suit, there were about fourteen thousand dudes who were
floating down the river. Now there's a couple hundred thousand, I don't know.
The environment has been significantly restored, and the regulations have
been very successful.
Eardley-Pryor: Numbers of people traversing the river have gone up, but environmental protection has also gone up?

Ruckel: Yeah, and so consequently, the canyon looks a lot better now with, I don't know, whatever it is, two hundred thousand people floating through it yearly, than it did when fourteen thousand were going through it.

Eardley-Pryor: What happened to these big river-running operations that were using motors, and all these kinds of things?

Ruckel: Oh, the motor fight goes on and on and on and on.

Eardley-Pryor: Did they have their licenses revoked for their unsustainable activities?

Ruckel: No. Well, this was the cause of action, conveniently matured at the time. Permits were up for renewal, as I recall, and so, the Park Service was on the spot. They had to do something. They knew the river was being deteriorated, the rangers did. The study that Northern Arizona did had interviews or had statements in the background materials supporting what they were recommending for Park Service personnel on the river. This was an easy case, so to speak, except for the political thing, you see. And the political thing caused it to be drawn out, and drawn out, and drawn out. And, of course, we have to spend a lot of money, and we have to appear occasionally with Ken Sleight and John McComb and other people, and there's some desultory discovery that goes on and all that. What you have to do is, you have to outlast these guys, and eventually, the judge wants to move it off his docket. He's tired of this bullshit, and so, he lets it be known that there're going to be no more screwing around with this docket and with the process and the procedure, and interrogatories and depositions, and we're going to bring this to a close.

Eardley-Pryor: And so, "the close" was the river management plan? [The National Park Service ultimately released its Colorado River Management Plan in the summer of 1979.]

Ruckel: Yeah, yeah, which is what we'd asked for.

Eardley-Pryor: During this battle, you mentioned that Ken Sleight was friends with Ed Abbey. Did Ed Abbey ever get involved in this case?
Ruckel: No, he didn't. I'm trying to think when Ed died [1989]. Internet would tell us right away, but—

Eardley-Pryor: Did you ever have any cases where Ed Abbey was a part of your efforts?

Ruckel: I did not, I did not. Yeah. He was one of the most interesting—he's one of these interesting people you have met. [laughs] He's right out there. Ken Sleight was interesting, too, but he didn't have the literary panache that Abbey had. *The Monkey Wrench Gang*, what a wonderful name and what a representative phrase.

Eardley-Pryor: With regard to this river-running case, in terms of the legal analysis, you'd said that the National Parks Organic Act of 1916 does say explicitly that part of the role of the Park Service is to provide enjoyment for the populous, but it's also to ensure—

Ruckel: Preserve and protect.

Eardley-Pryor: —oh, to preserve and protect.

Ruckel: And ensure that it's—

Eardley-Pryor: So, how is the analysis on these two different, what could be seemingly opposing points of view?

Ruckel: Well, that was the only thing the government had, you see. What does that mean?

Eardley-Pryor: Where is it at now?

Ruckel: Well, oh that now has been—especially because of the Redwoods case—is no more. The Redwoods case amended the Organic Act to make it an affirmative duty of the Park Service to go out and protect its areas, and that shall have priority, in almost every instance, over any other function, any other role.

Eardley-Pryor: Including public enjoyment?
Ruckel: Well, that was implied, but they said that it's for—the idea is the preservation and protection as the priority of Park Service management. So, first thing you do is you protect or preserve the park, and then you can license other activities, but that moves the whole argument twisted around and makes that the priority, rather than the priority of access to the park and that kind of thing.

Eardley-Pryor: That's great. So, the Colorado River Management Plan does finally—the judge says, "This needs to happen," and the Park Service does create it at the end of the seventies. As you move into the 1980s, environmental law is flourishing. It's developing but it's had at least a decade of work, at least, on it. How are you seeing your role in the Denver office of the SCLDF operation change, as the seventies moves into the eighties?

Ruckel: Well, first of all, the Wilderness Act review stuff, this was probably the most emphatic change. By that time, all the primitive area reviews and wilderness had been set up. And as I mentioned, there were some wilderness area management problems which were severe. I addressed two of them, two cases, in my book [H. Anthony Ruckel, *Voices for the Earth: An Inside Account of How Citizen Activists and Responsive Courts Preserved National Treasures Across the American West* (Littleton, CO: Samizdat Creative, 2014)]. So that was the change. You went from trying to form wilderness and establish wilderness, to protecting the wilderness you had from overuse and from intense activities that were contrary to the Wilderness Act command. So, that was a sea change. It more than made up for the fact we had some very significant national park stuff, and I mentioned mountain lions, and I mentioned, oh, some other—

Eardley-Pryor: Oh, the Carlsbad Canyon mountain lions "hot-pursuit" case. [See below, Interview 5 at minute 28, and Ruckel's book, *Voices for the Earth*, page 43. In May 1982, Sierra Club and Defenders of Wildlife filed a lawsuit against the US Department of the Interior in the US District Court for New Mexico for approving the "hot pursuit" by local ranchers of depredating mountain lions across park boundary lines into Carlsbad Caverns and Guadalupe Mountains National Parks. In 1983, a newly elected government for New Mexico repudiated the state's prior "hot pursuit" policy, which triggered the Department of the Interior to halt its environmental assessment for a "hot pursuit" policy.]

Ruckel: Yeah, yeah, the mountain lion thing. That was cool, and, these other things were going, too, and—oh, the airport in Grand Teton National Park, Jackson Airport. We were never able to make any headway there, but we tried.
Eardley-Pryor: Tell me briefly what that was.

Ruckel: Well, Jackson wanted to—

Eardley-Pryor: Jackson Hole, Wyoming?

Ruckel: Yeah, Jackson Hole, Wyoming, wanted to have a big airfield to help with its growing resort-community status. And after all, Grand Teton is right there. [blows nose] Allergies are hitting me today. [blows nose] Excuse me, that must have sounded like hell on this.

Eardley-Pryor: [laughs] It's fine.

Ruckel: So, they wanted to expand the airport to handle bigger airplanes and make it a big-ass airport. And it subsequently became a big-ass airport, and that kind of thing. We were unable to—

Eardley-Pryor: Where was the airport located?

Ruckel: It's in Jackson Hole, just south of the city, maybe six or seven, could be up to ten miles, where, you see, the Gros Ventre Mountains on one side, the Teton Mountains on the other. So, the runways have to be north-south, and they have to be away from Jackson, the town. And things get pretty hilly. The hills close in north of Jackson. You have the Elk National Wildlife Refuge.

Eardley-Pryor: So, you were trying to limit the size of this airport?

Ruckel: Yeah, yeah, we were.

Eardley-Pryor: Well, you'd mentioned this was in regard to national parks. If the location of the airport is not in a national park—

Ruckel: Well, you see, the national park traded some land, and I don't remember all the circumstances, but part of the runway was going to be in the national park, and just a little part of it, as I recall—or a land exchange was engineered. Land exchange is where you would add land from the public lands. You would add or donate that land to the park, and you would take away parkland needed for another purpose. We never had a really good case, because
Congress specifically authorized an expanded airport, and, so we never got any mileage, but that was there.

Gosh, we had continuing wrestling matches in southern Utah with certainly the Navajo Power Plant. We fought that for a long while. Now that was largely fought by Native American Rights Foundation, NARF, Native American Rights Foundation, or Fund, NARF, headquartered in Boulder. They led the fight on Navajo Power Plant, but we were involved with their energy plants. We got involved in the office, we got involved in protecting the red-cockaded woodpecker in Southeast forests, Southeast United States. We had some expertise in public lands issues and all that, so we wandered out occasionally from our geographic nexus.

And then, gosh, we had the FLPMA, the Federal Land Policy and Management Act that was passed in '76. That provided for a planning process on all BLM [Bureau of Land Management] lands, undedicated lands. And of course, mineral leasing was huge, oil and gas leasing. So, we fought very vigorously. We had a wonderfully nice little vest-pocket victory over Little Granite Wilderness or something [Little Granite Creek in the Gros Ventre Wilderness] in Wyoming, charming little area. And that kind of thing, so—

04-02:41:34
Eardley-Pryor: Wait, let me pause. Was FLPMA essentially bringing the BLM land into wilderness review?

04-02:41:41
Ruckel: It was a part of the new planning process. Okay, they had established primitive areas, like, for instance, the Paria River in Southern Utah. It's gorgeous. It's not quite up to the standards of the Escalante, but it's a little Escalante, and it runs parallel. The Heart of the Desert Wild [book by Greer K. Chesher], that's where we're talking here, and it's a legitimate appellation. So, there was controversy over that, but the BLM was determined to protect it. Because one of the interesting things about the Federal Land Management Act is, here, Department of Interior's looking at the Forest Service that got all these wonderful wilderness areas, and looking at the Park Service, the Park Service got more and more land, and they're beginning to control it ecologically. And "here we are, we're nothing."

So, we're going to fight for the Paria River, and in that era, the Forest [Service], or the Parks [Service], or the BLM, [laughs] did that, and had those kinds of positions. And they did review areas, and Paria was expanded. Grand Gulch was. That's over towards—well, you got to go around the corner of the Blue Mountains there, which is the south, sort of the boundary of Canyonlands National Park, southeastern boundary, and, then you go around the corner, you get into Grand Gulch, which is a spectacular Canyonlands area. And that's BLM stuff. That's now a formally dedicated wilderness managed by BLM, as is Paria.
And, so these were still going on, and even today there's—we just recently had this magnificent victory in Utah, and the San Rafael Swell was—you know, the Emery County Lands Act? Oh yeah, yeah, these are the Republicans—hey, hey—in Utah. They'd been working on wilderness, and Dick Durbin, our senator from Illinois, been pushing them, "You got to protect San Rafael Swell," and, [US Senator Orin G.] Hatch was leaving office. [US Congressman Bob] Bishop was leaving office. Bishop would have been—he was a disaster. Hatch was a disaster, too, though he was less sure of himself as he got older, I mean, he was less sure of his capacities, I think. I know he's still alive, so I shouldn't say anything, but, at any rate—

04-02:44:48
Eardley-Pryor: So, wilderness issues remained part of your bailiwick.

04-02:44:51
Ruckel: Yeah, they were there, and then we had wilderness management, and I had the Indian Peaks right up behind Boulder.

04-02:45:00
Eardley-Pryor: Here in Colorado?

04-02:45:01
Ruckel: Here in Colorado, yeah, that the Forest Service had a mandated wilderness review exercise that Congress had specifically mandated. It established the Indian Peaks. It protected it in a stop-gap measure from anybody doing anything until its wilderness potential was reviewed, but it was not a primitive area, so it didn't fall under that rubric. And of course, the Forest Service in its infinite wisdom, grasping at straws, said, "Well, you can't get solitude in the Long Lake, Mitchell Lake, middle fork of the St. Vrain drainage, because there's so damn many people." What they were saying: "There's so damn many people from Boulder and Denver going in there." It was one of the most heavily visited Forest Service Wilderness Areas in the country, and so, that destroyed the whole point of the mandated wilderness review of Indian Peaks, because that was one of the true hearts of the area, and certainly the area most available for access by the public. And they tried to use that against us by saying, "Well, that disqualified it from wilderness because you couldn't find solitude in there"—and part of that definition that I read before was "places of solitude"—"because there're too many people."

Well, boy, I mean, that argument carried to its logical extreme would disqualify half, if not surely more, of the wilderness areas and land, because after all, you created the wilderness areas so people could go out and enjoy them. Give me a break. But, you had to convince the Forest Service of that, and so, we were able to do that.

04-02:47:12
Eardley-Pryor: You'd mentioned—
Ruckel: And then of course, the miners in the Maroon Bells, that's also in my book.

Eardley-Pryor: And that story on [the Maroon Bells] is that there was private land within this designated wilderness, and they wanted to may have a quarry there.

Ruckel: Yeah, yeah, and the government owned the surface, but they didn't own the mineral interests, and they didn't own the timber. Very poor negotiating by the government. I have no idea who was doing it, and that was kind of beside the point because it'd already been done. But there was a change of ownership due to an estate, a principal passing away, and, so it ended up with this, really a poor old miner, not really old, but had nothing else to do, Stefan Albouy. But of course he was backed by big interests. They're going to trade this into—it was a hold-up job. They were going to trade it into big money from the United States—

Eardley-Pryor: And isn't that what happened?

Ruckel: Well, what happened was, Stefan got tired of all that and got in touch with the Rocky Mountain—what was it called? [Mountain States Legal Foundation.] It was this organization of private interests that was formed to combat, well, specifically my [Denver SCLDF] office. Formed by James Watt. And so they found representation for Stefan, a nice guy. And so, he [Stefan] wanted to go in there and take marble out, have it sampled and determine market value. All this kind of stuff, right? So, you see, under traditional land law, the dominant estate is the mineral interest, the subservient state is the surface interest. That makes sure that there's anything there will be mined, but it's not an absolute. And we had this in Kentucky on another case I did. We had—it's not an absolute thing. In other words, they can take it out, but they have to return the land, restored as nearly as possible to its condition pre-mining.

Eardley-Pryor: That seems—

Ruckel: That's a duty, and these are more common law duties and descriptions than anything else. The US Mineral and Mining Act dates to 1872, I think, and the industry vigorously defends it because it's been used as a wedge throughout the West, for inappropriate private exploitation.

Eardley-Pryor: Give me the long and short of what happens at Maroon Bells.
Well, what happens is we fought hard, two years. He was going in and out and he got some marble samples out. Never told us their quality. We knew their quality would be bad because there was water seepage through the marble formation, which stained the marble. So, it was okay for floors maybe or something. I mean, even there you'd have the stain. But that wasn't the point. He was pushed to it by these private interests who wanted to hold up the government or had other motives, whatever they were. And this became quite a stink because what do you see in terms of the Colorado Rockies on a standard calendar? You see the Maroon Bells. This is iconic. And you can just imagine—thinking of blasting a marble quarry [laughter] just over the hill from the Maroon Bells!? It's kind of like the whole thing with Carlsbad Caverns National Park. People go to Maroon, "Wow, what is that noise?" "Martha, I do believe there's a hell of an explosion over there. Do you see that? Do you hear that?" You know? And Aspen, of course, the city and the ski area was just beside themselves. They couldn't imagine anybody doing this kind of thing. So, we had some political power on our side, too. And as I said in my book [H. Anthony Ruckel, *Voices for the Earth: An Inside Account of How Citizen Activists and Responsive Courts Preserved National Treasures Across the American West* (Littleton, CO: Samizdat Creative, 2014)], I said this argument could have gone on forever and ever, but the outcome was clear. A Colorado politician could not afford to have marble quarry blasted adjacent to the Maroon Bells. It just couldn't work out. Couldn't work out. So, the government had to buy it. The other side knew they wanted to buy it. In fact, that's probably what their whole motive was anyway.

Imagine they got a pretty penny for it from the government.

Yeah, right. Well, I can't help it. The 1872 Mining Act is a travesty, but it's there and we've never been able to overcome it. But we can overcome it. We've never been able to reverse it, get it out of the books. So, the miners came to me, their lawyer, this friendly guy in Aspen, and made an offer. Said, "Well, you know, this has gone on long enough and we've spent enough money on our side. We would entertain an offer to buy out the interests," and he named a number. And that's privileged. That's privileged communication. Again, people are still alive. That's a privileged communication. One of the obvious privileged communications. You're trying to settle a lawsuit, you're not trying to—you want to protect that environment. But the government objected. They objected fiercely. They said, "Well, the marble isn't worth a damn." I said, "Well, wait a minute. To resolve this case and to get this, this is a rational proposal. Go for it. For God's sake, you know, you're going to spend another two, three years," however long it was taking, this struggle. And the attorney for the city of Aspen and the county attorney, I mean they were one and the same, he was saying, "You know, take it. Take it, for God's sake. What do you want?" And, of course the government, "Well, the thing is
worthless. Absolutely worthless. He can't possibly make any money. He can't get it out of there and pay for it and all that." You didn't want to say that, "You dummies. He's not paying for it. This guy Stefan Albouy is half the time out of work dude. He's got backers and they're paying for it." So, they rejected it. And then the struggle continued, and it got politically more and more sensitive. And finally, the congressional delegation introduced legislation and condemned it and bought it for more than twice the offer that was made to me by counsel two years earlier.

Eardley-Pryor: Should have taken it while they could.

Ruckel: Of course. See, experienced lawyers were telling him to take the goddamn thing.

Eardley-Pryor: Yeah, be done with it.

Ruckel: Yeah. And this was a county and city attorney for Aspen and the attorney for the Sierra Club. I think you can say we were fairly experienced lawyers in things like this. We could see what was going on. We could give it an approximate value, and this looked good to us.

Eardley-Pryor: Well, in the interest of moving things along, I want to take you to further questions.

Ruckel: Yes, go ahead.

Eardley-Pryor: You'd made brief mention that you had done some work with this NARF organization [Navajo American Rights Fund] against the Navajo power plant. But it had already been built.

Ruckel: Yeah. Well, we were trying to control the emissions.

Eardley-Pryor: Oh, I see. Make scrubbers on—to control the emissions.

Ruckel: Yeah, yeah.

Eardley-Pryor: Another issue that comes up in the eighties is, well, the continued issues around energy, but this time around a nuclear issue.
Ruckel: Oh, yes. Yes.

Eardley-Pryor: Nuclear storage. Can you tell me the story about the Canyonlands nuclear case?

Ruckel: There was a lot of charm in this. As you know the nuclear waste had been building up for disposal onsite. Now, these are very high-level nuclear wastes. This is the highest level nuclear waste product. It's from power plants, not from your defense stuff. First of all, the defense stuff is small little bombs and bomblets and things like that, or parts of generators from nuclear submarines or boats or things, whatever. They burnt more efficiently, and the [defense] waste is not only less toxic, it's less voluminous and that's handled under separate law. But there was no law to handle waste from civilian power plants, which is the most dangerous of power—a nuclear power plant. I don't know the numbers now, but it can never burn all the rods and those that burn a certain percentage will only be partially burned. So, it's extraordinarily radioactive and it's been bombarded. It bombards itself. So you have plutonium and you have stuff that lasts a hundred thousand years, whether you like it or not.

Eardley-Pryor: A hundred thousand years of radioactivity.

Ruckel: Yeah, yeah, yeah.

Eardley-Pryor: So, the storage issue becomes a pretty big deal.

Ruckel: Then we're talking like half-lives here. What the hell? That's what stars are—

Eardley-Pryor: That's what powers the universe.

Ruckel: Yeah, right. These are physical powers. And chemical powers. So, the idea was, well, you bury this stuff. "Maybe we ought to bury it." So, they started out in Kansas, placed called Lyons, and they said salt's a great place because heat from the waste will cause the salt to melt in and seal the whole package. Right? Now, this is one of the things that's great in logic and terrible in the field. First of all, you have to find a virgin formation. Has to be big enough to hold a lot of crap. You have to be able to manage it so that you can open it and shut it. And it has to last forever, and so you had to protect all the land around it to make sure nobody drills a hole in it looking for oil and gas, because oil and gas is frequently found in this environment—in the salt beds and shale
and materials of that nature where formations are stopped by the shale, and they collect. That's very simplified. But the whole principle is there.

04-02:58:30
Eardley-Pryor: Let me pause you just for context. My understanding is that in 1983 Congress passes the Nuclear Waste Policy Act [NWPA], which is what says we do need to make a policy for long-term nuclear waste storage. [NWPA directed the Department of Energy to find permanent underground storage of nuclear waste.]

04-02:58:42
Ruckel: That's right, that's right. And I was just starting at the Lyons thing earlier than that.

04-02:58:47
Eardley-Pryor: Oh, Lyons came before that passage?

04-02:58:49
Ruckel: Yeah, Lyons was the first experiment.

04-02:58:52
Eardley-Pryor: The first experiment in trying to store in salt?

04-02:58:54
Ruckel: The National Scientific—NSA or NSC, whatever it is, National Academy of Science. The big federal science org was heavily involved in this and everybody liked salt because of this theoretical sealing. There wasn't anything in salt but salt. So, it seemed to all make sense. It seemed to all hang together intellectually, even though there'd be drilling around because people are looking for oil and gas at the margins. Right? But that was not on their point. So, they passed that [NWPA] act, and by that time the Lyons experiment was dribbling down to practically nothing, but it wasn't dead yet.

04-02:59:51
Eardley-Pryor: Had they actually started trying to store in these salt formations?

04-02:59:55
Ruckel: Oh, they tried. I have no idea what all they tried because a lot of national security stuff was involved here, and who knows? Who knows? It was experimental.

04-03:00:00
Eardley-Pryor: But that was the—

04-03:00:05
Ruckel: The Sierra Club was fiercely opposed to all this and riled up the citizens of Kansas. We never found a state that wants this stuff. Nobody wants it.

04-03:00:16
Eardley-Pryor: I mean it's toxic for a hundred thousand years.

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Ruckel: That's right, Sir. It is. And so, you're saying, "Well, where are you going to put it? Who wants it?" Nobody wants it. Everybody's going to fight. Even Nevada passed—

Eardley-Pryor: With Yucca Mountain.

Ruckel: —they fought it extraordinarily competently, and with united political sentiment in Nevada. There's nobody—you mentioned Yucca Mountain. In Nevada, that could be fighting words. They're serious about this in Nevada. So anyway, Congress passes an act and said, "Okay, we will review geologic formations for the geologic disposal and geologic formation of high-level nuclear waste. And we'll create a system." They created a system where you review. You do a site analysis, you do a site nomination, final site qualification. You assess them and you come up with a couple of alternatives. Then you select the best alternative. Okay. Logical proceeding. Nothing wrong with the proceeding. It's only the politicians and the industry getting in the way, right?

Eardley-Pryor: That's a Congressional mandate. I mean they have to go through this process.

Ruckel: Oh, yeah. They had to go through this. Which they did, religiously. But nobody wanted it. [laughter] They went through it so religiously that they were reviewing salt and favoring salt disposal even with the failure of the Lyons exercise. And the interesting thing about that was, Lyons failed because people had already punched holes in the salt formation or would come along and punch holes in the salt formation. And salt is formed in a water environment. Right? So, it's never pure salt. It's also substantial—the quantity of water in a salt molecule. I'm not a chemist, but you get my point.

Eardley-Pryor: Yeah. So, there's all this brine in there because people are drilling and putting water through the salt.

