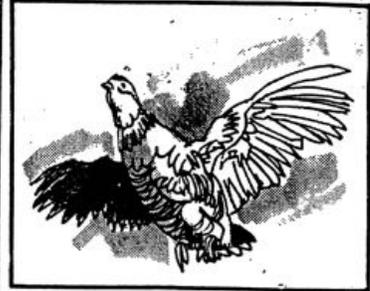


**CONSERVATION EDUCATION
PROGRAMS**



**CHEROKEE MARSH:
WIN - DRAW - COMPROMISE?
A Study of Democracy in Action**

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Institute of Governmental Affairs
University Extension
The University of Wisconsin

THE UNIVERSITY OF WISCONSIN - MADISON

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INTRODUCTION

The story of Cherokee Marsh is a long and controversial one. The purpose of studying this kind of public issue is to help citizens and students define, describe, and then take positions on public issues. A framework is needed that will help people analyze issues and put them into perspective. This kind of controversy provides a context in which to study how the decision-making processes of federal, state, and local governments affect local communities and regions. We can observe the respective roles of elected representatives, the bureaucracy, the mass media, and citizen groups, and we can evaluate the role of each in our changing society, governmental structure, and the political and economic realities of life today.

The key question is, "Who governs?" Decisions in policy formulation are directed toward answering such questions as: What objectives are sought? What alternative means are there for achieving the accepted objectives? In choosing between alternatives, how much weight should be given to practical or monetary considerations, how much to intangible values? and Who will carry out the selected program, and by what date?

The answers to these questions require knowledge of engineering, economics, law, politics, and social values. The answers depend on the kind of political and administrative organization involved in the decision-making process.

This case history of Cherokee Marsh will highlight the political, governmental, and socioeconomic aspects of policy making. Today almost everyone has some specialty and some set of values that would dictate how he might interpret this history. The ecologist, sociologist, historian, politician, sanitary engineer, and geologist all view the facts differently. Because of varying educational backgrounds, attainments, interests, experiences, customs, and traditions, each individual interprets only what he is able to digest. The broader his background, the better able he will be to cope with the facts and interpretations offered by the experts. He may discover, too, that the experts don't always agree on the interpretation of the facts because they see them from different viewpoints.

PART I

THE CHEROKEE MARSH

A. EULOGY TO LAKE MENDOTA

We are assembled here today in this era of commuting between the planets to recall the events of bygone years and to mourn the passing of a once beautiful lake called Mendota. The history of the lake is long and sad. Historians say that Lake Mendota dated back geologically to the retreat of the last glacier that covered most of Wisconsin. At one time along its shores were the homes of Indians, who hunted and fished for a living. Much later, because of the beauty of the lake, the capital of the state government was built overlooking it. For many years the capital city, Madison, thrived at the head of a chain of smaller but equally beautiful lakes, attracting commerce and industry, and by 1970 the United States Census records report that its metropolitan population had reached more than 300,000.

Many years slipped by, and the people who lived in Madison began to complain that Lake Mendota, deep as it was (85 feet at the maximum) and expansive (9720 acres of water), was becoming so unsightly, marshy, and odorous that they had to go farther north, even into Canada, and west to find places to swim, boat, and fish. The scientists tell us the cause of the decline in beauty and freshness was well documented in research papers and committee reports dating back as far as 1850. Officials of many surrounding governmental units--the county, townships, villages, smaller cities, etc. --knew about the findings of the scientists; so did some of the citizens living in the area. Biologists, limnologists, and hydrographers had reported that the 4000 acres of Cherokee Marsh adjoining the lake immediately to the north and other marshes around the lake served as filters to fend off pollutants and fertilizers that would eventually eutrophy the marshes and the lake.

About this time, Madisonians became entranced with the automobile. It permitted them to live where they pleased because it cut travel time so effectively. So the city spread out. Like a voracious animal, it devoured everything in its path--fertile farmlands, hills and valleys, streams, and the woodlands and wetlands around Mendota. The bulldozer made it possible to chew up everything in the growing city's path. It could level hills and woodlands in no time. It could fill in the streams and swamps surrounding Mendota in a few days. All over the landscape people built houses, apartments, churches, shopping centers, and schools. They did what they called "planning," because we find that they left small open places here and there, such as playgrounds for the children, a few groves of trees, and golf courses.

In the records collected by the State Historical Society of Wisconsin, we find that small groups of people banded together to save what were then called "the beauties of nature." They collected private donations to preserve groves of trees, prairies, and lakeshores, thinking that these things would give their children something of the out-of-doors to enjoy. By some strange twist of fate they neglected to take seriously the threat to Mendota and to include it as part of their plans. By the middle of the 1960's many of these people who had worked hard to "preserve Nature" became weary because their job had grown larger and larger, and they gradually forgot their plans and the little they had intended to do for Mendota.

Slowly the sewage of many villages and cities in the Yahara River basin had drained into Lake Mendota. The manure from farm fields and the fertilizers from city dwellers' lawns washed into the lake directly or from the streams that fed the lake. Green scum, algae, beer cans, and broken glass littered the lake and its shores. It smelled bad and it looked worse. People didn't like it. But they put up with the lake because much money had been invested in private property for miles and miles around it. Soon even the state's great public university that once advertised the virtues of the lake to attract students to its campus during the summer and as an ideal location for water research laboratories had forgotten this chapter in its history.

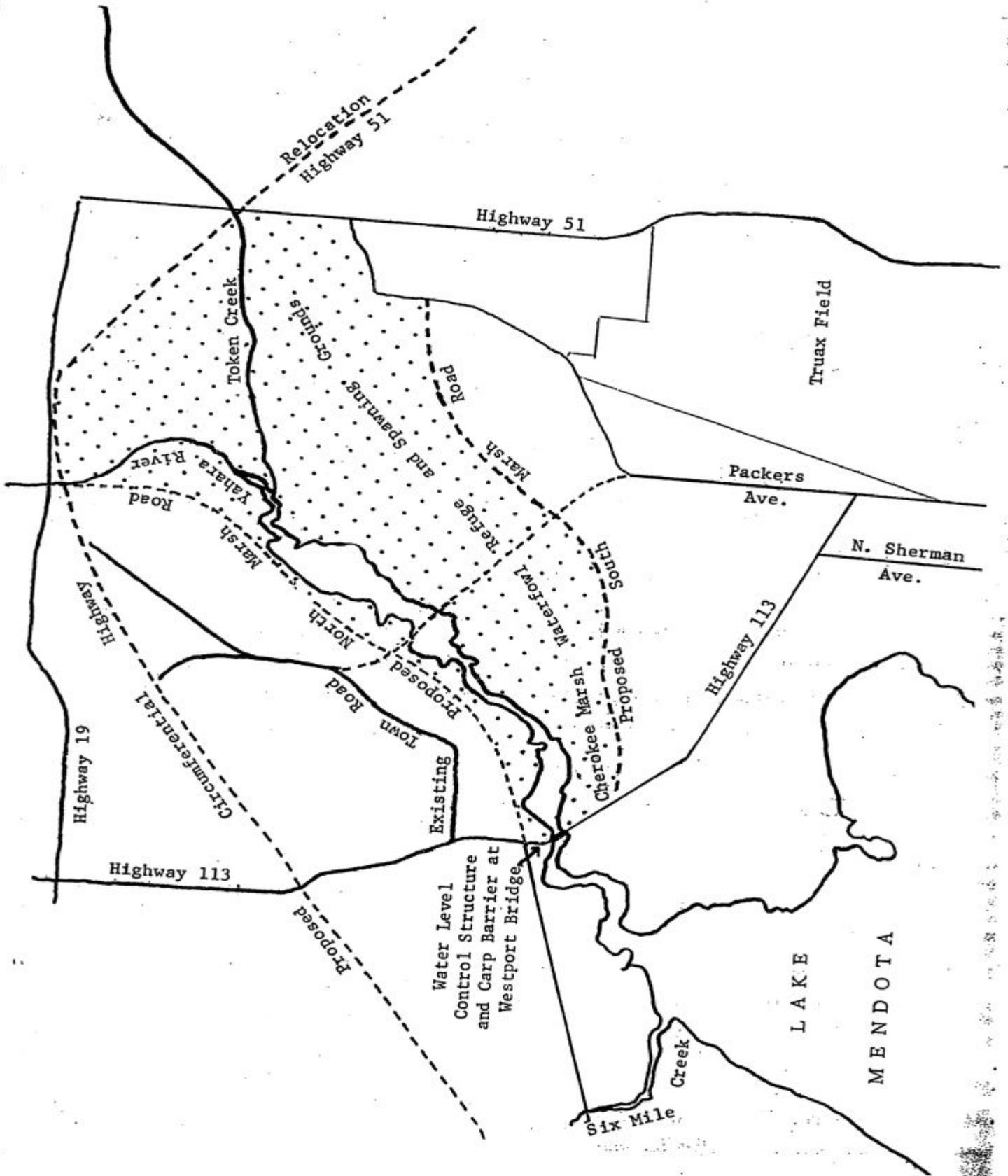
In the middle of the twentieth century, Wisconsin was blessed with an excess of governmental agencies at Madison. The number of employees of the state government increased substantially, as did those of the city of Madison and of Dane County, and thousands of them worked in buildings packed onto the isthmus that existed then between Lakes Mendota and Monona. Many of the state, county, and local legislators and employees were concerned with maintaining open space for recreation and waters of good quality, but somehow they overlooked Mendota.

Although well over half of the state's population was classified as urban dwellers, and the state Legislature and county legislative bodies were reapportioned to take this into account, there seemed to be two distinct standards of values and styles of living. Lined up they were rural versus urban. Many pitched political battles pitted one armed camp against the other. Clocks and calendars ticked off the hours and years as these battles raged, slowing down policy decisions that affected not only cities and counties but the state as a whole. Meanwhile, the algae and scum grew thicker and spread farther and farther out into Lake Mendota.

Weariness and lethargy took hold of the population. A dying resource is a dying resource. Marshy places can be filled in and made habitable. Roads can be built for more efficient transportation. Slowly, the progression from lake and marsh to economic development obliterated a once lovely resource.

Even though several generations watched this lake die, it has few mourners. I am at a loss to know how to conduct this service for a dead body of water. There can be no cross to mark the lake's grave, for its body is covered now with houses, highways, golf courses, and shopping centers. There are no fishermen, boaters, hunters, birdwatchers, swimmers, or old-fashioned conservationists to mourn the passing of Lake Mendota. Even the poets and composers are mute on the beauties of the lake. They have long been silenced for lack of sunsets over the water, for lack of the sounds of ducks, and for lack of lapping waters on the shores.

Those who would have helped save Mendota for today are dead, too. They were too few and too late. We mourn for them as we do for the lake; but we do not honor them. They had good intentions; they wanted to save Mendota, but they were politically and economically naive. They were visionary and impractical. Their life styles and values disappeared even as the marsh and lake disappeared. The new values, that replaced their old ones were perhaps related to the race for the moon which occupied the nation's attention at this time.



B. THE CASE HISTORY OF CHEROKEE MARSH

The eulogy to Lake Mendota successfully masks the significance of a marsh-- Cherokee Marsh. At this mid-twentieth century stage in the chronicle, no obituary has appeared for the marsh or lake. The diagnosticians have been called in, not the coroner. But this narrative has a special purpose. The objective for us in studying it is to aid people in describing, defining, and analyzing public problems, and to identify alternative courses of action. Briefly, the story of Cherokee Marsh revolves around the question: "Should this marsh be publicly or privately owned?" The marsh lies north of Lake Mendota, around which has grown the city of Madison. Cherokee Marsh is the area adjacent to the Yahara River above the point where it empties into Lake Mendota. The Yahara then flows from the bottom of Mendota and goes on to form what is known as the city's "chain of lakes," Lakes Monona, Waubesa, and Kegonsa. The marsh and some adjacent highlands comprise nearly 4000 acres. Scenic and esthetically rewarding, it is the kind of open space that is fast disappearing from urban areas.

In February, 1957, the Dane County Conservation League in cooperation with representatives of the city of Madison and the State Conservation Department devised a plan (see accompanying map) to secure refuge rights control of a portion of Cherokee Marsh on the theory that a part of the marsh ought to be set aside as a waterfowl refuge and spawning ground in the public interest. The plan was that the state acquire by gift, purchase, lease, or refuge rights the control of about 3000 acres of the marsh, located in the city of Madison and the towns of Westport and Burke. The city already owned 120 acres, but the rest was privately owned. A water level control structure and carp barrier was to be built in the town of Westport and the carp poisoned out.

"The first formal action was taken in early November when city officials, University scientists, Conservation Department representatives, and Dane County Conservation League committee men toured the area," wrote the secretary of the League, Paul Olson,¹ in the League's Newsletter. " . . . I think seldom has a plan met with such unanimous and enthusiastic approval."

Mr. Olson went on to say:

Here is what will be accomplished:

1. On the authority of fish biologists, both University and Department, a nearly surefire northern spawning grounds can be developed. This optimism is based on the relatively easy ability to control water levels--the key to success once carp are gone. (Spawners, by the way, would be introduced into the area after poisoning.)
2. On the authority of the University game men and the Department experts, a certain and quick development of emergent vegetation and a certain and quick increase in duck and goose population.

¹ Paul Olson later was appointed to the State Conservation Commission.

3. The prevention of the tragic growth of a "swamp city"--an expensive, nearly impossible, substandard fringe growth which strangles cities and which creeps insidiously into such regions.

The area at present is characterized by a vast feeling of emptiness. There are few ducks, for the most of the area few pheasants, and little but trash fish in the waters. It is a textbook example of the destruction brought by carp. It cannot improve itself and it has only privacy now.

On the other hand it takes little vision to look ahead twenty-five or fifty years if management is used. There will be roads that cling to the edge of the highlands with turnoffs for parking and watching flights of ducks and geese--northerns moving down to Lake Mendota--and the orderly and sensible development of the city which in fifty years might well surround the area.

What city has this opportunity? There is not another Mendota anywhere in the world--I know of no 3,000 acre wildlife area within a city. Madison blessed many times by nature cannot pass up this opportunity.

How about hunting?

Well, a refuge of any size improves waterfowl hunting for at least fifteen miles around it. This has been proven many times. The concurrent development of the Six Mile Creek area as a public hunting grounds--the Arlington Prairie north of Dane County--the Pine Island refuge on the Wisconsin River--all of the pieces fit the picture.

Further developments came in December when League representatives met with Dr. Schneeberger, head of the Fish Division, and J. R. Smith, head of the Game Division. Each of these men agreed that the case was not overstated, and pledged themselves to work for a high priority placement of the project if the current drive for license increases brings in the money.

In January the League representatives met with owners of a large tract in the area. The reaction of these owners was not unfriendly. A real and understandable reticence to sell their properties over which they have tramped for years was evident. But there was no real opposition, and in one case at least, genuine enthusiasm. It is felt that something can be worked out--that perhaps ownership can remain private in cases where sales cannot be accomplished if wildfowl hunting privileges are given up. In other words, the privacy which many men prize (including this writer) can remain if hunting is forbidden. After all, state-owned land is no better than private land if management is permitted. The birds can't tell the difference and certainly the young northerns spawned in the rushes have never heard of property rights.

This is the stage then as of now. A deteriorated resource can be reclaimed, a heart sickening, blighted housing area can be prevented--and all for a cost which at its highest is estimated at about one fourth of one of the jets which fly above

The Wisconsin State Journal on February 6, 1957, said that plans for the area made by the Conservation Department proposed a wetlands acquisition program over a five-year period, if income from hunting and fishing licenses increased. The tentative plan called for an initial

purchase of 1500 acres at a cost of approximately \$65,000, pointing out that none of the land would be condemned but would be purchased on a long-range basis as it was placed on the market by the owners. The Dane County Conservation League secretary anticipated that the total cost might run as high as \$250,000, but would be paid out over a twenty- or thirty-year period. The news story noted, "If the land is acquired by the state, 75 per cent of the money will come from federal Pittman-Robertson funds, the taxes on hunting and fishing equipment."

Madison's City Planning Director Walter Johnson was quoted as saying, "It is in our interest to see that the marsh is not urbanized. If it is we are satisfied that the development would be substandard because of the cost involved. A joint city, county, and state program could make a regional and community asset out of an area that otherwise, if neglected, could become a distinct liability." It was said that the Dane County Board's conservation committee had given the refuge idea tacit approval by recommending that townships be permitted to zone for conservation areas.

At this point in the history, the actors involved in addition to the private landowners included: from Madison--the mayor, Plan Commission and City Council members; from Dane County--the Dane County Conservation League, and members of the conservation committee, as well as the ninety-two members of the Dane County Board of Supervisors; the State Conservation Department--civil servant specialists, as well as the three-man Commission; the three-man boards of the towns of Westport and Burke; and Wisconsin's U.S. Senators and Representatives.

Urbanization Creeps In

In November, 1958, A. Aaron Elkind, a real estate developer, bought a large piece of Cherokee Marsh and uplands (price \$325,000) for possible homesites.

The city of Madison, which previous to this time had been preparing a Master Plan of Land Use for the City of Madison, designated the land as "park, open space, and recreation land" by vote of the Madison Plan Commission in December, 1959. Early the next year the developer offered to sell the property to the city, but the city declined for lack of sufficient funds. Shortly thereafter the developer presented to the Madison Plan Department a sketch plan which proposed residential development around two lagoons which were to be developed from the marsh area. For a subdivision of this size a developer was required to secure preliminary plat approval before going ahead with a final plat plan (a plan of intended use of land). At this point the city plan director, Walter Johnson, informed Mayor Ivan Nestingen of what he regarded as the favorable and unfavorable aspects of the developer's proposal. He stated that a decision as to whether the marsh should or should not be developed was of greatest importance to the community because this would set a precedent for the future. To allow development would represent a change in community values. Further, he suggested that the problem was so complex (concerning geology, biology, ecology, public health, sanitation, land economics, engineering, and possibly other fields) that a study committee of experts should be named. The mayor followed this suggestion and appointed a committee consisting of university professors and representatives of the State Board of Health and the Conservation Department, saying that "the committee's most important function would be to determine the

various public interests concerned with the development of marsh properties within the community." (Although appointed in August, 1960, this committee did not make public its conclusions and recommendations until June, 1962, and its final report was not released until September, 1963.)

While the pros and cons of public versus private ownership of Cherokee Marsh were being aired in Madison, national and state events spotlighted the needs of the expanding population for more outdoor recreation resources. In 1958 federal law created the Outdoor Recreation Resources Review Commission, to study and determine the nation's recreational needs from then until the year 2000, the resources available to fill those needs, and the policies and programs that should be recommended to insure that the needs of the present and future were adequately and efficiently met. However, it wasn't until early 1962 that the Commission's findings were presented to the President and to Congress.

At the state level, in March, 1961, Governor Gaylord A. Nelson presented to the Wisconsin Legislature a Ten-Year Program--Resource Development and Outdoor Recreation. The program, prepared for the Governor by the State Department of Resource Development, proposed that new project acquisitions between 1963 and 1971 would include 1640 acres along the Yahara River and 3800 acres of Cherokee Marsh to be maintained as wetlands for game management. Dailies all over the state headlined the Governor's proposal calling for a \$50 million crash program in outdoor recreation "a more comprehensive series of proposals than has ever been submitted at the capital." About the same time it began to be rumored that Governor Nelson's appointments to the State Conservation Commission might change departmental policies because now the Commission had four Democrats balanced against two Republicans.

Back at the local level, while the developer brought in an engineering firm and a lawyer to defend his plan, the city, through the Plan Commission, felt obligated to uphold community interests outlined by the planning principles and objectives appearing in the land use plan adopted in December, 1959. The press gave extensive coverage to a preliminary master plan for parks and open spaces aimed at meeting Madison's needs in 1975. City Plan Director Kenneth Clark was reported as saying, "It is also important to continue the initial concept of the Madison Park and Pleasure Drive Association. Their concept was for an interconnecting system of parks, parkways, and open spaces These major drainageways, parks, and boulevards would provide as much of the open type, natural character as possible for the community The plan offers many chances for joint city-county cooperation in reserving open areas for future use."

