

MINDSETS, MOTIVATIONS, MICKEY MOUSE, AND THE
MOUNTAINS: THE SOCIAL, POLITICAL, AND
INTELLECTUAL FOUNDATIONS
OF THE MINERAL KING
CONTROVERSY,
1965–1978

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By
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CERTIFICATION OF APPROVAL

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DEDICATION

To: Stella and Mom

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ABSTRACT

In February 1965, the United States Forest Service sent out a prospectus calling for bids from private developers for a year-round resort in Mineral King Valley, part of the Sequoia National Forest in Central California. The Forest Service ultimately selected media mogul Walter E. Disney, through his company WED Enterprises, Inc. as the winner, whose \$35 million dollar grandiose plan included, among other things, horse stables, several restaurants and hotels, and an ice skating rink. The main opponent of the development was the Sierra Club, a group dedicated to preserving the environmental integrity of American landscapes. From 1965–1978 a battle over Mineral King Valley ensued in the media, the government, and the courts, which resulted in Mineral King Valley legally becoming part of the Sequoia National Park in 1978, saving it from future development. This thesis studies the three groups involved—the United States Forest Service, Walt Disney, and the Sierra Club—and traces their histories and ideologies to conclude that the Mineral King story is essentially a conflict over the management of public lands. The Mineral King battle, therefore, fits into the larger narrative of the history of United States public policy and showcases how Americans have fought, and continue to fight, the federal government for control over their environment, and ultimately, their daily lives.

INTRODUCTION

“The ways of nature—who can map them, or fathom them, or interpret them, or do more than read a hint correctly here and there?”¹ John Burroughs, *The Ways of Nature* (1905).

“Do behold the King in all his glory, King Sequoia! Behold! Behold! Seems all I can say.”² John Muir, 1872.

The Mineral King controversy was a complicated public land battle that preservationists waged against private developers and the federal government from 1965 to 1978 in order to prevent the construction of an all-year-round resort in Mineral King Valley—a part of the Sequoia National Forest in California. There are many significant aspects about the conflict, aside from the fame and wealth of the proposed resort developer—Walter E. Disney. The Mineral King battle was also one of the first instances in which American citizens sued the federal government on behalf of public lands and one of the earliest of such court cases to make it all the way to the Supreme Court. The Sierra Club, the prosecutor in the lawsuit, created the Sierra Club Legal Defense Fund in 1971 specifically for the Mineral King case, which is now one of the leading legal organizations fighting for public lands and environmental rights. Despite these milestones, the Sierra Club lost their court case against the proposed Disney development based on standing, or the right to sue, in 1972—six years before the actual preservation of the area.

¹ John Burroughs, *Ways of Nature* (Boston: Houghton, Mifflin, and Co., 1905), 23.

² Terry Gifford, ed. *John Muir: His Life and Letters and Other Writings* (Boston: Houghton Mifflin Company, 1996), 139-140.

The Sierra Club's lawsuit stalled construction on the planned Mineral King resort, but the factors that led directly to the protection of the area were the waning interest of the both the Disney Company and the American public, the impact of environmental laws, such as the National Environmental Policy Act of 1969 (NEPA), and an insurgence of Democratic politicians in the mid-1970s. The events at Mineral King are typically written with a stress on the success of the environmentalists and the environmental movement as a whole. This thesis aims at assessing primary documents from all sides of the debate to portray the Mineral King controversy accurately. It places the three major players—the United States Forest Service, Walt Disney, and the Sierra Club—in an historical context to understand their actions better during the Mineral King conflict. What surfaces is not entirely an environmental history of a land battle, but mostly the social and political history of United States public land policy throughout the twentieth century.

The Mineral King Valley lies in the southern region of the California Sierra Nevada mountain range, about thirty miles from, and 8,000 feet above the nearest town Three Rivers. Geographically the area is classified as a sub-glacial valley, which is situated in the middle of a mountain forest teeming with white firs and giant sequoias, majestic peaks along its sides—the highest rising to about 12,000 feet. California became a state in 1850, shortly after James Marshall discovered gold at Sutter's Mill, thirty-five miles from the present state capitol, Sacramento. Some of the more adventurous miners who came to California ventured far away from the Gold Rush epicenter in search of mineral wealth and less populated areas. Hale D. Tharp

was one of those early settlers. Hale Tharp was the first known white man to explore Central California and eventually founded the small town of Visalia in 1872, seventy miles west of Mineral King Valley. In 1863 Harry Poole, an early resident of Visalia, first discovered the Mineral King Valley high in the Sierras, and for many years kept the location a secret as he searched for gold in the surrounding mountains.