Ruckel: Yeah, exactly. Well, the water dissolves the salt. Right? And we'll get to that in a minute. Areas east of Canyonlands, just east of its boundary is the Paradox Salt Foundation, which was laid down about three hundred million years ago, or whatever it is. These were the inland seas that waxed and waned across this part of the world or that part of the world.

Eardley-Pryor: When they evaporated, they left the salt.
Ruckel: Salt sea. Yeah. Yeah. Salt didn't evaporate and then a new sea would come in, you see. So, it'd build up. It was, I think, east of Canyonlands. Oh, how deep was it? Anyway, it was at least a mile thick. It might have been two miles thick in certain areas. But I think in terms of a repository, which would be a big operation, taking a lot of that formation, you can say, well, it was certainly twenty-five-hundred-, three-thousand-foot average over this long period of time. And it was overlain by other deposits that had been put down on top of it. Those deposits were, God help me if my geology's wrong. But anyway, those deposits were coming down from the Uncompahgre Plateau, which was this very permanent plateau that lasted through several orogenies, whatever the hell they're called.

Eardley-Pryor: So, this salt formation that's near Canyonlands [National Park] is being pushed down on by other formations that are even above it.

Ruckel: They're on top of it, right. And it comes under heavy pressure. Now, you expect that to some extent. I mean it's just logical, right. Gravity. So, the idea was, "Gosh, there's not another salt deposit like this in the United States."

Eardley-Pryor: And the process was favoring salt.


Eardley-Pryor: Were there other sites that were being considered, as well? Was Yucca? Was this when Yucca was being considered?

Ruckel: Yes. Yucca Mountain. There was the Hanford Site.

Eardley-Pryor: Oh, up in Washington [state]?

Ruckel: Up in Washington. There was Deaf Smith Canyon in Texas. I think early on Deaf Smith Canyon was [dropped], and the real emphasis was on the other three.

Eardley-Pryor: So, this Canyonlands salt formation, there was a real chance that the nation's nuclear waste would get stored there.

Ruckel: Oh, yeah. Yeah. Very real. Very real. Especially since scientists seemed to favor this goddamn salt stuff. Their dream was a perfectly pure, uninterrupted large deposit of a salt enclosing itself in wrapping this collection of waste,
nuclear waste, and it being a self-contained unit. And it would last for thousands and thousands of years. That was the dream. And like I say, on a blackboard, theoretically, it works fine. Of course. We don't argue with physics. But where do you find that kind of thing, and how safe is this? How perfect is this formation?

Eardley-Pryor: Now, how did you hear about this case? Was it something again that the—

Ruckel: Well, I think the Utah chapter [of the Sierra Club], probably.

Eardley-Pryor: They brought it to your attention and said, "We need to get involved."

Ruckel: Yeah, yeah, yeah. So, I'm sitting there and saying, "Well, goddamn it. This thing's not on [national] park land. It's adjacent." When they finish with it, the only evidence will be some entrance points here and there. Not many. Just a couple because the more you have the more you endangered the formation. And all other surface evidence will be removed. So, somebody overlooking a canyon can say, "Well, that seems like an odd little building over there," or "I wonder why there's a drive up to that," or that kind of thing. But it's part of a huge panoply of scenery. So, I knew that was going to be difficult. I wanted to find out about this salt formation. Well, there's precious little written on this Paradox Salt thing.

Eardley-Pryor: Legally, how are you thinking about attacking this, if it's not in a national park?

Ruckel: Well, I wanted to get it off this chain of recommendations and elimination, you see, that went on to the final selection.

Eardley-Pryor: How did you think you would do that?

Ruckel: By attacking the formation, because I couldn't figure the National Parks Organic Act was going to help me. I'd use it. I'd use anything I had, and NEPA certainly. But the [Nuclear Waste Policy] Act provided for and setup this environmental review process in the site selection process. It was very specific. And it was very directed towards deep geologic disposal. That was the point of it.

Eardley-Pryor: So, you wanted to call into question their selection of this particular geologic formation?
Ruckel: Yeah, right. I just wanted to get them away from Canyonlands and get them away from the [national] parks. I didn't know anything about Paradox Salt. So, I'm sitting there trying to think, "What am I going to do?" Then I heard about Dr. Peter Huntoon, geologist, a primo, at the University of Wyoming, just up the road.

Eardley-Pryor: And what kind of scientist was he? A geologist, you said?

Ruckel: Yes, yes, well, and a hydrologist, both. He testified as an expert witness in both areas throughout the American West. And I was given to understand this guy knew about nuclear wastes. I didn't know whether he knew anything about the Paradox Salts. I mean, I was desperate. So, I called him up and said, "Dr. Huntoon, I'd like to talk to you about this nuclear waste matter. I'm with the Sierra Club, and we're opposed to the locations there adjacent to Canyonlands National Park." And he said, "Well, Mr. Ruckel—" We were soon on a first-name basis, of course. Said, "Tony," he said, "I've been thinking about this, and I've been thinking about coming to you about this thing because it's outrageous." Boy, I—hey.

Eardley-Pryor: Talking to the right guy here.

Ruckel: [laughter] Of course, I was talking, by happenstance, to the only guy. He was the expert.

Eardley-Pryor: Now, why did he think it was outrageous?

Ruckel: Oh, he said the salt formation was vulnerable, and as important, anything that got in the groundwater would immediately be subject to transport. Because the water's going to go through things and it was going to get places, especially in an active geologic area like southern Utah. Very active.

Eardley-Pryor: Is it active?

Ruckel: Oh, yeah, because all these other formations that got on top of the salt are slipping and sliding over the salt. Right? And there's still faults there, fault lines, so there are faults and there's little tremors. I mean, we don't feel them. They aren't anything like you guys have in California—you're the specialist on this. But there are enough indicating there's movement going on down there. And movement, geologic movement, you can only observe by noting that this year, and nothing that ten years later. It's a timeline. Of course, to plan a function, that's pretty rapid. Things are going just fine.
Eardley-Pryor: Yeah. If you're working on a nuclear entombment timeline, then you have to deal with those kind of long-term scales.

Ruckel: Oh, yeah, yeah. These things are all important. The whole Needles District [in Canyonlands National Park] is called Grabens. Much of it is Grabens. Graben is a name for blocks sliding across a particular formation underneath them. And in Canyonlands, they're sliding into the Colorado River or the Green River—take your pick—and they're gradually sliding that way. Now, the government's argument, "Well, we'll be way below that. That's the stuff that's on top."

Eardley-Pryor: "It's sliding over the salt," is what the government's saying, and they cared about the salt.

Ruckel: Right, right. Well, they said in the preliminary documents, the preliminary arguments—[yawn] huh, pardon me. Where the water, the groundwater in these Canyonlands sites discharged was into the environment in the Grand Canyon, two hundred miles away, I don't know, something like that. And by that time, they would have reached their half-life. I mean, it would have been gone.

Eardley-Pryor: Oh, it would have taken the—

Ruckel: The dangerous radiation would have deteriorated, however it disappears. Anyway, it's used up.

Eardley-Pryor: If there was some sort of leak, the water would be irradiated. By the time it got to the Grand Canyon, it would have taken that hundred thousand years to move that far?

Ruckel: Yeah.

Eardley-Pryor: So, it would have dissipated its radioactivity?

Ruckel: Essentially it would be harmless.

Eardley-Pryor: I see. That was the government's stance?
Eardley-Pryor: Did Huntoon agree with that?

Ruckel: He did not. He says, "I'm sure that—" This is called the Madison River Lime Formation. This was the limestone area under the salts, not the salt over in limestone area. Limestone under the salts. He said, "I'm sure that it comes into Canyonlands National Park and into the Colorado River there. Just the stratigraphy suggests that." [coughs] So, he says, "I want to figure that out." And I said, "Go for it, man. You're my man."

Eardley-Pryor: You found the right guy.

Ruckel: I found the only guy, which will become apparent. It's a great story. It's a great case. And so Peter goes down there, and he's also a scuba diver. He's a mountain climber. He's an alpine skier. By that, I mean he climbs things like Mount Hood and skis down the goddamn thing. He's a rugged geologist, okay? And looks like one. Looks like he's from Wyoming. The only tie he owns is one string tie. It's just perfect. Perfect. Hollywood cannot dress him better for the role. I need say no more. You look at him and you said, "That guy's probably a geologist that walked in the door." [laughter] He just looked like one. He wore—they were decent clothes. I'm sure they were all from L.L. Bean. But he didn't own—

Eardley-Pryor: He's a rugged outdoorsman who's into rocks.

Ruckel: That's right. He didn't own a proper suit that I ever saw. He owned boots. So at any rate, he goes down there, and he dives down at a particular point right there at the juncture of the Colorado and the Green [Rivers], or in that area. And he dives down, and he finds the Madison limestone coming out where he said it was going to come out. There it is. "I dove down there. I saw it through my goggles."

Eardley-Pryor: And wait. Just in the context of the government's case, the government had said this Madison formation, this limestone formation, happens farther away?

Ruckel: Yeah, yeah. [The government said] it comes out in the Grand Canyon.

Eardley-Pryor: But Peter, because he had scuba dived this part of the river—

Ruckel: Well, he never accepted that premise to begin with.
Eardley-Pryor: He said it happens sooner. It's going to get to water faster.

Ruckel: Right.

Eardley-Pryor: Which in the context of this case, that means that the nuclear waste, it would still be radioactive by the time it got to the water?

Ruckel: Oh, twenty-five miles is nothing.

Eardley-Pryor: Oh, gosh. So, if that happened, that means that the nuclear waste would have been getting to the water and then pouring all the way down the Colorado.

Ruckel: It would have been in the Colorado River. Los Angeles would be all lit up. [laughter]

Eardley-Pryor: The Grand Canyon would have been lit up all the way down to Mexico.

Ruckel: So then, he had to get the waste out of the salt formation. Well, he was pretty sure that that was a crazy thing to do, because the formation couldn't possibly be uniform. Must have impurities and the whole nine yards. The heat is going to concentrate and bring in the water. But he thought that the formation on top, and the combination of the methane produced by the continued disintegration of organic material in the salt—remember, the salt came from an ocean—would create an over-pressurized environment. Over-pressurized, meaning that if you went into it, any avenue of escape, everything would be pushed in that direction by the disproportionate pressure of the formation. You see, the salt formation was under intense pressure, and it would head outward from that and get to the environment through fissures and cracks, and just go along the surface of the Madison limestone until it trickled into the old Colorado twenty-five miles away in the heart of the Canyonlands National Park.

Eardley-Pryor: I see. So, this would not have been a good nuclear tomb.

Ruckel: That's right. And here's another wonderful instance of happenstance. He was in a bar in Page [Arizona].

Eardley-Pryor: This is—Peter Huntoon was?
Ruckel: Yeah. This is Peter, researching this whole thing. And sitting at the bar, a couple of stools away was another geologist, and he was down there, oil and gas or something like that. So, they got to discussing things and what they were doing down there. And Peter said, "Well, I'm trying to solve a big problem. I think that the Paradox Salt Formation—" of course the other geologist knew what he was talking about. He said, "I think it's under unusually heavy pressure, and that's very important to the chore I have, the case I'm working on," which he described to him. It was an aboveboard conversation.

Eardley-Pryor: I mean these were just two geologists in a bar.

Ruckel: Yeah, in a bar in Page.

Eardley-Pryor: Happenstance.

Ruckel: And so the other geologist says, "Well, you know, you're right. I can prove that. I can take you to a place where I can show you how what you're saying is absolutely correct." So Peter jumps in this truck, jumps in the other guy's truck. He drives him out to this old mine, this old drill site where they've been trying to drill oil and gas and there's this great big drill. I mean huge thing. And it's in the shape of a corkscrew. And this is steel.

Eardley-Pryor: It wasn't originally built in the shape of a cork—

Ruckel: No, it was originally a straight drill that was going down to find the oil and gas. And it happened to go into the Paradox Salt Formation. I mean, another part of it, but this is a huge thing. And the happenstance of it, piercing the formation released all that pressure and it tossed the goddamn drill out, and as it went out, it spiraled into this. There's laws of physics, I'm sure, that explain why that happened. And so, it's lying there on the ground, totally useless to these guys. So, they leave it lying on the ground, and there it is.

Eardley-Pryor: Wait. So this over-pressured salt that Peter's trying to prove—

Ruckel: Was over—yeah.

Eardley-Pryor: —on a happenstance chat with another geologist in a bar who says, "In fact, I can show you a drill that hit that salt, and that pressure actually corkscrewed the steel."
Ruckel: Right out of the hole.

Eardley-Pryor: That couldn't have been luckier.

Ruckel: Yeah, yeah, yeah. Well, it confirmed. Peter might have found other ways. He was an enormously imaginative guy. He wouldn't have quit until he was satisfied that either it was or wasn't.

Eardley-Pryor: But this is how he was able to show that it was.

Ruckel: But this is how he was able to put it together.

Eardley-Pryor: That's great.

Ruckel: And he came back to me. I'm looking at this slide. There's a slide of a [grinding sound].

Eardley-Pryor: The corkscrewed drill.

Ruckel: Absolutely. "The slide," we called it. And I said, "Well, this is incredible." Meanwhile, everybody had filed these lawsuits. Texas, Washington, Nevada. Utah never filed a lawsuit in its life. But anyway, they're all challenging the process, and they're all challenging the conclusions that are in there and all this: "The whole thing is unfair because they're discriminating against Texas"—or Washington, or Nevada. Well, you name it, right? And there was a couple courts of appeal. I'd written some stuff for—I forget what circuit I was in. I guess I might have been using the Tenth Circuit because Utah's in the Tenth Circuit. Anyway, we were all writing, and we were all writing the same thing, and the things were obviously going to be consolidated in one circuit. And the appeal was to the circuit by the statute, not to a district court, which if they had any brains they wouldn't have done that, because the courts of appeal are not equipped to take original evidence like this, as I mentioned before. But, you know, Congress is Congress. And this was such a searing question to resolve.

So I said, "What am I going to do with this guy? I've got this great stuff, but who am I going to get it before?" So, I said, "Well, we're going to Washington, DC for a couple hours." No reason why it shouldn't work this time. So, I make appointments.
Eardley-Pryor: You have all the evidence, so you're going to start lobbying with—

Ruckel: Yeah. I'm going to carry my expert witness to Washington, DC, and I'm going to expose the government to his knowledge, conclusions, and his slide show.

Eardley-Pryor: You brought Peter to DC.

Ruckel: I brought Peter to DC. Or I brought DC to Peter. I'm not sure how that went. To give you an example, there was an earthquake in the Wind River. Wind River's a huge range, I think the largest single range of the Rockies, right? Central Wyoming. Granite. Tough stuff. But it's on a fault line, and it has periodic small caliber earthquakes, and it had a mild earthquake. The USGS [US Geological Survey] didn't have any instrumentation there, and so they couldn't precisely pinpoint it and get it on their charts. And they called up Huntoon because Huntoon has this national reputation of being a crackerjack geologist. He says, "Do you have any equipment? Do you have anything going on up there?" He said, "Oh, yeah. I got about a half-dozen graduate students in the area who are carrying equipment that would record this." And so he gave the USGS all this information regarding this fucking earthquake, right? And he just, "Yeah, sure, I can give that to you. What more do you want?" [laughter]

Eardley-Pryor: He's a fount of knowledge.

Ruckel: He's a piece of work. That's just an example. [laughter] We'll point Peter east.

Eardley-Pryor: When you were making this plan to go to DC, who was your audience in DC?

Ruckel: Well, the Nuclear Regulatory Administration would be right up there at the top. This statute, it's a silly statute. It said that the NRC, Nuclear Regulatory Commission, would license the eventual repository. The EPA would create the standards that the repository must meet, the environmental standards. And the EPA had set up this radius type of thing. They said that a site had to last ten-thousand years in a five-mile radius around the site, okay—or a ten-mile radius, I'm sorry. Of course, the ten-mile radius around the site. And that was the standard. Well, we were already objecting to that standard. Everybody in the world was objecting to that standard. Ten thousand years, not very long at all when you're dealing with a substance of this potency. So, that's not a satisfactory standard, whatever, and they put it in the whole structure of the standard. So, the EPA was involved. And the NRC was involved. And the Department of Energy was involved because, of course, the Department of
Energy was over the NRC, although the NRC is an independent commission, but they were involved. The BLM was involved because it was public land. It was BLM land.

Eardley-Pryor: Did you have to go and meet all of them?

Ruckel: It was the usual suspects. So, we go in there and—

Eardley-Pryor: Do you have to make meetings with each one of these different groups?

Ruckel: Oh, yeah. Oh, yeah. We did. We ran the trap line. [laughter] And we go in there and Peter's in his cowboy hats and his string tie and his cowboy hat, and he looks like he's just off of the range, just out of the corral. And he walks in, and he starts his show. And he has this enormous voice. Carries back to Laramie, Wyoming, for God's sake. But it's not obnoxious. It's a well-modulated, easy to listen to voice. But it certainly commands attention and you can't sleep through it. He starts out. And just a masterful description. He's friendly with questions. Everybody's asking a good question. He's just kind of got them.

Eardley-Pryor: He's a lecturer.

Ruckel: And of course, he destroys them with the answers, but they're still good questions, good guys. All they need to do is understand what the formations are out there. Well, none of them even approached any familiarity with it. Right? The only guy who got in a diving outfit, dove into the Colorado River, and scuba geared to find a geologic formation was Peter Huntoon. The rest of them never dreamt of doing such a thing. After all, everybody knew that the limestone formation ran into the Colorado River two hundred miles downstream in the Grand Canyon. Not open for debate. This was a whole adventure of surprises on the part of the government. And it was clear the Department of Energy and the Bureau of Land Management at that time were not interested in what we had to say. The poor old Park Service again was in this compromising position. There it is in the Department of Interior. So, they were certainly more inclined to believe Huntoon. They probably had more scientists working on it there in the Park Service than BLM had, or the Department of Energy had.

Then we went over to the EPA. Now, they're the ones who set up the standard, this preliminary standard, this early standard, right? They're the ones who set up the standard. I think it was proposed. These were proposed numbers. And we went to the deputy administrator of the EPA for regulatory actions, for regulations, regulatory promulgations, whatever. He was right up at the top,
probably the second-in-command of the EPA, guy named Dan Egan. Pleasant chap, had a nice little office, but an office not like John McGuire [the Chief of the Forest Service]. Nobody had an office like John McGuire that I've ever been in. But he had a nice, pleasant office. A very friendly guy, very informal. Nobody else came in the room. And we're sitting there, four of us. We have me, our local lobbyist in Washington, DC, a volunteer from Salt Lake to maintain the image, which we always were very careful about, and myself. And so, we all sat down and got comfortable, talked about our trip out and all that, talked about the other places we'd been, and Dan nodded his head and said, "Oh, I've heard all about this. I'm really looking forward to what Dr. Huntoon in here has to say." So Huntoon does his—this is one-on-one. *Mano y mano*. Does his presentation and you could tell that Egan had done a lot of preliminary reading and research because he really was asking intelligent questions. Right? And Peter was not saying, "That's a very good question." He says, "Well, let me address that." So, it was much more professional level, high professional level than we'd come before. But, of course, we're sitting there. We don't know. What is this stuff? We don't know anything about it. Right? All we know is the process. You've got to have a process to get this stuff out, so as not to demean our role. We did have a role, but the star of the show once we got on the stage was Peter. What, I'm going to argue about the geology of the Kaiparowits formation and the Madison limestone and how I know it comes out at the juncture of Colorado and Green River? You know, that's bullshit. And he early indicated in this presentation that, you know, "I've not been happy with this standard. Let's talk about the standard a little bit. How can we get a more protective standard? This is dangerous stuff, and I'm not happy with this ten-mile, ten thousand years."

04-03:30:39

Ruckel: Yeah, yeah. Sure. Well, that's only the plutonium part of it. There's some fifty and sixty thousand, but there were certainly a lot of twenty and thirty thousand. These are all transuranics. They call them transuranic because in the process of milling and arranging the tubes you mess up the current dynamic of the radioactive material, and it changes into other things, and then the burning process it goes through at the power plants before it gets to Utah further changes the—because this is all radioactive stuff, and it's zapping each other. Everything's zapping everybody, everything. Itself, too. So, he said, "I'm not really happy with this," and we talked a bit about that. These were proposed standards. They hadn't come down the pike yet, you know, as final standards. And so I made notes, as did Bruce Yaeger, our Washington lobbyist. And so we politely adjourned, and we knew we'd been in the presence of somebody who had a pretty good understanding of what was at stake and what was going on.
And then our next appointment was the NRC, Nuclear Regulatory Commission. And we knew that would be our biggest test scientifically. And sure enough we walked in and they had a table arranged in horseshoe fashion and some chairs for onlookers. And they had a projector setup where Peter was going to give his slides. Peter walked in, looked at it, kind of slowly moved the projector over and took his projector out of his bag and put it there. And introductions all around, everybody. The lead NRC scientist gave his card and Peter gave his card to that individual. They already had enough stuff from me. They knew who the hell I was.

04-03:32:59
Eardley-Pryor: So, this is a room full of scientists.

04-03:33:02
Ruckel: Oh, this is a room, there were about six or seven of them, and there were a couple of civilians. And then there were us three, the cheerleading squad. And conveniently, there were three chairs right against the wall. So I said, "Let's go over and sit over there. Give Peter center stage here." We knew he was quite a personality. So he starts in, and he just completely upped the level of his whole thing. Questions were asked. He'd go back in his slides. And they had to flip through the goddamn slides. There wasn't any PowerPoint. Talking all the time, addressing the whole thing, and really truthfully, mesmerizing his scientific audience. Really was. About thirty minutes through this we were all leaning back in our chairs against the wall. You try to be invisible in these moments. Bruce turns to me, there's Bruce, he says, "We're doing pretty well, aren't we?" And I said, "Yeah, Bruce. He's putting on a hell of a show," or something to that effect. And then we quieted down. The volunteer on the other side, she heard it. And we continued to watch. And this went on for a very long period of time. In fact, somebody even, as I remember, brought a couple of water bottles in for Peter. And he said what our solution had always been, is it needs to be buried in the Craton couple of miles deep in the middle of the country. The Craton being that part of the continent that's attached to the Laurentian shield, which is the heart of the continent. And then everything from Minnesota and thereabouts to the Pacific Coast is add-on to the, I don't know, to the original continent.