On August 28, 1961, Governor Nelson signed the bill which he sponsored for a ten-year, \$50 million conservation program for the preservation of Wisconsin's outdoor recreation resources, and the next month the State Conservation Department began approving sites for acquisition for the outdoor program. Almost simultaneously Governor Nelson laid down a detailed program of action for the Natural Resources Committee of State Agencies, telling department heads to have legislation ready by July, 1962, on water laws and county and town zoning. (Such legislation did not become a reality until 1966.) And the city intimated that it would request federal funds for acquiring park and recreation lands, some of which might be

used for acquiring parts of Cherokee Marsh. The idea of "recreational easement" also came into the picture about this time.

Enter Cherokee Park, Inc.

In October, 1961, the owner of the marsh property sold it to a newly incorporated group of men called "Cherokee Park, Inc.," for \$1,038,000. The list of twenty-two men read mainly like a list of "doctors, lawyers, merchants, and chiefs." (See Appendix L.) The lawyer for the previous owner became the president of the new corporation and spokesman for the group. By the end of that year Madison's Plan for Parks and Open Space was officially adopted. Because the plan affected the Madison metropolitan area, it was submitted to and reviewed by the state and county governments, the villages of Maple Bluff, McFarland, Middleton, Monona, and Shorewood Hills, and the towns of Burke, Blooming Grove, Dunn, Fitchburg, Madison, and Middleton.

The Dane County citizens' planning committee released its report Blueprint for Growth, which expressed concern with preserving open spaces for the next generation. A list of twenty-five county areas for investigation and possible acquisition as open spaces included, for immediate consideration, the eighty-acre Weis farm in the Cherokee Marsh.

Spring was bursting out all over when the headline "Work Starts on Golf Course-- Cherokee Park Nears Reality" appeared in the Wisconsin State Journal (April 29, 1962). The story described Cherokee Park, "a new multi-million-dollar community," and showed a large map of the area. The report said that grading had started on developing about 175 home-building lots, many of them on high ground overlooking the Yahara and lake. The president of the corporation was quoted as saying that lots would be ready for sale in the next year with sewer and utilities installed, and that there would be an eighteen-hole championship golf course, a country club clubhouse, swimming pool, tennis courts, and that "possibly in the next five years there would be as many as 500 residential sites, a shopping center, a bowling alley, motel, a nine-hole addition to the golf links, and perhaps a sports arena." He said, "This is going to be one of the finest projects of its kind in the U.S. It is our desire to utilize the land wisely and in the best interests of the people of our community."

The Conservation Stake

Meanwhile the fish and game management specialists of the State Conservation Department had been "examining" the marsh area and had come up with various intradepartmental memoranda, including one dated June 5, 1962, titled "Preliminary Acquisition Report--Cherokee Marsh Conservation Area, Dane County, Fish and Game Management Divisions Cooperating." The memorandum stated that the Cherokee Marsh area "is listed among the new project proposals for the next biennium of 1963-1965 under ORAP [Outdoor Resources Act Program]. The Dane County Conservation League, city of Madison Plan Commission, and many other organizations and agencies promoting sound land use and planning are interested in seeing this project activated." Noted, also, was the fact that federal aid funds for fish and game management amounting to 30 per cent of the acquisition cost could be applied to a total cost of \$420,275. The memorandum said, "It should also be pointed

out that the Cherokee Marsh Study Committee of the city of Madison has now completed its report. This report will be turned over to Mayor Reynolds on Thursday, June 7, and will be released to the newspapers."

When released, the report read:

The Committee has recommended that the entire Cherokee Marsh area be reserved for open space recreational development use and that the city of Madison along with other public agencies pursue with vigor and diligence the acquisition of such lands.

We recommend that the Fish and Game Division enter into a cooperative acquisition project with the city of Madison on the purchase of Cherokee Marsh.

A second memorandum from the State Conservation Department gave detailed project justifications. Some of them are included in the following paragraphs:

The wetlands of this marsh area, designated as being of fishery value on the attached project map, constitute the remaining warm water fish habitat in this extensive marsh area. Also, this marsh segment having fishery value, is the last remaining fish habitat area of its size directly associated with Lake Mendota.

The association of this marshland area with Lake Mendota not only provides habitat for the reproduction of warm water fish species common to Lake Mendota but also represents a significant sponge area at the lower end of the Yahara River prior to its entering Lake Mendota. It is the belief of fishery personnel that this marsh sponge area not only plays an important part in the regulation of runoff waters from the watershed above but also acts as a valuable buffer zone for Lake Mendota, straining out and retaining much of the colloids and heavier silts as well as excessive nutrients from these higher-than-normal runoff waters prior to reaching Lake Mendota proper.

Much of this marsh area is currently being planned for private exploitation, which if permitted to conclusion would conceivably destroy the above mentioned natural and beneficial aspects of this marsh. State ownership of the marsh acreage included in both fish and game interests, coordinated with the interests and commitments for acquisition and control of the balance of this marsh area by the city of Madison, the Dane County Board and the two township boards involved, will insure the lasting protection of this area known as Cherokee Marsh.

It has been determined that approximately 1270 acres of the Cherokee Marsh area . . . is of prime importance not only as a spawning area but as a "seasonal use" area as well for many game fish species inhabiting Lake Mendota proper. These game fish species include northern pike, panfish, and catfish.

A few days later (June 9, 1962) the Cherokee Marsh Study Committee made public its "Conclusions and Recommendations," but the final report of the committee did not come out until September 28, 1963.

People who read the Wisconsin State Journal on June 9, 1962, were given much the same information as had been contained in the Conservation Department memoranda in a report of

the meeting of the State Conservation Commission in Grantsburg the previous day with the exception of the following:

An extensive state land purchase plan of Cherokee Marsh and the surrounding area north of Madison, involving nearly 3000 acres at a cost of \$420,000, was presented to the State Conservation Commission at its meeting in Grantsburg Friday.

* * *

In urging the city to act promptly, the study committee reports that "easements might be obtainable along the shoreline and for much of the marsh but the lands of highest recreational potential should be acquired by purchase to insure outright control. Private ventures which conform with the principles of open space use might be included."

On a motion by Commissioner Charles Smith, Wausau, the commission delayed action on the proposed plan until July. Smith said that the degree of interest and available help from Madison agencies and organizations should be determined before the commission acts.

Later in June in an executive office release, Governor Nelson announced that federal officials had expressed great interest in a proposal for joint local, state, and federal preservation of Cherokee Marsh. His release said that an application had been made asking for federal aids in the amount of \$144,082 to acquire the area, the balance of the estimated \$480,000 cost to be paid by the city of Madison, the Wisconsin Conservation Department, and the State Department of Resource Development. Federal grants for such open space programs were contingent upon comprehensive plans jointly prepared by the city and the state. In addition, the towns of Westport and Burke and Dane County were in agreement with the plan. Governor Nelson pointed out that the rapid growth of housing in the area "makes it almost certain that the Cherokee Marsh would shortly have been drained and subdivided except for the prompt and effective planning of local and state officials." Both Madison papers carried the Nelson release, as did the *Milwaukee Journal*.

What's In A Plan?

The Capital Times on June 23, 1962, said that Madison faced vital planning decisions--the future of Lake Mendota, plans for future park and conservation areas, and the extent of the city's right to direct, in the public interest, the development of new residential areas. The article pointed out,

Since the corporation [CPI] has not yet submitted a plat of a proposed residential development to the Plan Commission for approval, the main issue in this case is: Should the land be purchased for public use and conservation or left for the announced plans of private development? . . . In another way the Cherokee Marsh issue represents something of a test of the value of a city having master plans. Here is what the city's master plan for parks and open spaces, adopted by the City Plan Commission December 11, 1961, and certified to the City Council, says: "Public control of the Cherokee Marsh is considered absolutely essential to the preservation of Madison's lakes and natural setting for use and enjoyment of all the citizens of the state and community."

The article also quoted Plan Director Kenneth Clark on these issues: "It is evident that landscape planning is a public policy matter most important to every Madison citizen. Good planning is in the best interests of the taxpayer. If the Cherokee Marsh is developed for residential use, it could mean a greater burden on the taxpayer, and it could mean a diminishing quality in Lake Mendota." The planning director observed that his department, as a professional planning agency, and the Plan Commission, as a citizen planning group, had recommended what they felt best. "Now the policy decision is up to the Council and the community," he said.

Both Madison newspapers reported extensively on the city Plan Commission meeting held on June 25, 1962. On a five-to-two vote the commission specifically asked the City Council to buy 535 acres of the land involved, which would have been the city's share of the program, at an estimated cost of \$300,000. City Plan Director Clark said that the city would purchase about 155 acres owned by the Cherokee firm, and that he had been told unofficially that state and federal aids would be available, possibly up to \$200,000 for the city's share, if the acquisition was done in stages. Appearing on behalf of the purchase were two aldermen and members of the Madison League of Women Voters. It was noted in the newspaper reports that no conservation spokesmen appeared at the meeting.

Attorney Maurice B. Pasch, president of CPI, was reported as saying that the group had already invested \$1,850,000 in the project, including \$390,000 for a golf course, and that this would make the property too expensive for the city to buy. "It isn't how much you want something, it's whether you can afford to pay for it," he said. Pasch said that the area was not reserved for public purposes when his firm bought it. He said that the towns will help provide services for the area, and added that there are other areas near Madison that can be used for open-spaces purposes. Pasch also urged the commission not to take the land off the tax rolls through public purchase. "We nurtured this land, we engineered it, we studied it, and we evaluated it in an effort to come up with a project that we thought would be a benefit to this community," he concluded.

The following day both local newspapers carried editorials pressing for city purchase of the marsh, supporting the city's master plan. The Wisconsin State Journal concluded: "Men are still dreaming. The developers of Cherokee Park see it as a community which they would like to build as an asset to Madison. The plan commission has a different dream: of a community in which the marsh takes, its place as one of the city's open places. Madison made a mistake in its citizen committee, which took two years to make its survey. Any citizen who takes on such a duty owes it to the city to do the job promptly. Our job now is to pick up the pieces, and make the best of a job botched so far. This time it should be done with the dispatch which it deserves."

The Capital Times began its editorial by lining up the public agencies that had taken a stand on the public interest in the marsh--the City Plan Commission, the marsh study committee, the Wisconsin Department of Resource Development. Then the Capital Times said:

Here is a splendid opportunity to provide a wildlife refuge in this county, to provide riding and hiking trails in a natural setting, to provide camping and boating facilities, to keep

some of the natural buffer zone for the protection of Lake Mendota--and all this within a few minutes drive of downtown Madison.

Yet it is argued that a large part of this area be turned over to a private group for profit taking at the public expense. This group has gone ahead with its plans obviously intent on bluffing the city and state out of its interest. It has gone ahead with development plans with full knowledge of the public interest in the area, almost as if it was purposely disrupting the plans of public agencies.

Now its spokesmen are pleading that they have invested heavily and that the public should sublimate its interest to the private investment. Strong pressures are being brought to bear on the City Council to reverse the five to two decision of the Plan Commission recommending that the City join with the State in preserving and developing the area for the public.

The people who want to use this area for private profit are influential people in this community. It is significant that at the Plan Commission meeting the other night there were no conservationists to speak up for preserving the area. Are these professional conservationists afraid of antagonizing the influential investors involved?

The Council will act on the recommendation of the Commission Thursday night.

Will it stand up to the pressure and vote for the public interest? Or will it again be the old story of collapse and putting private interest above interest?

Unanimous Vote

The City Council endorsed the Cherokee Marsh program at its meeting on June 28, as reported the next evening in the Capital Times:

The City Council gave its unanimous endorsement Thursday night to the 3500-acre public recreation and conservation program planned for the Cherokee Marsh on the north shore of Lake Mendota.

* * *

The Council devoted nearly three hours to the single issue in a session marked by sharp debate

When the debate finally died the Council, without dissent, approved the Cherokee Marsh acquisition program of the State Conservation Commission

* * *

The program was backed before the Council by the Madison League of Women Voters, a representative of the Conservation Commission, the City Planning Commission, and local conservation clubs.

* * *

Paul Olson, . . . a member of the State Conservation Commission, told the alderman they were making a key decision from two points.

"If you lose Cherokee Marsh you lose Lake Mendota. It's a matter of life or death," Olson said in explaining the relationship of the marsh to the lake.

He said, secondly, that he feared that if the city failed to proceed with its share of the program the state agency might balk.

Channel In The Marsh

Considerable publicity was given in the press about CPI's having dug a channel to float a dredge. On the day after the City Council voted to purchase land in the marsh, the Public Service Commission ruled that CPI was within its rights under law to dredge there. And the Attorney General said that if CPI closed the channel, there wasn't any case. . .CPI reported that it did not propose to dredge in the river, and would close the channel.

Where Is The End?

Five and a half years have passed since the beginning of the events recited here. The policy decisions have been made, or have they? The citizens should have been aware of what was taking place. But were they, or could they have been expected to focus their attention on such a long-drawn-out affair? It appeared that the City Council had settled the controversy. But had it? Where was the money to come from for purchasing land in the marsh? Was it to come from the city, the State Conservation Department, or some combination of federal, state, and local funds and agencies? Has the "open space" era changed this from a local to a statewide issue? Has the issue changed from protecting the marsh in its natural state to protecting Lake Mendota from eutrophication? And who governs?

Those who had a bread-and-butter interest in the controversy (the state and local public officials and employees, as well as investors in CPI, and the press) kept their noses to their respective grindstones. But for others there were vacations--the attraction of the Seattle Exposition, and the woods and parks for camping and outings. The United States had sent John Glenn and Scott Carpenter into orbit around the earth, and rocket Ranger IV had landed on the moon. Cuba and Fidel Castro kept edging their way into the news. Meanwhile the marsh was still a marsh. But a difference was brought to public attention in mid-July.

On July 13, 1962, the Capital Times carried a long article, with pictures, entitled "Misnamed Cherokee Marsh Could Be Top-Ranking Natural Attraction Here--Tour Shows Many Reasons For Its Preservation." Here the public got a peek at the marsh as "a unique blend of purposes." Herb Marcus wrote: "What readily becomes apparent is that there are over 500 acres of lovely wooded uplands included in the public recreation program. It is this upland area, to be made available for camping, bird watching and scenic drives, that puts the frosting on the cake. . . . The first thing that strikes the visitor's eye, as you go up the Yahara and through the marsh, is the rich growth of vegetation. Owen [Ed E. Owen, habitat fish manager for the Conservation Department in southern Wisconsin] explains that over 100,000 acres of land going as far north as Arlington, drain into the Yahara. The drainage includes the runoff from well fertilized farmland that helps nurture the fertile growth. . . . This [the marsh] is the filter. Without it all that fertilizer would get a straight shot at the lake."

Hints of a Deal

A few days later Attorney Pasch, president of CPI, appealed to Governor Nelson to set a meeting of the Conservation Department, CPI, and the city. At the same time CPI continued dredging in the marsh, and the local newspapers ran pictures of a large lagoon, around which private homes would be built, being dredged from the marsh.

This was followed up in August with hints that there was a "deal" in which the developers' victory was seen. Paul Olson, land committee member on the Conservation Commission, was quoted as saying, "Suggestions have been partially agreed to, there is no written agreement so it is not a firm bargain. But we're faced with an accomplished fact, the lake is there, the golf course is there, and there's no way of putting marsh back. We're making the best of the situation. They [the developers] precipitated a crisis and made both the city and the state aware that they were going to have to move. True, we're losing some of the marsh, but because the developers forced action, we're getting a lot of it. . . . Because some property owners are expected to reject land price offers, the project also may be delayed for court condemnation procedures, and for the approval of the various federal, state, and county agencies providing funds. By the time the purchases were completed, improvements by Cherokee Park, Inc., might raise the value of the land to a point where it is out of reach. The time factor apparently was the reason Conservation Department personnel agreed to try to compromise."²

Editorializing on August 13, 1962, the Capital Times followed up with another hint of a "deal":

An issue of tremendous importance to the people of Madison will come before the State Conservation Commission at its meeting next Friday.

So the Commission will hold its meeting at Sturgeon Bay--about 150 miles from the people who have such a big stake in the outcome of the Cherokee Marsh dispute.

The people of Madison have every right to wonder if the Commission's decision to get away from Madison doesn't indicate a lack of courage to stay and face the music.

It adds credence to the report that a "deal" is on by which private interests will retain their rights to commercial development of a large part of the area--a report that was carried in Saturday's Capital Times.

If this "deal" comes off it will simply mean that private interests will have found the formula for frustrating public development of natural recreational areas. . . .

Indifferent to the obvious public interest in the area the private developers went ahead with their plans. They have continued their dredging operations in the marsh with the result that they may have already drastically altered the natural drainage pattern.

When they failed to stop city action looking toward public acquisition, they began concentrating on the Conservation Commission.

² The Capital Times, August 11, 1962.

There have been frequent reports that they were making "headway" with the Commission.

Having gone ahead they now argue that they have invested heavily and should be protected by some kind of a "deal."

The public is going to watch this "deal." It is the old story of private profit against the public interest--an interest that may involve the life of Madison's lakes, as well as a wildlife refuge, a riding and hiking area, camping and boating facilities.

We have been hearing much of Governor Nelson's \$50 million program to provide these facilities for the public. Now we shall see what happens in a showdown.

Reports of the State Conservation Commission meeting with representatives of CPI and the city of Madison gave several impressions to the public--that the CPI was offering concessions both to the state and the city and that CPI was making contributions to the state and the city. CPI proposed to turn over to the State of Wisconsin the 105-acre lake created by the corporation, and to grant a public access easement one rod (5½ yards) in depth along the lakeshore. However, property owners were to be permitted to erect fences equipped with turnstiles or gates and it would be understood that their riparian rights would not in any way be affected by this easement. But wouldn't the privileges reserved for the property owners in effect nullify the easement rights of the public?

CPI also stated that it would give 140 acres east of Sherman Avenue to the state, but would continue to use the area as a commercial sod farm. The question was asked whether this would be but a means of evading taxes. Mayor Reynolds indicated that "under the compromise," the developers would pay for all utilities needed by their project and that the promoters had been asked to annex their land to the city but had not answered. This implied that if the CPI lands came into the city they would be subject to the city's zoning and platting laws. It is not surprising that the public got a very jumbled impression of what went on at the meeting with the State Conservation Commission, or what "agreements" were consummated--if any. All parties were left dangling with hazy concessions, contributions, and compromises.

Anyone who was seriously following the story in the press found it ironical that the August 17 and 18 issues of the Wisconsin State Journal carried two stories about CPI--one in the sports section, and the other in the state news section. Apparently the golf addict could have his cake in the CPI development, and the outdoor conservationists and nature lovers could have their cake in the proposed public area. The sports section said, "The new Cherokee Park golf course--designed to be a dream or nightmare for duffers and pros alike on any given day--will open next June, a year ahead of schedule." A glowing description of the golf course followed: "There are 3½ miles of clean, springfed canals and lagoons snaking across the course. . . . The natural canals, with the completed dredging, will drain the course fast after the heaviest rain The course will be semiprivate with daily green fees to the golfing public."

While each participant in the controversy was puzzling over what had gone on at the Conservation Commission meeting, public attention was being drawn to state policy on conservation. The governor urged the Natural Resources Committee (NRC) of state agencies

to come up with counsel and tentative bills on natural resources conservation for consideration by the state Legislature. The governor conceived a new statewide citizens' organization to lobby for broad conservation objectives. The new group would strengthen efforts of the numerous heterogeneous groups representing the gamut from fish and game to roadside beautification which usually were ineffective on the legislative front because they did not present a united stand.

Days and months passed while the press tried to keep the issues before the public by reporting meetings of the mayor, City Council, city Plan Commission, city Park Commission, and city Board of Public Works, as well as the formation of a joint liaison six-member committee of the Dane County Board of Supervisors and the City Council. Negotiations continued for city purchase of land in the marsh other than that owned by CPI. Various civic groups put in appearances in favor of the city project as originally planned (whatever that meant by now)--the Madison League of Women Voters, the Yahara Fishermen's club, the Audubon Society, and Nature Conservancy. The state, the city, and CPI each had its own appraisers setting values on the land in the marsh. Negotiation, compromise, negotiation, compromise --but where was there any agreement?

Meantime What's Going on in Congress?

The issue was enlarged to the national picture in 1963. Former Governor Nelson had become a U.S. Senator, and in April he opened his fight on the floor of the Senate to save America's outdoor resources. In September, President John F. Kennedy, on a conservation trip across the nation, delivered a speech at Ashland, Wis., emphasizing the need to set aside substantial areas of our country for all of the people who are going to live in it by the year 2000. Who knows whether these pronouncements and activities of state and national leaders had any effect on Madison's controversy?