It was not until 1872 that Poole made his first real mineral strike, not of gold but of silver. Soon the word about the possibility of wealth at Mineral King spread quickly to all its surrounding residents. In 1873, one year later, the miners organized the Mineral King Mining District and by 1874 Mineral King was in all respects a typical, small California “boom town,” with about 500 summer residents and 100 different mines.³ In 1878, its inhabitants constructed a dirt road to support mining traffic from Three Rivers up to Mineral King Valley; due to this increased access, and Visalia’s population growth to 3,000. In 1897 Mineral King enjoyed its busiest season up to that point.⁴

The Mineral King Valley residents, however, had to face many tough obstacles that prevented the area from ever really becoming a profitable location for mining. Mineral King, despite a road being built to the area, was still a very treacherous place to get to and carrying equipment and other supplies into the valley

³ Louise Jackson, *Mineral King: The Story of Beulah* (Three Rivers: Sequoia Natural History Association, 2006), 19.

⁴ Jackson, *Mineral King*, 39.

was very cumbersome.⁵ In addition, heavy snow kept the miners out of the area for nearly half the year. Avalanches were exceptionally destructive, and, in the winter of 1879, they destroyed many of the mines, cabins, and other structures, such as hotels and saloons, that the miners had built. Also, in 1890, in the midst of the progressive conservation movement in the United States, a large tract of wilderness near Mineral King was set aside by the federal government as part of a national park. This brought many outsiders to the area, including a military guard. However, the underlying reason why Mineral King never became a successful “boom town” was that, despite its name, it did not produce any substantial mineral strikes.⁶ Eventually its inhabitants decided to utilize the Mineral King Valley, and its cabins, solely as a local summer retreat.

From the early twentieth century until the late 1940s, nothing of note happened in Mineral King Valley. The area became part of the National Forest System in 1900 and after that the National Forest Service, for the most part, left the mountainous valley alone. In 1926, Sequoia National Park was enlarged; yet, due to Mineral King’s mining remnants, the valley was left out of the park boundaries, and

⁵ Muriel Irwin, “From Plains to Peaks: A Journey to the Head of the Kaweah River,” *Los Angeles Times*, May 7, 1899, 8. Mineral King District Association. www.mineralking.us/multimedia.htm. (Accessed April 1, 2013).

⁶ Joe Doctor, “Why Silver Was Never Smelted at Mineral King,” *Exeter Sun*, January 8, 1986. The article was part of the newspaper’s “Heritage” series where they celebrated local history—the article reproduced a letter from 1905 by a pioneer of Three Rivers, Enos Barton. Mineral King District Association. www.mineralking.us/multimedia.htm. (Accessed April 1, 2013).

was instead classified as a national game refuge.⁷ After World War II, however, a population boom and increased wealth created a strong demand for recreational facilities on public lands, particularly in national forests. The United States Forest Service, therefore, offered Mineral King Valley to private developers who were willing to create an all year-round recreation facility there to meet the public's demand. In 1965 Walt Disney Productions, and its iconic entertainment mogul, Walt Disney (1901-1966), won the Forest Service's approval to construct a \$35 million recreational all-year-round resort in the Mineral King Valley. It was shortly after the news of the planned Disney resort that heavy opposition to the project surfaced, a public land battle, known later as the Mineral King controversy, ensued, lasting more than thirteen years.

There are very few complete historical narratives of the Mineral King controversy. However, there are numerous published snippets of the story, voiced mainly by the groups involved. The primary scholarly work on this subject is John L. Harper's *Mineral King: Public Concern with Governmental Policy*, written in 1982. In addition to the fact that Harper wrote his book very soon after the event, he also headed the Kern-Kaweah Chapter of the Sierra Club and the Mineral King Task Force during the Mineral King controversy, both of which directly fought against the Disney development. Therefore, Harper was not an impartial observer.⁸ The second

⁷ *Roosevelt National Park Bill Hearing before the United States Congress House Committee on the Public Lands*, House of Representatives 66th Congress (Washington D.C.: GPO, 1920), 27.

⁸ Harper, *Mineral King*.

most comprehensive book about Mineral King and the Mineral King controversy is Louise A. Jackson's *Mineral King: The Story of Beulah*. Jackson is not a scholar, and although she used many primary sources from the Mineral King archives at the Tulare County Library, she failed to cite her sources directly in her work. Jackson, similarly to Harper, has a vested interest in her subject. Jackson worked closely with, and is currently a director of, the Mineral King District Association, which is the group of Mineral King residents who were main opponents of the Disney development.⁹

The following chapters of this thesis correctly place the Mineral King controversy in a historical context and, as much as possible, from a balanced perspective. Looking at the different narratives of the three major players involved in the Mineral King battle—the United States Forest Service, Walt Disney and Walt Disney Productions, and the Sierra Club—reveals a clearer picture of what the controversy was really about. In addition, studying the complexities of the Mineral King controversy, suggests that no one group or individual can be defined as the clear winner, or even as the main driving force of the event—contrary to each party's narrative. When looking at the Mineral King conflict from the different histories, ideologies, and public policies of its players, a political and federal land management component surfaces that is typically under-emphasized in most accounts of the conflict in lieu of the more popular environmental aspects of the land battle.