04-03:35:15
Eardley-Pryor: So he's talking about how it needs to be buried in some sort of continental bedrock in the middle of the country?

04-03:35:18
Ruckel: Yeah, right. So, this was in the middle of the country.

04-03:35:23
Eardley-Pryor: But sure as hell, not near Canyonlands.

04-03:35:28
Ruckel: Oh, yeah, no. Well, not in anything salt, sandstone, anything with water attached to it. He didn't like any of that stuff. The Craton was the place to put
it. Indeed, that's what many European operations have done. They've dug down deep into granite type of formations, or basalt, or that kind of heavy-duty stuff, and buried it there. After all, the South Africans mined diamonds at depths of greater than two miles. The technology of having a mine go down there—

Eardley-Pryor: Exists.

Ruckel: Yeah, yeah. The South Africans have been doing that. This was in the eighties, as you pointed out, and they've been doing it at least for twenty, thirty years. This is pretty elementary stuff. Hell, at Leadville [Colorado] they probably went down a mile. This is possible. If the product is worth it, if the end result is worth it, you go down.

Eardley-Pryor: So, this meeting with the NRC—

Ruckel: Yeah, it ended on one of these absolutely charming, one of these totally unexpected—so he finishes up, and he's sitting there quietly looking at them. And then the leader says, "Well, that was fascinating. That gives us a lot of questions to think about and ask, and we shall do so. We'll be in touch and we'll let Tony here know what we had in mind." So, he adjourned the meeting. Well, the scientists didn't get up and walk out. They reached in their wallets, and they pulled out their cards and they gave their cards to Peter, and their question was, "Are you available for consulting?"

Eardley-Pryor: They wanted more.

Ruckel: [laughter] You talk about complete acquiescence and everything he—no questions. No grilling. No, "I've got some stuff I want to call you about next week." None of that kind of shit. They're handing him their goddamn cards and saying, "Are you available for consulting?"

Eardley-Pryor: That's great.

Ruckel: Yeah, yeah. You're sitting there saying, "What a moment. What a moment." It's kind of like the Cliff Merritt and Judge Doyle thing. You're sitting there saying, "What more do you—you don't need anything more. This is it."

Eardley-Pryor: You knew you'd won at that point.
Ruckel: Yeah, yeah. He'd carried the day. Period. The card exchange was apodictical proof.

Eardley-Pryor: That's when you knew.

Ruckel: Yeah.

Eardley-Pryor: How did it eventually play out after your trip to DC?

Ruckel: Oh, gosh, gosh, gosh. And who knows, I wrote a two-page summary starting with Lyons and going all the way down. But it ended up, as the three recommendations came out, it was Nevada, the Hanford site, and Deaf Smith. And guess what was dropped.

Eardley-Pryor: Canyonlands.

Ruckel: It was dropped. [laughter]

Eardley-Pryor: Oh, that's great.

Ruckel: But there's more than that. I got a call, and this is even prior to that, I got a call, oh, gosh, a couple of months after I'd been there. My secretary said, "Dan Egan's on the line from the EPA."

Eardley-Pryor: Wait. A couple of months after—?

Ruckel: Yeah, we'd been there.

Eardley-Pryor: After you'd been to DC. Okay.

Ruckel: Yeah, right. So Dan says, "Tony, good to talk to you again." He says, "We've proposed regulations for standards which we think you might find satisfactory. We have a whole change in the whole process here. We've undergone lots of review, and we think essentially you're right." What he meant was Huntoon was right. And, "we need better standards for the viability of the site." It was very simple. I don't know why I didn't think of it. I was thinking too technically. He said, "We're going to reduce the radius from ten kilometers to five kilometers." Well, think of how much more secure that
would have to make the site. They only had a five-kilometer cushion, not ten-kilometer cushion. Shit, that's practically next door. That's there. Right? Gets out, you have to assume five kilometers. [laughter]

Eardley-Pryor: That's great. So not only—

Ruckel: And actually, I published the new regulation in the appendix of my book [H. Anthony Ruckel, *Voices for the Earth: An Inside Account of How Citizen Activists and Responsive Courts Preserved National Treasures Across the American West* (Littleton, CO: Samizdat Creative, 2014)], because it was so elegant. It was very elegant. It was capable of a good mind—or it was the product of a good mind, obviously, in Dan Egan and whoever he consulted on the thing. But it was more a product, really, of this geologist from Wyoming [Peter Huntoon].

Subsequently to that, he was asked to advise on the WIPP [Waste Isolation Pilot Plant] Project in New Mexico, which is a lot of where the military stuff's put down. He went down there and said it was a piece of shit. He went to Nevada and the Yucca Mountain. He said, "That's a piece of shit." He says, "That's really a piece of shit. That land is moving." You know how much California moves around out there, so is western Nevada. Everything's moving around, and this formation was apparently just loose stuff. And Hanford was certainly possible, but it was on the Columbia River. On it. Not twenty-five miles from it. On it. So, the government finally focused on Nevada. And I recite each of these actions. The act had provided that a state could have a veto power over its selection, but that Congress could override the veto.

Eardley-Pryor: And that's exactly what happened, isn't it?

Ruckel: That's right. So, Nevada said, "Well, the hell with you guys. I'm going to veto this. We don't want any part of this." And this was not just the recent majority leader of the Senate [Harry Reid]. This was all the Republicans and the Democrats in Nevada. They didn't want the goddamn thing. Nobody wanted this stuff. [laughter] So, they vetoed.

Eardley-Pryor: And Congress said, "too bad."

Ruckel: They vetoed. And then Congress said, "too bad." They overrode the veto. And billions of dollars—I have no idea how many billions of dollars have been spent on this. God, I can't even—hard to even conjure a figure. But suffice it to say billions and billions. So, they got to looking at Yucca Mountain more thoroughly. And the more they looked, the more questions they had, and the
worse the foundation looked. Well, they were not about ready to retrace their steps with Utah, Washington, and Texas. So, they devoted more money to perfecting the site. And Huntoon said that it's hopeless, "They can't do all this. They think they can." He said, "Or they think they can, or they think this is a good place to spend money." So, it drifted on and Nevada just continued to fight with everything in Congress. And it didn't matter: Republican, Democrat, the only time they ever agreed in Nevada until now. And that went on and on. And so finally, the Obama Administration gets in power. And Obama, he's going to setup a blue ribbon commission to review the stuff that had been reviewed by everybody else, which didn't make a whole lot of sense either. Everybody continually ignoring. We would from time-to-time bring up, conversationally, "What about the Craton? What about two thousand feet in hard granite under the plains?" Never even given a nod. And, of course, that's where it's going to be, if it's going to be anywhere underground.

04-03:44:00
Eardley-Pryor: If it's anywhere. We'll see.

04-03:44:02
Ruckel: Because geologically, that makes the most sense.

04-03:44:07
Eardley-Pryor: Well, I think the story you told about going out to DC was—not only did you get the Canyonlands site dropped, but then you also were able to get those EPA regulations to be stronger.

04-03:44:17

04-03:44:20
Eardley-Pryor: That's great. Well, let's take a pause for today. We'll revisit the story moving forward through the late eighties up to the present tomorrow.

04-03:44:27
Ruckel: Okay, good, good. I'm glad we got through nuclear waste. I feel almost caught up at this point.

04-03:44:34
Eardley-Pryor: Great, thank you.
Eardley-Pryor: Today is September 19, 2019. I am Roger Eardley-Pryor from UC Berkeley's Oral History Center of the Bancroft Library. We are in Denver, Colorado for interview session number five with Tony Ruckel. Tony, I wanted to start today, our final interview together, talking a little bit about the role of women in the Sierra Club. I thought one way to ask you about that was to bring us back to 1973, to the peak of the oil crisis, and a case that you brought in the district court for Utah known as the Viavant case [June Viavant, Ruth Frear, and the Sierra Club v. Trans-Delta Oil and Gas Company et al., Civil No. C-367-73, USDC – Utah (1973)]. What was this?

Ruckel: Yeah. This was an oil and gas exploratory small corporation. Not much money. But they were, as were scores of similar operations, scurrying about the West, drilling holes in likely places. But they were tiny little things. They weren't big fields. They're called fields, but when you compare them to what we do nowadays, they're tiny little exploration things. And, of course, politically, you see, they were aligned with the rural populations because of jobs, things like that, and they were aligned with the politicians. You look back on it, you say, "anti-environmental." I'd like to say "non-environmental." Might be a fairer appellation. especially when you're talking generally about a very large group. Okay. But in southern Utah, they had a reputation of being very hostile. How's that?

Eardley-Pryor: So, this small drilling company, I have a record that they were called Trans-Delta Oil and Gas.

Ruckel: Trans-Delta Oil and Gas, yeah. And they wanted to explore, again, a drill site and go deeper and do more than was dated back in history. I never found out when it was first drilled, okay. But they wanted to explore.

Eardley-Pryor: So. they had some old mineral rights that they were trying to—

Ruckel: Yeah. Oh, yeah, yeah. These mineral rights trade on the open market practically. They leased the rights, and to get there, they had to build a road— I think it's twelve miles, something like that, all together. And there was an old track that led into that old site. This is the American Southwest where it's really dry. You build a road, even a gravel road, you grade it, and it's going to last for decades. No question. It's not the Pacific Northwest where it'll become grown over right away. So, their road had to go across parts of Capital Reef National Park, and there was various debate. But suffice it to say, it's probably six hundred yards, whatever. It was a tiny little precipice. But they had to grade the road, and remove rocks and slough that had come down on it, and
really improve the road. Twelve miles of road in that country is quite an environmental trespass.

So, the local Utah Sierra Club folks, particularly June Viavant and Ruth Frear, both—Ruth was connected with the University of Utah. June was a housewife, mother, and that type of thing and she was active on the board of the Sierra Club at different times and leader certainly in Utah. Both were well-known and acknowledged leaders of the environmental community in Utah. They were in the mold of Terry Tempest Williams today, I guess is what you would say. Not afraid to fight, not afraid to speak out and jump into the fray. And they were the leaders in Salt Lake of the environmental community. There were other leaders, but they certainly were recognizable as up at the top. And they called the office—

Eardley-Pryor: You mean the SCLDF office in Denver that you had just recently formed?

Ruckel: Yeah. But I'd been active [throat clearing]—excuse me—in the Sierra Club, and we'd done the wilderness stuff. Yeah. What, it was one year after, or something like that.

Eardley-Pryor: And they knew to call you.

Ruckel: Yeah, yeah, yeah. So, we had to stop this blading. The hikers stumbled upon what was going on. This was an out of the way place, at the very southern reaches of Capital Reef [National Park] near the Burr Trail, which goes south of even where they were. But they yelled help. I got on the plane, and I jumped out there, and we got the temporary restraining order from Judge Aldon Anderson. The US District Court in Utah can be a very fun place. In that era, they were supposed to all be hostile to us, right? It was kind of like Judge Chilson in the Uncompahgre thing [Sierra Club v. Hardin, 1971]. You never knew in the early environmental days—environmental law days—who was going to say, "Hey, this is pretty cool. This is way out of my daily docket and context. This is totally new." And so, these minds which may have been stuck in a particular position became open just by the stimulation, I think. I have no way to prove that kind of thing, but it's just the observation. And, of course, I was observing quite a bit.

Eardley-Pryor: In the trenches at that.

Ruckel: Yeah. So, at any rate, he gave us a restraining order. He set a $20,000 bond for damages if we'd brought the action wrongfully for damages for Trans-Delta or the Park Service. That's always indefinite. And I think Ruth had more
assets that she could pledge to the bondsman than June. But anyway, they got the bond.

Eardley-Pryor: And from the start, they were going to be your plaintiffs.

Ruckel: Oh, yeah, yeah, yeah. Well, we didn't want a reprise of standing arguments in US District Court in Utah. We really didn't. Right?

Eardley-Pryor: Right. "Let's get some real people with real interests being harmed."

Ruckel: Yeah. Well, see, I told you the argument that [Leland] Selna had for not amending the complaint [in Sierra Club v. Morton], and I think it's a legitimate argument. There are real people in the Sierra Club leadership who make decisions, which to my mind should have standing. I agree with all the special interest and the nexus things and the list of crap you're supposed to do. But anyway, aside from that we didn't want a standing struggle. They [June Viavant and Ruth Frear] were going to verify the complaint, that is swear to the best of their knowledge the facts stated herein are true and correct. They were going to sign their name to that and have it notarized. You practically had to have that kind of thing in those days to get a temporary restraining order.

Eardley-Pryor: So, they had signed their names to their knowledge that this road was going to come in and infringe on [Capitol Reef] National Park land, [Glen Canyon] National Recreational land, BLM land. What did they go out and do to help verify that?

Ruckel: Well, when you get a TRO [temporary restraining order], then you get an immediate setting for a preliminary injunction, and that's where you turn affidavit and evidence into real evidence. And the other side, the government in this case or the oil company—it was primarily government, because that's who the action is against—has a chance to present their side. It's a full evidentiary hearing, just like any trial or full evidentiary hearing is. So, in the interim they went down, photographed—

Eardley-Pryor: This is June and Ruth?

Ruckel: Yeah, this is Ruth and June. They went down and photographed everything. The whole route. The whole route. They walked the whole route. Now, understand, we were all in our thirties or so, young forties in that era. So, we were in pretty good shape. And they were in outstanding shape. They knew the backcountry of southern Utah. There were others that, I'm sure, knew it as
well. There have always been legendary people down there who just disappear
down there. It's so overwhelming and attractive. But at any rate, they knew it
as well as anybody in the state. So, they're down there.

05-00:10:00
Eardley-Pryor: A twelve- to thirteen-mile hike in, and then twelve- to thirteen-mile hike out
for that road. That's nothing to sneeze at.

05-00:10:07
Ruckel: No. No. No. It isn't. But they're perfectly capable of doing more than that, I'm
sure, in a day. They were really rugged. [laughter] So, we had these
photographs, and we had a USGS map. You don't have the fancy National
Geographic maps that are done for all these wilderness areas and parks now.
We had just a regular USGS map. And we had the road sited on there, and we
had photo shoots where they took what direction they're looking, where
they're standing. The stuff you need to introduce and get into evidence,
photographs and all that. So, I put them on the stand. Well, I should set the
stage. This was big, exciting stuff. The courtroom was mobbed. The press was
just eating it up.

05-00:11:02
Eardley-Pryor: Well, you said, I think, this was the second environmental case ever in the
state of Utah.

05-00:11:06
Ruckel: Yeah, right. And the whole community was totally consumed in Salt Lake, it
seemed to me anyway. And with the crowds milling around, faculty from
University of Utah Law School was there—I got some help from them
through the years—and community leaders. Oil and gas. Rocky Mountain Oil
and Gas Association was there with their tremendous frowns on their face.
There had been a lot of publicity, not only when we got the TRO, but then the
preliminary injunction was a week after that. Right? So, this thing was
everywhere. Must have been a slow news day nationally, or news week.
Anyway, it was everywhere. And, of course, the usual division was the Salt
Lake Tribune was supporting our point of view, and the Deseret News was
dancing about as it generally did because the church [the Church of Jesus
Christ of Latter-day Saints]—it's church owned. So, the church would want to
go one way, but they'd hire these reporters, you'd see, who would want to be
more objective about it. So, you had this wonderful tension in there—and in
the Kaiparowits [power plant] fight. It was marvelous to watch, the wonderful
little byplay and tension going on. But suffice it to say, this greater Salt Lake
community, even back then, thought this was a little outrageous. So, I put
them on the stand.

05-00:12:59
Eardley-Pryor: You put them on as expert witnesses, right?

05-00:13:01
Ruckel: No, no. Experiential witnesses.
Eardley-Pryor: Experiential. Because they had experienced the wilderness out there.

Ruckel: Yeah. They'd gone down there. They were eyewitnesses. They'd looked at the road, and they had photographs of it. They'd looked where the road ended, where the DRO [Discovered Resources Opportunities] ended the road. And they had photographs. A marvelous job, they did a marvelous job. And on the witness stand, before one of the most irascible judges in the entire United States judiciary, well-known for dressing down lawyers, clients, or parties—Willis Ritter was an article. He was legendary there. He was appointed by Harry Truman, so you can imagine how long he'd been on the bench.

And the courtroom? Beautiful courtroom. I describe it in my book [H. Anthony Ruckel, Voices for the Earth: An Inside Account of How Citizen Activists and Responsive Courts Preserved National Treasures Across the American West (Littleton, CO: Samizdat Creative, 2014)]. It's just the classical courtroom. Everybody has seen To Kill a Mockingbird and the courtroom there. It wasn't designed that way. It had no balcony—after all, it didn't have any black people who couldn't sit on the main floor and had to sit on the balcony. But it was in that style. It was ornate, it was impressive. And the judge goes back and forth between his chair and his office. There was a bust of a guy named Tillman, who was the first District Court judge in Utah.

And the history—you probably know some of this history since you're a historian, but the fight between the Mormons and the United States as to who actually ran the show. And the federal courts had the temerity to think that, actually, they should be running or they could run the show. Brigham Young thought otherwise. Given the personalities involved and the people on this scene, there wasn't anybody who could face-to-face with Brigham. I'm not saying the government had weak people or that kind of thing, but that community was solidly behind Brigham. But that's just to paint the picture of the whole thing.

Eardley-Pryor: So, what happened when June Viavant and Ruth Frear were on the stand?

Ruckel: Well, they did an outstanding job of this. And the government, desperately seeking a way to stop the momentum, which was going our way, the government was objecting and making it really difficult for me to get all the stuff in, because it was a complicated relationship. Who's holding the compass and who's taking the picture, where they are, what direction and all that. It's a picnic area for cross-examination. And for me, of course, it's a tough job just bringing this stuff on, getting the points covered that would lead it to be in evidence and not just offered.
Eardley-Pryor: How did Judge Willis Ritter take to all these objections from the defendants?

Ruckel: Well, eventually he got tired because one of the dangers of cross-examination in such a situation, if they are good witnesses and if they've done a good job, the cross-examination can actually strengthen their testimony. You see, because the judge is sitting there listening. "Well, Jesus, these guys are really battering the shit out of these people. They're holding tight. They're able to answer. They're confirming what they said before." You see? So, the cross-examiner has to watch, has to be careful. He can overdo his show. And not only that, you can get a witness to stumble, and if you don't leave it alone, you probe deeper, then the witness will reestablish herself or will reconfirm, you see. And these women were capable of all that kind of thing. They were masters at this. And finally the judge said, "Well—" And, of course, I'm saying, "Hey, wait a minute. Stop browbeating my witnesses," et cetera, et cetera. Finally, the judge turned to the attorney, a guy named Greene. Oh, no, he was oil and gas attorney, but he was—at that point, yeah, he was for Trans-Delta. He was representing them. And he said, "I don't want any more of this."

Eardley-Pryor: The judge said that?

Ruckel: Oh, yeah, yeah. He said, "These two women obviously know what they're talking about. They've situated themselves on the ground very well. They've testified clearly and vigorously about the facts here, and you're not getting anywhere, Counsel," so to speak.

Eardley-Pryor: Tony, how did their testimony help resolve the case? What was the final decision?

Ruckel: Well, it was the testimony. I mean it was the testimony. It was critical. And it became more critical when the government put on its case. It had put on the superintendent of the [Capitol Reef National] Park. And the superintendent had not been along the road, had not taken photographs. Nobody in his office had.

Eardley-Pryor: The person who managed the land hadn't even been out there?

Ruckel: Yeah. Right, right, right. Right.

Eardley-Pryor: These Sierra Club members had.
Ruckel: Yeah. And so it became apparent that he didn't know what was going on, and he was responsible for making the decision. He was the decision-maker on the permit.

Eardley-Pryor: How did Judge Willis Ritter take to that?

Ruckel: Well, there came a point where counsel, trying to strengthen this guy's testimony, help him along, saying, "Well, you knew where the road is and you saw the road," that kind of thing. And the witness says, "Well, I knew approximately where the road was. We flew over it, looked at it." And Nelson Day at this time—no, it wasn't Nelson Day. I don't know who the US Attorney was at that moment, said, "Well, by helicopter?" [laughter] "No, by fixed wing airplane." And it was just a perfect, perfect introduction. So, I stood up and objected to the whole line of questioning. I said, "This witness doesn't know where the damn road is," et cetera, et cetera. The judge, by this time, he was pissed at the government, period, and these guys. He didn't like anybody tearing up the desert at all, for any purpose. [laughter] He sustained my objection. And then a moment later what you do with that kind of situation is you move to strike the [superintendent's] testimony. Well, of course—

Eardley-Pryor: Why?

Ruckel: See, you're arguing a case that may go to the Court of Appeals, and the Court of Appeals wants to know what I thought of the evidence—it's in the transcript—and wants to know what the judge thought of the evidence, and that kind of thing. If you move to strike, that's the ultimate insult to the presentation of the other party, which is what inspired it. As I said in my book [H. Anthony Ruckel, Voices for the Earth: An Inside Account of How Citizen Activists and Responsive Courts Preserved National Treasures Across the American West (Littleton, CO: Samizdat Creative, 2014)], it's a charming situation. Here, "I'm striking the testimony," right? Most damaging testimony possible to the United States government. The guy who was going to decide did not know where the road was going to go, and he glanced down from an airplane—a fixed wing airplane, not even a helicopter, despite his counsel's best efforts to get him in a helicopter. My guys, June and Ruth, had strapped on their packs, gotten in the car, driven down and walked the whole goddamn thing, photographed it and all that. I didn't have to argue that. But that's the whole courtroom.

Eardley-Pryor: That's great.
Ruckel: There couldn't have been a soul in the courtroom that didn't see the contrast and how damaging it was to the government. Fatal to the government, actually.

Eardley-Pryor: So, you won that case I would assume?

Ruckel: Oh, yeah. Yeah, it went up on appeal. They have a special drawer—at that time, they had a special drawer in the Court of Appeals clerk's office with appeals from Judge Willis Ritter. [laughter] I walked in and I said—at that time you could walk into the clerks and you knew—the clerk's office in the East Meadow Creek case, Parker case [*Parker v. United States*, 1969], they were constantly giving me encouragement. Not favors, but encouragement. And they were always smiling. I'd come in, they said, "Oh, here's Tony again." When you're nine times in court in one case—in fact, I learned that we'd won, the US District Court clerk, the guy in charge of the entire clerk's office, called me up on the phone, said, "Tony, you won."