At any rate in November, 1963, the City Council approved the start of condemnation proceedings to acquire 535 acres of land owned by CPI as Mayor Henry Reynolds broke a tie vote and made the final tally twelve to eleven. Also adopted about this time by the City Council was the city's capital improvement plan for 1964 which carried an outline of the park, recreation, and open-space requirements for the next fifteen years. In this document it was stated, ". . . not presently scheduled is an estimated \$500,000-\$1,000,000 to be expended by the city for acquisition of open-space areas such as the Cherokee Marsh."

Could the situation have gotten any more confusing? It did. Both Madison newspapers expressed complete surprise and concern when the city Park Commission recommended unanimously that Cherokee Park, Inc., be allowed to proceed with its development, and this happened almost the same night the city Plan Commission voted to recommend condemnation procedures to acquire land from CPI. First the city Board of Public Works failed to take action on the matter, but a month later reversed itself and recommended condemnation, too. The mayor and Council were at odds. Individuals slung charges and countercharges at each other. One councilman said that the mayor's insistence on condemnation was "a personal purge" of CPI stockholders. The most descriptive headline for the year 1963 was "Cherokee Marsh a Mess."

The year 1964 started off with leadership problems in the State Conservation Commission--with an internal fight for the chairmanship supposedly along partisan lines. The observations of John Wyngaard, syndicated columnist, are summarized in the headline of his article in the Green Bay Press Gazette on February 9, 1964:

"State Conservation Agency In Leadership Stalemate." The subheading read "Rahr Retains Chairmanship As Issue Boils." Wyngaard suggested that a chairman might not be appointed until the State Supreme Court ruled on Governor John Reynolds' powers of appointment. Governor Reynolds, a Democrat, had collided with a hostile Republican State Senate in his appointment of a new chairman.

Concurrently, the city had made a jurisdictional offer* of \$382,945 for 517 acres of CPI's land, which was rejected. Along came the spring election for aldermanic posts, in which Cherokee Marsh was a campaign issue. Mayor Reynolds announced that he wanted to hire some experts to advise the city on the dispute--at a cost of \$11,000. His suggestion was rejected by the City Council on March 25, 1964. The April 7, 1964, election resulted in six new aldermen out of the twenty-two on the Council. The next step in the story was told on April 17 in the Wisconsin State Journal: "Marsh Firm Demands Quick Action by City--'Get Show on Road,' Pasch Says."

The full text of Mr. Pasch's letter to Mayor Reynolds follows:

Dear Mayor Reynolds:

Now that the City Council has once again affirmed its previous decision not to authorize the expenditure of any money for engineering studies as preliminary to the condemnation of lands owned by Cherokee Park, Inc., it is the firm position of our stockholders, directors, and officers that you proceed forthwith, pursuant to statute, with the condemnation action you have sought for so many years and which you succeeded in obtaining authority for by your tie breaking vote more than five months ago.

Prior to this time, condemnation and the necessity for speedy action was urged by you before the Council and in the press but since you obtained the authority you said you needed, there has been an unexplained dragging of feet by the city administration in proceeding with the Cherokee Park land acquisition by condemnation.

Cherokee Park is a corporation composed of a group of responsible, civic-minded citizens of Madison who have a substantial interest in this project and your reticence to move ahead has materially damaged them financially and our project. We have invested hundreds of thousands of dollars in the development of the most beautiful championship golf course in the nation and it has received the plaudits of Madison golfers who have been clamoring for more golfing facilities for years.

* A jurisdictional offer is necessary to proceed with a condemnation suit. The mayor asked the Council to approve condemnation, but as it turned out this was not necessary, as the city worked out a compromise that did not require the use of condemnation procedure.

In addition our project contemplates boating, swimming, golfing, tennis, and other recreational facilities of a varied nature for the men, women and children of this city, county, and state.

All this, which they do not now have, will be available if we are permitted to proceed with our project as planned. It is obvious that the administration does not speak for the rank and file of the people who will be benefited by our project.

We have on several occasions updated our appraisals relying on your expressed position that you were going ahead with condemnation but it has turned out to be nothing more than empty talk. Certainly as a business man, you would not countenance such treatment.

The freshman aldermanic class, as the Capital Times wrote on April 23, 1964, "will be asked at their first Committee of the Whole meeting tonight, if they wish to postpone a decision on the Cherokee Marsh dispute until they have more information on the matter." The same article said: "The mayor also reported receipt of a check for \$37,675 from the State Department of Resource Development, representing 50 per cent of the purchase price for five tracts of the Cherokee Marsh. The five parcels are located at the southern edge of the marsh. The money was appropriated from funds available through the act created by the Legislature in 1961. An additional \$14,998 remains to assist in the purchase of another tract in the area." The next day the newspapers reported that the mayor's proposal for an engineers' marsh study won on the third try in the City Council. The Council resolution on the mayor's proposal ordered that the study be completed by May 22 and that Mayor Reynolds come back to the Council within two weeks after that with a "positive program on condemnation or negotiation" to acquire all or part of the CPI land.

Attention, Golfers!

Toward the end of April it looked as though CPI would shoot the course under par when a headline in the sports sheet of the Wisconsin State Journal read: "Cherokee Club Set for Opening--New North Side Golf Course Expected to Be Ready for Play Soon." The article, accompanied by a map of the new course, reported on a luncheon meeting of the Madison Pen and Mike Club at which Coach John Jamieson (golf coach at The University of Wisconsin) again put in an urgent plea for a University of Wisconsin golf course. He shared the speaker's rostrum with John Fox, secretary of CPI, who described the facilities of CPI for golfing. (It may be noted that the president of CPI was a member of the University Board of Regents.)

Spring continued to burst out all over. The Legislature was considering open-space acquisition policies, and the Wisconsin State Chamber of Commerce, in its newsletter to members on April 30, 1964, blasted Senator Nelson for one page, ending: "It is widely known around the State Capital that Nelson hit upon a 'gimmick' when he picked conservation as the issue to elect him senator. He swept up all existing programs, touched them up a bit, raised taxes some more, of course, and launched himself as the Conservation Governor."

After considerable delay, the city was advised by the group of consulting engineers it had hired to drop condemnation proceedings against CPI and to allow the firm to continue with its

multimillion dollar residential development. Maurice Pasch, president of CPI, said he viewed the report as a "green light" for the firm to go ahead with its plans and attacked the mayor for "useless and unnecessary delay." The report said that condemnation action by the city "would very likely encounter claims of severance damages. In view of the very high appraisal (over \$1.4 million) now claimed by the corporation, this could lead to a judgment of \$500,000, or considerably more, above the price originally considered reasonable for the raw marshlands." The mayor thereupon said he thought the city ought to abandon condemnation, at least of any land owned by CPI.

More Muddied and Murky

"The already murky Cherokee Marsh project was muddied further this week when the State Public Service Commission revealed that a lake being dredged by Cherokee Park, Inc. may be in violation of state law and invited the company to state its position. A CPI official today denied that there has been any violation of the law connected with the dredging operations," reported the Capital Times on June 20, 1964.

CPI had begun dredging in May, 1962, to create an artificial lake within CPI holdings. A representative of the water power section of the State Public Service Commission was quoted as saying, "An initial inspection was made June 22, 1962, to find a dredge operating in a wet marsh area adjacent to the Yahara River and a constructed channel extended to the river, apparently for water supply for a hydraulic dredge operation. Subsequently the channel was blocked with a dike, presumably to avoid violation of Section 30.19 of the Wisconsin statutes, titled 'Enlargement of Waterway.' A recent inspection on June 11, 1964, shows a portion of the channel is much shorter than initially observed, and it appears that the dredging operation took out a substantial area of marsh at the location and the dike which blocked the channel."

Another paragraph of this report, which was also included in a letter from the Public Service Commission to the officers of CPI, said: "The dredging operation has created a large artificial waterway which is separated from the Yahara River by a narrow strip of marsh. From observation, the marsh strip is floating bog and it is expected that, unless maintained in place, it will break up."

The gist of this was the CPI had dredged without securing a permit as required by a Wisconsin statute which forbids connecting a natural or artificial body of water to navigable water. The letter from the Public Service Commission to CPI concluded: "We would be pleased to have your comments and have you advise us how your company proposes to correct this situation."

The CPI's response to this letter was that no permit was needed because there was no connection between the artificial lake and the Yahara River. Engineers hired by CPI avowed that they had not circumvented the law, while the PSC engineers and those hired by the city avowed that the "berm" (floating bog) between the Yahara River and the artificial lake lacked permanency.

Local journalists had a field day filling columns with print taking the CPI to task for not only bypassing state law, but ignoring the city of Madison's plans for the area.

Mayor and Council Clash

Clay Schoenfeld, writing in his column "outdoors" in June, 1964, asked who would take the leadership role in this situation, suggesting that voluntary associations are sort of old-fashioned, but might be worth a try. Almost coincidentally the Yahara Fisherman's club urged the city to condemn all of Cherokee Marsh for use as a natural arboretum and parks. The club had already donated money to the State Conservation Department for land purchase in the marsh and had earmarked funds for donation to the city--if and when the city made up its mind about condemnation. A few days later announcement was made of the formation of the "Cherokee Marsh Preservation Committee" to serve as a coordinating body for numerous conservation-minded groups.

During the spring and summer of 1964 Mayor Reynolds (who had broken an eleven to eleven tie vote in favor of condemnation the preceding November) engaged in hot exchanges with councilmen. The Capital Times said he "abdicated leadership," surrendering to CPI. Madison acquired six new aldermen in the spring election, and they had to be educated as to the whole confused situation, so four of them toured the marsh. They favored condemnation proceedings for acquiring land from CPI.

Action came to a head on July 10, 1964, at one of the most bizarre City Council sessions ever held over the murky issue. The Council approved a committee of six aldermen to negotiate the controversy between the city and CPI, as well as to negotiate purchase of two adjacent parcels, owned by Herbert Haas and Simon Havey, which had been approved for condemnation in November. A thirty-day time limit was placed on negotiations. Customarily the mayor is a member, ex-officio, of regular Council committees, but since this was a "special" committee, the city attorney ruled that he was not a member--even ex-officio. Although the mayor could not operate through the committee, he continued to negotiate with three more owners (Krause, Johnson, and Fauerbach) for lands north of the CPI holdings.

The special City Council negotiating committee met several times each week, bringing themselves up to date on the 1962 tentative agreements and getting information about previous appraisals, engineering studies, and dealings of CPI with the Public Service Commission and the State Securities Commission. CPI discussed offers; the city rejected them in whole or in part. Reynolds was pessimistic because the negotiations were not succeeding and even suggested that the city "let CPI develop the area as planned." But the special committee continued mulling over various proposals.

Another thorn in the city's flesh was the fact that CPI had not submitted a preliminary plat showing what developments were intended for the subdivision as a whole. As part of the local subdivision platting procedure, a subdivider is required to dedicate about one third of the land for "public purposes" such as streets, school areas, and public recreation. The preliminary plat was filed with the city by CPI just before August 1, 1964, which was only eight days before the August 8 negotiations deadline concluding the thirty-day limit.

The 1964 Compromise (?)

On August 26, 1964, \$96,000 was agreed upon by the Council's special Cherokee Marsh negotiating committee and the CPI for land and improvements in the marsh area. The \$96,000

(which was within about \$250 of the figure that Mayor Reynolds had offered for substantially the same land in 1962) was arrived at in this way: (1) \$22,000 for 140 acres east of Sherman Avenue, with CPI having the right to use the land for a sod farm on payment of annual taxes until 1975, with the option to renew for another five years; (2) \$20,000 for the 120 acres of river and dredged lake area and a small strip of high land west of the Yahara River; (3) \$19,000 for improvement of the fourteen-acre park strip; (4) \$15,000 for removal of the berm between lake and river; and (5) \$20,000 for improvement of the dredged lake's shoreline. Payment of the latter three items hinged on actual performance of the work by CPI. This amounted to paying CPI \$42,000 for two parcels of land and \$54,000 for improvements.

"Cherokee Duel Ends in a Draw" was the headline on the following story by Clay Schoenfeld in the Wisconsin State Journal, October 18, 1964:

There is only one thing the Americans like better than a fight, and that is a knockout victory for one side or the other. The compromise, the negotiated peace, the 38th-parallel type of truce are alien to our revolutionary antecedents. At heart we seem to prefer the Appomattox and the proceedings aboard the U-S.S. Missouri.

Yet the Cherokee marsh settlement is probably not only the best solution under the circumstances but may well represent the essence of domestic democracy at work.

The public won some points in the Cherokee marsh compromise, and it lost some. So did private enterprise. In the continuing battle between multiplying man and disappearing land, this is probably the only kind of detente we can hope for.

The city won a public strip leading from East Side streets along Cherokee park's dredged lake north to conservation and recreation lands that hopefully will be acquired with municipal, state, and federal funds in the main marsh area. Cherokee Park, Inc., won the right to subdivide and develop its plat sans condemnation.

The city lost lands important to the long-time health of Lake Mendota. CPI lost its lakeshore frontage. CPI "gave away" its private lake. The city acquired the lake free, along with the dubious privilege of dredging it regularly so that it doesn't revert to cattail marsh. Both sides agreed on a price that is either too high or too low, depending on your point of view.

Like all wars, the Cherokee marsh imbroglio will have been a grand waste of private time and public energy unless both sides learn some lessons from the conflict.

The private sector of the economy may gather that public sentiment for the conservation of outdoor resources is not a passing fancy but is a deep-seated emotional and intellectual commitment shared by a great many people.

The public may learn that until it puts real teeth into its land use plans and statutes, the needs of an expanding population and a booming economy will render insecure for conservation any land anywhere any time.

And both sides will undoubtedly remember a handful of people with the determination to stick to their positions in the face of shot and shell from both flanks.

Settled? Compromise? Conditional approval? What was left dangling? The City Plan Commission had in hand a "revised preliminary plat" from CPI.

Numerous city agencies--Plan, Health, Engineering, Traffic Engineering, Parks, and Water departments, and the Board of Education--had to review this plat just like any other one submitted before granting of final approval.

Numerous questions were unresolved. Should the plat and other land acquired or to be acquired by the city be annexed to the city? Originally, the land was under the jurisdiction of the towns of Burke and Westport.

Second, there was the question of rezoning the marsh areas to permit the commercial and apartment projects contemplated by CPI.

Third, from the standpoint of traffic engineering, snow removal, and fire protection, the plat had too many dead-end streets, it seemed.

Fourth, from the standpoint of engineering, it was believed that the cost of installing sewers would be excessive because 50 per cent of the area was below lake level. At whose expense should these facilities be installed?

On March 24 and October 13, 1966, two large pieces of CPI property were annexed to the eighteenth ward of the city of Madison "subject to all rules, regulations, and ordinances of the city." So further platting of CPI land in these two pieces will have to conform to city rules and regulations.

Besides the plat, there were other considerations, such as what the Conservation Commission was to do about the rest of the huge acreage in the marsh that they had long ago agreed to purchase, and what developments should be undertaken by the city in the portion they might come to own.

The naive might have thought that all was settled when the City Council backed the Council's Cherokee Marsh committee by authorizing the mayor to sign the agreement to purchase about 340 acres from CPI on January 14, 1965. Mayor Reynolds balked at signing the resolutions on purchase of CPI land and on the conditional approval of the preliminary plat. The Council had voted settlement by a vote of nineteen to two (seventeen votes being needed to override a veto). The Council felt confident it could override a veto. While the new mayor-Council wrangle went on, George Hall and Edwin Carlson, candidates for mayor in the spring election (Reynolds had decided not to seek re-election), both came out in favor of the City Council's position on the agreement. Meanwhile, Dane County Clerk Otto Festge became a candidate for mayor.

The question of what the State Conservation Commission would do about[] acquiring land in Cherokee Marsh was brought out of the deep freeze at a meeting on February 8, 1965, but the issue did not get a chance to thaw. The commissioners said flatly that they would wait until Madison had acquired all of the land it intended to buy in the marsh before the Commission would consider acquiring more land there.

During the mayoralty campaign Cherokee Marsh was dragged in and twisted and turned by all candidates. Candidate Otto Festge was attacked because he had not done more on behalf of Dane County in acquiring land in the marsh.

In April Otto Festge was elected mayor. One of the members of the Council's Cherokee Marsh committee was elected president of the City Council. So the new administration inherited what was left of the controversy and the compromise. There were many loose ends to tie, and everyone could see it was not going to be a neat package.

Cherokee Marsh and Lake Mendota Wed

Although the health of Lake Mendota had been tied inextricably to Cherokee Marsh and the whole Yahara River basin throughout the long controversy with CPI, it was not until the spring and summer of 1965 that the actual marriage took place. There was no certain date on which the wedding could be said to have occurred.

About this time other properties on the Yahara were proposed for platting, and the suburban village of Shorewood sought curbs on pollution of the lake. A bill in the state Legislature was proposed that would have forced the neighboring villages of Waunakee, DeForest, and Windsor to stop dumping wastes into streams that empty into Lake Mendota, and it was recommended that the Metropolitan Sewerage District lines be extended to encompass municipal offenders over a wide area.

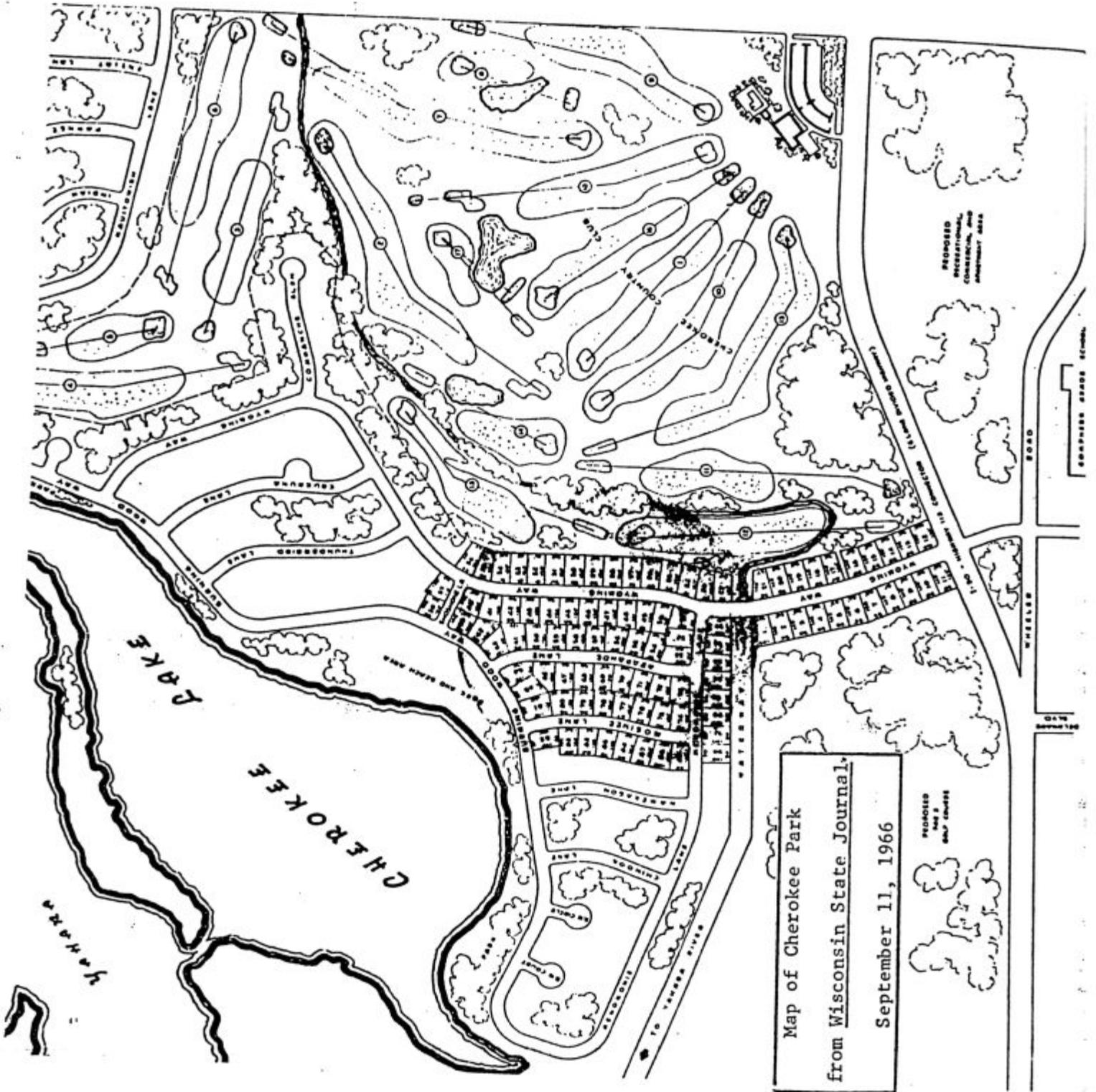
There was no question about it now! Lake Mendota was becoming an ailing, sickly, polluted, fertilized, weedy, smelly cesspool. One hot summer day the stench from algae rotting in the Yahara River was so pungent that many people called the mayor's office and the newspapers with complaints.