⁹ Jackson, *Mineral King*.

For example, most of the Sierra Club depictions of the Mineral King controversy praise its own organization as the main reason why Mineral King is preserved today. The accounts also stress the fact that Sierra Club was one of the first implementers, if not *the* first, of environmental law and a successful use of the courts to sue on behalf of the environment by citizens. Tom Turner and Clifton Carr's *Wild by Law: The Sierra Club Legal Defense Fund and the Places it has Saved* contained a whole chapter on the Mineral King battle, stating that the Sierra Club's decision to fight for Mineral King in the courts was "one of the most important Sierra Club decisions ever rendered on environmental matters."¹⁰ Another work by Turner, "Who Speaks for the Future?" written for a Sierra Club magazine, *Sierra*, likewise equated the Mineral King battle with the beginning of environmental law and citizens' right to sue on behalf of nature.¹¹ It is true that the Sierra Club founded the Sierra Club Legal Defense Fund (SCLDF) specifically for the Mineral King lawsuit, and that the SCLDF is a major force in environmental law today. However, most historians do not cite Mineral King as the start of environmental law.¹² Also, in *Wild by Law* the authors state that "lawyers and lawsuits did not save the places by themselves," but

¹⁰ Clifton Carr and Tom Turner, *Wild by Law: The Sierra Club Legal Defense Fund and the Places it has Saved* (San Francisco: Sierra Club Legal Defense Fund in association with Sierra Club Books, 1990), 3.

¹¹ Tom Turner, "Who Speaks for the Future?" *Sierra* 75:4 (July–August 1990).

¹² Karl Boyd Brooks, *Before Earth Day: The Origins of Environmental Law, 1945-1970* (Topeka: University Press of Kansas, 2009) and Richard Lazarus, *The Making of Environmental Law* (Chicago: The University of Chicago Press, 2004).

“had they not played their part in the battles, the places surely would have been lost,” which is speculation on the authors’ part, and certainly not accurate in the case of Mineral King.¹³

This narrative, however, is part of how the SCLDF—now called Earthjustice—depicts its origins. The Sierra Club organization places more importance on *Sierra Club v. Morton* (1972), and its role in the Mineral King controversy, than it actually may deserve. It is accurate that the Sierra Club lawsuit stalled the Mineral King development, but only from 1969 to 1972. It is also accurate that Supreme Court Justice William O. Douglas’ dissent touched upon the inherent rights of nature; however, most Americans did not necessarily accept this notion. The Sierra Club eventually lost its case based on direct standing, for the group decided not to show how the Mineral King resort would directly affect its club members, aesthetically or by preventing them from recreational activities. The Supreme Court stated that the Sierra Club misinterpreted previous court cases.¹⁴ Both the narratives of Earthjustice and the Sierra Club hail *Sierra Club v. Morton* (1972) as a defeat disguised as a victory, since the court basically instructed the Sierra Club to re-structure its case to include direct injury. Moreover, the Sierra Club did just that two months later. Yet, the Sierra Club failed to pursue the second lawsuit actively and the case was thrown out in 1977. One can only surmise that if the club had included direct injury in the beginning, there might have been a truly remarkable landmark

¹³ Carr, xvii.

¹⁴ *Sierra Club v. Morton*, 405 U.S. 727 (1972).

decision in 1972. This decision could have opened the door to citizens suing on behalf of management of the public lands, and not have merely provided a template to follow, as the Mineral King case did.

Walt Disney and Walt Disney Productions were not as outspoken during the Mineral King controversy as most groups and individuals involved were; however, some Walt Disney biographies do lament the loss of Mineral King resort, and typically connect the project's failure with Walt Disney. In truth, however, most Disney biographies hardly mention Mineral King at all.¹⁵ In one of the few scholarly works on Walt Disney, *The Animated Man: A Life of Walt Disney*, Michael Barrier stated that "recreation complexities" eluded Disney and that "beneath the glitter" of the Mineral King plan, the fact remained that it was "a highly dubious use of a fragile valley."¹⁶ Barrier also admitted that Walt Disney's "plans for Mineral King were always vulnerable," and especially "because they required the support of both the state and federal governments."¹⁷ Barrier's argument, however, still placed a lot of importance on Walt Disney for Mineral King's defeat.

Other Walt Disney biographers parallel Barrier's narrative and attribute the outcome of Mineral King, and the company's ultimate loss of the project, to Walt

¹⁵ Bob Thomas, *Walt Disney: An American Original* (New York: Simon & Schuster, 1976), Steven Watts: *The Magic Kingdom: Walt Disney and the American Way of Life* (Boston: Houghton Mifflin Co., 1997), and Leonard Mosley, *Disney's World* (Lanham: Scarborough House, 1992).