Eardley-Pryor: That's cool.

Ruckel: But at any rate, they appealed and the Tenth Circuit didn't even take up the appeal really. It affirmed the ruling.

Eardley-Pryor: The evidence was clear from June and Ruth.

Ruckel: Yeah, the evidence was clear.

Eardley-Pryor: There's another woman who I'd like to ask you about with regard to law and the SCLDF work you were doing, and that's a staff attorney named Karin Shelton.

Ruckel: Yes, Karen came to work for us.

Eardley-Pryor: How did you come across Karin to do some of this early environmental law with you?

Ruckel: Oh, boy. As the office expanded, we had positions open—

Eardley-Pryor: In Denver.
—and people were applying for them. She was one of the people applying. I don't know how she got the notion to apply. I just don't know.

What kind of lawyer was Karin? How would you describe her, her work?

Intellectual lawyer. And she did yeoman work up on the Northern Plains, Northern Rockies with allowing gas leases. At this time, the government was leasing everything.

So, this is like Idaho/Montana areas?

Well, Wyoming particularly.

Oh, Wyoming.

Yeah. See, Wyoming there's a lot of resources in the ground. Has been historically through the decades, and still is, although it's much reduced now. No more elephant fields, so to speak. But that was her major effort, and the one I most distinctly remember, because it was a continuing type of thing. You had to actually gather the list, make lists and have maps of where all this was going on, because it was just serial. It was just going on serially. I mentioned yesterday, in that era everything happened fast compared to today. So, you had to be ready for it. And she had one little area up there, northwest or maybe the Gros Ventre mountains where she—she took it from the very beginning—it's just like some of the wilderness cases I've described—eventually protecting it from numerous assaults. It became a wilderness area [Gros Ventre Wilderness].

Up in Wyoming?

Yeah, up in Wyoming.

Oh, that's great.

So yeah.

Well, I also would love to capture some of your memories in the early 1980s, even in the late seventies, about a leader of an organization that was known as the Mountain States Legal Foundation. Of course, I'm talking about James
Watt. Did you ever face James Watt in court before he joined Department of Interior?

Ruckel: I never did. He set up the Mountain States.

Eardley-Pryor: Did you ever have to face Mountain States Legal Foundation?

Ruckel: Oh, yeah. We did. And they had a cohort, Pacific Legal Foundation, headed in LA. And we had to face both of them.

Eardley-Pryor: They were like a public interest law firm, but for private interests somehow?

Ruckel: Yeah. Representing the—I don't know. They're still out there. At least Mountain States is, I gather.

Eardley-Pryor: How would you characterize their organizations?

Ruckel: Well, they had young, inexperienced lawyers and the work showed that. They were not so much intimidating as lawyers. Their existence was what was worrisome because they were sort of the law firm for the opposition politicians, so to speak. They were a much more political organization. We were accused of being political all the time. We're going into court with normal just complaints and answers, and the conventional presentation of evidence and all that kind of stuff. Right? And we're accused of being far out. There's nothing far out about putting a witness on the stand and determining whether she knows her business or doesn't or cross-examining somebody. What's unique about that?

Eardley-Pryor: Not that it's unique, but from our discussion yesterday, it's impossible, I would think, to separate the role of politics in how you pursue a case.

Ruckel: No question. You're absolutely right. These were all done in a political atmosphere. No question about that.

Eardley-Pryor: You bring your politics to the bar.

Ruckel: But you can't win your case just on the political atmosphere.

Eardley-Pryor: Sure, that's right. You still need the evidence and the facts on your side.
Ruckel: You're damn right you do. That's what we were doing.

Eardley-Pryor: And the law.

Ruckel: Every environmental case we had there was politics. You mentioned the mountain lions case in New Mexico. I mean they had an election [in New Mexico] and they tossed out the [state] government that had hired their Natural Resources Department folks who got the Secretary or the Deputy Secretary of the Interior to approve "hot pursuit" of mountain lions into two national parks. One national park was being—Carlsbad was the one used, but they were doing the same thing for Guadalupe Mountains National Park, which is right next door. And our folks said, "Well, let's get rid of this damn state government."

[In May 1982, Sierra Club and Defenders of Wildlife filed a lawsuit against the US Department of the Interior in the US District Court for New Mexico for approving local ranchers' "hot pursuit" of depredating mountain lions across park boundary lines into Carlsbad Caverns and Guadalupe Mountains National Parks. In 1983, a newly elected government for New Mexico repudiated the state's prior "hot pursuit" policy, which triggered the Department of the Interior to halt its environmental assessment for a national "hot pursuit" policy. See H. Anthony Ruckel, *Voices for the Earth: An Inside Account of How Citizen Activists and Responsive Courts Preserved National Treasures Across the American West* (Littleton, CO: Samizdat Creative, 2014), page 43.]

Eardley-Pryor: Yeah. The electorate acted there before the law could.

Ruckel: Yeah, right. Tossed them out.

Eardley-Pryor: Well, let me ask about when James Watt became Secretary of the Interior under Reagan in 1981. That's just such an iconic anti-environmental stance he took.

Ruckel: Well, he prided himself on it. He would say publicly, here in Colorado, that he'd set up his office in order to be a counter to our office.

Eardley-Pryor: Directly against your SCLDF office?

Eardley-Pryor: What changed for you in 1981 once he did become head of the Department of Interior?

Ruckel: You know, absolutely nothing.

Eardley-Pryor: The cases weren't any different?

Ruckel: No. No. He was a loudmouth. He's still alive, isn't he?

Eardley-Pryor: I don't know.

Ruckel: Is a loudmouth. He has a certain personal charm. He insisted early on that we have lunch a couple of times, and we had lunch a couple times. And once, he wanted one of his lawyers to meet some of my staff, and all this kind of thing. I don't know. I didn't—

Eardley-Pryor: What was it like?

Ruckel: It was civil. Told jokes and that kind of stuff. Wasn't anything else to talk about. I don't say that we had early written him off, because we didn't—they cost us. We had to spend resources rebutting them and that kind of thing. But we didn't have any big cases that they—

Eardley-Pryor: Well, my understanding was that—

Ruckel: They might tag along with the defendants, but they were never the—

Eardley-Pryor: Well, I thought that under Watt the interior was trying to open up mineral and timber leases in wilderness spaces like Maroon Bells and the Bob Marshall Wilderness.

Ruckel: Oh, yeah. They were. They were. It was no different than what we'd been doing pre-Watt.

Eardley-Pryor: I see. So, you had already had a decade of arming and fighting these same kinds of battles.

Ruckel: Yeah, right. Yeah, right.
Eardley-Pryor: These are just a little bit more pitched nationally, in the news. All right.

Ruckel: Yeah. This and that. Yeah, right. The fact is oil in the ground and they're trying to get it out. That's universal, right. That's everywhere. [laughter] There was intense—maybe I can say there's more intense leasing. They upped the leasing. I mean, for a while you'd look at Karin's maps [Karin Shelton] or you'd look at other maps and you'd figure, well, the whole goddamn state of Wyoming is leased. Substantial parts of Montana are leased. Utah, it's a constant leasing fight. I guess you would say, under Watt, some of this was amplified. There was more of it. But after all, if we're winning the majority of the times we dispute, that win carries over. Then we don't have to worry about those lands for the moment.

Eardley-Pryor: And you're just building more precedent.

Ruckel: Yeah, yeah.

Eardley-Pryor: I was talking with Bruce Hamilton in preparation for our interview, and he had made mention of a campaign that was called "Don't Bomb the Bob." I guess they were going to do seismic testing in the Bob Marshall Wilderness [in western Montana]?


Eardley-Pryor: What do you remember, if any, cases involves with that?

Ruckel: I don't know that there were. I was certainly not involved in any cases.

Eardley-Pryor: Maybe that was Karin's territory up north.

Ruckel: We did some stuff up there and maybe that would have been Karin's. By that time, there were four lawyers under me, and I had my own docket. Boy, you'd have to ask her. She's up in Boulder.

Eardley-Pryor: Oh, cool.

Ruckel: Now that I'm thinking of it, I'm sure we were probably involved in that kind of thing. They were using seismic just about everywhere they could, or where you had somebody who could afford.
Now seismic testing is essentially using dynamite and recording the reaction? Or, what is this?

It's using small explosions, dynamite induced and that kind of thing. You put them on a string cord, a long, long cord, and then you set them off. And so you have a couple miles—and then you have some sort of meter that records the echo, the sound coming back from rock formations beneath, and then by the characteristic of the rebound, you can determine what kind of a formation is bumping up against—

And James Watt's Department of Interior was interested in doing seismic testing in the wilderness?

Oh, yeah. They were. They were. And seismic testing was done in huge areas.

Including wilderness? Or at least the Bob Marshall was on the cutting block.

Well, they were trying to do it in wilderness. You see, hard rock minerals were grandfathered. Sites were grandfathered under the Wilderness Act, but oil and gas minerals are leased under the Mineral Leasing Act of 1920. And it's really a difference because, in the leasing act, the government retains ownership and is managing the land. Under the Mineral Act or mining law of 1872, the miner could get title to the land, fee simple title. And there's a whole chain of things. You had to have a valuable discovery, there had to be a beneficial use for what he was screwing around with. He had to get a marketable situation. So, there were kind of requirements as you bounced along. But in the nineteenth century, early twentieth century, they didn't pay a whole lot of attention to that, and if you held it for a period of years, then the government would convey it to you in fee simple. The perfect example was the Maroon Bells I think we talked about yesterday.

The marble quarry, yes.

Marble quarry. That was inside the wilderness area. And—

Oh, so similar cases were happening.

It was surrounded by the wilderness area, I'll say that.

Similar cases were happening in other wilderness areas. I see. I follow.
Ruckel: Oh, yeah. Yeah. Bombing the Bob. Must have heard of it. My memory's not perfect for all this stuff.

Eardley-Pryor: Well, I'd love to probe your memory for—as we move through the 1980s, in 1987, '88. Around this time, you and Rick Sutherland who—Rick at the time was the executive director of the Sierra Club Legal Defense Foundation [SCLDF]. You were the head of the [SCLDF] Rocky Mountain office. Around this time, you part ways over disagreements.

Ruckel: We do. We did. We were going in different directions. Here in the Rocky Mountain office and from my background, I had come up through sort of the [Sierra Club] chapter-oriented thing, and I was putting on chapter people's witnesses, trials, and that kind of stuff.

Eardley-Pryor: Were you more involved in the [Sierra Club's] Rocky Mountain chapter, too?

Ruckel: Oh, yeah. Yeah. I was involved in the Rocky Mountain chapter. I was involved in the Southwest Regional Conservation Committee, which was an assembly of Wyoming, Utah, Colorado, New Mexico, Arizona, Nevada. It was a regional conservation committee (RCC). Leaders would meet to coordinate their activity. This was particularly important when you have wilderness studies going on, mandatory wilderness studies all around the landscape. BLM is beginning to manage its land, so to speak. And so, it was absolutely necessary that one group over here knew what we were doing over here, so you wouldn't create differences that your opponents could take advantage of.

Eardley-Pryor: That's what these RCCs were?

Ruckel: Yeah. I mean there was a constant flow of new people into it who were activists in their states who would learn, get some pointers and get some ideas of what basic Club policy was and that kind of thing. It was a very stimulating group. I described the camping trip in Canyonlands in my book [H. Anthony Ruckel, Voices for the Earth: An Inside Account of How Citizen Activists and Responsive Courts Preserved National Treasures Across the American West (Littleton, CO: Samizdat Creative, 2014)], where we all gathered together. That's actually a summation of probably three such—you can't put all three.

Eardley-Pryor: Take some poetic license.

Ruckel: You have to take—
Eardley-Pryor: Sure.

Ruckel: Everything stated in there is true except for the fact that it all happened at one time in one place at the park. But how else do you write about it?

Eardley-Pryor: Yeah. So back to this disagreement you have with Rick Sutherland. You said you're coming off this chapter experience.

Ruckel: Yeah. In public lands and that type of thing. And Rick was intrigued by the attorney fees provisions of the Clean Air Act and Clean Water Act and all those kinds of things. You get attorney's fees if you win your case. We couldn't get any attorney's fees at all in the public lands case. There was subsequently a statute written giving us fees in certain circumstances, but it was never fully explored, at least that I'm aware of, because it never gave us much if we were successful.

Eardley-Pryor: But it sounds to me like you and Rick, part of your disagreement was over finances.

Ruckel: Well, no. Not finances so to speak. It was direction. And it was financial. Sure.

Eardley-Pryor: He wanted you to take more air pollution cases because you could recover fees?

Ruckel: More water at that time. See, they were going in the direction—they were hiring lawyers and they were going in the direction of enforcing the permit requirements or the permits themselves. And he wanted the chapters to contribute money for this and that kind of thing. All of which is very legitimate. I said the chapters didn't have enough money. They couldn't possibly do this. Our obligation is to get out there and defend these lands regardless of whether chapters can contribute money or not. But it wasn't that bare-assed. It was just a difference in philosophy and direction really. He was getting more and more independent, and I was more tied to the Sierra Club presentation.

Eardley-Pryor: What do you mean by he was getting more independent?

Ruckel: Well, he wanted to bring cases on his own. In other words, his lawyers would see a bunch of permit violations over here that maybe the Sierra Club wasn't
involved in, and he'd want to get after them. And of course, the Sierra Club's tugging in the other direction: "We want you to handle three or four cases over here." So, the selection of what the agenda, the docket—what we call the docket of the office—was gradually changing. This didn't happen all at once, so to speak, you see. It blew up at a meeting in the Grand Canyon, and then—

05-00:41:44
Eardley-Pryor: Between the two of you?

05-00:41:43
Ruckel: Yeah, pretty much. We're both very aggressive guys. See, he'd been a close friend.

05-00:41:54
Eardley-Pryor: Yeah. You had hired him, essentially, to work on the Kaiparowits fight.

05-00:41:59
Ruckel: Yeah, yeah, when he was with the Center [Center for Law in the Public Interest]. Yeah, yeah. He was beginning to transition out of the Center at the time, none of which I knew and none of which I had time to pay any attention to. Right? The work that was done by [Brent] Rushforth and [John] Phillips particularly, they weren't carrying it because Rick couldn't carry the weight. Of course, he could. He was just transitioning on in his life. I didn't learn about that until later. Then he became avail—I heartily endorsed him because I didn't have—

05-00:42:47
Eardley-Pryor: For becoming executive director [of SCLDF]?

05-00:42:47
Ruckel: I didn't have any say, but I was consulted in his—"Yeah, we're going to hire this guy." I said, "Oh, great." We were good friends, and he accompanied me—well, he accompanied us. You shouldn't be so first person. But he accompanied us to the Washington trip for Kaiparowits, and he was present in the hearing room in Los Angeles when Southern Cal [Southern California Edison] had surrendered. So, we were pretty close. But we gradually grew apart.

05-00:43:30
Eardley-Pryor: What happened in this Grand Canyon meeting in '87, '88, somewhere in there?

05-00:43:34
Ruckel: Oh, well, he was talking about—there was some case, I don't know what it was. He wanted more money out of the Rocky Mountain chapter, and he was, "Ruckel, we got to do this. This is what you got to do." So, I probably blew up before he blew up. There were two witnesses there. Karin Shelton was there and Bill Curtis was there. You can ask them. [laughter] I said, "The chapters are burdened with tremendous conservation responsibilities. They have limited budgets. These aren't the San Francisco Bay Chapter. They don't have that kind of resource." Hell, the Los Angeles Chapter in those days had a full-
time fundraiser, employee. And she amassed an enormous amount of money down there. She was gifted. The Los Angeles Chapter is sitting with this huge bank account. I remember Lou Barnes and I heard about that, and we said—and this story is appropriate—said, "But wait a minute. The people who put the money in the bank account expect it to be spent on an environmental agenda." Now, it's all right to have a reserve, but they were way in excess of any needed reserve. So, we came down on them. And you had to be very diplomatic, very sensitive to these kinds of things. You had to say, "We want this money applied—or more of this money, a substantial portion of it—applied to conservation projects." We didn't want it to sit there collecting interest. That isn't why people just—it's not a fund for propagating income to the chapter over the years. It's a fund to be used for environmental purposes.

Eardley-Pryor: That was part of the crux of your argument that blew up in the Grand Canyon?

Ruckel: Well, that—yeah, that describes some of it. But it's the contrast between that situation. At that time, the Grand Canyon Chapter—who had practically nothing [in terms of funds]—had the Grand Canyon and all these other things that are pretty valuable. I want to say, I repeated all this argument in July, just this past July [in 2019].

Eardley-Pryor: At [Sierra Club] board meetings?

Ruckel: At the [Sierra Club] Litigation Approval Committee meeting.

Eardley-Pryor: About defining the chapters?

Ruckel: No, about the money now that we're spending on energy all over the place. We went to spend it. And I said, "You know, I'm concerned that we're not spending enough on public lands, wildlife, and this kind of thing." And I said, "You know, you disrobe, scrape a little skin off on a Sierra Club person, and he wants wilderness preserved, and he wants the national park protected. And so, I want to see more money in this direction." That's part of a larger conversation, but everybody would back me up, I'm sure. And this occurred just a couple month ago. So at the time, by luck, at the time when I reared up on my wild horse, the executive director of the [Sierra Club] Foundation was there. The one that I, previously in March, had told all about the conflicts between the organization.

Eardley-Pryor: Now, this is just this past March [of 2019], when you were asked to give a treatise, on the spot, of conflict between the Sierra Club, Sierra Club
Foundation, and the Sierra Club Legal Defense Fund, and it's history. Okay, just for context, because we don't have that on the record.

Ruckel: Right, I got you. I got you. And it was totally out of the blue for me, but it was clearly not out of the blue for others. They snuck up on me. And that's fine. It was fun. And so I said—

Eardley-Pryor: So, in July [of 2019], you're at this Litigation Approval [Committee] meeting, and you stand up and say…?

Ruckel: Well, it was a relatively small meeting. I didn't have to stand. So, I'm making this plea, and I said, "You know, well, look. I don't care if we spend 60 percent, whatever," I said, "on the energy and the global warming and all that, just so long as we got 30 percent—" I think I kind of narrowed it to 30 percent—"spent on public lands and wilderness and that kind of stuff."

Eardley-Pryor: Where's the percentage been broken down as of late?

Ruckel: Oh, I have no idea. I'm just making an argument for a direction.

Eardley-Pryor: That it doesn't need to all be on [fighting against] coal.

Ruckel: I'm making a directional argument, okay? You don't want to go all in one direction. You want to—and I said, "This is the core Sierra Club member." And I was making the plea to the executive director of the [Sierra Club] Foundation, who husbands and disperses the funds of special accounts in the Foundation that go to various things. They go to wilderness and go to parks and all that. And some of this dates back to the [Sierra Club's 1992] Centennial Campaign, where we raised money everywhere we could and dumped it in the Foundation. So, I said, "We got some money over here," and that kind of thing. At some point in the conversation somebody asked, and it might have been Pat Gallagher, the director of the legal program—

Eardley-Pryor: Of the Sierra Club's in-house legal program?

Ruckel: Yeah. [laughter] He says, "Well, are these funds there?" and that kind of thing. He says, "Yes, and they go—." And I said, "I sincerely believe this is the correct thing to do," and all that. I wasn't arguing that anything was being done incorrectly, because I think it's all being done correctly. I was arguing I just wanted a little bit more shoved in that direction. Right? I think I might have introduced the subject, saying, "This is what our people love. This is
what they contribute to. This is part of what the whole thing is about." And Gallagher looked at him and says, "Well, is this true?" And the executive director of the [Sierra Club] Foundation says, "Yeah, yeah. Money comes in dedicated to that." And Gallagher pressed the point. He said, "Well, you know, by far the greatest number of individual estate and gifts that we get coming in are from people who have a favorite park or wilderness area and all that." I have a big shitty grin on my face there. I won.

05-00:51:09
Eardley-Pryor: You were right.

05-00:51:10
Ruckel: I won. Yeah.

05-00:51:11
Eardley-Pryor: The evidence supported you.

05-00:51:11
Ruckel: And Gallagher said—the day before, Michael Brune, our [Sierra Club] Executive Director, had talked to us and all that kind of thing. Gallagher's sitting there saying, "God, I wish you had made this speech yesterday when Brune was here." [laughter] But it was spontaneous. You can't program that stuff. But anyway, that's definitional, really, of this constant tension. And, hell, I have grandkids, I want them to drive electric cars, I want everything to be clean for them. But there's this other ethic. I want them to be able to go down and walk to Delicate Arch in oxygenated air, not smoke. Okay?

05-00:52:09
Eardley-Pryor: Can't you have both?

05-00:52:10
Ruckel: Yeah, yeah. And my belief is that the very heart of most of the Sierra Club members, you see, want to do both. They want to make sure this isn't ignored. And then the executive director said, "Yeah, the contributions come in. Most of them want to save a park or wilderness area, that kind of stuff." I said, "Yeah." I love it, you know. [laughter] I make this argument. People agree with me.

05-00:52:43
Eardley-Pryor: What I'm hearing you say—

05-00:52:44
Ruckel: But I'm the one that makes the argument, right? So, I need a little support from third parties.

05-00:52:46
Eardley-Pryor: Well, sure. So, what I'm hearing you say is that the Sierra Club's transition to focusing on "Beyond Coal" and clean energy and climate work, that there needs to be the balance of the old school Club as well about public lands and wilderness.
Ruckel: Yeah, yeah. Oh, absolutely. You say it well. See, that's why you're a PhD from Berkeley. [laughter]

Eardley-Pryor: This conflict between priorities, is that reminiscent of this conflict you had with Rick Sutherland in the mid to late mid-eighties?

Ruckel: Sure. And the conflict will always be there. Part of the strength of the Sierra Club, it can absorb and deal with conflicts like that and deliver a better product for everybody. I sincerely believe that. Like an old-style litigator, I don't shy away from the more unpleasant aspects of conflict. Just as soon not have them, but I don't see conflict as necessarily unhealthy.

Eardley-Pryor: Yeah. That can be really progressive in a lot of ways, to push organizations and people forward. I was reading some of the work that Mike McCloskey wrote in this book, In the Thick of It [Michael McCloskey, In the Thick of It: My Life in the Sierra Club (Washington, DC: Island Press, 2005)], when he spoke about Rick Sutherland and conflicts between the Sierra Club and the Sierra Club Legal Defense Fund. Mike described, in his book, Rick Sutherland as brash and cocksure, and that Sutherland would come in and say, "Here's what you owe me, Sierra Club, for my legal work," and not have a discussion about priorities or any of that. Mike says—

Ruckel: See, I told you Mike might have—

Eardley-Pryor: Mike's got the perspective, doesn't he?