Information on pollution, conservation, outdoor recreation, and open-space legislation bombarded the public during the years of 1965 and 1966. It seemed that radio, television, newspapers, and magazines had found all of these "saleable" to the public. Only the future will tell what effect this nationwide effort may eventually have on improving and preserving the health of Lake Mendota and the chain of lakes in the Yahara River basin. The final history of these new efforts and the final chapter of Cherokee, cannot yet be written.

Settled and Unsettled Business

Spring had just touched the land in thaw, and the ice, though gray and spongy, had not left Lake Mendota, when the sounds of hammers echoed across Cherokee Marsh. Madison builders had been plugging, "It's a good day to buy a home." And only a few were surprised when Madison newspapers in early March, 1967, announced that Cherokee Park had been selected as the site of the 1968 Parade of Homes by the Madison Builders Association. By the spring of 1967, the lake and golf course were accomplished facts. (See accompanying map.)

In September, 1967, officials of the State Department of Natural Resources were irked because for a second time CPI had enlarged a waterway without securing a permit required by Wisconsin statutes. As reported in the Wisconsin State Journal on September 18, the officials who had taken a boat trip through the area charged "the spoil (dredging material) had been illegally deposited in a former natural channel of the Yahara River now owned by the city of



Map of Cherokee Park
 from Wisconsin State Journal,
 September 11, 1966

Madison; that the material had not been removed as requested by the state; that a new channel had been cut through city-owned land to connect a former channel with the river, and that a three-quarter of a mile long small drainage ditch had been widened and deepened." They said that the channel had been widened from four or five feet to seventy-five feet, and deepened from one and a half feet deep to five or six feet, and that the new channel provided boat access to the Yahara River and to Lake Mendota from the rear of the platted lots.

Since CPI owned three quarters of a mile of the channel and the city owned only seven hundred and fifty feet, the city sought no permit from the state for the dredging of the CPI portion but did seek a permit for its own channel footage.

Then the State Resource Development Division asked the Attorney General's office to take some legal action against CPI because the drainage ditch had been enlarged without a permit. The situation was complicated by the fact that CPI had given the city an easement along the former drainage ditch and by the fact that as a prerequisite to accepting a plat for the area, the city asked that the development firm both widen and deepen the old drainage ditch, as it ran through CPI land.

Summarizing the state of affairs as of November 29, 1967, the State Department of Natural Resources cannot enforce prevention of the dredging because the application to dredge is still pending and the Attorney General still has not ruled in the matter.

The city of Madison had acquired about 1296 acres in the marsh area which was considerably more than the 675 originally proposed to the Conservation Commission for city acquisition. But the State Conservation Department, recently merged with the former Department of Natural Resources, had acquired less than 500 acres of the 1977 acres initially described within the proposed limits for state acquisition. Of the total 1296 city-acquired acres, 886 were acquired by fee simple title, 362 acres through public open-space easements, and 48 acres by dedication. The gross cost for this acreage was \$461,775, of which \$40,315 came from state aid funds and about \$126,244 from federal aid funds.

Certainly the citizen is left in wonderment, baffled not only by the actions of CPI, but also by the wheels within wheels in the machinery of government. Who has jurisdiction over the area--the City Council, the mayor, the city Plan Commission, the Park Board, or the state agencies that were involved? The questions that merit everyone's attention are whether governments are organized so that they can respond to changes in the environment--social, economic, and political--and whether in a case such as this a citizen can actually determine "who governs?"

PART II

THE POLITICAL ANALOGY

A- THE GROUND RULES

How does a person analyze such a complicated case history? If our elected officials and citizens generally are to arrive at governmental policy decisions that will maintain or enhance our environment, what factors need to be taken into account? A framework for ways of thinking about environmental problems, for analyzing the decision-making process, requires some ground rules.

Not everyone, not all political scientists surely, will agree to the following ground rules. Some people may call some of these unrealistic, ephemeral, and unfounded in history and fact. Others will say that you cannot measure effects of certain actions, so how can you know their effects? The answer is that the effects probably are measurable, but we have not yet learned how to measure them precisely. All we can hope is that new ways of measurement will be developed by students intrigued by the possibilities for "research in the complex study of politics and Homo Sapiens.

People at least ought to be well grounded in the laws of nature, and in the state laws and regulations that govern what we can and cannot do to our environment. Every locality and state has a history of expectations based on custom and tradition which must be taken into account in the policy-making process. And, of course, there must be an understanding of the economics, or pocketbook and market place dynamics, which may be colored by the values of an ever-changing society.

Local, state and national governments also provide guidelines that help people to understand environmental problems and conditions. And we have a host of actors taking part in a drama that includes both individuals and institutions.

People act differently from ordinary citizens as soon as they are elected or appointed to governmental positions, or join various organized groups. To organize this myriad of factors involved in public policy decisions becomes an almost overwhelming task.

The Laws of Nature

A drainage basin of perhaps two hundred and fifty square miles discharges its water into Lake Mendota. A part of this water enters as surface drainage mainly by the Catfish River and Six Mile Creek. Another part comes from the rainfall over this catchment basin, enters the soil, and reaches the lake as springs. These springs may also bring water from beyond the limits of the drainage basin, while groundwater from a part of that basin may feed springs which issue beyond its limits. In the upper half of its course, the Yahara River traverses a chain of four lakes--Mendota, Monona, Waubesa, and Kegonsa. These lakes lie in the Mississippi basin since the Yahara River which drains them is a tributary of the Rock River which, in turn, is a tributary of the Mississippi River. The lower lakes of the chain receive all the drainage which overflows from Lake Mendota, and before Lake Kegonsa is reached, the catchment area has been almost

doubled. Since Cherokee Marsh lies along the northern edge of Lake" Mendota, the marsh may be considered a part of this larger regional picture.

Over the years, there have been warnings about the health of Lake Mendota, warnings that relate directly to Cherokee Marsh. Lake Mendota, along with its marshes, is one of the most studied lakes in the world, mainly because The University of Wisconsin grew up on its shores. The lake has provided a convenient study laboratory for specialists in biology, botany, zoology, field zoology, wildlife ecology, plant taxonomy, plant geography, entomology, genetics, and other subfields.

In a study of the inland lakes of Wisconsin³ in 1914, after describing the origin of our lakes and rivers, researchers Edward A. Birge and Chancey Juday wrote: Even the larger and deeper lakes are but fleeting features of the landscape from a geological point of view, because they are all doomed to extinction sooner or later . . . Three factors are involved in the extinction of lakes: (1) the down-cutting or deepening of the outlet when such bodies of water possess a stream outlet, (2) filling by detritus derived from the shore or brought in by affluents, and (3) the accumulation of vegetable or animal remains." They then pointed out that the banks of Lake Mendota were being cut away more or less rapidly along about two thirds of the shoreline.

"A city will be saved less by men than by its surrounding marshes," said conservationist Aldo Leopold, who warned people, not only in Madison and Wisconsin but all over the world, to preserve their lakes. From 1933 to 1948 he was influential in the acquisition of natural areas by the state and the development of a conservation program based on research.

The Lake Mendota Protective Association, formed over twenty years ago, reported that the fine silts from Pheasant Branch (a tributary of Lake Mendota) were going all the way over to Maple Bluff, a community about four miles across the lake. In 1947 Dr. A. F. Bartch, who studied Lake Mendota for the State Committee on Water Pollution, expressed his concern: "Algae conditions in Lake Mendota are likely to become more severe unless necessary steps are taken to decrease the rate at which nutrients enter the lake." That same year Dr. Arthur Hasler, Department of Zoology, The University of Wisconsin, voiced another in a series of warnings on the condition of the lake.

C. W. Threinen, supervisor of lake and stream classification for the Wisconsin Conservation Department, summed up the situation as he saw it in 1963. "One of Wisconsin's best-known lakes, Mendota at Madison, is ailing in some respects. Mainly it is troubled with loss of habitat, erosion, pollution, and fertilization."⁴ He pointed out that "Habitat loss will be readily observed as wild shores of marsh or upland or aquatic vegetation become swimming

³ The Inland Lakes of Wisconsin, Wisconsin Geological and Natural History Survey, Bulletin No. XXVII, Scientific Series No. 9, Edward A. Birge, Chancey Juday, Madison Wis., 1914, pp. 2,3

⁴ "The Future of Lake Mendota," C. W. Threinen, Wisconsin Conservation bulletin, July, 1963, p. 7

beaches, marinas, or cement docks as the city expands." He said, "Our second problem is an insidious erosion load originating from the intensively-farmed slopes in the watershed and lands where building is taking place But most of the erosion is scarcely evident because the major streams first run through marshes where the silt load is filtered out. Without these 'filters' many more and larger deltas would be painfully evident." Dealing specifically with Cherokee Marsh he added, "A good watershed will have plenty of wild land, especially marshes. Wetlands have the capacity to filter out erosion and to absorb and store nutrients as well as provide habitat for fish and game. Marshes even have the potential for absorbing and storing part of the fertilization of concentrations of people and agriculture and for contributing to water supplies by storing water One of the best single actions which will contribute importantly to Mendota's welfare will be maintenance of wetlands. Steps to acquire and protect Cherokee Marsh, marshes adjoining Six Mile creek and Token creek, Waunakee marsh, and Pheasant Branch marsh deserve support of all who hold Lake Mendota close to their hearts"

Statutory Law and Regulations

Man works with and against nature. But his actions in either case are controlled by governments. In this history we will be concerned with state statutes and agencies that became involved in the controversy. State statutes enable both the State Board of Health and the State Committee on Water Pollution to investigate and control water pollution and siltation in its lakes and streams. Municipalities have statutory authority to accept grants and aid for the construction of sewage treatment facilities. It is not enough to have laws on the books. Regulations require that some authority enforce them, and that penalties be made to secure compliance. The State Board of Health has encouraged municipalities to construct sewage treatment plants, but some municipalities in the vicinity of Lake Mendota have said they could not afford such facilities. Federal aid with strict state enforcement may bring pollution under control within the next two to five years.

Because this issue concerns a river and a lake, the Public Service Commission entered the picture under its power to regulate the navigable waters in the state. Anyone wanting to dredge in the navigable water near Cherokee Marsh would first need a permit from the Public Service Commission.

The State Conservation Department has broad statutory authority "to provide an adequate and flexible system for the protection, development, and use of forests, fish and game, lakes, streams, plant life, flowers, and other outdoor resources in the state of Wisconsin."

There are state laws regarding condemnation procedures for the taking of private land for public use. In other cases, rulings of the courts may have a vital effect on policy issues.

Expectations Based on Custom and Tradition

In discussing local problems and issues, one must look to the customs and traditions of a community or region in order to assess just what the people's expectations are. Perhaps their expectations look like glittering generalities, but they can be measured in terms of quality. For example, a city may give an impression of untidiness because the residents don't care, or

because the majority of them were brought up to be untidy, or because they can't afford anything better. Or, it may be that the city was once tidy and that newcomers brought different standards, and the city's pride was eroded. At any rate, a city's goals are generated in part from custom and tradition, as well as from people's expectations .

What Madison citizens have come to expect began in 1892 with the establishment of the Madison Park and Pleasure Drive Association. (See Appendix A.) Its heritage of beauty was nurtured by its government and citizens over the years. Planning for the future was undertaken, too. (See Appendix B.)

It can be said that Madison seems to have accepted planning to an increasing extent. Most recent evidence of this is the revision of the city's zoning ordinance (in process, January, 1966) and preliminary work on an official zoning map that will come up for adoption in the future.

A metropolitan transportation survey has been authorized, and parts of this study have been released.

Further evidence of the acceptance of planning on a larger area basis is provided by the publication in December, 1961, of Blueprint for Growth, prepared by the citizens' planning committee of Dane County. One of its first recommendations was that a county planning department be established; this was accomplished in the spring of 1963. The principal goal of this department has been the preparation of a comprehensive general plan for Dane County. (See Appendix C.)

Also, in Blueprint for Growth the citizen committee under a general question, "Have we enough groundwater?" concluded with this generalization: "Constant vigilance and study is necessary to avoid water contamination. Water is a most valuable common resource. Every citizen and every unit of government must be alert to guard against pollution." A section entitled "Our Surface Waters" included the following statement:

. . . It is important and necessary to mark out and conserve for posterity some of our wetland areas if we would maintain: (1) aesthetic values (2) recreational values (3) flood control values (4) wildlife of all kinds (game, songbirds, animals, etc.). Wise selection, careful planning, and conservation are mandatory if many of these values are to be maintained."

The committee, commenting on "A Shrinking Wetland Area," said: ". . . a survey completed in 1958 indicates the loss of 22,677 acres of wetland to drainage during a twenty-year period . . . This loss represents one third of the wetlands that were inventoried in 1938. Indications are that the trend will continue."

Several recommendations were made by the committee. A map accompanying the report "delineates major wetland areas deserving preservation in the public interest. Various governmental units and agencies should work cooperatively toward their preservation." (Cherokee Marsh and sixteen other wetland areas in the county are indicated.)

It would seem that the city of Madison and all of Dane County were well on the way to achieving a glittering goal. Planning at long last has been accepted. But by whom--city and

county? What element have we forgotten in putting together our montage of areawide expectations?

We have forgotten that cities have been looked upon by rural dwellers as the centers of sin and corruption. Throughout our history we have been taught that the agrarian life is the good life that provided the nation with the real and worthwhile values. Citizens of rural areas tend to believe that the less government there is, the better. In addition, rural America still believes in the town hall concept of government, close to the people, where politics tend to be informal and where little attention is paid to detailed procedures. These attitudes in rural areas have contributed to a kind of rural conformity. This, in turn, has resulted in serious conflicts among rural, suburban, and city residents.

The state of Wisconsin has a long history of interest in conservation. There have been leaders and groups interested in soil conservation, reforestation, preservation of fish and wildlife habitats, and nature conservancy, and progress has been made in various aspects of natural resources management and protection. But it has been only in the last few years that indifference and hostility to a broader concept has seemed to penetrate the legislatures, state and national. Even now there is no "people's lobby" as proposed by then State Senator Nelson. He contended that scores of small groups in the state are interested in conservation specifics such as trout size limits or pheasant shooting seasons; but their influence is fragmental. Senator Nelson has spoken vigorously about protecting our waters from immensely expanding use pressures, about preservation of the esthetic value of the outdoors generally, about assuring recreational opportunities for future generations, and the expanding leisure pattern of modern life. Perhaps there is a discernible public response, but as yet, there is no people's lobby speaking for the small groups and no coordinated natural resources protection and management.

Although there are numerous signs that many values conflict and that cherished old conservation attitudes are breaking down in Dane County, it must be recognized that changes do not come about overnight.

Economics in the Controversy

Not everything can be measured in dollars and cents. However, we know that the value of land is affected by the way it is used, as well as by its location. We know that as land is converted to urban uses its value increases, for history regales us with stories of land speculation.

In the Cherokee Marsh story the city's position was that open-space land near or within the city was in scarce supply. The question was how much open space would be needed, at what locations, within what time span, for what purposes,, and at what costs. At one point it looked as though Madison wanted the marsh at any cost, at another point, at a fair cost. (See Appendix D.)

The county citizen's committee in 1961 looked at land economics. It recommended "that because the anticipated population of 340,000 people in 1980 will far outstrip present park facilities, county government take aggressive steps to acquire some new park lands now. It is prudent and thrifty government that purchases land in advance of need because land values

tend to rise." The committee's crystal ball did not foretell how much or how fast land values were to rise. For example, it was reported in the Milwaukee Journal, January 30, 1966, that in Madison raw land to be developed for residential purposes rose from \$1750 per acre in 1960 to \$6218 in 1964--an increase of 255.3 per cent.

At the state level, within the Conservation Commission there has been a continuous debate about policy for the acquisition of open space sites. The argument is whether to buy very cheap land away from centers of population or to buy more expensive sites in and near urbanizing areas. Note that public ownership of land in the most populous southeastern counties of Wisconsin amounts to less than one per cent of the land area. In Dane County the public owns .41 per cent of the total 765,025 acres of the county.

In talking about economics, we need to remember that through several state and federal programs there is aid money available for acquiring open-space land. This aid is designed to lure local governments to spend money for open space. Each dollar of local money appropriated buys double value because the state or federal governments match the local spending.

B. GOVERNMENTAL GUIDELINES

Planning, as has already been noted, provides guidelines for community and regional development. However, the guidelines in planning usually lack the precision of constitutions and statutes. For example, zoning and subdivision control ordinances are two of the more precise local and regional laws on land use. They spell out specifically how land may be used. Zoning classifies uses into residential, commercial, manufacturing, quasi-public institutions, going into great detail on these and other classifications. Zoning makes a plan for land use specific. Thousands of court interpretations have clarified what may and may not be controlled through zoning and subdivision laws.

But a plan for land use, a written document supported by maps and charts showing how land is to be used for public and private purposes, cannot show every detail. It is but a part of a total plan for a community or a region. Other written documents with maps and charts depict other parts of the total plan. In fact, a plan for land use is too generalized to serve as more than a guide for future development.

Madison's Guideline

Under the heading "Expectations Based on Custom and Tradition," some of Madison's policy guidelines and plans for development were discussed. But one of the greatest difficulties in planning is that many of a city's needs and problems spill over its municipal boundaries. One of the major reasons for establishing the Madison Park and Pleasure Drive Association was to secure land for parks, playgrounds, open space, and pleasure drives outside of the city's limits. Until very recently a city could not extend zoning outside of its limits, and a town had to adopt a county zoning ordinance before it went into effect in the town. (See Appendix E.)

A city can plan its own open space, parks, and other recreational attractions, but should wider planning be done on a county or regional basis? Recent state legislation permits the development of metropolitan area recreation plans. Madison is such a metropolitan area,

encompassing all of Dane County, but no steps have been taken to date to move to a special district for recreational planning for the larger region.

Moving along to more recent guidelines for Madison's development, Madison adopted a Master Plan of Land Use for the City of Madison, published in December, 1959, which is quoted in part in Appendix F.

The Plan for Parks and Open Spaces, approved by the Council in December, 1961 (see Appendix G), is based on various historic concepts including greenways that are a means of preserving all the lake shores, scenic areas, and drainage courses; a park system to serve all age groups in every section of the city; and conservation. The plan urged the participation of all units of government within the community in effecting conservation proposals. It warned that unless concepts of the proper management and use of natural resources were merged with present park and open-space concepts, "a community of negative physical assets could easily be created."

Another official document that has been used to guide Madison's growth is the capital improvement program. Brought up to date annually, this program lists the major city projects, with costs and methods of financing, projected five years ahead. The City Council adopted on November 26, 1963, Madison's Capital Improvement Program--1964 which carried an outline of the park, recreation, and open-space requirements for the next fifteen years. It stated on page 23, ". . . not presently scheduled is an estimated \$500,000-1,000,000 to be expended by the city for acquisition of open-space areas such as the Cherokee Marsh." The capital improvement program for the following year reported progress (page 16): "The city of Madison has applied for and received commitments for state and federal participation in the land acquisition costs for Cherokee Marsh. The city has moved rapidly recently on acquisition of the city portion of the overall joint city-state marsh preservation program. The original city cost was estimated at \$449,975."

Among other official documents published by various city departments that reveal additional details about the recreation and open-space requirements is one published in 1964 called Madison--The City Beautiful. Pictures on page 26 of the document were captioned "State and regional participation in an active program on lake quality control is most essential if our lakes are to be kept free of pollution and debris." This apparently was an attempt to call attention to the esthetics of our lakes at a time when Lake Mendota was constantly in the news as a deteriorating part of our landscape.