¹⁶ Michael Barrier, *The Animated Man: A Life of Walt Disney* (Berkeley: University of California Press, 2007), 312.

¹⁷ Barrier, *The Animated Man*, 313.

Disney. In his lengthy book, *Walt Disney: The Triumph of American Imagination*, Neal Gabler mentioned Mineral King and Disney's involvement in the planned project only briefly. Gabler wrote that after Disney's death in 1966, "Mineral King would expire too, in part because environmentalists' objections but mainly because Walt wasn't there to guide it."¹⁸ Even Richard Schickel, in his controversial work on Disney, *The Disney Version: The Life, Times, Art, and Commerce of Walt Disney*, wrote that "the resources and persuasive powers of the Disney organization should never be underestimated," and that Disney utilized his close personal political connections to get what he wanted.¹⁹ Therefore, Schickel implied that when Walt Disney died, those important connections were lost too. Schickel also stated that in Disney's desperate quest for permanence, Disney's last projects, including Mineral King, resulted in "a flawed vision."²⁰ Therefore, Schickel also gave substantial weight to Disney himself being the main factor in the failure of his planned Mineral King resort. Then there are the histories of the Forest Service.

Interestingly, most historical narratives about the Forest Service do not mention the Mineral King controversy or even Mineral King, but do allude to the turmoil and myriad of other controversies that the agency faced during the 1960s and

¹⁸ Neal Gabler, *Walt Disney: The Triumph of the American Imagination* (New York: Alfred A. Knopf, 2007), 631.

¹⁹ Richard Schickel, *The Disney Version: The Life, Times, Art, and Commerce of Walt Disney* (New York: Simon & Schuster, 1968), 17.

²⁰ Schickel, *The Disney Version*, 361.

1970s.²¹ However, a fair number of historical works on the National Park Service contain sections devoted to the Mineral King land battle. One in particular, *The Challenge of the Big Trees: A Resource History of Sequoia and Kings Canyon National Parks*, written by Lary M. Dilsaver and William Tweed, contains a lot on the history of Mineral King, including the controversy. Dilsaver and Tweed wrote that Mineral King was “the best example of the controversies that rocked national forest lands surrounding Sequoia and Kings Canyon national parks” and that this was the first time in a generation that the Forest Service had any real challenge to its multiple-use mandate.²² However, in *Challenge of the Big Trees* the authors were sympathetic to both the Forest Service and Park Service. Dilsaver and Tweed wrote that the Mineral King controversy “left deep scars” on both land agencies due to the heavy involvement of the public about how the public lands are managed. The

²¹ Samuel P. Hays, *The American People and the National Forests: The First Century of the U.S Forest Service* (Pittsburgh: University of Pittsburgh Press, 2009), James G. Lewis, *The Forest Service and the Greatest Good: A Centennial History* (Durham: Forest History Society, 2005), Paul Hirt, *A Conspiracy of Optimism: Management of the National Forests Since WWII* (Lincoln: University of Nebraska Press, 1994). Jack Sheppard’s *The Forest Killers: The Destruction of the American Wilderness* (New York: Weybright and Talley, 1975) speaks briefly about the Mineral King controversy as part of the author’s overall argument that the Forest Service mismanages the nation’s forestlands.

²² Lary M. Dilsaver and William Tweed, *Challenge of the Big Trees: A Resource History of Sequoia and Kings Canyon National Parks* (Three Rivers: Sequoia Natural History Association, 1990), 280 and 283.

authors also argue that the Forest Service “had done nothing more in Mineral King than attempt to execute its long-standing multiple-use policies.”²³

Joseph Sax’s *Mountains without Handrails: Reflections on the National Parks* (1980) also contains a few pages about the Mineral King controversy. In the work, Sax asked the critical questions regarding environmental stewardship and why the public should follow preservationists’ lead regarding land battles. Yet, Sax narrowed down the controversy to the issue of economics and the conflict between the “entrepreneurial” spirit of commercial enterprise with preservationists’ belief in minimal use of public land.²⁴ Although one could argue that economics was an influential factor in the Mineral King controversy, Sax failed to take into account the social, political, and cultural climate that was at the backdrop of the Mineral King controversy. In *A Crow’s Range: An Environmental History of the Sierra Nevada* (2004) David Beesley did an excellent job in filling in Sax’s gap by noting that “environmental activism helped re-shape postwar American policies and culture” and that the bottom-line in the Mineral King controversy is that the Sierra Nevadan environment is “unsuited for heavy development.”²⁵ However, both Sax and Beesely touched upon only one or two of the many factors involved in the Mineral King battle, failing to depict an accurate picture of the entire historical event.

²³ Dilsaver, *Challenge*, 301.