Ruckel: Yeah. Excellent perspective.

Eardley-Pryor: A perspective, I should say.

Ruckel: That's substantially true.

Eardley-Pryor: Mike said that Sutherland regarded the Sierra Club as his client—that the [Sierra Club] Legal Defense Fund was the client of the Sierra Club. That Sutherland saw the Sierra Club as his competitor, and he wanted the [Sierra Club] Legal Defense Fund to be run as a separate organization. Money, Mike said, became a dividing issue. [McCloskey, In the Thick of It, pp. 154–155.]

Ruckel: Okay. I agree with everything he said. And the money became the dividing issue. That's true but with a big qualification and that is, in my mind—and that
is that was a matter of choice. The money he wanted to pursue was there in
the—you know how Foundations are. Hell, you work for a nonprofit. Must be
the biggest nonprofit in the United States. But at any rate—[laughter]

Eardley-Pryor: My nonprofit [the Oral History Center of The Bancroft Library] is affiliated
with [the University of California at] Berkeley, but we don't get a lot of
money from [UC] Berkeley.

Ruckel: Oh, you don't?

Eardley-Pryor: No, we raise almost all of our own funds for interviews.

Ruckel: Well, your building's on the campus.

Eardley-Pryor: It is. We've been associated with them since the mid-1950s.

Ruckel: I'm just kidding you. No, but the—

Eardley-Pryor: But that's important. All of our interviews are raised with private donations
mostly. So, I'm familiar with how nonprofits are scrapping to get by.

Ruckel: Okay. At any rate, Rick chose that direction. He could have chosen the
traditional direction. I think he had to choose that direction to maintain the
size—

Eardley-Pryor: When you say that direction? You mean pursuing legal fees?

Ruckel: Yeah. And pursuing things other than what the immediate Sierra Club priority
was.

Eardley-Pryor: Which you described, from what I'm hearing, as public lands and wilderness.

Ruckel: Well, it's all these things. We have a set of priorities, you see. And say we
have five: clean energy, global warming, wilderness and parks—

Eardley-Pryor: You're talking today?
You want to split your budget—Now, we're getting to my Treasury days, Treasury days [Ruckel served as treasurer on the Sierra Club Board of Directors from 1995–1997]—and you want to split your budget. So, you have to hit the priorities hard. And understand: wilderness in parks, wild lands never were in the status of second degree priority. They were always a high priority. But this gets into other stuff. This is not Rick [Sutherland] and me. I wanted to maintain this vigorous [Sierra Club] chapter-oriented operation where they're participating. See, I had this grandiose, probably overly idealistic, idealistic charter. If you take these chapters and these individuals who really want to work hard and that kind of thing, you give them things to do, and then you back them up with litigation if necessary. You back them up with tremendous lobbying abilities in Washington, DC, and you get money from enough people so that you can hire the best and the brightest, okay, to do all of this. You're going to get the best and the brightest in the chapters anyway. That's who comes to chapters. You don't have a qualification for being a member of the Sierra Club. You have to pay your dues. My idea is the whole collection gets you across the finish line. Not just one part of that collection of people. See? You need the whole collection to get a part. And this was my experience with the Wilderness Act, which was what I immediately dived in. My first heavy-duty experience. That's the way it worked, and it worked fairly well. And it works now. Hell, in [clean] energy, Jesus, we're making great strides. We're closing down power plants around the United States, I mean, you know?

From what I'm hearing, that's a result of not just the lobbying arm of the Club, not just the excellent staff of the Club, not just the litigation of the Club, but what I'm hearing you say is the volunteers are a huge part of that, as well.

You're damn right. Yeah, yeah.

And is that something you think Rick Sutherland did not see? Or are you talking about people in the Club now not having an appreciation for membership, for rank and file?

Oh, they have it now in spades. I think the organization's extremely strong right now.

Oh, good. So what—

Had its weak moments. Don't get me wrong. Any organization does. But this is not of them. When the political atmosphere is hostile, I can tell you from past experience, the Club is one of the most efficient organizations you can
possibly imagine. Even though it's chaotic to the outside observer who can't understand who's doing what, who's making the decisions, where the money's going, what accounting and responsibility there are. They look at this chaotic thing of people running around yelling and screaming. Right? People ran around and screamed in the French Revolution, and the American Revolution, and the Civil War, and Vietnam War, in the sixties and all that. A disturbed environment doesn't necessarily mean there isn't any really important things going on and being done and achievements being made. There's sort of a vigor that's a separate resource. So you look at it, and then there's the vigor and you say, "Hey, the vigor's moving them."

05-01:00:34
Eardley-Pryor: Other Club leaders I've spoken to said it's easier and more efficient when you have an enemy to work against.

05-01:00:41
Ruckel: Of course.

05-01:00:42
Eardley-Pryor: Yeah. You can work from a position of strength when you're in a confrontation.

05-01:00:45
Ruckel: Not only that, there's more money.

05-01:00:47
Eardley-Pryor: And then, more things you can do.

05-01:00:48
Ruckel: Yeah, yeah, yeah. In fact, one of the conversations we had at the [Sierra Club] Litigation Approval Committee meeting was—

05-01:01:01
Eardley-Pryor: This past summer?

05-01:01:02
Ruckel: Yeah, right, in July [of 2019]. We're piling on new personnel, new lawyers and all this kind. There will likely come sometime in the future, you don't know when, when that will slow down. And then you have the question of all your staff is senior staff.

05-01:01:22
Eardley-Pryor: How do you pay for it?

05-01:01:22
Ruckel: So, the staffing, the financial part of it, is part of the whole dynamic, too. It just comes up. And one of the fascinating things, to me, about the financial thing is, it is what it is, you know? So, you have to do the best you can with what is.
Eardley-Pryor: Well, this might be a nice transition for us to talk about your leadership in the [Sierra Club's] Board of Directors, joining the board in 1990, which indeed was a time of transition, kind of a downturn. The recession happens in the early nineties, there's less money coming in. And '92, the Clinton Administration comes in. Now you have, ostensibly, a favorable administration as opposed to the Reagan—or Bush being in the middle ground. That's a different environment for the Club to operate in.

Ruckel: It is. I don't think that the evolution of the internal makeup of an organization like the Sierra Club is necessarily governed by political change. Political change has influence on it. It's governed by strains that have developed over a significant period of time.

Eardley-Pryor: Do you think that, also, the economic change that happens in the early nineties can play a role as well, though?

Ruckel: Sure. It can play a role, but I don't think it's the principal role. I think it's the strains—

Eardley-Pryor: Within the institution itself, of the Sierra Club?

Ruckel: Yes, yeah, yeah. And there comes a point when every institution either resolves them or disintegrates or becomes a much smaller unit than it was previously. And so, at that point, you have to deal with it. I was fortunate, although maybe in some of the other interviews be deemed a little bit unfortunate, that I was in a position to have a lot of influence on that because I was on the board, I had legal training, I had had direct relations, of course, with the Club—certainly with the [Sierra Club] Legal Defense Fund, although this was several years after I had separated from the Legal Defense Fund. And through the years I had steady regular contact with the [Sierra Club] Foundation, and I knew the players. And I should say Phil Berry was in the same position, and we worked pretty much as a team on a lot of this kind of thing. And we had some magnificent support from the board, from really heavy-duty thinkers and very smart people.

Eardley-Pryor: Who were some of those people on the board that you aligned with, you and Phil?

Ruckel: Well, I don't want to view it that way. It was not a contest on the board. The board was practically unanimous in collective judgment of the directions that we took. Okay? So, there wasn't any dissension in the board on the positions we were taking and the directions we took. You got to remember that one of
the things all these people are fighting over—the Sierra Club has two assets. And assets you can look at and say, "That is an asset." Right? So, I'm not including staff, because you can't look at it and say, "How's that an asset? It's people." And those two assets are fundamentally very easy. The Sierra Club name, the brand. The second asset is the membership list.

Eardley-Pryor: Why is the membership list an asset?

Ruckel: Oh, that's the basis of your fund raising. Yeah. That's what starts your fund raising. So, you look at all three organizations [the Sierra Club, the Sierra Club Legal Defense Fund, and the Sierra Club Foundation] — and maybe not individuals or maybe institutions are aware of this, but I think the Sierra Club has had a weakness in the past. It's been lack of conceptualizing and talking about these things from this financial point of view. And for one reason or another, I thought it was kind of cool to inquire. [laughter] During this period, Lou Barnes was there, who to my mind is a master chief financial officer of the Sierra Club. I'm sure every nonprofit would be glad to have him. He's just a master at this kind of thing.

Eardley-Pryor: I know he has a lot of mutual respect for you, as well.

Ruckel: Oh, I'm glad to hear that.

Eardley-Pryor: For your financial-analysis capabilities, your role as treasurer, your role in the investment committee.

Ruckel: Well, that's very kind of him. But I certainly return the compliment. And so, when you have somebody like that when you're trying to resolve these issues, these maximum organizational issues, having somebody like that in your corner down there, wow. Phil [Berry] and I had a lot of freedom because we knew exactly what the Club situation was, because Lou [Barnes] was there and his staff would tell us financially where we were. But it's interesting. I haven't thought about this. This is kind of an evolution from when I left the Club after Rick [Sutherland] and my dispute, disagreement. This is just a magnification of that, I suppose, when you look at it. But that's the advantage of looking back sometimes.

Eardley-Pryor: Time to reflect.

Ruckel: Yeah. I just now made that connection, not that it's very significant. Well, maybe it is. It was one little piece of evidence that—after little pieces have been gathered from all over the map—created the tension that had to be
resolved. And at this point, taking the Sierra Club’s position first. The Sierra Club is going to continue to represent the chapters, it’s going to continue to be in charge of the direction of where it’s going—and by [the Sierra Club], I mean the members and the board and the volunteer structure and the supporting staff. That was a given. So, the board said, "Yeah, unanimously, that’s where we go."

05-01:08:37
Eardley-Pryor: And this is in 1990, when you joined the board of directors? You're talking about the perspective then?

05-01:08:31
Ruckel: Well, the dispute really didn't come until later. Over this period of time, from 1990 to 1998, I was either on the board—I was on the board for six of those years.

05-01:08:58
Eardley-Pryor: And throughout all that time, you were also serving on the [Sierra Club] Litigation Approval Committee.

05-01:09:00
Ruckel: And I was Treasurer, and I was on the Financial Committee during all that time. And I had a facility for getting elected to the board, and a facility for not getting re-elected because campaigns were run against me. And that's okay. So what, you know? It rarely had anything to do with facts. But that's the uncontrolled aspect of democracy.

05-01:09:33
Eardley-Pryor: Well, that sounds to me like the board wasn't unanimous then.

05-01:09:35
Ruckel: Oh, the board was unanimous. You had to get elected by the membership-at-large.

05-01:09:36
Eardley-Pryor: Oh, I see.

05-01:09:40
Ruckel: See, every three years you had—you could serve two consecutive terms, three-year terms. But the membership elects the board.

05-01:09:51
Eardley-Pryor: I see. And there was a period where the membership did not renew your board position?

05-01:09:58
Ruckel: Well, yeah. Carl Pope used to say, "You know, you have one distinctive characteristic, Tony, at least one. And that is you were the first person after Brower who had a negative campaign run against him."
Eardley-Pryor: Well, maybe we can talk a little bit about what happened during that first time on the board that led to this negative campaign run against you?

Ruckel: Yeah. Oh, wow. [laughter] I don't see how time permits, but I'll give it a shot. I think that my whole attitude which I've been explaining, which is kind of the holistic type of thing with the Club and the volunteers and the chapters, was not necessarily where other strong minds wanted to go. Or they wanted to have a hand in managing and governing it. And not that I, and if I can use Phil, that I and Phil didn't have that attitude. It was just different. We didn't necessarily want to run it as kind of sit there and cheer as the thing got formed and it started moving ahead. Because you can. You have an executive director and you have a chief of staff and that's your CEO. We have a CEO. I'm sure a lot of CEOs don't have to put up with a board like ours does. But it's there. And we had individuals who were at the upper level—board level, officer level—who were advocates, for instance, for the [Sierra Club] Foundation. They want more programmatic stuff from the Foundation, for the Foundation have a greater liberty, go out and raise money on its own. See, we supervised all of that.

Eardley-Pryor: When you say we, you and Phil? Or do you mean the board, generally?

Ruckel: No, I mean the Club. The Club did. The board did. Or the Club itself, institutionally. That was the arrangement. The [Sierra Club] Foundation wanted to get free of that. The [Sierra Club] Legal Defense Fund, as we've talked about and brushed upon, wanted to go really its own way. The current there was to become what they called "the law firm for the environment." They have a slogan.

Eardley-Pryor: You mean the Earthjustice tagline?

Ruckel: Yeah.

Eardley-Pryor: "Earth needs a good lawyer."

Ruckel: Earth needs a good lawyer. There you go. Wish I'd thought of that, but kudos to them. And they wanted to get out from under the Sierra Club tie, the Sierra Club cord. They wanted to cut the cord.

Eardley-Pryor: It's certainly the way that it seemed like Rick Sutherland was moving, or the way that Mike McCloskey paints it.
Ruckel: Yeah, right. Right. Yeah.

Eardley-Pryor: Before—I should say, at least that was the case before Rick died in that fatal car accident in 1991.


Eardley-Pryor: But even so, even after that, there is still a desire within the [Sierra Club] Legal Defense Fund to separate, or to go its own direction? Is that what I'm hearing you say?

Ruckel: Earthjustice had formed before Rick died, hadn't it?

Eardley-Pryor: I don't think so. I think Earthjustice was formed in '97.

Ruckel: Well, remember, we had a dissolution contract. We had permanent papers. We had a contract over a couple, three years, where they would handle a given percentage of our cases, and we [Sierra Club] would give them a stipend. Not case-by-case but just a general stipend. They had the rights to our membership list for like two or three years to use for money raising.

Eardley-Pryor: That's two of the major assets. The brand, the name, and the list of membership.

Ruckel: Yeah. But they wanted to shed the brand and keep the list of names. You had to come down to those basics. And I think one of the things that worked so well for the Club is it understood—now, whether that's in the person of Phil or me or the board, a strong board—we were coming from that particular scenario. It gave us confidence, and it gave us a whole card to play in the disputes. Like [Sierra Club] Legal Defense Fund had to have that membership list. That was an extraordinarily valuable asset.

Stanford did a study years ago on the membership of the Club and who constitutes a member. And we were off the charts in terms of college education, in terms of wealth. I hate to use that word. We were just off the charts, the average—and we had, what, eight hundred thousand members, whatever it is now, and then we have a million and a half so called associates who send checks and don't join. [laughter] But that's a modern sociological dynamic that I don't understand, but I know is there. I'm too old to run around and try to figure it out, and I have no desire to run around and figure that out. But at any rate, be that as it may—
Eardley-Pryor: Tony, let me just pause and just say what I'm hearing you say—and you tell me if I have it right, and then maybe clarify—is that there was the strength from the Sierra Club having a sense of what its purpose was in the late eighties and in the 1990s when you joined the board. At the time, the Sierra Club Legal Defense Fund was already moving in the direction that wanted to separate, despite having a name and despite needing the membership list.

Ruckel: Yeah, I think that's true. Yes.

Eardley-Pryor: And I've also heard you say that the Sierra Club Foundation was also interested in having less ties under control of the board and wanted to raise money on its own, move in its own directions.

Ruckel: Well, not move in its own direction. It just wanted to have a staff and wanted to have a bureaucracy. [Sierra Club Foundation] had less logic behind its position than the [Sierra Club] Legal Defense Fund. At least they knew where they wanted to go and what they wanted to do—whether we agreed with it or not, or whether we agree with it today or not, they had a plan. I'm never sure where the Foundation was. And I think part of the problem with the Foundation is that you had a staff that wanted to have a more extensive or expansive jurisdiction. And you had a Foundation board which, at that time, had not caught up to this energy. Most of the time boards go along with what the staff wants to do and that kind of thing. And so, they had not caught up. And then meanwhile, the Club was having increased difficulties with the Foundation's chief of staff.

Eardley-Pryor: Are you talking about challenges with Michael Fischer [Sierra Club executive director, 1987–1992]?

Ruckel: No, no, no, no. No. This would have been Steve Stevick, the executive director of the [Sierra Club] Foundation at the time. So, Steve and the Foundation—or staff, I don't know who originated this. I was too pissed to inquire. But it culminated in the Foundation using the fact that we had to—I mean we'd run on soft money, and how soft money is by far the larger share of available dollars that comes through the Foundation. This is a 501(c)(3), 501(c)(4) distinction.

Eardley-Pryor: The (c)(4) is the membership base money?

Ruckel: Yeah. Well, they [501(c)(4)] can lobby and do that kind of thing, and (c)(3)s are very limited in the lobbying they can do. And (c)(4)s can have political committees and have a whole political—all this was evolving. We had lawyer
advice coming in and all this kind of stuff. But you had some very aggressive lawyers in the San Francisco Bay area, I'm convinced. At any rate, so the Foundation got to the point where they were playing with the time deadlines of sending the soft money over, putting it in the Sierra Club for already budgeted, already line items that were clearly soft money items, like the legal program, publishing program, other programs. It was the political conservation program where the conflict arises around the lobbying. And they withheld a check, a big check, big quarterly check or something like that.

This is what Lauren [Blackford] was trying to get me to explain to the Foundation there and assembled members of the committee [in March 2019]. Because she knew all about it because she was either on the Foundation board at the time or she was privy to what they were thinking, who they were. She's a large donor from New York City. She's now in her third term as president [of the Sierra Club Board of Directors]. I know it doesn't seem to make logically a lot of geographical sense, but I think she's an excellent person doing an excellent job. At any rate she set me up all this.

Eardley-Pryor: This is contextually in March, just this past March [of 2019], when you gave this dissertation on the spot of the conflicts between the Club, the Legal Defense Fund and the Foundation?

Ruckel: [laughter] Yeah. you got it, you got it. Yeah, right.

Eardley-Pryor: Okay. Just for context.

Ruckel: Oh, sure. I understand.

Eardley-Pryor: So, what was it that happened? You're telling me that the [Sierra Club] Foundation withheld a giant check that was already dedicated as part of the budget.

Ruckel: At that moment, when I learned about it, I erupted.

Eardley-Pryor: You and Phil were on the board at this point?

Ruckel: Yeah. Phil wasn't there. I had to do this by myself.

Eardley-Pryor: Were you president at this point?
Ruckel: No.

Eardley-Pryor: So, you were on the board.

Ruckel: I think I was treasurer. Pretty sure I was treasurer. I could have been president. It all runs together. I don't recall.

Eardley-Pryor: Either way, you were on the board when the Foundation withholds this big check.

Ruckel: Yeah, yeah, yeah. Yeah.

Eardley-Pryor: What was the Foundation's rationale from your point of view?

Ruckel: Well, from our point of view, they wanted this increased freedom to do their thing, and we did not want them to have increased freedom to do their thing. We wanted to do the Sierra Club thing. This is where the brand comes in. You see, we owned the brand, the name, if you will. Well, somehow in a relatively small room, Steve Stevick and I were there at the same time, as this event is unfolding. Right? There was a trustee of the Foundation there who was really a dyed-in-the-wool Sierra Club person.

Eardley-Pryor: Who was that?

Ruckel: I don't want to say. I think Laura Hoehn might have been there. Laura was a young lawyer. She was the first general counsel, in-house general counsel of the Club.

Eardley-Pryor: Oh, before Pat Gallagher even?

Ruckel: Oh, yeah. Well, Pat Gallagher is not—Phil [Eager]—what's his last name? There's a difference between the environmental law program and the general counsel's office.

Eardley-Pryor: Oh, I see.

Ruckel: See, the general counsel handles all the internal business, external business. Whatever, the business part of—
Eardley-Pryor: So, she's on the general counsel.

Ruckel: She was the first general counsel.

Eardley-Pryor: General counsel.

Ruckel: Yeah, Phil and I worked hard to get general counsel. We worked hard for—we only had one candidate in mind and that was her. Excellent brain. Yeah. She might have been there. And I was face-to-face with—

Eardley-Pryor: With Steve [Stevick]? 

Ruckel: Yeah.

Eardley-Pryor: What did you tell him?

Ruckel: And numerous people overheard it who weren't in the small room, but you could hear through the wall, from one who told me they certainly heard me. [laughter] And I was literally—I wasn't screaming, but I was shouting as loud—I was talking as loud as I could, and I said, "Don't you ever—" something like that. These words come out. It's like arguing to a jury. You turn to your co-counsel, you turn—"What did I say? How did I do?" I mean hell, you can't recreate it.

Eardley-Pryor: You were in the moment.

Ruckel: Yeah, you were in the moment.

Eardley-Pryor: What's your memory of that moment though?

Ruckel: Yeah, my memory of that moment is I was face-to-face, and I was saying, "Don't you ever do that to us under any circumstances." And I went on and on. Says, "You realize that this money pays the paychecks of our staff." I said, "Never, ever withhold money like that. We can talk about differences and all that kind of stuff, but that is a no, no. You just don't do that." Well, see, the Foundation operates under a license from the Sierra Club because Sierra Club raises the money, the staff raises the money. The Sierra Club Foundation uses the name, has the name, and we give them a license to use the name. Similarly, we had a contract with SCLDF. And we can rip that license.
anytime we want to. I mean obviously we wouldn't. But, boy, if they aren't sending checks and our people aren't being paid, I'm going to be up their ass with a hot poker faster than you can blink. You know? That was my responsibility at the time.

05-01:25:12
Eardley-Pryor: How did Steve respond to your confrontation?

05-01:25:15
Ruckel: Oh, he was really shaken. That was my memory.

05-01:25:18
Eardley-Pryor: What was the result and action in the wake of it?

05-01:25:24
Ruckel: Oh, the check was immediately written. Yeah. You can't do that kind of thing. That's bullshit. Well, shortly after that, of course, he accepted a position in Virginia, I believe.

05-01:25:37
Eardley-Pryor: He left the [Sierra Club] Foundation?