All these documents imply that Madison had a fairly specific plan for land use, open space, and recreation areas. During this time the city was pursuing an active annexation policy also. Wisconsin has statutes that spell out in detail the procedures that must be followed in annexing land to a municipality, but a municipality may not want to annex land; or on the other hand, it may be ambitious to grow. The theory behind a city's desire to annex land is that it gives the city the opportunity to plan for orderly growth. A city can extend its streets, sewers, water mains, and other city services in an orderly way. It can control land use, plan for open spaces, parks, and recreation facilities, and it can plan the location of new public buildings and facilities (wells, pumping stations, fire stations, branch libraries, and so on). Many subdividers and businesses prefer this system of annexing to the city so that public services can be

provided ahead of development of an area. It is actually regarded as a mutually advantageous policy.

A significant policy guideline was initiated on April 25, 1963, when the Madison City Council passed a resolution favoring the creation of a joint liaison committee of County Board members and City Council members. This joint committee has been functioning very successfully, providing a formal channel of communication that hitherto existed only in an informal, irregular way. Whether a joint city-county planning department will be created in the future, only time will tell. That would be a healthy development in undertaking planning for the entire area.

Dane County's Guidelines

While Madison planners and citizens were developing plans, Dane County was not idle. Its citizens' committee had prepared Blueprint for Growth and had made recommendations on planning, but its activities were clearly hortatory in nature. Because it had no official status, any recommendations, to be implemented, had to be turned into policy through the official Dane County Board of Supervisors. (The county board did set up a Dane County Planning and Zoning Department and provided professional staff. However, county planning applies only to unincorporated areas and each town can veto any changes that the county suggests be made in any particular town.)

One significant factor caused the greater effectiveness of the citizen group in Madison as compared with that in Dane County. The city's group was an "action" group; the county's group was a "study" group. Thus there was a zeal in the Madison Park and Pleasure Drive Association, for example, that moved it to great accomplishments. This zeal did not develop in the county citizens' committee. The city's association performed the heroic task of educating the public to the need for parks, playgrounds, and open space. Considering the size of Madison and the size of Dane County, it will be much more difficult to educate citizens of the entire county than it was to educate those within just the city. But open space is not just a local and county matter. It has become of increasing concern to the state and national governments.

State Guidelines

The chronological summary of the Cherokee Marsh controversy shows that in mid-1961 Wisconsin Conservation Department policy seemed to be shifting. As pointed out earlier, the State Conservation Commission has broad statutory authority over the state's lakes, streams, and outdoor resources; therefore, any shift in policy might affect Cherokee Marsh. In August, 1961, Governor Nelson signed the bill which he sponsored for a ten-year, \$50 million conservation program for the preservation of Wisconsin's outdoor recreation resources. The next month he laid down a detailed program of action for the Natural Resources Committee of State Agencies, directing the department heads to have legislation ready by the next July on water laws and county and town zoning.

State-local cooperation was emphasized throughout the 1961-1962 period. Federal funds had become available for the purchase of open space, but they had to be channeled through and approved by state agencies before they could be used for local projects such as the purchase of Cherokee Marsh.

Two recently published documents met the requirements set by the Wisconsin Legislature of 1961 that a report covering long-range plans, projects, and priorities be submitted biennially by the Wisconsin Conservation Department. The first of these was Long-Range Planning Report, 1965; the second, A Comprehensive Plan for Wisconsin--Outdoor Recreation, published in 1966. The second was coordinated with the Comprehensive State Plan being prepared by the Department of Resource Development under a Housing and Home Finance Administration 701 federal grant. As stated in the introduction, "This plan represents one of the initial attempts in Wisconsin to specifically undertake comprehensive outdoor recreation planning on a statewide basis. It presents guidelines for the systematic development of action programs for the land acquisition and development required to fulfill people's outdoor recreation desires now and in the future. Its purpose is to insure that recreational planning will not only be oriented to the user, but will also consider the protection of the natural resource base."⁵

What does the comprehensive plan have to say about the future of Madison's lakes--and, incidentally, their marshes, since they are inextricably linked to the lakes? It says that water is our foremost single recreational attraction and that lakes are the prime recreation resource. Yet southeastern Wisconsin, where over 60 per cent of the state's population lives, has only 12 per cent of the state's total water acreage of named lakes, but it receives the heaviest use not only by Wisconsinites but by people of northern Illinois as well.

Further, the plan points out that the principal origin of users of outdoor recreational facilities is the urban Madison area, and the use is principally for the day or weekend. The principal activities, ranked in approximate order of importance, are swimming, boating and water skiing, fishing, picnicking, and sailboating on Lake Mendota. "Demand projections indicate that in Wisconsin pleasure driving, swimming, sightseeing, fishing, boating, picnicking, golfing, and camping, respectively, will be the eight activities ranking highest in terms of the number of persons twelve years and older participating on the average seasonal Sunday in 1980 As would be expected, the Southeast Planning Area (which includes Madison and Dane County) ranks highest in total number of participants for all activities, and thus receives the heaviest user pressure, proportional to its share of the state's population The Southeast Planning Area has the largest need for additional land acquisition and recreational facility development"⁶

In reading the following recommendations set forth in the plan, remember that the State Conservation Department has to take the entire state into account:

Future acquisition and development programs for outdoor recreation areas in Wisconsin should emphasize:

- a. Land acquisition where suitable public lands are not available and where high quality recreation and natural resource areas have to be acquired immediately to prevent

⁵ A Comprehensive Plan for Wisconsin Outdoor Recreation (Wisconsin Conservation Department, Madison, Wisconsin, Publ. 801, 1966), p. A-1

⁶ *Ibid.*, pp. B-1, B-2

destruction or loss to some other land use. Otherwise top priority should be given to development.

b. Meeting the needs in the Southeast Planning Area because: It has the greatest current shortage of areas and facilities and the greatest amount of conflicting land uses which result in the usurpation of potential recreation sites faster than in any other planning area. However, the needs of other planning areas should not be overlooked. Many of the needs of the Southeast Planning Area will have to be met at recreation areas within day-use distance in the adjacent Central, East Central, and Southwest Planning Areas.

In considering priorities between recreation areas (for acquisition or development), top priority should be given the following types:

- a. Those near urban complexes.
- b. Those associated with high quality water bodies.
- c. Those able to handle multi-activity and multi-seasonal recreation uses.
- d. Those having high quality recreation or natural resource areas.
- e. Those having the necessary physical capacity and location to serve large numbers of people.⁷

It is clear from the above that in the future the people from the southeastern part of the state may have to travel farther for their recreation.

The comprehensive plan also pointed out that an action program will run into the following special problems:

1. Opposition to Public Acquisition. Public land acquisition for recreational purposes removes the land from local tax rolls thus diminishing the taxable base, while at the same time local budgets which are financed from taxes are increasing. This may in part be balanced by increased tourist trade accruing to a locality having nearby public recreation areas. The problem includes the question of whether payments in lieu of taxes should be made to local units of government, and if so, what is the most equitable method of determining the amount of payment.
2. Zoning Needs. In Wisconsin, zoning ordinances are established by the county, but must be approved by the individual townships before they go into effect in the township. The above system has led to both a patchwork of townships and counties covered by zoning, and lack of uniformity in zoning. Uniform zoning could be a very useful tool in protecting wild rivers, maintaining natural beauty, controlling billboards and signs, and regulating shoreline development.
3. Water Quality. Water pollution, enrichment, shoreline encroachment, and sedimentation, if not checked, could in the future result in limiting or prohibiting the use of certain water areas for some water-oriented recreation activities. Pollution and

⁷ Ibid., pp. B-3, B-4

enrichment are extremely critical in relation to swimming, which in terms of the number of participants is Wisconsin's second highest ranking activity.

4. Conflicts in Use. Multiple water activities such as boating, water skiing, fishing, and sometimes canoeing, are often carried out on the same water body simultaneously. This may lead to conflicts in use, particularly on heavily used water bodies. Increased participation in water activities will multiply this problem. At present regulation of the conflicting uses is by individual townships thus leading to a lack of uniformity of regulations.⁸

Turning now to the action phase of the comprehensive plan, attention focuses on zoning and regulation. The plan says:

A statewide surface water zoning and regulation program should be initiated to cope with the problem of often conflicting uses of water The lake and stream classification recommendations being prepared by the Wisconsin Conservation Department . . . should be used as a basis for such a program At least 25 per cent of the shore of a particular lake or impoundment should be preserved in a wild state through zoning and acquisition if the value of the whole range of recreational experiences, including fishing, wildlife study and observation, hunting, trapping, and esthetics is to be preserved. This will provide the spawning ground and nursery for various fish species, the food-producing area for frogs and turtles, and the nesting grounds for wetland wildlife, in addition to adding to the esthetics of the lake and making a subtle contribution to the health of the lake where influent waters are cleansed of the silts and excessive nutrients.⁹

Taking what is said about the special problem of zoning and about a state-wide program for regulating surface waters, one can conclude that our present system of local zoning and water regulation cannot cope with water problems and resources in the future. The question at issue boils down to: Who shall control the waters of the state--the state, counties, towns, cities, or villages? Who is to decide which areas (such as Cherokee Marsh and Lake Mendota) are to be given highest priority in the state's plan for land acquisition? The comprehensive state plan says, "Highest priority should be given the following types of acquisition projects; the planning area under consideration would determine the order:

1. High quality recreation areas and natural resource areas which need protection and are allied with recreational use, either of which would be destroyed or lost to some other land use if not acquired immediately.
2. Based on the demand and needs section, land acquisition should be given highest priority in the Southeast Planning Area with second priority in the East Central Planning Area, followed by the Central and Southwest Planning Areas. Since it is probably unrealistic to expect that enough land can ever be purchased in the Southeast

⁸ Ibid., p. 1-3

⁹ Ibid., p. 1-11

Planning Area to meet its needs at least on a quality basis, attention will have to be focused on the East Central and Central Planning Areas for help.

3. Recreation areas adjacent to quality water bodies.
4. Recreation areas upon which multiseasonal activities are possible.
5. Recreation areas providing activities ranking high in terms of the total number of participants (although other activities should not be overlooked) .
6. Any potential recreation areas near or within close proximity to an urban complex which meet the minimal acceptable standard for the unit of government involved. However, the highest quality sites should be acquired first.¹⁰

Finally, the comprehensive plan states:

There are general areas of responsibility in providing recreation between the various units of government and private enterprise. In some instances the clearest definitions of responsibilities may not be practical. Studies will be carried out to define responsibility as specifically as possible. The following are current guidelines for determining responsibility:

1. Local units of government should meet as much of the need for day use facilities as possible. This would include playgrounds, picnic areas, swimming beaches, and bike paths. Also provide open spaces in urban areas.
2. County governments should also orient their recreation programs to the day user, but should become more involved than local units of government in resource protection and providing for overnight use.
3. State agencies should have the responsibility for areas of statewide significance and should be the major resource protection agents. This includes provision of some user-oriented recreation areas, especially those which are too large for other units of government but are badly needed to serve a large number of people.
4. Private enterprise should be encouraged to provide as much recreation as possible. A reasonable balance of private development to public development should be maintained for all activities which private enterprise is helping to provide. This is necessary because private enterprise is not permanently obligated to provide outdoor recreation facilities.¹¹

Federal Guidelines

During the period of the Cherokee Marsh controversy, many national policy guidelines were established that alerted people to the need to save our outdoor resources. The harbingers of legislation were the national figures who toured the length and breadth of the country making speeches. In 1963, Senator Nelson emphasized the control of detergents as

¹⁰ Ibid., p. 1-14

¹¹ Ibid., p. 1-37

just one part of a much broader fight to save the environment in which we live, and President Kennedy made a conservation trip across the nation.

In 1964 many national organizations focused on outdoor recreation as the subject for their annual conferences. Among them were the National Association of Soil and Water Conservation Districts, the National Association of County Officials, and the National Wildlife Federation.

On January 1, 1965, the United States Land and Water Conservation Fund Act became effective. This act provided financial assistance to states to facilitate outdoor recreational planning, acquisition, and development activities. About this time President Lyndon B. Johnson sent to Congress a message on the natural beauty of our country. In fact, the previous Congress was hailed as the "conservation congress"--the session with the greatest achievement in this field since the days of Theodore Roosevelt.

As the history of the Cherokee Marsh controversy illustrates, we have "special interest" conservation. In speaking to the National Wildlife Federation in Washington, D.C., in March, 1965, Senator Nelson said:

We have lost our broad vision of the public interest, and we have fallen to quarreling over little pieces of it.

Last week, I had a national boating organization down on my neck--because I offered a proposal to help clean up the pollution of the Great Lakes. Why should the spokesmen for fresh water boaters be alarmed about steps to save our fresh water? Because this plan might require boats to install better toilets.

They're all for fighting pollution, understand--the other guy's pollution--but after all, the pollution from boat sewage is a small part of the problem, so "leave us alone." You know the story. It has happened over and over again--in the Wisconsin Legislature and in meetings of our state conservation congresses and in the Congress and everywhere else.

The cottage owners are fighting the fishermen who want to use what some people consider their private lake.

The fishermen are fighting the water skiers.

The farmers are fighting the pheasant hunters.

The states are fighting the Federal Government.

The Public Health Service is fighting the Senate Air and Water Pollution Subcommittee.

The Agriculture Department is fighting the critics of pesticides.

Business and industry in general fight any effective conservation measure if it costs them any money on the "patriotic" ground that this will inhibit economic growth. Every one of these groups has a vital economic stake in the conservation of natural resources, and while we are quarreling, the house is burning down

Toward the end of his talk Senator Nelson said that he thought the acquisition of land rated the highest priority, but that federal funds appropriated so far for this purpose are

inadequate because the availability of land is diminishing while the cost is going up rapidly. He continued, "I want to suggest at this point that funds for acquisition of green areas should be contributed to cities and metropolitan areas on a nonmatching basis--that is, 100 per cent of acquisition funds paid by Federal grants based upon an approved comprehensive city or metropolitan plan. These green areas and open spaces are national assets wherever they may be and it should not be left to chance that they be preserved."

He concluded by saying, "Finally, we ought to address ourselves to the question of whether we should create a U.S. Department of Natural Resources. Quite frankly, I think we should. This, it would seem to me, is the best way to develop and maintain a coordinated, consistent, long-range conservation program and policy."

While the Cherokee Marsh negotiations were bogging down, Anthony J. Celebrezze, Secretary of Health, Education and Welfare, spoke on May 25, 1965, to the Recreation Advisory Council and the White House Conference on Natural Beauty. "Appreciation of beauty and development and preservation of recreational areas must start at the grass-roots level and must be inspired by continued participation of America's citizens if the nation is to aspire to greatness," he stated.

On July 13, 1965, Bill S. 2282--the ecological research and surveys bill- was introduced into the Senate by Senator Nelson. It authorized the Secretary of the Interior to conduct a program of research into our natural environmental systems. (See Appendix H.)

The U. S. Bureau of Outdoor Recreation said in the fall of 1965 that with the advent of the Land Water Conservation Fund the ideological opposition to planning had been swept away at both the state and local level as recreation officials moved rapidly to take advantage of the new source of funds. Further, the new Department of Housing and Urban Development was to have a closely related and complementary role to play in outdoor recreation under an extension of programs of the Housing and Home Finance Agency. Title IX of the Housing and Urban Development Act of 1965 provided grants of up to 50 per cent that could be made both to acquire and develop open-space lands for park, recreation, conservation, scenic, or historic purposes.

In the fall of 1965 the Milwaukee Journal printed a series of articles by Senator Nelson entitled "The Threat to Our Waters" in which he detailed the extent of water pollution throughout the nation, citing household septic tanks, ships and pleasure craft, and pesticides and weed killers as contributing to the destruction of our lakes and streams.

In one of the articles Senator Nelson said, "We are losing the battle to save our lakes and streams--losing it to municipal, industrial, and commercial pesticide pollution which we tolerated for all too long while it grew to monstrous proportions." He went on to predict that it will cost perhaps fifty to one hundred billion dollars over the next decade and a half to clean up our waters and that it will be "bitterly resisted by influential segments of industry and at many levels of government."

If at this point the reader is confused about what the state guidelines mean for Cherokee Marsh and Lake Mendota, certainly local and state legislators, and private citizens must be confused, too.

SUMMARY

THE ACTORS IN THE DRAMA

Considering that more than 696 legislators came and went on the stage of the Cherokee Marsh controversy from 1957 to 1966, this drama might be counted a spectacular. The actors consisted of elected officials, members of appointed boards and commissions, and public employees of local, county, state, and national governments, plus people from several institutions, and representatives of a variety of civic groups. The accompanying table summarizes the cast of characters from governmental bodies. In addition, there were the twenty-two members of Cherokee Park, Inc. There also were about twenty-five professional persons involved--professors from the University, engineers, attorneys, and economists. The two Madison newspapers, the Capital Times and the Wisconsin State Journal, had perhaps as many as twenty reporters covering the story over this period. If we counted all of the bureaucrats from the city, county, and state who played some part in the drama, we might find as many as seventy-five or eighty involved.

There were also the members of organized groups, such as the Madison League of Women Voters, the Dane County Conservation League, and the Yahara Fishermen's club, that were active in supporting the acquisition and preservation of Cherokee Marsh. Their members might add another 600 or 700 persons to the total. So it can be estimated that there were at least 1543 characters in the drama over a period of nine years.

City of Madison Actors

The drama played by the actors in Madison took place mainly in the setting of the city-county building and Cherokee Marsh itself. Although city government is nonpartisan, the mayors and aldermen frequently have identifiable backgrounds of party affiliation. For example, Mayors Nestingen and Festge are well-known Democrats, and Mayor Reynolds represented Republican interests. But the mayor's power of appointment to boards and commissions concerned during the period of controversy is quite circumscribed in view of overlapping terms and requirements that specify certain city department heads be members. As the table shows, there was considerable change over the nine-year period.

What observations can be made about the turnover on the City Council? Forty-four aldermen were defeated and replaced during this period. As each new alderman came, onto the City Council, he had to familiarize himself with the history and background, not only of the Cherokee Marsh controversy but many others as well. Some were hotter issues than Cherokee Marsh--such as urban renewal, fair housing, and whether or not to build (and where) a Frank Lloyd Wright-designed civic auditorium. Tours of the marsh occurred after each election so that new aldermen might see what the issue was all about.

Boards and commissions also experienced considerable turnover, and all the new members had to be "educated" on the history of the marsh.

GOVERNMENTAL DECISION-MAKERS ON FOUR LEVELS-1956 to 1965

(Bearing on Acquiring Marshlands for the Public)

NATIONAL

5+ U.S. Senators and Congressmen

STATE

| | | 1955-1957* | 1957-1959 | 1959-1963 | 1963-1965 | 1965- |
|-----|--------------|------------|-----------------------|-----------|-----------|----------|
| 5 | Governors: | Kohler | Thomson | Nelson | Reynolds | Knowles |
| 33 | Senators: | 8D, 25R | 10D, 23R | 13D, 20R | 11D, 22R | 13D, 20R |
| 100 | Assemblymen: | 36D, 64R | 33D, 67R 45D, 55 R | 55D, 45R | 46D, 54R | 52D, 48R |

12 Conservation Commission (6 members for 6-year terms, 2 changes in 1960, 2 changes in 1962, 2 changes in 1965)

3 Directors of Resource Development (Carley, Zeidler, Paul Pratt)

18 Advisory Committee, Resource Development (15 members, 3 changes)

8 Recreation Committee (created in 1961) (6 members in 1962, 2 new members in 1964)

179+

COUNTY

90+ County Board Supervisors

250 Members of Citizens' Planning Committee

340+

CITY

66 City Council (20 aldermen in 1956, 2 wards added, 44 changes over the years)

4 Mayors (Nesting, Hanson, Reynolds, Festge)

28 Plan Commission (9 members, 19 changes between 1956 and 1965)

25 Park Commission (8 members, 17 changes between 1956 and 1965)

| | |
|-----|--|
| 24 | Board of Public Works (10 members, 14 changes, 1956 to 1965) |
| 16 | Rivers and Lakes Commission (8 members, 8 changes, 1960 to 1965) |
| 10 | Cherokee Marsh Study Committee appointed by Mayor Nestingen, 1960-1963 |
| 172 | |
| 696 | Grand Total of State, County, City, and National Officials |

NOTE: In a few cases one person served on more than one of these governmental bodies and thus is counted twice.

*Mr. Kohler was governor from 1951 to 1957, but the figures given for senator and assemblymen are for his 1955-1957 term.