²⁴ Joseph Sax, *Mountains without Handrails Reflections on the National Parks* (Ann Arbor: University of Michigan Press, 1980), 70-72.

²⁵ David Beesley, *A Crow’s Range: An Environmental History of the Sierra Nevada* (Reno: University of Nevada Press, 2004), 193 and 306.

Due to the lack of many secondary sources about the Mineral King controversy, primary sources written during the 1960s and 1970s help to round out the historiography of the Mineral King conflict. Jack Hope's article for *American Museum* in 1968, "The King Besieged," depicted the Mineral King conflict as a debate about what was the most democratic and ideal use of public lands. Hope wrote that "each group has its own notion of what should, or should not be done with land, and as you might guess, these notions conflict at least as often as they collide."²⁶ In Peter Browning's 1972 article for *Harper's Magazine*, "Mickey Mouse in the Mountains," he noted that "underlying the Mineral King controversy, and others like it, are the loud, angry, emotional differences over which should come first, environment or the economy."²⁷ Browning also added that among the groups involved in land battles, that "there is neither common cause, nor common ground, or—if we hear correctly—even common understanding."²⁸ Arnold Hano's article for *The New York Times Magazine*, "The Battle of Mineral King," also got to the root of the Mineral King issue, arguing that "the problem at Mineral King is that recreationists and preservationists look at the same thing with different eyes."²⁹

The importance of the Mineral King controversy is that it sheds light on current land battles, social activism, and the use of law to improve management on

²⁶ Jack Hope, "The King Besieged," *American Museum* (November 1968). Mineral King District Association. www.mineralking.us/htm. (Accessed March 2013).

²⁷ Peter Browning, "Mickey Mouse in the Mountains," *Harper's Magazine* (March 1972): 65-71.

²⁸ Browning, "Mickey," 65.

²⁹ Arnold Hano, "The Battle of Mineral King," *The New York Times Magazine* (August 17, 1969):54.

public lands today. There may not be one correct solution to the public land debate—especially if the parties involved view the same plot of land in drastically different ways. However, this thesis argues that politicians, and the courts, have a lot of power in federal land policy and, in turn, can affect the outcomes of land battles such as Mineral King.³⁰ Therefore, perhaps a solution may lie in the creation of a land management law, or even a Supreme Court case, that clearly would outline what the best use of public land is—which, hopefully, would ensure that these areas exist for future generations. Mineral King and its history has illuminated three important players—activists, a corporate power broker, and the government—whose quest for control culminated in the 1960s in the judicial and public arena and ultimately set a blueprint on a national scale regarding the use of public lands.

³⁰ Many books on public land policy support this notion; see Paul J. Culhane, *Public Lands Politics: Interest Group Influence of the Forest Service and the Bureau of Land Management* (Baltimore: John Hopkins University Press, 1981), Holly Lippke Fretwell, *Who is Minding the Federal Estate? Political Management of America's Public Lands* (Lanham: Lexington Books, 2009), and Jeanne Nienaber Clarke and Daniel C. McCool, *Staking out the Terrain: Power and Performance among Natural Resource Agencies* (New York: State University of New York Press, 1996). None of them, however, connect Mineral King to the public land debate narrative or cite the case specifically. Craig Allin's *The Politics of Wilderness Preservation* (Westport, Connecticut: Greenwood Press, 1982) comes close—observing that politicians and presidents clearly affect wilderness policy; yet, he does not specifically cite Mineral King (270).

THE UNITED STATES FOREST SERVICE

“I must tell you, that there is something in the proximity of the woods which is very singular. It is with men as it is with the plants and animals that grow and live in the forests; they are entirely different from those that live in the plains.”¹ J. Hector St. John Crevecoeur, *Letters From an American Farmer* (1782).

“There are many portions of the American Story of Forestry and Conservation which never could be rightly understood unless the men who had a part in them supply the background of facts actually experienced.”² Gifford Pinchot, *Breaking New Ground* (1947).

In February 1965, the United States Forest Service (USFS) sent out a prospectus calling for private investors to develop “an extensive winter and summer recreation site” at Mineral King Valley on a portion of the agency’s land in the Sequoia National Forest of California.³ The Forest Service received six bids and selected the plan by Walt Disney Enterprises, Inc.: a proposal for a \$35 million dollar “American Alpine Wonderland.”⁴ In the fall of 1965, both parties eagerly went to work on the initial steps towards the project, such as conducting surveys and signing permits, in order to get construction started as soon as possible. Although Mineral

¹ J. Hector St. John Crevecoeur, *Letters from an American Farmer* (New York: Dolphin Books, 1782), 57.

² Gifford Pinchot, *Breaking New Ground* (New York: Harcourt, Brace, and Company, Inc, 1947), xvi.

³ United States Forest Service, Department of Agriculture, *Prospectus For a Proposed Recreation Development at Mineral King in Sequoia National Forest* (Washington D.C., GPO, 1965), 1.