05-01:25:38
Ruckel: Mm-hmm. I'm not privy to the circumstances of him leaving. But I suggest to you that, probably, I'm giving you pertinent background information. And as a result of that, we tied the cord with the Foundation tighter.

05-01:26:00
Eardley-Pryor: Between the Club and the Foundation?

05-01:26:02
Ruckel: And the Foundation.

05-01:26:04
Eardley-Pryor: In what way? Or how?

05-01:26:06
Ruckel: I think we redefined and reemphasized the nature of the relationship. We also urged more participation by their board, by the trustees of the Foundation. See, I maintained and I argued this vigorously in March [2019], and I gave the straight stuff, just like I've given it here to you. And, as I say, Lauren [Blackford] knew all this. I'm suspicious. She didn't say she knew it all, but it looked to me certainly organized and masterminded by her. And, of course, the Foundation executive director is right there, Dan Chu—savvy guy, seems to be a great guy. I said, "The problem, one of the biggest problems at that time was the Foundation board was too removed from the Club." I said, "My judgment," and I have that same retrospective judgment today. And I've seen many of those folks, some of those folks, subsequent to these events. Their heart was in the environment and helping the Sierra Club and that kind of thing. They just were not familiar enough with the operation to know what to
do, to be able to react, to be able to cool things down on the Foundation side, or maybe say, "Well, maybe you ought to listen more carefully to what the Club is saying." So, one of the big things that both Phil and I urged was more participation [between the Sierra Club Foundation trustees and the Sierra Club board of directors], and so far as I know, that's happened. And the subsequent directors, executive directors of the Foundation, have been wonderful people to deal with. I think Bruce Hamilton was over there for a while in that position. But you can't have that be some sort of independent guy running around. I mean we're raising all the money, we're putting all the money in there, and the purpose of the money is to channel it back to the Club for its environmental organizations. And the reason the Foundation exists is because the United States government requires distinction between hard money and soft money, and money that is not used for lobbying money and that is used for lobbying. If you donate to the Sierra Club, you write a check, you don't get a tax deduction. If you write a check to the Foundation and send it to them, you get a tax deduction. You see, it's 501(c)(3) money. Well, this is worth a hell of a lot of fighting, I mean that distinction is. [laughter] Oh, God.

05-01:28:58
Eardley-Pryor: And the Club already has a pretty deep history of issues with the IRS [Internal Revenue Service].

05-01:29:00

05-01:29:04
Eardley-Pryor: Well, the picture that you paint of the way the Foundation was eventually brought back into the fold and tied tighter to the Sierra Club organization seems to be in contrast to the direction that the Sierra Legal Defense Fund took.

05-01:29:17
Ruckel: That's right, that's right.

05-01:29:19
Eardley-Pryor: Can you tell me a little bit about where you and Phil Berry were coming from in the early nineties when you joined the board as the [Sierra Club] Legal Defense Fund seemed to want to be more separate?

05-01:29:29
Ruckel: And he's passed away also [Phillip Berry]. What my attitude was towards the evolution of SCLDF is what his attitude was. I don't think there was any real distinction between our points of view.

05-01:29:56
Eardley-Pryor: I imagine he had a pretty deep emotional connection to SCLDF, having helped create it.

05-01:30:00
Ruckel: Right. And being on the board.
Eardley-Pryor: That's right, he served the board.

Ruckel: Being on the board. Yeah, yeah. And then, when I had my dust-up with Rick [Sutherland,] he [Berry] was on the board and Fred Fisher, also an outstanding friend who's also passed away, he was chairman of the trustees of the [Sierra Club] Legal Defense Fund.

Eardley-Pryor: What did the board of the [Sierra Club] Legal Defense Fund think about your departing?

Ruckel: Well, I didn't make an issue of it, and Rick obviously didn't want to make an issue of it. Neither one of us wanted to. I think we handled it well, actually, both sides.

Eardley-Pryor: When you came to join the board of directors of the Sierra Club and you and Phil had similar points of view about what the Legal Defense Fund should be doing, with relation to the Club, how did you move forward with those views?

Ruckel: Well, I mentioned the separation agreement. The [Sierra Club] Legal Defense Fund was going to carry on representing us on a given number—and I forget the percentages and the amount of money involved in all that because I was—

Eardley-Pryor: But it was a contract that was signed, it sounds like, that said, "We'll give you X-number of dollars and you will continue to be our client."

Ruckel: There was a contract there. Yeah. And contracts or resolutions of our board.

Eardley-Pryor: And the [Sierra Club] Legal Defense Fund would maintain use of the Sierra Club name at that point?

Ruckel: Yeah. Well, like I said, for a certain period of time. See, this was a contract of separation.

Eardley-Pryor: Oh, I see.

Ruckel: They would represent us. They could use the name for a certain period of time.
Eardley-Pryor: But eventually, they would leave the name and change it.

Ruckel: It has to be separate. Yeah. They soon became Earthjustice, or they used that name and formalized what had already been arranged.

Eardley-Pryor: I see.

Ruckel: And Phil and I, recognizing that the Club needed something like a Sierra Club Legal Defense Fund said, "Okay, it's time to have an in-house environmental law," or conservation law we called it, "program."

Eardley-Pryor: Was it hard for you to see the [Sierra Club] Legal Defense Fund move in that direction?

Ruckel: Not particularly.

Eardley-Pryor: You were ready for that separation?

Ruckel: Yeah, yeah. I looked on it as a collective evolution of events that occurred. May have been unavoidable. I don't know.

Eardley-Pryor: You wrote to me and described it as a devolution.

Ruckel: Yeah. I even looked that up. I'm not sure. I think it's an appropriate use of the word. I looked it up in one of those large Random House dictionary. Yeah, yeah. An easing out. Yeah. So, we said, "Well, we've got to start having our own legal program." Now, we [the Sierra Club] have a legal program. It's not as big as Earthjustice, but it's huge and growing faster than probably anybody else.

Eardley-Pryor: I had a great conversation with Aaron Isherwood, the Managing Attorney of the Sierra Club, prior to your interview here.

Ruckel: Oh, good. Yeah.

Eardley-Pryor: And Aaron said that there are now some forty in-house lawyers working specifically for the Club on different campaigns and—
Ruckel: That's right. They're even here in Boulder, Denver. Yeah, right.

Eardley-Pryor: I think we had mentioned earlier that Pat Gallagher [director of the Sierra Club's Environmental Law Program] was one of the first hires for that in-house litigation. Is that right?

Ruckel: Yeah, he was the first hire, I think.

Eardley-Pryor: How did you go about finding Pat? Or were you involved in that?

Ruckel: No, I was not involved in that. Phil [Berry] was involved. Phil did all that. He was in the Bay Area. For me to have been involved in that process, I'd have to travel back and forth and that kind of thing. I mean we talked about it. I think he even mentioned Pat to me and talked about his qualifications and that kind of thing. We were very close, Phil and I, through many, many decades or through several decades.

Eardley-Pryor: What was your vision for what Pat's job would be?

Ruckel: Well, as director of a huge program—huge program, multimillion-dollar operation—managing just the plain administration of it. It's not a CEO because Michael Brune is CEO, but you have to assemble a staff, you have to manage it effectively. You have to see that it sticks to the program you selected, that's been selected by the powers that be. And you have to assist mightily in raising money and glad-handing, rubber chicken circuit and all that. [phone rings] Oh, that could be about my car.

Eardley-Pryor: We'll take a little break here.

[break in audio]

Okay, Tony. You were just talking about where you hoped the in-house litigation within the Sierra Club would go and helping set that up.

Ruckel: Well, we foresaw a replication of the earlier period when the [Sierra Club] Legal Defense Fund was just representing the Club, was directly plugged into the priority system of the Club and the allocation of resources in that direction, and that we could do it.
Eardley-Pryor: At that time, in the early nineties, what were the priorities of the Club? This is certainly before climate change.

Ruckel: Well, there's always been seven or eight of them, or nine or ten of them.

Eardley-Pryor: Concerns, at least.

Ruckel: God, you could fit just about everything under the priorities of the Club. It's probably like your California legislature, I guess. Yeah. Clearly—

Eardley-Pryor: I mean lands and wilderness was always there, as you said.

Ruckel: Well, and energy. It was just differently expressed. I don't know that climate change had risen. That's a good question.


Ruckel: Yeah, I'm not even—yeah.

Eardley-Pryor: Two thousand six is when his movie [An Inconvenient Truth] comes out and that gets a lot of attention. But in my understanding, the Club didn't really transition to a broad, national, campaign-level concern of climate change until the mid-2000s.

Ruckel: Oh, I'm sure that's the case. Yes.

Eardley-Pryor: So, in the early nineties—

Ruckel: But the Club, one of its attributes is it does think ahead, does worry about these things. Often you have an issue that percolates along and the Club knows about it, talks about it, nobody pays any attention because it isn't the popular issue.

Eardley-Pryor: Yet.
Ruckel: Yes. But the Club's inchoate judgment is correct. See, I come back again and again to the structure and that [Stanford University] study I mentioned. You know, this [Sierra Club] is a group of highly educated, motivated people. They're going to think about things. Maybe not all of them. They certainly aren't all thinking in the right direction all the time, in my judgment. But collectively, through the decades, they get there. It somehow works, as I said before. It's a very tough thing to understand, and a lot of people tried to and several books have been written. I have a couple of them downstairs. They all have opinions. None of them seem to—

Eardley-Pryor: But in your eyes the Litigation Committee would be representing whatever those priorities were?

Ruckel: Yeah. Well, the department would.

Eardley-Pryor: The in-house litigation. [Sierra Club's Environmental Law Program]

Ruckel: We're [the Committee] sort of an advisory committee. We're part of the bureaucratic structure that proposed litigation has to go through. And it's a beautiful structure, I think. And it's the exact same thing we were doing with the [Sierra Club] Legal Defense Fund. The structure has been imitated broadly. And it works. So, we were in an advisory capacity. The Club hires staff [Pat Gallagher], he's going to run it, and the staff is going to report to Michael Brune, the [Sierra Club] executive director, however they want to set up their reporting, who reports to whom about what.

Eardley-Pryor: Or at this time [Sierra Club executive director was] Michael Fischer, I would think, in the early nineties.

Ruckel: Yeah.

Eardley-Pryor: Carl comes in during your time as president in '92.

Ruckel: Right, right.

Eardley-Pryor: Carl Pope.

Ruckel: Yeah. Yeah. Yes. We thought the previous operation was working fine, so we wanted to replicate the previous operation.
Eardley-Pryor: I see. So, the in-house legal program within the Club is the way that you thought the Sierra Club Legal Defense Fund was and should be operating, at least from the seventies?

Ruckel: Yeah. Let me state it differently. We thought that the structure and the relations with chapters and the priorities and the board, that that worked very well in the seventies and the eighties, before the tension. And we didn't see any reasons to change it dramatically. The positions of the lawyers, their physical location and their technical legal organizational things can all change, but the overall structure we thought worked very well. And that seemed to be the consensus, I think, of just about everybody who commented on it. And that was another reason why our board was so united in this dispute. The Sierra Club board is generally a can-do board. This is an activist organization in the truest sense of the word. I mean, you know, it really is. And when you get right down to it, you go to one of these meetings and you get that distinct sense the board wasn't going to sit there and go through a whole bunch of, "Oh, God, woe is me type shit." It was going to keep moving. That's a wonderful dynamic, because you know it's going to be there tomorrow and the next day and the month after that. So, it was easy to replicate it. It took more time than we would have liked, but these things always do. Democracy takes time. But it worked out. It's flourishing, I guess I could say.

Eardley-Pryor: That's a nice thing to see.

Ruckel: Yeah.

Eardley-Pryor: I want to drill into the time—especially your time as president of the board of directors, president of the Club from '92 to '93, and some of the issues that happened during that first term you had on the board.

Ruckel: Well, let me see. I was president the last year of that first term.

Eardley-Pryor: That's right.

Ruckel: When I came on the board, I suppose the first issue was the developing tension with the [Sierra Club] Legal Defense Fund and developing tension with Michael Fischer from the board of director's point of view. Our board's understanding of the finances was not strong at that moment. We had the beginnings of the notion of political action committees [PACs]. We'd been politically active since—
Eardley-Pryor: I mean SCCOPE [Sierra Club Committee On Political Education] had been around—

Ruckel: Yeah. Right, right, right. But we had—

Eardley-Pryor: —Carl [Pope] was even in charge of the SCCOPE report in the late seventies.

Ruckel: Well, I don't know about there. There had been IRS regulatory changes and that kind of thing, and so at that point, it began to be apparent that there had to be some separate accounting. This is political campaigns and endorsement, and it's broken down into the political campaign and endorsements, and political education, okay?

Eardley-Pryor: Oh, I see. There's a difference between the education and the endorsements.

Ruckel: That whole dynamic was beginning to be in effect. Yeah. And that was coming in. At that time, obviously the differences—the background was building for the tension with the [Sierra Club] Foundation, but it was not manifested until later. But the tension with the [Sierra Club] Legal Defense Fund was hot on the plate.

Eardley-Pryor: Some of these tensions you're talking about, to me, sound like the economic context in these issues—or finances—run through all of them.

Ruckel: I think they do. I don't want to disparage people, but here I can plead guilty somewhat myself. The people who get involved in these things are strong-minded people and they're aggressive. They have egos. Attitudes. That kind of thing can be just as important as the issues.

Eardley-Pryor: The ideological standpoints that people have?

Ruckel: No, I mean human nature.

Eardley-Pryor: I see.

Ruckel: Yeah, human nature. Doesn't have to all be money. What the hell?
Eardley-Pryor: Give me an example of some of the human nature challenges that came up in your time, your early time on the board.

Ruckel: Well, I don't know. The parting with Michael Fischer was not easy and that was a factor.

Eardley-Pryor: Well, Fischer, he says that he thinks that, not necessarily the spark that led to his departure—well, here's what he says [in his oral history interview: Michael Fischer, "Michael Fischer: Executive Director of Sierra Club 1987-1992," interview by Ann Lage in 1992 and 1993, Oral History Center, The Bancroft Library, University of California, Berkeley, 1997]. There was a firing of a financial advisor, a financial staff member, Andrea Bonnette, who had been hired by [prior Sierra Club executive director] Doug Wheeler. Fischer needed her help but also didn't like some of the things she was doing. The way that Fischer paints this in his oral history is that he wanted to fire her and Carl Pope gave him advice to say, "Yes, go ahead and do that." That Ed Wayburn gave his blessing to fire Andrea [Bonnette]. But that there was some real conflict in the board about that.

Ruckel: Oh, tremendous.

Eardley-Pryor: That particularly Phil Berry, yourself, and Anne Pogue were adamant that Fischer did not have the ability—or should not have had the right—to fire her.

Ruckel: Of course.

Eardley-Pryor: Tell me, is this some of the human dynamics you're talking about?

Ruckel: Sure it is. That's part of it. But the board had communicated in various ways to Phil, who was president—one of his many terms as president [of the Sierra Club], you lose track of them—that they didn't want Fischer to take any immediate steps. Okay.

Eardley-Pryor: With regard to letting [Andrea Bonnette] go?

Ruckel: You know, Anne Pogue would have been, by the way, the sixth person I would referred you to. You asked for five references. Anne would have been the sixth. In fact, Nancy [Olmstead] said, "I don't know Bruce Hamilton. Let's put Anne in there." But if you'd said six, she would have been the six.
Eardley-Pryor: To call for my preparation [for this oral history interview]?

Ruckel: Yeah, yeah, yeah. She's really crusty. She'd take you right back to June Viavant and Ruth Frear. She has that personality, and she has been interesting. And this happens in the Sierra Club, so I should not say. She's a very dear friend. Her wife is a very dear friend. I saw them, gosh, just recently. I gave them a tour of Point Reyes National Seashore. They've always wanted to do that. I gave them a specific tour. I do advise people in California what to do when they go to Point Reyes National Seashore because I go all the time. [laughter] I'm a non-resident authority, I guess. And we would disagree.

Eardley-Pryor: You and Anne [Pogue]?

Ruckel: Yeah, on important things. But then the decision would be made, and she'd back me to the hilt. I'm eternally grateful for that. And I had other people on the board, too. And, I mean, Phil had the same experience. As I said, these are smart people. They're not—

Eardley-Pryor: So with this issue, the challenges with Michael Fischer, these tensions that come up?

Ruckel: Yeah. So, the board communicated to Phil, and I don't know exactly how, but it was definite. It was clear they didn't want any decisions, major decisions, made of that nature without Michael contacting the board, which meant contacting Phil. And he [Michael Fischer] didn't do it. He just out of hand fired her. He thought he had the absolute authority to do that. Well, he did until the board, see, communicated a separate instruction or different instruction. "You no longer have the power to unilaterally do that until you consult with us." Fischer thought he had a lot of board support, I think. And I'm not trying to disparage Fischer that much. But I think he'd grown out of touch with what was going on, and he really didn't have much support on the board.

Now, [Ed] Wayburn, I know, liked him. But I think Wayburn liked the board better. [laughter] In fact, I'm pretty sure of that. Ed had a way of coming up to me periodically. He said, "Tony, you're doing all right." Or, "Tony, you handled that well." He'd also say, "Tony, watch out for this individual or that individual." And I had some other leaders in high or just junior high places in the Club who would do that. I mean, you have to have that in a very intensely political atmosphere.

And that's why I am grateful to Anne for—I mean we'd disagree. Not often. But when we did, I'd make the decision because I was currently in the position
of having to make the decision, and there were no questions. There was absolutely no doubt. She just said, "All right. That's the way it's going to be." It takes a level of sophistication to do that kind of thing. That's not easy to do in a pressure cooker. So, she would have been the sixth reference.

And so, Michael [Fischer] blames myself, Anne Pogue, and Phil [Berry]. That would have identified [laughter] the leadership on this issue at that point. Okay. The sentiment against Michael had been building for a while. Michael didn't have much support on the board, and I think Mike McCloskey might have told him that. I don't know what Michael says about this issue, if you asked—

05-01:52:09
Eardley-Pryor: We didn't talk about it.

05-01:52:11
Ruckel: Because I'm pretty sure Mike went to him and said, "You know, Michael, good guy as you are, there's not a lot of support on the board." I'm 90 percent sure that that conversation took place. But I want you to talk to Michael, not quote me.

05-01:52:37
Eardley-Pryor: Sure. So, the agreement does eventually—

05-01:52:42
Ruckel: I want you to talk to Mike McCloskey, not Michael. [laughter]

05-01:52:46
Eardley-Pryor: Right. Well, Michael Fischer does eventually agree to step down as executive director. That's something that I think you all organized, the board organized with him.

05-01:52:56
Ruckel: Yes. Yeah. It was a separation agreement. We're great on separation agreements. We had a lot of practice with the legal—yeah. [laughter]

05-01:53:06
Eardley-Pryor: I can't help but see economic and financial reasons running through so much of this. I mean the Club's finances take a major downturn in the nineties, and then staff cuts result from that. The staff itself then unionizes itself in reaction to this.

05-01:53:22
Ruckel: Oh, yeah. No. And we had two unions for a while. Sierra Club never does anything by half. We had a company union and then the Teamsters. I thought, "God, I'd never been a Teamster." I was on the management side, obviously, but I thought, "Hey, be a Teamster. Yeah, give me a truck. Give me a sixteen-wheeler. What the hell."
Eardley-Pryor: Back in Chicago, there was that Teamster effort union drive. They didn't talk to the right guy.

Ruckel: Yeah, right. That's right, yeah.

Eardley-Pryor: And also, this sparked the catalyst that led to Michael's departure, his firing of Andrea Bonnette. She was in charge of finance.

Ruckel: Bonnette?

Eardley-Pryor: Bonnette—I'm sorry, she was in charge of a lot of the Club's finances, overseeing those finances.

Ruckel: She was the chief financial officer.

Eardley-Pryor: Before Lou Barnes.

Ruckel: Yeah. She hired Lou Barnes.

Eardley-Pryor: So, I see fiscal issues running through all of these tensions.

Ruckel: 'Course you do, 'course you do.

Eardley-Pryor: The [Sierra Club] Legal Defense Fund wants to leave because it wants to have more money or have its control over money.

Ruckel: Well, I know, I know you keep saying that. And I keep saying, "Well, that wasn't the whole thing." Egos were involved, and they wanted to have control over their agenda. You see, they didn't like our participation in the agenda. And they were very uncomfortable with the money thing. I think the money thing probably could have been resolved. I mean we would have had to do some work on our part to resolve that.

Eardley-Pryor: That's what you mean by "directions" were different.

Ruckel: Yeah, yeah. And it's true. The money thing is always there. I mean we're a nonprofit, so by definition we don't have a product we sell. We've got more piglets than we have tits. And every nonprofit is in the same—hell, the

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University of California's in the same situation. I'm sorry, the Bancroft Library. Whatever. [laughter] But the point's there.

Eardley-Pryor: Yes.

Ruckel: So, how could you avoid having finances be a part of it? They don't necessarily have to be the number one part. They're always high on the list. But they're not always necessarily—

Eardley-Pryor: That's helpful. That's good for me to take a step back from that to see these broader issues.

Ruckel: Yeah. I would, I would. That's my view.

Eardley-Pryor: And this is the view we're here to hear.

Ruckel: Yeah, right. I have some experience anyway with my view. [laughter]

Eardley-Pryor: Well, tell me, what are some of the other topics that come up in this time, in your presidency, that you want to talk about?

Ruckel: Well, we had to select an executive director.

Eardley-Pryor: What was that process like?

Ruckel: That was interesting. That was interesting. Of course, I'd just assumed the position of president. I should say when I assumed the provision of president—maybe I said it earlier [1992-1993]. The board at that time was, for the first time, a majority female board. And my selection was unanimous. So, I'm proud of that. Yeah, yeah. And I had some advocates like Anne Pogue and others, and of course, Phil Barry and Ed Wayburn, my two mentors. So, typically you have a search committee, right? So, the board meets in retreat formation because this is done in executive session, so to speak. I mean, you don't hire and fire people in public. You do it in private circumstances. So, we're out at Audubon Canyon Ranch out there [near Stinson Beach in Marin County, California]—I think that's where it was, up there near Bolinas. And so, I said, "Okay. A board never does anything more important than its selection of the CEO." Right? How can there be an action that a board does that's more important than that?
Eardley-Pryor: Yeah. And historically there's the conflict that happened when [Doug] Wheeler came in and didn't last long [1985-1987]. Fischer came into that kind of dysfunctional dynamic that already existed. Also didn't last that long. This is an important decision.