How did the actors perceive their roles? Ivan Nestingen, mayor at the beginning of our story, favored maintaining Cherokee Marsh as open space. At the same time he was deeply involved in the emotionally charged controversy, which spanned twenty years, concerning the building of the civic center auditorium. Mayor Nestingen felt it politically more expedient to fight for the Monona Terrace site for the auditorium than to fight for public ownership of the marsh. When he accepted an appointment in Washington, D. C., Harold Hanson filled out his term.

In April, 1961, Henry Reynolds was elected mayor, and his four years in office perhaps can be characterized as a period of study and negotiation. Both he and a committee of councilmen negotiated with the Cherokee Park, Inc., group through telephone calls, private meetings, letters, and at Council meetings. Mayor Reynolds also met with the State Conservation Commission on several occasions, urging the Commission to buy about 3000 acres in the marsh. At times it was difficult to tell from the local newspapers just where he stood in the controversy, or how vigorously he was trying to reach a settlement. Concurrently, individual councilmen became actively involved in the dispute, so there was a sort of battle for power going on between the mayor and single aldermen or groups of aldermen.

When Otto Festge was elected mayor in April, 1965, much of the controversy had been settled with Cherokee Park, Inc., but he inherited negotiations with the State Conservation Commission for the purchase of 3000 marsh acres that seemed to have been agreed to in 1962.

The boards and commissions perceive their roles as purely advisory to the mayor and Council--which by ordinance they are. Historically in Madison they have taken a long-range view of their purposes and objectives. They spearhead city plans and programs sometimes far in advance of public opinion. The city Plan Commission, regardless of its changing membership, held the most consistent position throughout the dispute. Time after time the commission supported public ownership of the marsh on the ground that it was part of the land use plan, and the park, recreation, and open-space plan.

The City Council's Board of Estimates helps prepare and send to the Council the long-range capital improvements program and budget. Although it was recognized by 1963 that about half a million dollars might be involved, the Board of Estimates did not include estimates for the purchase of land in the marsh until well along in the controversy.

The public servants (the bureaucrats) are in the news less frequently than the elected officials, but they are working behind the scenes. The City Plan Department employees prepared the public policy plans and statements, and they were involved in the formulation of the capital budgets. Much research must be done before it can be translated into policies, and many alternatives have to be studied before they can be presented to the Plan Commission and to the City Council. The employees in the Department of Public Works and the Department of Parks and Recreation, also, must provide much material as well as make presentations at public hearings and meetings of boards and commissions. They perceive themselves as setting forth all of the information and alternatives on which the policy makers make the final decisions.

What can be said about the twenty-two stockholders of Cherokee Park, Inc.? (See Appendix L.) Twelve did not live in Madison, although most of them had business or professional interests in the city. Over the years it has been evident that the suburbs surrounding Madison want to retain their own identity and be exclusive, so the residents of these communities do not always perceive the goals and objectives for the city of Madison. In terms of the economics of the situation, it is the taxpayers of the city of Madison, not the residents of the suburbs or Dane County, who have paid and who will pay for the land acquired from the corporation and other property owners in the marsh area. But if the marsh is worth saving, who will benefit? The marsh actually affects the whole Yahara River basin--even the Rock River basin. Therefore, who should pay for it?

It is difficult to obtain information about the organized groups that became interested and vocal in the Cherokee Marsh controversy in the same way that we can assemble information about governmental officials. However, records of the League of Women Voters of Madison show that League representatives made at least seven public statements before the City Council and published at least two informational pamphlets for their membership. It was the only organized city group that supported maintenance of Cherokee as a marsh and open space, as provided in Madison's plans.

Dane County Actors

The Dane County Board of Supervisors paid little, if any, attention to the Cherokee Marsh controversy. The board did not consider the marsh in its park or open-space program, even though it was interested in acquiring park sites. Furthermore, the board had so many committees (over thirty) that the subject of Cherokee never came into focus as a county matter; it was regarded as a city problem. For example, the marsh might have been considered by the following committees of the board: agriculture, conservation, liaison, park commission, regional planning, and zoning. It should be noted, also, that during the controversy the city was badly underrepresented on the County Board. Reapportionment to correct this imbalance was effected only as recently as April, 1966; therefore, rural interests predominated.

Over 250 county residents were involved in the study Blueprint for Growth, and we can assume that some of them were well aware of the implications of the controversy on a countywide scale. Again, however, the marsh was considered a city problem and not a countywide one. Moreover, there was no conservancy zoning in Dane County at the time, nor had the towns of Westport and Burke (in which part of the marsh lay) any such zoning. Except for a relatively few towns that face the prospect of being engulfed by urban expansion, towns in Wisconsin typically wait for their counties to adopt zoning ordinances before doing so themselves. Thus there was in this case no zoning to keep the marsh in its natural state.

The Dane County Conservation League and the Yahara Fishermen's club were two organizations that encompassed membership from all of Dane County. Representatives of these two organizations appeared before the City Council numerous times and before the Conservation Commission, urging maintenance of the marsh for sportsmen and nature lovers. Both organizations wrote letters to the Conservation Department from time to time urging the Commission to aid in the purchase of the marsh for public ownership. These groups may have been effective (along with the League of Women Voters of Madison) in their activities to

preserve the marsh, since the city did move ahead to acquire hundreds of acres of the marsh. But their effectiveness at the state level is questionable.

State-Level Actors

A host of new actors and relationships appeared on the state scene. Many changes occurred--in the governorship, Legislature, executive-legislative relationships, and boards and commissions, that caused the controversy to drag on.

In the first place, the Republican Party had generally had things its way until 1959, when Governor Nelson became the first two-term Democratic governor in Wisconsin since 1891. However, during the period of this case history, the Republicans kept control of the State Senate; control of the Assembly alternated between Democrats and Republicans beginning in 1957. When Democratic Governor John W. Reynolds was in office (1963-1965), the Senate refused to confirm two of his appointees, David Carley and Frank Zeidler, as directors of the Department of Resource Development. Then in 1965 a Republican Governor, Warren P. Knowles, was elected, with the Republicans controlling the Senate and the Democrats controlling the Assembly. This struggle for power also carried over into appointments to the State Conservation Commission. So executive-legislative relationships have been choppy, to say the least. The citizen wonders how any consistent state policies can be achieved under this fluid, checks-and-balance system.

Appointments to the State Conservation Commission are made for six-year terms. Governor Nelson had the opportunity to make only two appointments to the commission in 1960, as the other four had been appointed during Republican administrations. Naturally his appointments were watched with more than usual interest. Paul J. Olson, who figures prominently in the Cherokee Marsh controversy, was one of these appointments. Mr. Olson had been an ardent conservationist for years, and is active in promoting retention of the marsh in public ownership through his membership in various conservation-minded citizen groups.

Then in 1963 Governor Reynolds had an opportunity to make two more appointments to the Commission, but his appointments were blocked in the Senate. So the balance of power on the Conservation Commission remained in favor of the Republicans.

During his administration Governor Nelson created the Department of Resource Development, vigorously pushed a state program for public access to lakes and streams and a \$50 million crash program to preserve Wisconsin's outdoor resources. Through the new department a comprehensive study of the state's human, physical, and economic resources was begun. This became a campaign which emphasized open-space acquisition that was far beyond the concept of conservation for sportsmen. It included attempts to form a citizens' lobby to provide support for an ambitious long-range land acquisition program that would solicit support not only from people interested in fishing, hunting, and boating, but also bird watching, hiking, camping, swimming, studying flora and fauna, and so on.

During this period, with more money available for land acquisition, the Conservation Commission was torn between buying inexpensive land in the north as opposed to more expensive land in or near the state's urban areas. A Comprehensive Plan for Wisconsin Outdoor Recreation mentioned earlier seems to say the state can have it both ways. The fact is that the

Conservation Commission by mid-1966 still had not made good what was thought to be a promise to aid in the purchase of about 3000 acres of marsh land in Cherokee, which can be considered expensive land. This may imply that a Commission policy has been made to buy cheaper land elsewhere.

Another dimension to the problem of arriving at policy decisions exists in the relationship between the Conservation Commission and the Conservation Department. The commission is a six-man policy board. Its policies are executed by a director who is administrative head of the department, which is manned by civil service employees for the most part. This statement expresses public administration theory about the distinction between those who make policy and those who carry it out. The department director has under his jurisdiction approximately 1150 full-time employees and nearly 800 additional persons employed on a seasonal basis. Its biennial budget (1965-1967) has been estimated at about \$33 million. With a bureaucracy and budget this large, there may be a tendency for planning and policy formulation to originate and crystallize over the years within the department itself. The larger governments and government departments grow, the larger grows the danger that the policy-making body may be overshadowed by experts and specialists within the various technical divisions of the departments. In a way, the policy-making body may become dependent upon the advice of experts and specialists.

So in the long run, the question is, "Who is really running the shop? Who makes the decisions?" The departmental personnel, the experts and specialists in particular, know that the dividing line between policy making and administration sometimes grows nebulous, but it is their duty as public servants to try to toe this mark. However, in today's large and complex governmental organizations, the pressures from the policy-making commission, the legislature, the governor, citizen groups, and even the President's pronouncements cannot fail to have some effect on planning and programming to carry out a commissions' policies.

Columnist John Wyngaard, writing in the Green Bay Press Gazette on July 3, 1961, captioned an article "Shift in C. D. Board May Change Policies Much." The article dealt with an issue which is still debated, and in part read:

Governor Nelson has achieved a goal he has talked about since he announced his desire to become the chief executive officer of the state government three and one half years ago--a new majority on the State Conservation Commission.

It remains to be seen, however, that the fact of four commissioners out of six who hold their offices by virtue of the governor's nomination will make any real change in the outlook, the policy, or the actual performance of what is perhaps the most popular bureaucracy in the expanding state government.

Do not give up yet, for there are additional actors in the more recent scenes of this drama. On July 10, 1966, both houses of the state Legislature passed a bill creating a new water resources division in a reorganized state Department of Natural Resources. To it will be transferred all the authority and staff of the existing State Committee on Water Pollution, the pollution control function of the State Board of Health, and the water use regulation powers of the State Public Service Commission. Governor Knowles supported and signed the bill. It was

reported in the press on July 11, 1966, that Senator Nelson urged the Democrats in the state Legislature to support the measure.

National-Level Actors

Progress in conservation continued during 1964 as headlines in newspapers throughout the country praised President Johnson for signing the Wilderness Act and the Land and Water Conservation Fund Act. It was also President Johnson who directed the Secretary of the Interior to give priority attention to serving the needs of our growing urban population. Secretary Udall hailed the Land and Water Conservation Fund Act as the beginning of a new era of cooperation between the Federal Government and the states to meet rising public demands for public outdoor recreation areas and facilities.

In September, 1964, Senator Nelson drew national attention to the need for scenic highways throughout the country. Since a plan for a scenic highway near Cherokee Marsh was early envisioned for the Madison area, it is disappointing to note that locally the press did not pick up the Senator's plea and apply it to Madison. Again, in January, 1965, Senator Nelson made national headlines when he spoke eloquently of the need to preserve Wisconsin's St. Croix River for recreational purposes. At that time he said, "The nationwide conservation movement has taken on a new political luster."

In March, 1965, Senator Nelson keynoted the National Wildlife Federation's annual meeting, "calling to arms all Americans--especially those who belong to a wide variety of conservation organizations--to forget their narrow interests and band together for a really bold advance." Then in May, 1965, Senator Nelson took up the fight for a hiking and camping trail for Wisconsin which included a portion of Cherokee Marsh and the University Arboretum.

Of tremendous significance in July, 1965, was Senator Nelson's introduction of a bill called the "ecological research and surveys" bill, designed to authorize the Secretary of the Interior to conduct a program of research into our natural environmental systems. He pressed, too, for an Apostle Islands National Lake shore program for northern Wisconsin.

In February, 1966, the Waste Management Research Act of 1966 was introduced by Senator Nelson. This was the first in a series of bills comprising a comprehensive package of antipollution legislation for consideration by Congress. Senator Nelson made speeches across the country similar to the one which he gave to the 1966 Beloit College graduating class entitled "No 'Freedom' to Pollute and Squander."

The natural beauty of our country became a part of the Great Society and the Good Life in President Johnson's January, 1965, message to Congress. Later the Secretary of Health, Education, and Welfare emphasized that appreciation of beauty and development and preservation of recreational areas must start at the grass roots level and must be inspired by continued participation of America's citizens. In addition, Resources for the Future, Inc., published Soil Conservation in Perspective which suggested that the soil conservation movement include all natural resources, all landowners, and all land uses.

As previously mentioned, recreation officials moved rapidly to take advantage of the funds provided by the Land and Water Conservation Act, in 1965. Another federal program,

Title IX of the Housing and Urban Development Act of 1965, provides that grants up to 50 per cent may be made both to acquire and to develop open space lands for park, recreation, conservation, scenic, or historic purposes.

Toward the end of 1965, the state of Wisconsin established its eligibility for matching federal grants for acquisition and development of state and local outdoor recreation areas and facilities. In late May, 1966, the Wisconsin Conservation Department, charged with the administration of the Outdoor Recreation Act Program (started September 1, 1961), reported that actual purchase accounted for 122,335,764 acres of land at a cost of \$11,500,129.35--but this acreage did not include Cherokee Marsh.

Institutional Actors

With a long history as a city beautiful which prides itself on its lakes and parks, Madison definitely has a personality quirk. Even though it is universally agreed by Madison's citizens that its lakes are invaluable, they seem to be smugly certain that nothing can be improved upon and that everything is going along all right. So why look for trouble?

It seems that in the Cherokee Marsh controversy there would have been at least some institutional actors on the scene--representatives from the schools, the business community, or the conservationist groups. Where were the counterparts of those people who established the Madison Park and Pleasure Drive Association at the turn of the century? If there were such actors present, they were almost invisible and inarticulate. Several conservation groups did give the city money to purchase acreage in the marsh, but there was no general public alarm to rally around to preserve the marsh.

It is true that professors and students from The University of Wisconsin have long regarded the lakes (particularly Lake Mendota on which the University is situated) as laboratories for the study of a wide range of scientific concerns. However, there has been a lack of interdisciplinary, interdepartmental, university-wide interest in Madison's problems, in this case the natural resources of the marsh and water.

The other face of the coin is that outside of the University community there is a tendency (that indeed seems to be growing) for people to say, "We don't want the University telling us what to do." Consequently the people who know something about the problems and could lend aid to the city and region tend to hide their lights under a bushel, as the old saying goes. (See Appendix I.)

Should an educational institution in a community make itself useful to that community? Some people think it should; others take a contrary view. At the college and university level, particularly at the graduate and professional levels, much research has been undertaken that has been translated into practical application. The College of Agriculture, its experiment stations, and the former Cooperative Extension Service have worked together on research useful to Wisconsin farmers, and the Cooperative Extension Service has made the educational program available to the farmers. More recently research useful to Wisconsin industry has been extended to the industrial and business communities of the state, and research in the

conservation of our natural resources has been distributed throughout Wisconsin, but not to the extent that it could be.

On the other hand, the social scientists of United States universities have found it almost impossible to translate their research into use as the researchers in the other sciences have done. Several reasons seem to account for this. The first stems from the fact that social scientists have not been communicating among themselves, for they have developed their own "jargonese" within each discipline. This "jargonese" has not been understandable, or palatable, to the average person either. How, then, can the results of their research be applied? The social scientist must learn to interpret for public officials and other interested persons the results of scientific research that could help solve governmental problems. But this also involves educating the public, and up to now they have failed in this. Finally, the social scientists have begun interdisciplinary research only recently and on a limited scale. Most urban, governmental problems require this approach, so the research has produced splintered approaches with parts that do not fit together. It has not been useful to the urban community.

An increasing and consistent complaint heard in the last few years has been that professors generally have been doing research only for other researchers under the "publish or perish" philosophy of United States universities. Research that would be a genuine public service on immediate problems of society and governments receives relatively little attention because there is no payoff in salary or promotions. University professors for the most part are not problem oriented. They sustain themselves and their graduate students on theoretical concepts.

For many reasons the problems of Lake Mendota and Cherokee Marsh have been researched, but the findings have not generally been interpreted and made useful on an interdisciplinary basis. Scientists have not always agreed on the results of their research; therefore, the social scientists have been unable to interpret and apply the results to a current problem.

It seems ironic, too, that the elementary and secondary schools in the city and county have not had an impact on the citizenry of the area in supporting the maintenance of Cherokee Marsh as a conservation area, because in 1935 the Wisconsin Legislature handed down a conservation mandate. This mandate has been reaffirmed successively since that time. It states that conservation values must be taught, redefined, and reemphasized in every Wisconsin school so that each child will recognize his obligation as well as his opportunity to participate in this field.

How many citizens has conservation education reached in Madison? By a rough calculation only about 30 per cent. To arrive at this figure we first assume that of Madison's 1960 population of 126,706 only those between the ages of about fourteen and forty-four would have been exposed to conservation education in high school since 1935--that would be about 60,107 persons. To find the number of persons of voting age, we have to subtract about 10,000 who were between the ages of fourteen and twenty-one in 1960; this would leave 50,000 exposed to conservation education. Then, taking into account the mobility of population--those who were not born here and perhaps moved here after their high school days--we

probably have to subtract another 10,000 or more. So we end up with about 40,000 persons of voting age in Madison who may have been exposed to conservation education.

How well conservation was taught, if at all, and whether the students were taught to recognize their obligations to participate in this field remains a moot question. However, the low level of citizen activity in support of preserving Cherokee Marsh may indicate that there is a real deficiency in the state's educational approach to a major problem.

Another institution that supported purchase of the marsh was a local banking institution which offered to lend money to the city to aid in acquiring a portion of the marsh. On the other hand, there was no effort on the part of other members of the business community to aid in the preservation of this open space.

Communication

The most accessible records of events were the newspaper accounts of City Council, board, and commission meetings, or stories gleaned through interviews with mayors, councilmen, board members, and so on. Both newspapers favored acquisition of the marsh area and gave consistent coverage over the years. What some news writers may have learned in the course of their research probably still has not been divulged to the public for personal, political, or legal reasons. The story of this side of the controversy may come out later. Radio and television stations did not editorialize on the controversy, so the printed page and the civic organizations were the main channels of communicating the affair to the public.

Who Governs?

We can summarize what we have learned about democracy in action in the Cherokee Marsh, controversy by a brief review of the study.

It seems that relatively few people in Madison and Dane County in 1957-1960 had been aware of the value of marshes and wetlands either in connection with the health of the Yahara River, its tributaries, or Lake Mendota. Over the years even conservationists have differed on the value of the marsh for the use of sportsmen. At the start of the controversy, preservation of open space was only a local public policy issue; slowly it became a state and then a national policy question. This alerted more people to the need for open-space preservation. On the other hand, it appears not to have speeded up local and state decisions about acquisition of Cherokee Marsh. (It will be fascinating to see whether there will be quicker and more intensive public support for slowing down the aging process of Lake Mendota.)

The number of governmental units involved in the controversy mushroomed between 1957 and 1966. The turnover in governmental personnel (both elective and appointive) and the total number involved made it difficult for the voter or members of organized groups to know just where everyone stood on the policy question involved, and other local issues at election times overshadowed the ever-present problem of Cherokee. Realistically, can a person, whether citizen, elected official, or bureaucrat, have an "interest span" over nearly ten years and involving such a large number of actors? Wouldn't the fact that the problem has dragged on so long result in a sense of futility?

It seems almost incredible that in a city with a morning and an evening newspaper the press did not have more impact on the public with the Cherokee Marsh issue. The news stories did not generate much steam from organized groups to support open-space acquisition, nor did Governor Nelson's effort to organize a "people's lobby" fare any better, and his effort had good press support too. What we can conclude is that the subject became broader than pollution control, conservation, bird watching, hunting, fishing, swimming, or recreation. Under the pressure of urbanization the public was asked to comprehend a new complex concept when it hadn't yet comprehended the relatively simple concepts of conservation or pollution control.

This same line of reasoning applies to the concepts of the Madison Plan for Land Use, and the Park, Recreation, Open-Space Plan for Madison that Madisonians were confronted with in 1959 and 1960. These are planning tools that are unfamiliar to a large proportion of voters, as compared to the tools of zoning and subdivision control which are accepted. Moreover, these tools (even though adopted by the City Council) do not have the force of an ordinance. They are general guidelines to promote orderly community development; but they are amendable, and are enforceable only with community support. This leads to the next conclusion about the effectiveness of group activity in the marsh controversy.