⁴ Walt Disney Enterprises, Inc., “Disney’s Plan for MK,” 1965. John L. Harper Mineral King Collection, California State University at Fresno, Henry Madden Library Special Collection. (Accessed October 2012).

King Valley was technically a game refuge, the Forest Service believed in the private development of national forestland and vigorously promoted multiple-uses for its public lands. Therefore, the Forest Service postulated that a ski resort and a game refuge were not incompatible, and were in fact ideal uses of the Mineral King Valley. Environmental organizations, such as the Sierra Club, vehemently disagreed. These deep-set ideologies of the USFS stemmed from the values of the agency's first Chief Forester, Gifford Pinchot, who was not only the founding member of the profession of American forestry, but was also a leader of the entire conservation movement in the late nineteenth century and well into the first decades of the twentieth century. In order to understand the Forest Service's position during the Mineral King controversy, and why the agency offered Mineral King to developers in 1965, it is important to look at the history of the Forest Service and its land use ideologies, as well as the agency's involvement in wilderness preservation and development of forest recreation in the first half of the twentieth century.

In *Breaking New Ground* (1947), Gifford Pinchot wrote about his role in the creation of the United States Forest Service in 1905, as well as his efforts to maintain and develop natural resources for the benefit of all Americans. Pinchot chose forestry as a profession at the behest of his father James Pinchot, who, due to his work with the timber industry, had witnessed first-hand the rapid depletion of American forests. James Pinchot believed that there was an important need to prevent these environments from disappearing permanently. The Pinchots were wealthy New York "urbanites," and young Pinchot's first introduction into wilderness was when he was

just thirteen after vacationing in the “civilized wilderness” of the Adirondacks Mountains of New York, where he soon developed an affinity for the woods.⁵

Because professional forestry was relatively unheard of in America, Gifford Pinchot had to attend a forestry school in Nancy, France, in order to learn silviculture, or tree farming. Pinchot stated that “the purpose of Forestry, then, is to make the forest produce the largest possible amount of whatever crop or service will be most useful, and keep on producing it for generation after generation of men and trees.”⁶

Upon returning home, Pinchot set out to build forestry in America, first as a consultant to private individuals and then later as the chief of the Division of Forestry for the United States government. In 1876, the Commissioner of Agriculture established the first forest agency that grew into the Division of Forestry in 1881—receiving legal recognition in 1886.⁷ However, it was in 1891, under President Benjamin Harrison, that “the most important legislation in the history of Forestry in America slipped through Congress without question and without debate,” a law that authorized the creation of tracts of land to be set aside as National Forest Reserves.⁸ Paralleling other conservation efforts at the end of the nineteenth century, such as the

⁵ Char Miller, *Gifford Pinchot and The Making of Modern Environmentalism* (Washington D.C.: Island Press, 2001), 16-17.

⁶ Pinchot, *Breaking*, 32.

⁷ United States Department of Agriculture, Forest Service, *The Principle Laws relating to the Establishment and Administration of the National Forests and other Forest Service Activities* (Washington D.C.: GPO: 1932).

⁸ Pinchot, *Breaking*, 85.

protection of wildlife, the move to set aside American forestland for preservation was the result of a change in American sentiments about nature, as well as the direct action by key conservationist organizations and individuals.

Pinchot was one of these pivotal leaders, and in 1898, he was given the duty of managing the Division of Forestry in the Department of Agriculture. However, much to Pinchot's dismay, the nation's forest reserves were under the jurisdiction of the Department of the Interior. Pinchot reflected that "it was a fantastic situation. Obviously to bring Uncle Sam's forests and foresters together was nothing more than common sense."⁹ Pinchot was working in a new government division, a new profession, and with recently created forest reserves; thus, it was soon obvious that some things needed to be amended and transformed in order to manage the nation's forests successfully. Pinchot was determined to be the man to organize the public forest lands in order to utilize them to their full potential and ultimately, for the public good. Yet, Pinchot was not able to promote forestry and the conservation of American forestlands without the efforts of the newly appointed president, Theodore Roosevelt.

On September 14, 1901, an assassin killed President William McKinley while he attended the World Exposition in Buffalo, New York, leaving McKinley's vice president, Theodore Roosevelt, as the new leader of the United States. An outdoorsman at heart, Roosevelt was one of the individuals who was a very early proponent of conservation efforts, especially toward wildlife, and even helped form a

⁹ Pinchot, *Breaking*, 140.

naturalist organization, the Boone and Crockett Club in 1887. Roosevelt's State of the Union Address on December 3, 1901, demonstrated his conservation ideals, as well as his intention to make the nation's forest reserves a top priority of his administration. Roosevelt stated that "the preservation of our forests is an imperative business necessity," and that "whatever destroys the forests, except for agriculture, threatens our well being."¹⁰ Pinchot certainly had a new partner in President Roosevelt, not only in conservationist ideals, but also in a strong advocacy of protecting, and utilizing the national forests wisely.