Eardley-Pryor: And Carl had been a part of the Club for—

Ruckel: Forever.

Eardley-Pryor: —decades before.

Ruckel: Yeah, forever. That was completely friendly. So, we had to select—but we had to select a successor to Fischer in a situation which was intense, which was not any friendly parting here. And so, I sat down. I'd given this some thought because I was pretty sure I was going to be president since there was nobody seeking it other than me. Seemed to be a foregone conclusion, so I thought about it a little bit. And I assembled these people. As I say, it was one of the strongest boards I ever saw. I probably won't see one as strong as this was ever again.

Eardley-Pryor: Who are some of those strong members that stick out in your mind?

Ruckel: Oh, God. I'd have to look at a list. But Phil [Berry], Ed [Wayburn], Michele [Perrault].

Eardley-Pryor: Michele Perrault?

Ruckel: Mm-hmm [yes]. Kathy Fletcher. Anne Pogue. And this charming woman from the South.

Eardley-Pryor: Rebecca Falkenberry?

Ruckel: Yes. And this equally charming woman from Boston, Asian, she was on there.

Eardley-Pryor: Oh, Vivien Li.
Joni Bosh, wife of Rob Smith at the time who was a staff person. Duncan Stewart, a rancher from Saskatchewan, I think. Anyway, Canadian rancher who always said, "I can't understand everything that's being said here. I just can't grasp it. But, you know, I think these guys are right, so that's like—" [laughter] He was fantastic. I mean, really was. He played the dumb rancher to the hilt. And there was nothing dumb about Duncan Stewart. But there are all these loud young people yelling and screaming, so he didn't have a chance. He was slow talking. "The winds blowing out there on the plains, and I got cattle to take care of, and I got to get out there. But I need another cup of coffee first, and maybe a shot in the coffee." He had a deep voice and a commanding presence.

Paint the picture of the issues that you're facing and who you're going to choose, or the direction you've—

Yeah. So, that was the thing we were doing. We'd just all been through this adventure. And so, we went around the room and people—I guess I asked, "Who would be interested in being on the search committee?" And for some reason, nobody volunteered their names. Went around the room. And I don't know, boards do things behind the back of their president and that kind of thing, which you never know about. I mean they could have said, "Well, we're going to let Tony direct the selection," and so, they might have said, "Let's not interfere. Let's see what he wants to do. Let's give him a chance to do what he wants to do." Could have been just as much that as it could have been courtesy, or it could have been—who knows. But nobody said anything. Well, I had fortunately written down a list of five names, you see. I wasn't going to be caught completely with my pants down.

Names of who would be on the selection committee?

Yeah, yeah, yeah.

Who were the five?

Well, of course, it was three women to two men. Right? Had to be. So, Ed Wayburn, because you couldn't imagine a selection committee without Ed Wayburn, for executive director. You have two icons in the room. The other's Phil Berry. He and I were so close that that was not a logical thing.

You want a more diverse team.
Ruckel: Well, yeah. It seemed to me to make sense not to have him on the selection committee. So, it was Ed. It was Michele.

Eardley-Pryor: Michele Perrault.

Ruckel: And at that time, they were married [Phil Berry and Michele Perrault]. So, of course, I was getting Phil, too. Cathy Fletcher, Joni Bosh, and Mark Gordon. Mark Gordon was a young rancher from Wyoming who currently is the Republican governor of Wyoming.

Eardley-Pryor: Wow.

Ruckel: Another interesting dude. He'd come to San Francisco—an opera fan, and he'd go to the New York opera every year. And when he came out to San Francisco, there's a hotel or lodging out there near Symphony Hall, in that area, where all the performers stay. So, he'd stay there. And how he got in, I have no idea. But I suspect he got in by making contributions [laughter] to the opera. Anyway, he had a comfortable background, and, yeah, he ran ranches in Wyoming. He and I were good buddies. Gene Cohen ended up—when the board was traveling, he [Mark Gordon] was my roommate, or I was his roommate whenever. I've got to get up there and have lunch with him, persuade him that Wyoming has got to move quicker into the twenty-first century and stop dragging its ass through the nineteenth century. But, you know—

Eardley-Pryor: That was your executive—

Ruckel: That was the search committee. And then I further said that I think the search committee ought to select its own chairman. There's this silence around the table. All right, you can see these nods, people digesting and concentrating, looking at each other. We moved on to the next item of the agenda. Phil came up to me right afterwards. Said, "Tony, excellent, excellent selection, exactly right." And see, this excluded Anne Pogue, too. She was treasurer at the moment. But since it included Ed and Michele, [laughter] the old-line leadership was on board. And it worked very well because I can't emphasize enough how compatible this board was in that selection process and in everything. And this carried over when I was treasurer later. And I think it was because we pretty much knew what we were doing.

Eardley-Pryor: What were the options you had as to what direction you would move depending on which executive director you might nominate? What were your different options?
Well, we had three finalists, and then one was hired by another organization out from under us. So, we ended up with two finalists, right at the last minute. One of the ones—we had a selection of very capable individuals. I mean, really capable impressive people. And we had the committee, selection committee had use of a— [phone rings]

Do we pause here? Need to take that?

Let's see. I don't know which one is the body shop—

Okay, go ahead.

So, at any rate it was a very compatible process. We had a search firm, headhunters.

The two people that you had left—obviously you chose Carl [Pope]. You hired from within.

Yeah.

Who had a wonderful political sense of what was going on, in particular, but also knew how the Club operated, had been a part of it for so long. What was the other option? What direction do you think that would have taken the Club differently? Or would it? You can never know.

I don't think it would. I think even with a figure like David Brower, eventually the Club would take an executive director in the direction that it wanted to take him.

Oh, because the board would be able to steer it. Is that what you're saying?

Yeah.

The membership?

And then the membership steers the board, and the board comes—remember the board's elected, you see. So, it's not a self-perpetuating board in the sense
that it fills its own vacancies. I mean it does if somebody between terms has to leave or passes away or whatever. You have to have somebody appointed for the rest of that term. But that's the way it is universally. Nothing unusual about that.

Eardley-Pryor: Yeah. But it's a democratic organization.

Ruckel: Yeah. I can see an executive director trying to lead it in a particular direction, name the direction. With the Sierra Club, though, they have to gain the consent of the governed. [laughter] So they won't have the last word, okay. The other final candidate was clearly qualified. I think he or she would have been a really good executive director. But we thought Carl [Pope] was special, and I think by and large our judgment was born out.

Eardley-Pryor: Why did you think Carl was the right person at that time?

Ruckel: First of all, he had longstanding experience. Second of all, he was a presence. I mean, the executive director had to be a presence. That's important.

Eardley-Pryor: What do you mean by a presence?

Ruckel: Well, I don't mean dominating the room, but I mean, you know, being a take-charge person. How's that? I think that's very important. Of course, he has to be a person who accepts our ethic, our way of operating, and look at the executive directors who had difficulty with our way of operating. We had a history of that, too, didn't we, through the years? [laughter] It's the age-old story. You know, the new executive director, he better enjoy that moment because he has the greatest support he'll ever have from the board and all the constituency. It's a steadily downhill—[laughter] That's been a conventional rubric out there forever and ever. Right? But be that as it may, Carl was an obvious candidate. And he was such an obvious candidate that, of course, we had to explain—the etiquette is you explain to other candidates who are also applying for the job or seeking the job that we have an in-house candidate. You can't possibly do that kind of thing without revealing you have an in-house candidate. And you don't have to say anything more. That's all that you have to say. Yeah. He became the executive director and had the full support of the board.

Eardley-Pryor: I'd like to hear your other issues that came up, particularly around finances. These were some difficult decisions and times about where money would get spent.
Ruckel: Yeah. I had gotten attracted to the financial thing, and maybe it was because I started out way, way back in the Sierra Club Legal Defense Fund as a senior lawyer. I'd go talk to the Rockefeller brothers about their Rockefeller Family Foundation, these kind of things. So, I had some familiarity with what was going on. I'm not an expert at reading a financial statement. Lou praises me beyond my abilities. But I can get to it. I can get through it with help from the staff and that kind of thing. And I can pretty well know what's going on. I think what I tried to do, and what I thought had been lacking—

Eardley-Pryor: This is in relation to your work on the [Sierra Club] Finance Committee?

Ruckel: And as treasurer. I was treasurer for two terms [1995–1997], yeah. Was the age-old question. There's too much micromanagement over money by the [volunteer] supposed managers, but they tend to have less understanding of how the whole picture works. So, I was worried about the whole picture, as was the board and the Club and all. There was a woman from Alabama. She was a professor at Auburn. Carolyn. Carolyn Carr. You might have run across her name.

Eardley-Pryor: I saw that she was a board member in the mid-nineties.

Ruckel: Yeah, yeah, yeah. Off and on. Anyway, she was a board member that came up to me and said, "Tony, a couple of us decided you got to be treasurer of this operation." And I was not at all hostile to the idea. But there was another candidate, a person whom I disagreed with, historically have disagreed with anyway.

Eardley-Pryor: Do you mind saying who that was?

Ruckel: Pardon me?

Eardley-Pryor: Do you mind saying who?

Ruckel: Yeah, I'd rather not. So, I said, "Well, you know, would I have the votes for this kind of thing? This person's been involved in church finances for a long period of time." Carolyn looked at me, says, "Well, we're going to get you the votes." [laughter] She was that kind of person. I was given to understand that it was pretty much a unanimous choice, which I would have figured from the outset. Yeah. Then I had to figure out what I should be doing. Right? I had not been treasurer before of an organization. I'd been involved with the [Sierra Club] Legal Defense Fund finances because I was the senior lawyer, and I was
out helping raise money, and I had to budget the Rocky Mountain office. So, I'd had some experience. But I thought that the finance committee ought to be spending its time on the larger financial—where's the money coming from? Can we improve the stream? Are there other options? That sort of thing. And that we shouldn't be dealing with day-to-day problems. One of the things I was asked early on, first time I ran for the board, is they gave me a hypothetical, the nominating committee. Gave me a hypothetical of some $50,000 problem or some $25,000 problem, whatever, and they gave me what the problem was—I totally forget the problem. And they said, "Now, how would you handle it? What would you do?" and I said, "Well, why in the hell is a board of directors dealing with a $25,000 problem?"

05-02:15:58
Eardley-Pryor: The board of a multimillion-dollar institution.

05-02:15:58
Ruckel: Yeah. Right, right, right. I said, "I would handle it by telling the people who brought it up to take care of it. Board shouldn't be handling 25,000." No candidate said that, and two people on the nominating committee said that was the answer. There's no question but that was the answer. They said a couple of candidates had gone into this involved structural bullshit. They had to get a study and review it, appoint a committee and all this kind of stuff. He said to me, "That's what we were looking for, Tony. We think there's way too much micromanagement," and they loved my answer. I think that assured my nomination.

05-02:16:46
Eardley-Pryor: Well, just in reference to your holistic point of view on what the Club's finances are. One of the things that Lou Barnes really gave you a lot of credit for is that as treasurer, he said that you were the first treasurer to really make the finances of the organization understandable to all people, having that holistic view and then explaining it in a way that was relatable.

05-02:17:03
Ruckel: Well, he's generous. He's very kind.

05-02:17:06
Eardley-Pryor: But he also said that you set a precedent that other treasurers since then have continued, to make that clear for other people, and it's helped strengthen the Club itself.

05-02:17:16
Ruckel: And that was very important to me because most of the financial reports you got at board meetings were a mystery to everyone.

05-02:17:25
Eardley-Pryor: Yeah. I don't understand how to read those things or where—
Ruckel: And they don't have to be. So, important parts—and I don't know what Lou's view was, but my view was important parts should be emphasized right in the introductory paragraphs or two. And there should be three or four introductory paragraphs, and they should hit on the real things that are problems before us. There should be some progress on—some assessment or evaluation or at least communication on a continuing basis—of things that are going on. And so, I brought that more programmatic, that more holistic view. What the hell. We were hiring Lou, and we had the greatest staff you could possibly imagine. Why re-digest all that stuff to the board? Get them thinking of the total financial picture and where we ought to go. One of the things I did that Lou was very charmed about it, the staff religiously did, I said, "I need a sort of a short list of financial touch points," for instance, "and reported to me regularly just on one sheet of paper." No internet. Those were the days. And so, on one sheet of paper they would tell me, "Well, life membership applications have gone up." That the operating debt had gone up or down. We were out on the line of credit this amount of money. And I wanted that on a regular basis because that helped me understand what was going on. Okay? I think what he's referring to is I worked some of that into the reporting mechanism.

Eardley-Pryor: How did you choose those touchstones? Or were those things that Lou chose?

Ruckel: Well, Lou gave me a couple of them when he found out I wanted to do this. He was very pleased. He thought, "Wow, some treasurer's coming in and he really wants to know what's going on." [laughter] And not give me these foul balls that are constantly bouncing in here, into my office from the board who doesn't understand what the finance—what's going on. Maybe it was because I wasn't a foul ball. [laughter]

Eardley-Pryor: Well, you'd mentioned lines of credit, and Lou had told me that it wasn't really commonly known at the time but in that '90s period, the Club was extended on its credit.

Ruckel: That's what I wanted to know.

Eardley-Pryor: The Club's financial situation is a bit dire then.

Ruckel: I mean, as treasurer, I thought it wasn't enough for me to get some sort of report quarterly on that. I think we agreed on biweekly. So, my little list was filled out biweekly. I got my own list, and I was able to follow that kind of thing. And yeah.
Eardley-Pryor: Did that then have ramifications on choices that you made as a part of the board?

Ruckel: Well, it certainly had ramifications on my advocacy of various positions. I'm so thankful that I could accept the information I was getting from Lou as the information. I mean, I didn't have to cross-examine anybody. I might ask for clarification when I didn't understand. I'm sure I did that. But my confidence was then, and is now, that nobody knows that stuff better than Lou Barnes. I wouldn't even think of asking anybody else. So, that was a great confidence builder. I didn't have to worry about that at all, so I could worry about these other more holistic things. I think more holistic is a good description.

Eardley-Pryor: Where did you get your financial training? Today, just as context, you work as a financial advisor, financial planner for people?

Ruckel: Yeah. Yeah, yeah.

Eardley-Pryor: Where did that come from for you?

Ruckel: I don't know. Let me give you a vignette. When I went back to New York annually, in the early days of the [SCLDF] Rocky Mountain office, the Rockefeller Family Fund was supporting us, and I'd have lunch in the Rainbow Room in Rockefeller Center. And one day the staff person—I would occasionally see Larry [Rockefeller], Jr. for fifteen minutes. Never had an extended lunch, although I was with him for significant periods of time at other events and things. And I was looking out the window. In the Rockefeller Center, you're several blocks south of Central Park but you look through the buildings that are out to Central Park. I just liked to look at Central Park and the Rockefeller Center.

Eardley-Pryor: Yeah, New York is beautiful.

Ruckel: It's a nice place to look. Yeah. Great view. And Gene Setzer—oh, wow, I don't know. It's a good thing I can plead age for forgetting all these names. He was the contact person.

Eardley-Pryor: At the Family Fund, at the Rockefeller Family Fund?

Ruckel: Yeah, at the Family Fund. And we started talking, and he was pointing out all these shorter run-down, older, more decrepit—and this is in a comparative
sense—buildings that I'm looking at. And he quickly identified like four or five that the Rockefellers owned. You know, poor little Denver lawyer, right. Hey, hey, you know, I'm getting the picture, I'm getting the picture. All these old buildings. Yeah, the Rockefeller is old. And the Rockefellers, of course, could hang on to it forever. They don't have to do anything with it unless the moment arrives. And then the moment arrives. They make a lot of money and they do something with it, and the money goes into the family foundations. Not difficult to divine that. And that interested me. And I think then, I became aware of old money. Love that old money. And so, it became a topic of interest intellectually. I've never had any old money. Don't have much new money either.

And I had another example. This is a great one, this was a great one. On the little boat, the observer boat that the Rockefellers put together with some help from Mike McIntosh, it's about ninety foot, it's an old World War II minesweeper, and it was redesigned as a yacht by the CEO of Sun Oil Company. I'm pretty sure I have this right. And then the Rockefeller family bought it and reconditioned it further. A gentleman in Peoria, Illinois—metal fabricator, had a forge, had all this stuff. Wonderful, oh my God, he must have patented some of that stuff. At least we hope he did. He had down-loading racks that fit in this little ninety-foot boat. It was a marvelous, marvelous setup. I met him, yeah, he and his wife. The boat was to carry donors around Admiralty Island in the Tongass National Forest and say, "Look, this is what the [Sierra Club] Legal Defense Fund is doing." Hey, man.

05-02:25:44
Eardley-Pryor: So, they're sailing up around the Alaska Inner Passage?

05-02:25:46
Ruckel: Yeah. No, Admiralty Island is a Wilderness Area National Monument. I don't know what the exact status is. It's preserved, except for Angoon, which is a Native American town which is in a corner of it. And so, you took donors on this. This was a donor thing. And so upstairs, I put a couple from Cincinnati who had been contributing to the—well, the [Sierra Club] Legal Defense Fund since its origin, and to the Sierra Club since they were adults, right.

05-02:26:24

05-02:26:28
Ruckel: Yeah, okay. Well, do you know the Stegmans?

05-02:26:31
Eardley-Pryor: I don't know the Stegmans. It sounds like I should!

05-02:26:34
Ruckel: Interesting couple. He collected old cars and he'd go around the country bidding on old cars. And he had a place out in the country. It wasn't like what you usually see in the country in terms of cars. I mean they're classics. Had a
big barn. He did this as a hobby. And the other hobby was the environment. He and his wife were big on that. So, they were five-figure contributors. Also, on the trip was a young couple who I had recruited to do the reserve water rights litigation and their foundation gave us—I don't see that there's any embarrassment here—but their foundation gave us a two-year grant for money that was total, was worth three times what the Stegmans were giving a year, okay, if you divided the grant by year. And so, this young couple was down just about the engines and the lower deck where Carol and I were next door, and they had the next door. And these other folks were spread about, including the Stegmans in the top suite. And so Bob, call him Bob, that was his name, comes up to me, oh, just a couple days into the trip and says, "Tony, I have a question. You know, we just gave you all this amount of money." And he was like this. He wasn't a very pleasant chap. But "We just gave you all this amount of money, and I learn now that the Stegmans up there, they don't give anywhere near that much amount of money, and they've got the primo space and we're down here by the fan tail." And I looked at him. I said, "Bob, well, you're right. Everything you say is right. But how about this?" I said, "The Stegmans have been contributing to the Legal Defense Fund, five figures, since it was formed. We don't have to ask him anything. We don't have to present to the board of directors or any of this kind of crap." Bob was part of a foundation, family foundation. "And they renew year after year. And how about this, Bob. They've been doing this I don't know how long but at least twenty years before the Legal Defense Fund was formed. They've been giving annually a five-figure check, and we don't have to recruit that." And Bob kind of smiled. He said, "I got the message," and walked away. The message is clear. That long-standing support is just there. And that kind of thing was fascinating to me as I developed my interest in financial aspects. Boy, the Stegmans, they're the foundation. You see? Rocks. Whereas this young couple, they ran a good foundation. Bob's wife was a charming woman. And their hearts were in the right place, and they donated this money, but it was a struggle before their board because you have to have outside trustees. But pretty clear situation to us. Part of my education.

On this topic of finances. Do you have any memory or experience when the IRS was moving forward on these UBIT cases against the Club, the Unrelated Business Income Tax cases with the affinity cards? The way I understood it is that the Sierra Club pioneered affinity credit cards, having this partnership with Chase Bank. Put the Club's name on there, use the brand, and split some of the revenues that come from using that brand. And that was a new thing that nonprofits hadn't done before.

Yeah. I told you Lou Barnes was a smart dude.

But then the IRS comes in and says, "Well, that's taxable income." There are three different cases that went through, these UBIT cases, and eventually the
Club won. I think that happened while you were working in the Finance Committee.

05-02:31:14
Ruckel: It did, it did.

05-02:31:16
Eardley-Pryor: What are your memories of that?

05-02:31:17
Ruckel: I have no memories at all except we won. I couldn't know the details of everything that was going on.

05-02:31:26
Eardley-Pryor: Sure. Well, let me ask you something—

05-02:31:30
Ruckel: When you're being pressed financially—it's fair to say one thing about it. And that is when money's tight, when you're pressed financially, your assistant treasurer is actually the person—this is by resolution of the board, but you have to have some sort of organization. She was in charge of what's called the volunteer budget, and that's the part of the money that goes down to the chapters and groups. When money's tight, it's really tight for these people. So, one of the things I did pay a lot of attention to was her responsibility, her budget. Oh, gosh, she's a biology teacher at West Virginia Wesleyan. She was an orchid expert.

05-02:32:20
Eardley-Pryor: Who is this person?

05-02:32:22
Ruckel: Kathy Gregg. And she would disappear for a couple of weeks into the jungles of South America and Central America and all that, looking for orchids. She was also the assistant treasurer for the volunteer budget, right. So that was a recurring responsibility, and it was recurring because the money was so limited. I had that, and I had the—just all the things you do as treasurer and you're responsible for. Or you spend a lot of time seeing the things you're getting done. Because you're not going to do them yourself. Or I never tried to do it myself. I eschewed the whole idea of micromanagement. And then I liked conversation rather than—I think on a budget, you've got to be real careful to make sure you've got pretty much unanimous backing. So, it was important to me that I had the unanimous backing of the board, especially since there were a couple of folks there who were more in the foundation style of independence and that kind of stuff. So, I had to politically chart my way through some, I don't want to say hostile, but certainly disagreeable—

05-02:33:54
Eardley-Pryor: Can you think of an example or a topic that came up?
Ruckel: No, this was just typical attitude in that regard.

Eardley-Pryor: Let me ask you something specific then, because another thing that came up with regard to your role and interest in finances—and now, even [your work] as a financial planner—was to shift the Club to have a broader investment portfolio.

Ruckel: Sure.

Eardley-Pryor: And that was something that Lou Barnes gave you, again, a lot of credit for, for helping steer the Club towards equities investments.

Ruckel: I appreciate that. Yeah.

Eardley-Pryor: What's the story behind that?

Ruckel: Well, there's several stories, I suppose. First of all, the money that the Club gets is 501(c)(4) money. That comes from estates, it comes from life membership funds, and it is an endowment. And its size grows over the decades.