Two groups, the City Plan Commission (advisor to the City Council) and the Madison League of Women Voters consistently supported maintenance of the marsh under public ownership because it was included as open space in both the land-use plan and the park, recreation, and open-space plan--both of which had been accepted by the Council as city policy. Conservation groups supported the maintenance of the marsh on conservation principles. These are consistent policy approaches.

The bureaucrats maintained the stance that they are advisory to the policymaking bodies. This was true at both local and state levels. It is their job to present the "facts" and "alternative course of action." Translating technical facts and alternative courses of action was left mainly to the press, to publications of the conservation people, and to the League of Women Voters.

During the period of the Cherokee Marsh case history, there was a panorama of state and national events. But all of them together did not create a wellspring of local support for acquiring the large acreage of Cherokee Marsh that still is not in public ownership. Even a plea for organizing a "people's lobby" of all conservation groups to work in concert to preserve our heritage of nature apparently went unheard.

The educational institutions obviously have not been in the forefront of a broad educational effort to instruct youths and adults to preserve and plan ahead for the preservation of our natural resources. They have also dragged their feet in updating their curricula in the social studies, particularly in the study of politics and planning as they relate to urban and rural development. (A rural-urban continuum still seems to be real in Wisconsin, but is fast disappearing.) What needs to be recognized is that natural resource management has been too long neglected by the social sciences and that any realistic study of this pervasive subject must include politics.

The official governmental departments and advisory groups can go just so far in translating technical facts and alternative courses of action to the public. They are not educational institutions in the business of teacher training, nor of educating students at all levels.

What alternatives do public officials and citizens have in this stalemate? A case can be made for formalizing channels of communication between the officials of state government, the city of Madison, and Dane County, bringing these three units of government into a partnership that would work toward a better Madison. The lakes, open space, and natural beauty of the city ought to be of more concern to the state Legislature and the executive and administrative agencies than they have been. A citizens' group logically could put pressure on the governor, the mayor of Madison, and the chairman of the Dane County Board to establish a regular channel of communication for the creation of a dynamic capital city, preserving and enhancing its natural resources. Since Cherokee Marsh, the Yahara River basin, and the "Four Lakes" should be of concern to all of Dane County, as well as the state of Wisconsin, a citizens' group might encourage the Dane County Board of Supervisors to show real concern for the ecology of the region, with emphasis upon preserving the natural beauty of the capital city, county seat, and seat of city government.

The case of Cherokee Marsh is entwined in feet, yards, even miles of government red tape, but not hopelessly so. If conservationists, naturalists, and other citizens' organizations band together to take action perhaps they can invent the tools to cut this tape and unravel the snarled policies needed to liberate this and other resource management projects. But now is the time for action. The federal and state governments are rallying their forces to regain quality water, and the purchase of Cherokee Marsh could be the first step in securing quality water for Madison's four lakes, and a guideline for quality water for the nation.

APPENDIX
BACKGROUND

A

Within twelve years of its founding in 1892, the Madison Park and Pleasure Drive Association had collected over \$76,000 from subscriptions, and had a membership of more than 600. The association was active in establishing Tenney, Wingra, and Monona parks, and improving the Yahara River. It cooperated with the City Council in furthering the acquisition and development of open space--parks and playgrounds. In this early period of history, the acquisition of open space was not considered a function of municipal government. Moreover, as President John M. Olin commented in his annual report to the association in 1904, "It [the association] was organized primarily, not to do work within the city limits, but rather to do work outside the city limits for which a general tax could not very well be imposed. Our service within the city limits should consist of the creation of an intelligent public sentiment and the formation of correct opinions, and of a right spirit throughout the community, so as to secure the existence of a general attachment to what is essential to the city; in calling attention to what ought to be done, and thereby securing or preventing action on the part of the city of public spirited citizens For permanent results in any large way, we must look to the city, in its corporate capacity."¹

¹ Reports of the Officers of the Madison Park and Pleasure Drive Association for the year ending April 14, 1904, pp. 57, 58.

To show that pride in the city of Madison abounded in those early days and also to show what conditions existed in our lakes sixty-two years ago, the following story, not without its humor, was told by George B. Stacy at the annual banquet of the Madison Park and Pleasure Drive Association in 1904:

"A year ago last summer I met in Janesville a commercial salesman who sells boots and shoes from Brockton, Massachusetts, who covers the states of Wisconsin and Minnesota. It keeps him away from his family about three months each trip. He had made up his mind to move his family west so as to be able to see them more often. We were coming through to Madison over the Northwestern road. On the way my friend informed me of his intentions.

"Being a resident of this city, of which I am very proud, I endeavored to persuade him to come to Madison to reside. I laid great stress on the educational facilities offered to the young who cared to enter our institution. I called his attention to our beautiful drives overlooking our lakes of grandeur; the fishing season and its great sport--angling for the large bass, pike, and pickerel which populate our lakes. I waxed warm regarding the healthful conditions of our beautiful city and its general reputation for cleanliness and godliness. About this time our train was passing over that portion of Monona called the triangle and bay, when Mr. Beacon startled me with the interrogation: 'Stacy, what is that I see covering the lake surface? It appears to be nasty, dirty, green scum--look at those dead fish close in to the bank. Why, your lake on this side appears to be filled with weeds and dead fish and it certainly does not bear you out in your statement about Madison's beauty and cleanliness. How many undertakers have you here?' I replied about five or six. 'Well', said he, 'it seems to me that you would need fifty or sixty if what I now see is a sample of your clean, healthful city. Old man, it appears to me that you are endeavoring to cloak the devil in saintly garments. No, Stacy, I will not move my family to Madison. I would not live near a disease breeding hole like that just seen if I had rent free.'

"This is a fair example of what is said by travelers journeying through our city during the summer months of each year."²

Years later, to show how Madison's open-space expectations had been increased, it is worth quoting what Russell B. Pyre wrote in the 1939 centennial edition of the Wisconsin State Journal under the caption "To Restore the Wilderness":

Renowned for the beauty of its natural setting, its state university campus, its parks, and its lakes, Madison is well on its way to further fame as the home of a great outdoors laboratory unique of its kind and unparalleled throughout the world in its possibilities.

Near the east, south, and west shores of Lake Wingra, constantly growing, is The University of Wisconsin Arboretum--dedicated to restoration of a wilderness as Nature

²Ibid., pp. 72, 73

left it to man, as a wild life refuge and as a place of experimentation in forestry, horticulture, and conservation of game.

Madison's image glittered even more and was spread throughout the world when, in 1948, LIFE magazine printed an extensive article entitled, "The Good Life in MADISON, WISCONSIN, Is It The Best Place In America To Live?" In part the article said:v

If a group of Americans were asked to define the kind of city they would like to live in, they might mention some such qualities as these: scenic beauty, nice homes, good job opportunities, a wide variety of healthful recreation near at hand, first-rate schools, good hospitals, and plenty of cultural activities. Recently some of LIFE'S editors set out to determine what American city comes closest to this ideal. After considering many candidates they came up, somewhat brashly, with an answer: Madison, Wisconsin.

The article went on to describe the good qualities of Madison, including the business district, beaches, and availability of sports, as well as the cultural and educational facilities. But then the story said:

Madison is not perfect. Its narrow isthmus creates an irritating traffic and railroad-crossing problem. Mosquitoes are numerous, and on warm still days, fortunately rare, the decaying algae in the lakes spread an unpleasant aroma. The cost of living is well above national average. But prosperous Madison can afford its high living standards. It draws on the great wealth of Dane County's rich dairy farms, the income brought it by 15,000 nonresident university students, 8600 government and university employees, and 110 small, skilled-labor factories.

* * *

In many ways Madison, as the capital of a rich state and the home of a major university, is a lucky city. Yet to conclude that Madison and other pleasant U.S. cities . . . are merely lucky is wrong. It is a too-common myth that cities just happen to grow the way they are and that nothing can be done about it. Sociological studies have shown that good cities are chiefly the product of their people's foresight and intelligence. Consider how Madison got what it has and how other cities might do the same:

PARKS--Some of Madison's were developed by the city; others were gifts from private citizens. Foresight and planning have spotted them throughout the city instead of concentrating all park land in one place

TREES--Madison did not always have stately elms and maples lining its streets. They are now beautifully tree-lined because private citizens began a planting program in 1892

* * *

ZONING--Since 1923 carefully planned and enforced zoning has preserved the character of Madison's residential areas, kept roller coasters and hot-dog stands away from its lakes, and prevented the central business section from deteriorating

* * *

Madison's virtues are impressive, but they do not make it a Utopia. It still has problems and faults of a kind which other cities have solved successfully . . . Madison's downtown is congested and sign cluttered. Railroad tracks funnel through the heart of the city causing lengthy traffic tie-ups. Treated sewage is beginning to creep into the lakes.

B

Back in 1918 Madison had prepared its first plan--the Nolen plan--which featured the "city beautiful."

The second, prepared in 1922 and known as the Bartholomew plan, featured the "functional city." This report recommended a zoning ordinance and resulted in the adoption of a rudimentary type of regulation by the City Council in 1923.

The third plan, prepared in 1938 and known as the Segoe plan, combined the city beautiful and functional city concepts. The zoning ordinance which Segoe recommended was adopted in 1945, but the other portions of the master plan he recommended were not adopted.

Between 1923 and 1945 the Bartholomew regulations had been weakened by amendment, allowing two-family units in single-family districts, and permitting industrial uses on the Capitol Square. Enforcement of even this rudimentary type of ordinance was not very good, for until 1940 the city operated with a single building inspector, and enforcement was divided between plumbing and electrical code enforcement.

In 1945 a professional planning staff was authorized by the Common Council. Since 1946 this staff has assisted the city Plan Commission in studying and making changes and adjustments in zoning regulations and procedures. Requirements outlined in the Segoe ordinance have been tightened in relation to parking, size of lots, motels, trailer camps, airports, and aesthetic requirements. As of January, 1959, the city Plan Department had an authorized staff of fifteen persons; since January, 1966, it has had twenty-one. Even before 1959, zoning has been coordinated with subdivision regulation, and enforcement has been handled through one agency, the building department.

C

The Dane County Citizens' planning committee, in recommending the adoption of a general plan for the county, stated:

Such a plan would serve as a broad scale guide for the future growth and development of the county. It is based on a study of resources, problems, needs and potentials. The general plan deals principally with land use, transportation, and public facilities. Although it has numerous objectives, a general plan for the county would try to encourage and promote the most appropriate use of land and water; to conserve the develop natural resources and the county's scenic beauty; to prevent a wasteful scattering of population, blight, and deterioration, and the development of unsanitary

residential areas; to preserve the traffic carrying capacity of roads and highways; to secure economical use of governmental expenditures; and to avoid the expense of excessive road mileage; to reduce traffic congestion and accidents; and, in general, to help make Dane County a better place to work, play, and live in.

It should be added that even before the establishment of the county planning department, the Dane County Park Commission had been active in acquiring open spaces for recreation. Since 1935 more than ten park sites have been acquired and developed with facilities for recreation and camping.

There is another angle in Dane County to expectations based on custom or tradition, because the county has ranked first among the state's agricultural counties and twelfth in the nation. Blueprint for Growth points out, however, that Dane County's cropland area is shrinking. Between 1960 and 1975 the area devoted to agriculture will shrink another 39,925 acres--a loss of approximately one and three-fourths townships. Moreover, it was pointed out that careful planning would be needed to protect and maintain the county's agricultural industry. The report exhorted "conservation agencies, private land owners, and local governments" to support and maintain needed conservation measures. It concluded:

Local government will need to consider protecting certain agricultural lands through the use of its zoning power. Breaking up of farm units through unregulated sales of land for home sites, commerce, etc., in strictly farm areas is in the long run harmful to the agricultural industry.

The unregulated encroachment of urbanites onto farm lands wastes land, produces poorly planned development, and creates excessive demands for public service. It tends, in the long run, to place unsupportable tax burdens upon strictly farm lands.. This must be recognized and dealt with.

Pasture lands are of declining significance to the agricultural economy. This should be recognized by farmers, by conservation agencies, and by government.

Good cropland for food production, woodlands for aesthetic and conservation reasons, certain wetlands for recreation in rural areas are of primary concern and should receive first consideration in planning wise land use.

There will be plenty of land left for Dane County to remain a leading agricultural county in 1980 providing we recognize the need for planned growth (not helter skelter) and apply the conservation know-how and techniques we possess. Careful land use planning will permit converting land to new uses on a sound basis. It will reduce problems. It will prevent costly mistakes .

D

Governmental costs have always been of concern to our governing bodies and the public at large. Let us go back in Madison's history to see how dollars spent for parks and open space were rationalized. In the Report of the Officers of the Madison Park and Pleasure Drive Association for the year ending April 11, 1905, it was noted that from the time of the city's

organization in 1839 up to 1905 the city had expended \$60,000 for park purposes. Gifts to the city in the two years 1903 to 1905 totaled \$104,370. The report said, ". . . the city within the past two years has received in gifts and pledges over \$44,000 in excess of the total amount expended or appropriated by the city for securing parks since its organization The sum of \$60,000 for securing lands for park purposes seems large, partly because the city had, prior to 1903, spent practically nothing for this purpose. We have had to be educated to the need of spending money for parks and playgrounds."

President John M. Olin, speaking before the Madison Park and Pleasure Drive Association in 1905, asked, "Should the city have appropriated \$19,500 for Henry Vilas and Brittingham parks?" In addition to the amount the city voted to use, it received land and pledges for these parks of \$23,000. Mr. Olin went on to say, "It can be easily demonstrated that this expenditure at this time by the city to secure these two improvements, instead of adding to the tax burden of the citizen, will in fact lessen that burden. It is the judgment of those who have investigated the subject that the establishment of a park increases the value of land in the immediate vicinity of from 100 to 500 per cent, and that of lands more remotely situated in a less degree"Mr. Olin then went on to show how much the assessed valuation of that portion of the city nearest the parks would be increased.

In 1908, because the city of Madison's tax rate had been raised one and one-half mills, there was opposition in some quarters to the levying of a half-mill tax for the maintenance of parks and playgrounds within the city for that year. Therefore, the Common Council on December 11, 1908, asked the mayor to set up a committee "to thoroughly investigate and report to the council . . . its conclusion on the question as to how much, in their best judgment, the present assessed value of the entire property of the city of Madison has been enhanced or increased by reason of the work that has been carried on now for the past sixteen years by the Madison Park and Pleasure Drive Association in conjunction with the city in securing for the city, parks and drives outside the city limits and parks and playgrounds and open places within the city limits."³

The committee assembled much financial data on the assessed value of real and personal property, the amount of money invested in parks and playgrounds, and comparisons with other Wisconsin cities. In their report to the mayor and Common Council, March 11, 1909, it was pointed out that many forces had exerted an influence upon property values. "It must be apparent to thinking people that it is impossible to determine with accuracy the relative weight or strength of the forces or influences mentioned in respect to their effect upon property values The influence of manufacturing interests of Madison are not wholly exerted upon property within the city. Part of it goes to the support of population and the creation of property values in territory adjoining the city. Upon these and other considerations the members of the committee are led to believe that the establishment of parks, drives, etc., so extensively as has been done in and about Madison, has been and is a factor of very great importance in contributing to the general result and is not in our judgment a minor factor as compared with the others in its influence upon property values." The committee judged that

³ Madison Parks As a Municipal Investment--Report of Citizens' Committee, March 11, 1909, With Introductory Statement. Directors, Madison Park & Pleasure Drive Association.

from 10 to 15 per cent of the increase in the value of taxable property in the city over the preceding fourteen years had been due to the activities of the Park and Pleasure Drive Association.

The same issue arose in 1915. In that year a special committee of the Madison Board of Commerce assessed the whole range of recreational opportunities needed by an expanding, congested city. A number of the comments and recommendations regarding open space which were written in 1915 sound as though they might have been written in 1967.

Early Investment Means Saving. Experience in other cities, especially in the large cities, has shown that sooner or later the problem of providing play space and healthful recreational facilities is an inevitable as providing police or fire protection As Madison grows, the same urgent problem arises. Congestion of population, the increase of building area, and the decrease in space will force the issue. If Madison will purchase land now, while comparatively cheap, and set this aside for play space and recreation instead of paying exorbitant prices later, it will be money ahead in the end.⁴

E

This problem of boundaries was recognized in 1915, and Madison, being the state capitol, had special problems along this line. The 1915 report, Madison "The Four Lake City" Recreational Survey, offered a conclusion: "For the maintenance of the parks and drives in and about Madison the present organization is wholly inadequate. There is needed a park board with authority extending over a Greater Madison Park District, with power to secure and expend public funds in building and maintaining parks State support in the creation of additional boulevards and drives and [creating a park on] . . . the Monona lake shore is no more than may reasonably be expected. For this reason, it may be suggested that the Governor appoint some of the members of the park board. A definite plan for the amendment to the statutes should be drawn up and the matter presented to the legislature."

In 1922 the president of the Madison Park and Pleasure Drive Association in a report remarked, "The zoo is not only an attraction of Henry Vilas Park. It is a Southern Wisconsin attraction and brings people from all parts of this portion of the state to visit the zoo, the park, and Madison."

F

Mayor Ivan Nestingen's letter of transmittal which accompanied the Master Plan of Land Use for the City of Madison is given below.

To Citizens of the Madison Community:

⁴ Madison "The Four Lake City" Recreational Survey, Prepared by a Special Committee of the Madison Board of Commerce, Madison, Wis., 1915, p. 3.

This is the first published comprehensive land use plan that has been adopted for the Madison community. It is expected that this plan will serve as a general guide for the urban development occurring here during the next fifteen to twenty years. It is a communitywide plan. It was made without regard for existing governmental boundaries. It is the first areawide plan that has been reviewed by all of the municipalities and urban towns in the Madison community.

Incorporated in the Plan for Use of Land are communitywide development objectives, or goals. It is hoped that these objectives will have a marked influence upon the character of future development in the community . . . This new development will result from continued population growth. Living accommodations, places of employment, and the services and recreational needs of approximately 100,000 additional people will need to be provided . . .

It is also evident that substantial new public facilities and services will be required to satisfy the needs of those who will be living in the Madison community twenty years from now. We believe that private developments as well as public facilities should be based on a sound comprehensive plan.

The land use plan is a most essential and basic planning need. Other plans for public facilities and services will be based on it . . .

May I urge your consideration of the material contained in this report?

(s) IVAN A. NESTINGEN, Mayor

Chairman of the City Plan Commission

Page 24 of the Plan for Land Use, under the subtitle "Community Open Spaces," describes the intent of the plan in regard to open spaces. It is a statement of policy to guide future development.

Community open spaces should be located and developed in such manner as to preserve the community's natural features and make its natural amenities available to the public. The open spaces shown on the Plan would accommodate a variety of public and semipublic uses. Typical uses in this category include the lakes, parks, conservation areas, schools, playgrounds, churches, cemeteries, university lands, Truax Field, and other public and quasi-public buildings and grounds.

Public and semipublic lands have had a marked effect on the development of the Madison community and have contributed to its quality and character. The state offices, the university, and Truax Field in particular have had a major influence on the community's culture and economy. These three institutional uses today occupy the largest single blocks of land in the community. Their development plans are, therefore, of particular concern to residents of the Madison community.

Design Standards and Assumptions

The University will inevitably increase in enrollment as the wartime and postwar wave of children reach college age. Approximately 18,000 students are in attendance on the

Madison campus this year. The enrollment by 1975 is expected to range between 30,000 and 35,000 students. The higher enrollment has been assumed in estimating space requirements for the university planning district, and in measuring the impact of this growth on the community as a whole. The Plan provides for expansion of the campus to include the area bounded by University Avenue, Park Street, College Court, and Breese Terrace; and the area bounded by University Avenue, Lake Street, and Park Street. Additional land may be required for future university housing.

Disregarding Air Force activities, commercial air travel at Truax Field may be expected to increase to the point where expansion of this publicly owned area would be necessary. It is also evident that additional lands should be reserved or acquired to correct existing runway approach deficiencies.

The Plan envisions a policy of acquisition of the low marshy areas in the community to prevent uneconomic and expensive development of them, to preserve the community's water resources, and to avoid drainage problems. Strategic high points need to be acquired because development of these sites usually results in destruction of the invaluable views, which can be of great value in a well-planned community. The principal drainage courses which run from the high points to the low areas also need to be preserved as open spaces because of their natural beauty, and as a flood control measure. Additional lake frontage needs to be acquired prior to development commitments, and made available to the public, because much of the value of the lakes to the community is dependent on their accessibility. The Plan is based on the assumption that a policy will be established to acquire or reserve properties for a greenbelt system of parks and open spaces which would include these types of uses. The Plan indicates the general location of those properties required for the greenbelt system. It does not show most of the smaller parcels that would be located in each neighborhood. . . .