Pinchot and Roosevelt, due to their similar beliefs and interests, developed a close relationship in both their political and personal lives. Therefore, when Pinchot pushed the president for a re-assessment of government agencies to demonstrate the disorganization of governmental forestry, the president agreed. As a result, the 1905 Transfer Act moved the Forest Reserves from the Department of Interior to the jurisdiction of the Department of Agriculture and created the United States Forest Service to manage them. Soon after, Gifford Pinchot was named the agency's first chief. At the time of the transfer, around 86,000,000 acres were in the forest reserves, enlarged mainly through efforts by Pinchot, legislation by Roosevelt, and by American support for the preservation of natural resources. Along with the large

¹⁰ Theodore Roosevelt, *State of the Union Address*. December 3, 1901.

www.infoplease.com/t/hist/stateoftheunion/113.htm.. (Accessed on January 3, 2013).

tracts of forest land spanning across the nation, Pinchot also took control of around 570 employees, and, literally overnight, his small division became a vast government agency.¹¹

In a letter to Gifford Pinchot informing him of the transfer, the Secretary of the Department of Agriculture, James Wilson, advised Pinchot about how the Forest Service should be operated and much of what Wilson wrote would later become the basis of the agency's first operation manual. Wilson stated that "in the administration of the Forest Reserves it must be clearly borne in mind that all land is to be devoted to its most productive use for the permanent good of the whole people, and not for the temporary benefit of individuals or companies."¹² In tandem with the popularity of conservation ideals, the Progressive Movement was also at its height in the early 1900s. Progressives felt that modernity and industrialization were causing great ills in society, leading to, among other things, the rise of unregulated big business. Wilson also echoed this progressive sentiment when he talked about forest conservation being for 'the little man' of America and not for a select few, such as the timber companies. Pinchot's views aligned with Wilson's statements. Pinchot believed that

¹¹ Pinchot, *Breaking*, 266. The Division of Forestry was upgraded to Bureau status in 1901, but was still a relatively small agency, having only 11 employees prior to transfer.

¹² James Wilson, *Letter to Gifford Pinchot, Forester*, Department of Agriculture, Office of the Secretary (Washington: February 1, 1905), 4.

http://www.foresthistory.org/ASPNET/Policy/Agency_Organization/Wilson_Letter.aspx. (Accessed February 2013).

special interests needed regulating by the government in order to prevent a depletion of resources, and that wealth garnered from any natural resources should go to the “common good of all of us” and not the “private gain of some of us.”¹³ Therefore, Pinchot took Wilson’s directives to heart, and the same themes and values of Wilson’s letter resonate on every page of the Forest Service’s first guidebook. This manual would form the ideological foundation of the agency’s land management policies and ultimately influence the Forest Service’s viewpoints in the Mineral King controversy.

The 1905 *Use Book* of the Forest Service instructed rangers and service men not only on how to carry out their jobs, but also how to conduct themselves according to the Forest Service’s mission. Including sections on a wide range of topics, such as the history of forestry, the rights of the states and private individuals, forest interests such as timber, mining, grazing, as well as topics on game and fire protection, Pinchot ensured the *Use Book* was as extensive and detailed as possible for the newly formed Forest Service and its employees. Under the section entitled the ‘Relation of the Forest Officers to the Public,’ the ideologies and values of the agency come through. This section stated that “the administration of forest reserves is not for the benefit of the government, but of the people” and that the service has “three chief duties: to protect the reserves against fire, to assist people in their use, and to see that they are

¹³ Gifford Pinchot, *The Fight For Conservation* (New York: Double Day, Page, 1910), 29, www.ebooks.library.ualberta.co/local/fightforconserva00pincuft. (Accessed January 2013).

properly used.”¹⁴ The word ‘use’ is reiterated throughout this manual, as well as the notion that the national forests are meant to provide many diverse resources for the American people. Although the forest reserves were set aside by the government, Pinchot, as a professionally trained forester, believed that forests needed to be managed (meaning cut and harvested) in order to keep them healthy for future generations.

Theodore Roosevelt declined to run for president in 1908, much to the disappointment of his political allies, particularly Pinchot, and the president named William Howard Taft as his replacement on the Republican ticket. In the four years that Pinchot ran the Forest Service under Roosevelt, the agency prevailed over special interest groups and those in Congress who favored small government. However, as soon as Roosevelt left office, and Taft was elected president in 1908, the Forest Service lost its importance in the cabinet and Taft fired Pinchot as Chief Forester in January 1910 in a controversy known as the Pinchot-Ballinger Debate.¹⁵ Pinchot wrote, “by far the most potent factor in checking the advance of private Forestry in the United States was the end of Theodore Roosevelt’s term as president.”¹⁶ However, Pinchot had cemented the ideals and values of the Forest Service,

¹⁴ United States Department of Agriculture, Forest Service, *1905 Use Book* (Washington D.C.: GPO, 1905), 12.