Eardley-Pryor: This is that non-deductible money.

Ruckel: Yeah, hard money. See, we only have about forty million, if you get in the details, of hard money. [The Sierra Club] Foundation has three or four times that over there in the foundation world, but it's all soft money.

Eardley-Pryor: [Hard money, (c)(4), is] more narrowly restricted [for specific political work] than the (c)(3) funds.

Ruckel: Yeah, yeah. They [(c)(3)] can't lobby, can't have political matters, they can't do some of the shit that we do on a regular basis. Right? So, the hard money, any hard money dollar is worth at least three or four bucks on the soft money side to an activist organization. But at any rate, the amounts really don't matter. The point is that you're growing to that point where CDs [certificate of deposit], or just bonds, were not giving the yield that broader investing could give you, and that was obviously the stock market.
Eardley-Pryor: What was the Club's investment policy at that point? Before you shifted it to investments?

Ruckel: It really didn't have one. The philosophy was you put it into CDs, and you put it into savings accounts or things like that, money markets, and then you drew it down for hard money purposes from time to time. So, there was no budget for the drawdown. I also kind of worked that in, that we ought to budget on an annual basis, and that we ought to present an expected return to the board. Say we have $40 million, and say we decide that there's going to be a 5 percent return. You wouldn't collect that number right now. But that gives you two million a year hard money. You can budget without "invading principle" as you do this, in terms of financial reporting now that the market varies and that kind of—so your principle might vary in value, but you've only taken out of it that portion that your professional judgment says you will get next year for the budget. Okay? And then they take that out on a regular basis, and then they spend it. Well, if you keep getting contributions coming in— from life membership, and many estate things just name the Sierra Club—and then money goes to the Club rather than to the Foundation, you end up with a sizable hunk of change. And people say, "Wow, there it is. This financial statement has a lot that I don't understand, but there's this figure. There's this nine-digit number or eight-digit number. Gosh, that's a lot of money."

So, you want to have a plan. You want to know what you're going to do with that. And this became apparent to me, anyway. And I had the vigorous and enthusiastic support of Lou Barnes and Anne Pogue.

Eardley-Pryor: What was it that you encouraged them to do with that money?

Ruckel: Well, we ended up with a committee, Investment Advisory Committee. Anne's the chair. She's still the chair. I'm still on the committee. We have other members of the committee, longstanding. And we meet annually, and we make these kinds of decisions because we've hired—Morgan Stanley has a nonprofit office in San Diego, which was known to Anne, she's from San Diego. And they've been our advisors forever and ever and done very well for us and our enthusiastic Sierra Club members. Jacques Frachon, who's the partner—they don't have partners anymore, it's a corporation—but is the heavy down there in the San Diego office in the nonprofit shop. He's a Frenchman, so soccer's always the topic. So, by experimentation and by guess and by golly this committee arose, and the decision was made to go into equities. But then we had to have an approval process for the investment guidelines, which we have. So, we had to get those developed as to—
Eardley-Pryor: I can't imagine—the Sierra Club can't be just investing in fossil fuels.

Ruckel: No, it doesn't.

Eardley-Pryor: It can't be investing in unsustainable timber.

Ruckel: We don't invest in banks that support fossil fuels. This is where the Investment Advisory Committee disagrees somewhat with the board, only we got specific instructions from Michael [Brune], our executive director. "Yes," he said, "the big banks are out. Don't even think about the big banks. Don't even talk about the big banks." Okay, the big banks are out. So, we developed these standards. And they're really cool standards. And now, not only are the standards there, but the [Sierra Club] Foundation standards have kind of gradually coalesced with our standards. Part of this "better control" thing, and we're very comfortable with them.

There's an outfit up in Boulder [Colorado], Green Alpha, that claims it's the most environmentally conscious mutual fund in the country because their standards are the Sierra Club standards. Yeah, yeah, and the Sierra Club owns part of the Green Alpha. See, we've evolved. We're coming along.

CalPERS is the mother lode. You're involved, you own stock in your own companies and all that. We are in our little way. We're not CalPERS. I'm giving you some shit here but, you know.

Eardley-Pryor: That's fine. I'll steer back. Tell me how you developed the screens that you chose where the Sierra Club would invest in equities.

Ruckel: Really by hook and by crook. We knew it was easy to get the obvious disqualifiers.

Eardley-Pryor: What were those? Big banks.

Ruckel: Well, as you said, yeah, big banks. Well, big banks came later. But any kind of mineral extraction. Utility companies. At that time, utility companies used either coal, a little bit of gas, some oil but not much, but mostly gas, and nuclear. And the Club was hostile to everything in that camp. So, they could be eliminated. So, you could start out—you'd take just the S&P 500, and you can just eliminate a whole bunch of people. Then you get to chemical companies. Well, that's pretty easy, too. We're not friends of Monsanto, how's that, and so you can eliminate them. Then you get down to the ones, the companies that you can tolerate, and even there, there can be disagreements.
when you get into the pharmaceutical industry and that kind of thing. And then you become an advocate for application of the standards, and then protection of the diversity of the portfolio, because that's one of the first rules. You've got to have a diversified portfolio. And that's worthy of continual conversation. And so, all this developed.

05-02:43:14
Eardley-Pryor: Lou [Barnes] had told me that you put twenty negative screens on that said, "We can't invest in mineral extraction, et cetera, et cetera."

05-02:43:21
Ruckel: Yeah, yeah.

05-02:43:22
Eardley-Pryor: How do you make money when you have twenty negative screens?

05-02:43:24
Ruckel: Well, it's hard. It's hard. [laughter] Can't be done easily. First of all, high tech is in there. Let's face it, that helps. There are clean industry operations running around, and you can look at them and say, "one's cleaner than the other." And then you could say, "Well, can we tolerate the unclean parts of this cleaner-than-the-other corporation." You slice and dice, and you go back and forth, and Morgan Stanley helps with this. We don't pay Morgan Stanley anywhere near what they would get from a for-profit, but they have a specific nonprofit division. They know their image is critically important.

05-02:44:17
Eardley-Pryor: Well, it works. It certainly works.

05-02:44:19
Ruckel: Yeah, it works, and it's worked well.

05-02:44:21
Eardley-Pryor: Well, one of the things Lou [Barnes] mentioned is that it worked so well that, even with these negative screens and this debate that you are describing on how money could be made, there's tens of millions of dollars that have been made in these investments since you helped steer the Club towards these equities.

05-02:44:40
Ruckel: Yeah, yeah. Well, it better have.

05-02:44:42
Eardley-Pryor: And Lou even said, during the financial crisis in 2008, the Club lost maybe ten million, but that was pittance compared to all of the investments that you've made over time.

05-02:44:52
Ruckel: Yeah, yeah, yeah.
Eardley-Pryor: So, that's a real significant thing that you helped steer the Club towards fiscally.

Ruckel: Well, I think so. [laughter]

Eardley-Pryor: Yeah. That's a profound legacy.

Ruckel: I guess I go back to standing there at the window at the Rainbow Room in Rockefeller Center looking at Central Park, and this guy coming up to me. It's interesting. I find it interesting. I find it intellectually stimulating. Now, how you can possibly find this subject intellectually stimulating, I'm not altogether certain how I got there. But I can see steps.

Eardley-Pryor: Tell me, also, a little bit about the Centennial Campaign because that does seem to represent the shift away from the—or at least the Club moving towards this "big donor" financial model. Before then, before the Centennial Campaign, I'm not sure that that "big donor" focus had been such a big part of the Club's fund raising. It had mostly just been [direct] mail [membership requests]. It had been the membership base, that sort-of-flexible hard money you're talking about. But the Centennial Campaign represents going after big donors for the first time.

Ruckel: I guess, I dissent from that.

Eardley-Pryor: Oh. Tell me why.

Ruckel: First of all, you have all this old family money in California. These people had been writing checks to the Sierra Club their entire life. You go down to the Los Angeles chapter and they had a slush fund of $75,000 for God's sake. That didn't come from mail-in campaigns. That came from raising the money from dude's out there, some of which were wealthy enough and astute enough they'd hold fundraisers. I went to a fundraiser in Pacific Heights or something like this, in some beautiful house, and the guy was a donor to the chapter and the Club. I used the example of Bob Drake in Winnetka, Illinois, right above Lake Michigan, having fundraisers for big cats in Winnetka and Kenilworth—and there certainly are big cats in Winnetka and Kenilworth, and actually in Evanston, and there's a fourth community up there I can't remember. But Chicago's a big place, lots of money. Those are big donors. We were after big donors everywhere.

Eardley-Pryor: So, you don't think the Centennial [Campaign] really represented that shift?
Ruckel: I don't think there's much of a shift. This is what [the Centennial Campaign] did. It organized appeals and a capability of increasing that circle enormously. So, that was its great benefit to my mind. But a sea change? I guess I don't see that.

Eardley-Pryor: That's great. I appreciate having your perspective on that. That's important.

Ruckel: Yeah.

Eardley-Pryor: There's a topic I want to ask you about that gets maybe to the evolution of the Club after your time on the board, which is the Club has recently made a real strong transition to social inclusion and a focus with social justice being a major part of environmental justice.

Ruckel: Right.

Eardley-Pryor: How have you seen that transition happen in the Club? What do you think about it?

Ruckel: I love it. Look at the history I have, of having represented Black Panthers and all that kind of stuff. My history's cool. And I think it's absolutely fantastic. We probably don't have time to get into the little contretemps between Dick Lamm and myself on the population stuff. Although it's pretty fascinating and demonstrative.

Eardley-Pryor: Can we? Yeah, can you talk a little bit about that?

Ruckel: Yeah.

Eardley-Pryor: Or at least how that [overpopulation and immigration issue] might relate to the social justice, environmental justice issue.

Ruckel: Oh, for sure, for sure, for sure. That's why I think it's worthwhile. The population folks made a run at the board. See, periodically people get together, say "Here's this incredible organization. It's got this incredible staff, and it's got resources. And the way to get to it is get people on the board." So, they mount campaigns. And this has been going on as long as I've been a member of the Club.
Eardley-Pryor: "Slate" politics.

Ruckel: And sometimes they get as many as five or six at one time, in my history. But we blew them out of the water. They were—

Eardley-Pryor: The population people?

Ruckel: No, this was the John Muir Sierrans.

Eardley-Pryor: Oh, the no-cut focus [zero-cut policy to End Commercial Logging].

Ruckel: Yeah, and that kind of thing. Yeah, Chad Hanson is on the board now. He's the last remaining, and they've changed their attitude considerably. The population folks were making a run.

Eardley-Pryor: In the similar way that the John Muir Sierrans had.

Ruckel: Oh, yeah. And then the people before them. It goes way, way back. Nuclear power plant—that's just a long history, I have some of that upstairs, you know—them making a run.

Eardley-Pryor: What was the point of view of the population-concerned people?

Ruckel: Well, "it ought to be a priority of"—and this is always what the point of view of these groups are. "It ought to be a priority of the Club and the money ought to go to it. The money ought to go to it." You like the money stuff, right?

Eardley-Pryor: I think it's a driver.

Ruckel: [laughter] Well, it's a real driver here because they're on the outside, and they want that money, and they want that staff and all that working on their issue. And they're passionate about it, so they try to get on the board. Well, the population control question is sensitive to minority communities. Now, you can make many inferences from that statement. This is a true statement. It was, anyway, when I've approached it. In the United States Congress, there are various interest groups that break down various different ways. And there's African American—Black, whatever you want to call it—collection of representatives and a senator, just as Obama was a senator. And these ladies
and gentlemen tend to vote ninety to a hundred percent the environmental agenda.

Eardley-Pryor: You're talking about the Black Caucus here?

Ruckel: Mm-hmm [yes]. Population control is a sensitive issue to them, too. There's plenty of history and plenty of racial reason for that. But as I tried to communicate to Dick Lamm—

Eardley-Pryor: You used to work for Dick Lamm.

Ruckel: Uh-huh.

Eardley-Pryor: So, was Dick involved in this attempt to take over the Sierra Club?

Ruckel: Oh, yes, very much so.

Eardley-Pryor: In what way?

Ruckel: Well, he ran for the board. We defeated him. Anyway, he was one of the movers and shakers behind it.

Eardley-Pryor: He was pushing towards this takeover of the Club?

Ruckel: Yeah, or getting enough people on the board to change its direction, change the expenditure of its funds on things.

Eardley-Pryor: What did they want that money to be used toward?

Ruckel: I don't know. Whatever population control or population sensitive actions they had in mind. Their argument was, "How could the Sierra Club not have this as one of its top, if not the top priority, because the increased population is continuing growing and will forever grow, unless controlled, as a threat to the environment." So, you can infer from that a whole bunch of policies and whole bunch of directions they would have taken, or they wanted us to take. I wanted to persuade Dick [Lamm] that we couldn't exist—we couldn't exist in Congress without the Black Caucus. And it's stupid to take positions that would endanger the relationship. There's an environmental justice argument. [laughter] And we won, and subsequently we've had Aaron Mair, who's an
African American—we now have Robert Jackson on the Litigation Approval Committee. He's a lawyer from Atlanta. And, oh, we've had what's his face. He's been on the board forever off and on. Another gentleman in the think tank world. [Michael K. Dorsey]

Eardley-Pryor: My understanding of the population takeover issue was it seemed to be somehow tied with immigration and limiting immigration. It was an anti-immigration stance.

Ruckel: Oh, that was part of it. That was part of it.

Eardley-Pryor: Is that where Dick Lamm was coming from?

Ruckel: Yeah. He had some wild hair—well, he's still alive. He works down the street, he's at DU [University of Denver]. At one point, he was trying to have public policies that would encourage everybody to speak English to have a more unified body politic behind just speaking English.

Eardley-Pryor: Were these things he was doing here as governor in Colorado?

Ruckel: No. That's the kind of thing I think came later. I guess that's an immigration thing. And I forget exactly how he articulated that. He can articulate a lot of things. He's an eloquent man and can argue some pretty dicey stuff in a very persuasive tone. Well, he certainly didn't buy into the arguments I was making at our luncheon. I'm not even sure how much he heard of what I was saying. Politically, I'm sure he's on the side of the Black Caucus and that kind of stuff. But practically, he wasn't in the quandary that I was in. "Hey, we need these guys. I'm a supposedly responsible leader of the Sierra Club, and I don't want to endanger that relationship. This stuff is sensitive to them." Don't misunderstand, they want abortion rights and all that kind of stuff. But you start talking about population control to a minority, you better be sure right away at the outset that the minority's comfortable in hearing about this kind of thing. And they're not going to insult you personally. No, they're going to turn you off. We couldn't afford that.

Eardley-Pryor: I'm sensitive to the time and the little amount that we have left for your interview. Moving toward conclusion, I'd love to hear some of your thoughts on how you see your legacy in the environmental movement and in the Sierra Club itself.

Ruckel: Oh, my goodness, my legacy.
Eardley-Pryor: What are some of the things you're most proud of?

Ruckel: Oh, easily my Sierra Club Legal Defense Fund work and the wilderness part of it, and the southwest power plants. I thought I did a good job as [Sierra Club] treasurer and president. I thought that we handled some extremely tough issues, particularly in the triad of organizational things [Sierra Club, SCLDF, Sierra Club Foundation]. I was intimately involved with that. It came out all right. It came out all right as much due to the good faith of the people involved as it did to my leadership or my part of the leadership. I certainly reckon that high [for my legacy].

I've always been proud of my intuitive advocacy, really, of the volunteer leadership. And I wrote this book, *Voices for the Earth* [H. Anthony Ruckel, *Voices for the Earth: An Inside Account of How Citizen Activists and Responsive Courts Preserved National Treasures Across the American West* (Littleton, CO: Samizdat Creative, 2014)], and I talk about that every other page, the volunteer participation. When you go back through history and look at these national parks, and you look at the big issues that came down, the advocates for the good, or for what you want to call that—the advocates for science, the advocates for getting the facts straight and all that—are the citizens, the citizen advocates. They're not the government. There's a certain amount of logic to that, I suppose, and that is the government is serving many masters. You have politicians of various stripes and all that. So, who's going to be dedicated to protecting a particular park, protecting a particular animal, or a particular stream, and not have these other constituencies that they're answering to? It's the dummy on the street, for Christ's sake. That's who it is. You join that with university experts and other experts who are willing to stand with these people and willing to work extra hard to make sure that what's right is what's communicated, you get a pretty powerful group of folks. Aside from staff, aside from all this other stuff going on, you've got this enormous power. I've always been proud of the fact that I've advocated for that, even though I can't quite explain it all. And maybe as I go on, I never will be able to explain it all. But I'm comfortable with that. But to me it's very powerful. So, those are the things.

One of the things you are grateful with is you serve with these very bright things, people, and they have so much to teach you. I couldn't have written that book, done the environmental law things, if there weren't some heavy minds wandering around the landscape who were in my corner or were there to show me the way to go. Gosh. So, I'm very thankful. I think I took a lot from them. And they were generous in giving a lot to me. These are the things.

See, I actually believe in the ethic, the whole democratic ethic that there's a lot of shit going on all the time. Ferment. You know, you can't have any more
ferment than in a democracy, right, almost by definition. And the environmental movement is more democracy than what we see every day, and the Sierra Club is a test case of whether it could continue, I suppose. I mean, if it can continue in as disputatious a group as the Sierra Club, there must be a reason. And the reason has to be because it's effective in protecting the environment. It's going to take a convocation of sociologists and political scientists and probably anthropologists to explain how it works. But I'm not waiting for that.

05-03:02:14
Eardley-Pryor: Let me ask you, as a concluding conclusion: when you look to the future, what are the things you hope to see? What are you hopeful will unfold?

05-03:02:25
Ruckel: Well, getting the current narcissistic idiot out of the White House [Donald Trump]. That's a biggie and that's the immediate priority. I think the whole energy thing, the whole global warming thing is—wow, what a lesson. The development of alternative energy has been driven by science and has been driven by money and cost. So, the scientists have come together, brought the money and the charge down to a level where clean energy is really the alternative, can be the alternative. We can go fossil free. I mean, not right now, but that can be achieved. And that's enormous in terms of the planet.

And then, at the same time, you have to preserve these areas and this wildlife. If we come to a point now where, all of a sudden, the whales are endangered, my God, worldwide there's this tremendous visceral feeling about these critters and wildlife. We had that with just a little sea otter in the Pacific Northwest. You put a sea otter on a money-raising brochure, that sells. One of the cutest animals ever made, right? He floats on his back and he cracks abalone shells. You can't beat it. Can't beat it. Polar bears. I think nourishing that attitude, nourishing that part is important, just as important as the larger pollution questions and scientific questions. I think nourishment of that is obvious and should be done and should continue. So, I look for that in the future. Gosh. I didn't know you were going to ask me this.

I suppose it would be helpful to reform some of our institutions. I must say that the operation of Congress—and I've written a recent blog on this, legislative procedure—they seem not to be effectively operating. I blame that much more on the conservative and the Know-Nothing and the non-scientific Republicans. But the Democrats are equally to blame for not bringing this to the surface and attacking it and going after it. Instead, they run twenty-six people for President. I'm not sure that's a useful exercise. In fact, I'm pretty sure it's not a useful exercise. How's that? You need some institutional change to get these people more focused. I hate to go back to the sixties all the time, but you can't avoid it. There was energy, there was focus, there was direction and people getting there. They weren't spinning wheels. They were getting there. Be nice to have that looking ahead in contrast, especially, to—
everything seems to be seized. Maybe if everybody were sprayed with some WD-40. I don't know. What the hell? [laughter] That or ipecac, or something. You know what I mean? Something to reduce the constipation. Yeah. I don't know. And the grinding. Anyway, yeah. Well, off the cuff.

Eardley-Pryor: That's good. Thank you so much for your time, Tony. It's been an absolute pleasure to hear your life story and to have some insight into the wonderful events you've been a part of.

Ruckel: Thank you. I appreciate that. It's been insightful for me also. [laughter]

Eardley-Pryor: All right. Well, thank you again.

Ruckel: Yeah. You bet.

[End of Interview]
Appendix: Photographs courtesy of H. Anthony (Tony) Ruckel and his sons

Tony Ruckel excavating an archeological site on Wetherill Mesa in Mesa Verde National Park, Colorado. (circa 1962)
Tony Ruckel's two sons, Geoff (left) and Dave (right), summiting their first 14,000-foot peak, Mount Sherman, in the Mosquito Range of central Colorado. (July 1981)
Tony Ruckel (back left) with climbing buddies atop his favorite 14,000-foot peak, Capitol Peak, in the Maroon Bells-Snowmass Wilderness of White River National Forest, Colorado (July 1991).
Tony Ruckel sitting atop the summit of Sunlight Peak, a 14,000-foot peak in the Weminuche Wilderness of San Juan National Forest, Colorado. (August 1993)
Tony Ruckel climbing Mount Sneffels, a 14,000-foot peak in the Mount Sneffels Wilderness of Uncompahgre National Forest, Colorado. (July 1994)
Tony Ruckel's sons, Dave and Geoff, camping below Huron Peak in Collegiate Peaks Wilderness of the San Isabel National Forest, Colorado. (August 1998)
Tony Ruckel's son, David Ruckel (right), with Dawn Greenberg at Volcano House in Hawai'i Volcanoes National Park on the Island of Hawai'i. (Photo courtesy of David Ruckel, 2016)
Tony Ruckel's son, Geoffrey Ruckel, with his family in Salt Lake City, Utah. From left to right: Jennifer Ruckel (Tony's daughter-in-law, Geoff's wife), Owen Ruckel (Tony's grandson, circa age 3), Geoffrey Ruckel (Tony's younger son), Gus Ruckel (Tony's grandson, circa age 4). (Photo courtesy of Geoffrey Ruckel, circa 2018)
Tony Ruckel while video-recording his oral history at his home in southeast Denver, Colorado. (September 19, 2019)
Tony Ruckel (left) with his partner Nancy Olmstead in Denver, Colorado. (circa 2019)
Nancy Olmstead and Tony Ruckel (right) hiking with masks during the COVID-19 pandemic in the Indian Peaks Wilderness Area near Boulder, Colorado. (August 2020)
Tony Ruckel, having fled the dangerous air quality in Denver due to record-setting forest fires in Colorado, while hiking during the COVID-19 pandemic in Canyonlands National Park, Utah. (October 2020)