It is assumed that the other institutional land uses serving the urban population will increase their land utilization in proportion to their present population-land ratios.

Open Space Requirements

By 1975 it is estimated that an additional 4000 acres to 6500 acres of land will be required for open space uses, the exact amount depending on whether the greenbelt program is carried out. In 1958 total area of institutional land in Madison was 4400 acres. The 1975 total may approach 10,900 acres. It should also be observed that early acquisition of these properties prior to urban encroachment will be of critical importance because the high cost of land severely limits the amount of property that may be acquired.

Detailed studies of each institutional and open space use will be required for more accurate space prognostications. Following Madison's Plan for Use of Land, detailed studies will commence for park and open spaces, public school facilities and library facilities.

G

The general policies set forth in the Land Use Plan were expanded in the Plan for Parks and Open Spaces (approved by the City Council on December 14, 1961, and published in April, 1962). Mayor Reynolds' letter, commenting on the plan, is quoted in part below.

December 1961

To Citizens of the Madison Community:

Ever since the earliest settlers established their roots in the Madison area, our urban community has developed a rich heritage, culture, and character for living. This has been possible because of our inspiring physical setting of incomparable beauty and attractiveness The many public parks and open spaces that are a part of the urban community today are traceable to the efforts of our predecessors who strove to blend the physical assets with our urban environment.

The many tributes that have been awarded the Madison community over the decades are graphic evidence that the often stated citation, "the good life in Madison," is a statement of fact, not mere fiction. Justifiably proud of our community's unique setting, we are today confronted with the prospect of either taking positive action to preserve and enhance our physical assets or losing them to urban growth and development.

* * *

Early in 1959 the joint park-plan committee was organized to formulate a constructive program and plan for parks and open spaces. The primary objective of the resultant plan contained herein is to meet the challenge of needed park and open spaces today, not twenty years from now when it will be too late.

It is the intent of this plan to serve as a general guide for the park and open space needs in the Madison community for the next fifteen to twenty years. The plan was evolved without regard for existing governmental boundaries. The implementation of the plan, however, requires the active and coordinated participation of all governmental units in the community

The final determination as to whether or not this plan is accepted and our community retains its natural assets, rests with you--the citizens and officials of this community.

* * *

(s) HENRY E. REYNOLDS, Mayor
Chairman of the City Plan Commission

The following is quoted from page 5 of The Plan for Parks and Open Spaces:

The proper management of our natural resources of soil, water, vegetation, and wildlife, to guard against their depletion, is a rather simplified statement of conservation ideas. Retention of certain open lands as natural conservation areas is an emerging concept. Urban development is rapidly encroaching upon the tributaries that flow into our lake system, the lakes themselves, the marshes and wetlands, and the scenic areas of the

community. As a result, the question of whether the natural assets of these areas are to be preserved or destroyed is one of increasing concern.

Sedimentation, contamination, and encroachment are threatening the use and value of Madison's lakes. Immediate attention to these problems is essential if Madison's reputation as the Four Lakes City is to continue to be meaningful. The filtering and settling action of marshes and wetlands keep the lakes from becoming unusable because of excessive silt and nutrients. This filtering and settling action is of prime importance in the Cherokee Marsh, Six Mile Creek, and Pheasant Branch areas of Lake Mendota. If the marshes and wetlands are indiscriminately developed or filled, inundation of Madison's developed areas, expense of drainage solutions, and siltation of the lakes can become even greater problems than they are today. Urban development of these vital areas could have such a destructive effect upon nature's process over a period of time as to render the lakes a total liability. Unless the concepts of proper management and use of the natural resources of soil, water, vegetation, and wildlife are merged with the present day concepts of park and open-space planning, a community of negative physical assets could easily be created.

A portion of page 25 of the Plan for Parks and Open Spaces follows:

Most of the conservation lands shown on the composite plan lie outside the city of Madison. It follows that a single unit of government cannot be entirely responsible for effecting the conservation proposals of this plan. The participation of all units of government within the community in this phase of the plan, including the federal, state, county, and various local government units, is essential to the realization of a balanced and wholesome community.

Implementation of the conservation goals and objectives must be characterized by a coordinated approach, whereby the various governmental units mutually refine specific proposals and join in a program of action. Since the tools of implementation are many and varied, all possible approaches must be examined to assure that the desired goals are accomplished For example, some of the conservation lands shown on the plan have already been acquired by the city and other public agencies through direct purchase. Conservation easements, zoning, deferred taxes, long-term options, loans, grants-in-aid, etc., represent additional means of implementation that merit detailed study.

H

In introducing Bill S. 2282 into the Senate, Senator Nelson said:

Ecology--the study of the delicate relationships that bind all living creatures to one another and to their natural home, the relationships that make up the balance of nature-- is fascinating and valuable for its own sake.

But to a society in which population and technology are pressing ever harder against a dwindling natural resource base a more precise understanding of ecology is vitally necessary.

Land use and natural resource use decisions must be made. If they are to be made wisely, we must know more than we do now about ecology.

The first paragraph of the bill states very well the necessity to study such areas as Cherokee Marsh and Lake Mendota before they are utterly destroyed.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds and declares that as a result of population pressures, the development of transportation systems, agricultural practices, numerous natural resource developments, and other technological advances, the status of native plant and animal systems and their natural environment in the United States has changed markedly; that serious losses in valuable species of fauna and flora and gains in unwanted species have occurred and continue to occur; that valuable elements of natural communities have disappeared or have become so restricted in area and numbers that they may never recover; that many areas of outstanding interest, scientific value, and scenic beauty have been protected but through lack of knowledge and inadequate management practices their value has been lost or has waned; that, in fact, this storm of modern change, in blighting and destroying what has been cherished for generations in this country, is degrading man's environment and threatens his very existence; that it is desirable that studies be conducted to describe, understand, and evaluate these natural and man-caused changes or trends in our natural environmental systems and to provide information to the public or private agencies or persons responsible for planning and developing our future resource projects. It is, therefore, the purpose of this Act to authorize a comprehensive program of research, studies, and surveys in order to produce an understanding of our natural resources and the environmental forces responsible for their development and well-being and to provide a basis for the future protection, enhancement, and proper utilization of the natural environmental systems of the United States. It is not the purpose of this Act to encroach upon or otherwise restrict authorized Federal programs in the fields of agronomy, forest and range management, or soil conservation other than as an advisory or coordinating activity.

I

This resentment of University participation was strikingly apparent in the spring of 1966 when Mayor Otto Festge set up a committee to explore the possible application of the federal "Demonstration Cities" legislation to the Madison area.

The flavor of that committee meeting was reported in the Capital Times of March 15, 1966:

Aid. Robert Reynolds, Tenth Ward, on numerous occasions recently has urged University and city officials to join in using Madison as a "living laboratory" to seek solutions to urban problems

* * *

"I'd like to know what Madison will be like in the year 2000," Reynolds said. "I'd like to know how our city government will function when we are a city of 500,000; I'd like to know how the hell we will move autos through our maze of streets.

"The City Council constantly gets requests such as the one to close a street for the Gisholt Corp., but we have no way of knowing how that will affect Madison in the future," he explained.

"The Council has to vote in a vacuum on such questions.

"This could be a perfect town, but we will have to examine everything in it," he said. "I would have this committee think so bloody big you would be frightened."

"We'll put an ad in the newspapers saying 'big thinkers wanted,' " Schnore [University of Wisconsin Professor Leo F. Schnore] suggested. "All over the country people are asking for big, bold solutions to problems.

"These are 'hurrah words' as opposed to 'boo words,'" Schnore explained. "It's 'onward and upward' to that perfect city, which we will never make.

"We are all small, private visionaries," he assured Reynolds.

"But Madison has reacted badly to its major visionaries in the past and I'm afraid it might again, " he said.

* * *

Although Schnore's comments gave rough treatment to planning for the year 2000 and were skeptical of relying on federal funds, the city and University, in cooperation, can do much to show the way in solving problems, he said.

"It's almost on the edge of an immoral act to try to grab onto every federal act that comes along," Schnore said. "In Madison, we have an opportunity through the City-University Coordinating Committee and others to do some demonstration of our own."

"We will be better off as a community to show what we can do for ourselves while the great bureaucratic scramble goes on (for money and position), " he said.

"But the idea of assembling a program that will pursue this will-o-the-wisp (of a perfect answer for all problems) is utter folly, " Schnore said.

J

DEFINITIONS

| | |
|---------------------------|---|
| Upper Yahara River Basin: | Drainage area north of Lake Mendota, including Token Creek. Area of watershed is about 90 square miles (57,600 acres); gently rolling lands and marshlands. |
| Yahara Marshlands: | Area of about 8 square miles adjacent to Lake Mendota (5,100 acres). |
| Cherokee Marsh: | Part of marshlands and conservation area proposed by conservation groups for open-space use. Marsh, pasture, wooded areas. 132 acres owned by city 1032 acres proposed for city acquisition <u>2900</u> acres proposed for state acquisition 4064 acres |
| Cherokee Park | 928 acres owned by Cherokee Park, Inc. 410 acres of "high lands," plus 518 acres of marsh, "low lands," and some "high lands" proposed for city acquisition. |

Report by the Board of Consulting Engineers on CHEROKEE PARK DEVELOPMENT,
June 10, 1964, p. 2.

K

CHRONOLOGY OF CHEROKEE MARSH AND CHEROKEE PARK PROJECTS

1958

- June Lands owned by Dr. J. P. West reportedly offered to the city and declined by former mayor without referral to the City Council.
- June Land Use Plan commenced by city of Madison.
- November 6 Elkind interests purchased Dr. West farm for \$325,000-- payments spread over thirteen years (approx.) with 4 per cent interest.

1959

- December Madison Land Use Plan approved by public bodies concerned.

1960

- June Mr. Elkind submitted preliminary plan of development to the city. Former city planning director recommended that Mayor appoint a special study committee of experts.
- August 11 City Council authorized Mayor to appoint a study committee.
- August 18 Former Mayor appointed Cherokee Marsh Study Committee of ten members from University faculty and state and Federal services.
- September 29 "Warzyn Report" on soil conditions delivered to Cherokee Marsh Study Committee.

1961

- April Cherokee Park Corporation acquired option on Elkind lands.
- April Supplemental report by Warzyn on soil problems and letter from Mr. Pasch on investment feasibility submitted to Cherokee Marsh Study Committee.
- October Cherokee Park, Inc., established (per Secretary John Fox).
- November Cherokee Park, Inc., retained Mead & Hunt for the first time to estimate cost of sewer system, and perform other services.
- December Parks and Open Space Plan for Madison was approved.

1962

- January 25 Contract made for sale of land by Rosella Elkind to Cherokee Park, Inc., for \$1,038,000 (928 acres)--payments spread over fifteen years without interest. (The "present worth" of this contract is considerably less, depending on the actual terms.)
- January City planning director requested Elkind to submit, preliminary subdivision plat.
- May Corporation started dredging by Ralph H. Freund, dredging contractor--amount of contract reportedly \$220,000.
- June 28 City Council authorized the mayor to acquire 535 acres in Cherokee Marsh area at an estimated cost of \$300,000.
- August 10 Meeting of city, State Conservation Department, and Cherokee Park, Inc., officials to discuss "compromise plan of development." Mayor was present.
- August 17 Cherokee Park, Inc., submitted a written summary of their position to the Wisconsin Conservation Commission at Sturgeon Bay "for the Commission's further consideration and action." Mayor did not attend.
- August 17 Cherokee Park, Inc., issued press release: "A Gift to the Citizens of Wisconsin Amounting to Over a Half Million Dollars."
- September Mayor announced disapproval of compromise plan proposed by Cherokee Park, Inc.
- October 12 Cherokee Park, Inc., submitted unofficial "prepreliminary" plat to the city.
- November 3 Planning Department informed Cherokee Park, Inc., of additional information required. Construction of lagoon and golf course was continued.
- November Mayor reported his reasons for disapproval to State Conservation Commission at meeting in Shawano.

1963

- January Mayor submitted two proposals to Cherokee Park, Inc., for city's acquisition of certain land parcels--535 acres for \$383,000. Cherokee Park, Inc.'s claimed appraisal for this area is \$1,444,000 as of May 2, 1963.
- April Application for \$210,000 Federal aid funds submitted to assist in purchase of marshlands.
- April Cherokee Park, Inc., proposed annexing its property to city of Madison.
- April Mayor recommended to the City Council institution of condemnation proceedings.
- May Dredging resumed in lagoon after winter shutdown.
- July 11 Mayor requested Cherokee Park, Inc., to arrange for preparation of complete report by independent consulting engineer to provide adequate facts on their project.
- July Cherokee Park, Inc., president [Maurice Pasch] acknowledged receipt of mayor's request and indicated referral to their consulting engineers.
- September Final Report issued by Cherokee Marsh Study Committee.
- October Park Commission unanimously agreed not to use area for a park.
- November 14 City Council voted condemnation proceedings to commence.

1964

- January 31 City served jurisdictional offer in the amount of \$382,945.
- February 18 Cherokee Park, Inc., rejected the offer.
- February Mayor recommended to City Council employment of Board of Consulting Engineers.
- April City Council authorized employment of Board of Consulting Engineers .*
- May 15 Dredging in lagoon resumed after winter shutdown.

*Report by the Board of Consulting Engineers on CHEROKEE PARK DEVELOPMENT, June 10, 1964, pp. 3-4.

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CHARTER MEMBERS OF CHEROKEE PARK, INC.

Maurice Pasch, attorney, president of CPI, Nakoma.

Donald B. Sanford, secretary of A. A. Elkind Builders and Developers, vice- president of CPI, Maple Bluff.

John Fox, attorney, head of Fox Water Softener Co., secretary of CPI, Madison.

J. Martin Wolman, business manager of Madison Newspapers, Inc., treasurer of CPI, Nakoma.

Emmet G. Hampton, executive vice-president of Home Savings and Loan Assn., Madison.

A. Aaron Elkind, president of A. A. Elkind Builders and Developers, formerly of Madison, now living in California.

Collins Ferris, president of Madison Bank and Trust Co., Maple Bluff.

Dr. H. H. Shapiro, physician and surgeon at University Hospitals, Waunakee.

Alan R. Hyman, co-owner of the Emporium Department Store, Shorewood Hills.

Samuel Checkik, retired head of Prescription Pharmacies, Shorewood Hills.

Walter Frautschi, executive of Frautschi's Inc., Democrat Printing Co., Madison Fuel Co., Dembar Publications, Inc., Maple Bluff.

John W. Fish, executive vice-president of Fish and Schulkamp Insurance Agency, Maple Bluff.

Joseph H. Flad, John J. Flad and Associates, Madison.

Armand Simon, Midwest Insurance Agency, Madison.

Garvin Cremer, president of Wisconsin Cheeseman, Inc., Sun Prairie.

Dr. Harold Lubing, Shorewood Hills.

Earl Krueger, president of Mead and Hunt, Inc., Madison.

Herman H. Shapiro, Madison distributor of Hamm's Beer, Madison.

Edward Coyle, Coyle's Hardware Store, Nakoma.

Nathan Holman, C. P. A., Milwaukee.

Robert DiRenzo, attorney, Neenah.

Jerome Bomier, attorney, Neenah.

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GUIDE FOR STUDY AND DISCUSSION

Read the story and analysis for pleasure, as a citizen-voter residing in Madison might do. That is the perspective from which most people view the controversy.

Then wear a different hat--that of the president or a director of Cherokee Park, Inc. How would you then view the conflicts? An ardent conservationist might have a slightly different view of events and raise different questions. You might wear still another hat and take a look at the controversy as if you were on the State Conservation Commission back in 1962, or as if you were appointed more recently. Turn your hat around again and look at it as if you were a state senator or assemblyman. Say that you were Ken Clark, the director of the city Plan Department. How would you define your role and your position in regard to the marsh? As a newspaper writer or editor, what would you have played up or played down? What could you have done as mayor of Madison to resolve the controversy, perhaps earlier than it was or in a better way?

What comes through loud and clear is that this country does not have layer-cake government. This country does not have, cooperative federalism yet. What does it have? Where are the decisions made? Why does it take so long to get decisions and policy made? The crux of the story is, What can you do?

Perhaps you will have to read parts of the story a second or third time to answer some of the following questions.

1. If you had been a citizen-taxpayer of the city of Madison:
 - a. In this controversy, how important were dollars (economics) to the city? to the state? to the county? How was the dollar value of the marsh measured? By whom?
 - b. What value would you attach to the maintenance of the marsh and Lake Mendota?
 - c. Could any single governmental agency, department, or representative have exerted enough pressure to maintain the marsh? What combination might have done so?
 - d. Would you have been inclined to join a conservation or other organized group to "save the marsh"?
 - e. What different roles did state agencies play in the story? Why did they come into the picture at all?
 - f. What effect might the two-year term for city councilmen have had on the resolution of the conflict?
 - g. What effect might national government events and policies have had on Cherokee Marsh?
 - h. If you were a relative newcomer to Madison, what reaction would you have to local customs, history, and traditions relating to the marsh and lake?

2. If you had been the president or a director of Cherokee Park, Inc.:
 - a. Where in city government would you have put pressure to get what you wanted?
 - b. How would you have defined "the public interest"?
 - c. Would you have complied with Madison's Plan for Parks and Open Space?
 - d. Would you have dredged without permission from the Public Service Commission?
 - e. Would you have given as much as CPI did in the "compromise"?
 - f. How would you have "handled" the State Conservation Commission?

If you had been an ardent conservationist:

- a. Would you have acted any differently than you did as a citizen-taxpayer of Madison? (See questions under number 1 above.)
- b. As a member of the Dane County Conservation League what might you have done?
- c. Would you have subscribed to the idea of forming a "people's lobby" as suggested by Senator Nelson? Why didn't this idea take hold?
- d. What happened to the viewpoint of ardent conservationist Paul Olson when he was appointed to the State Conservation Commission?

If you had been on the State Conservation Commission in 1960 to 1962, or in 1966:

- a. Might you have given more weight to purchasing conservation areas of cheap land up north rather than purchasing more of Cherokee Marsh in this urban setting? Why or why not? Might your answer differ if you were on the Commission in 1960 and 1966? Why?
- b. Would you have felt that Cherokee Marsh was important enough in the total statewide picture to give it more consideration?
- c. Would you have followed the advice of State Conservation Department fish and wildlife specialists who were "your" employees? Why or why not?
- d. Do you think that the health of Lake Mendota was of real concern to the Commissioners?

If you had been a state senator or assemblyman:

- a. Would you have considered the marsh and Lake Mendota of statewide concern?
- b. If there had been a mechanism for state-city liaison and cooperation for the capital city, might this have affected the outcome?
- c. What might the senator and assemblyman from this district have done in this situation?

If you had been a newspaper editor:

- a. How would you have decided what the "public interest" was in this case?
- b. Having decided to "fight for the life of Lake Mendota," how could the press have done more than it did to arouse and maintain public interest?
- c. How can the press sustain public interest in an issue that runs on for ten years or more?

If you had been the mayor of Madison:

- a. What side would you have taken? Why?
- b. Whose advice would you have solicited? Why?
- c. Can the mayor really do much about the city Plan Commission's recommendations? about the Public Works Department's recommendations? about the Park Board's recommendations?
- d. Would you have listened to the lobbying groups? Why or why not?
- e. How would you have determined "the public interest"?
- f. What would have been your relationship to the city council?

If you had been the Director of the city Planning Department:

- a. How would you have defined "the public interest"? Why might your definition differ from the citizen's definition? from the developers' definition? -
- b. What role would you have played throughout the story? Why?
- c. What would your position have been if the members of the City Plan Commission had not gone along with your point of view?

Resume your role as a citizen-taxpayer, this time as a resident of the state:

- a. What was the relationship of the state to the local units in this story?
- b. Because this type of urban development is occurring statewide, what suggestions can you make that would alleviate or prevent the occurrence of this kind of controversy?
- c. Can you construct a similar illustrative history for a resource problem that exists in your community or area of the state?
- d. What do you think should be the role of the state in this instance? What should the role of the national government be?