¹⁵ For explanation of Pinchot’s dismissal and Pinchot-Ballinger Debate, see James G. Lewis’ *The Forest Service and the Greatest Good: A Centennial History* (North Carolina: Forest History Society, 2005), 64-68.

¹⁶ Pinchot, *Breaking*, 295.

especially the focus on multiple use and conservation, and Pinchot's leadership and drive to promote this particular philosophy of natural resource use would remain with the Forest Service well past his departure.

Henry S. Graves, Pinchot's successor as Chief Forester, was an individual to whom Pinchot personally introduced the profession of forestry and with whom Pinchot worked closely with for many years. Therefore, there was no abrupt ideological shift in the agency after Pinchot left in 1910, because Graves held the same values of forest management as Pinchot. In fact, Congress strengthened conservation ideals when it passed the Weeks Act in 1911, which allowed the Secretary of Agriculture the authority to add forestlands to the Nation's reserves.¹⁷ However, what did shake the agency from its normal routine was America's involvement in the World War I in 1917, which resulted in a need for American lumbermen in the army to help Europe run its lumber mills. These men were known as the 10th and 20th Engineers, who, from May 1917 to March 1918, went to work in the lumber mills of France in order to supply much-needed wood for the war effort in Europe.¹⁸

After the war, the Forest Service went back to the management of the forest reserves, continuing to adhere to the agency's policy of multiple-use and promotion of conservation. A circular from 1927 warned Americans about "the problem of

¹⁷"The Weeks Act of 1911," 16 U.S.C. 521a (1911).

¹⁸ William Greeley, "The American Lumberjack in France," *American Forestry* 25 (June 1919): 1093-1094.

providing adequate protection and wise use of forests and forest land,” for it is “still one of the most pressing problems of the Nation.”¹⁹ As well as the traditional uses, such as grazing, timber, and watershed protection, the forests were also becoming popular recreation sites for the American public. The circular cited that since 1917, recreational use of California forests had increased eight hundred percent, and ninety percent of that number stemmed from many Americans’ use of a brand new technology—the automobile.²⁰ The circular demonstrated that the Forest Service welcomed recreation as another use of the nation’s forestlands, since the beauty and scenic value of the areas were nothing new to them. However, the agency did caution about the dangers of too much visitation to these sites, and vowed to manage and regulate this new public land use as wisely as they handled the handful of other uses of the national forests.

This was not the first instance in which the Forest Service included recreation in their multiple-use doctrine. In fact, as early as the 1910s, recreation gained status as an important Forest Service resource. However, during the 1910s and 1920s, recreation was not as important as commercial endeavors were, such as timber cutting or stock grazing, in forest management. For example, a 1918 Forest Service publication, “Recreational uses on the National Forests,” by Frank Waugh, argued that recreation was the original purpose of American forests and should be

¹⁹ Robert W. Ayres and Wallace Hutchinson, *The National Forests of California, Circular No. 97* (Washington D.C.: GPO, 1927).

²⁰ Ayres and Hutchinson, *National Forests*.

emphasized even more in Forest Service management of forest lands. Waugh, a landscape engineer, conducted a five-month study of the forests, and stressed “the moment that recreation (using this word in a very liberal meaning) is recognized as legitimate forest utility the way is opened for a more intelligent administration of the National Forests.”²¹ Waugh included in his argument that two and a half million visitors came to the National Forests in the summer of 1916 for recreational activities such as camping, hiking, fishing, hunting, and motoring, and therefore, that recreation should be on par in importance with the other uses of the national forests. Waugh stated that “where one (use) must be subordinated to another, preference should be given to that of highest value to the public,” making a strong case for the Forest Service to pay more attention to the very popular resource of recreation in the nation’s forests.²² Waugh made a plea to the Forest Service to focus more on recreation, yet Waugh’s publication was a Forest Service document. Therefore, it is evident that the Forest Service, on some level, agreed with Waugh’s statements and was taking steps toward including more recreation, beginning in the late 1910s, in its multiple use doctrine.

Two years earlier, in 1916, the National Park Service Organic Act established the National Park Service in the Department of the Interior, which Congress designed specifically to manage large areas of public recreation of certain landscapes with high

²¹ Frank A. Waugh, Department of Agriculture, Forest Service, *Recreational Uses on the National Forests* (Washington D.C.: GPO, 1918), 4.

²² Waugh, *Recreational Uses*, 23.

scenic value.²³ From the onset, the two agencies, the Forest Service and the National Park Service, competed for the limited space, and resources, on American land. Thus, their land management responsibilities, and overlapping geographic borders, forced the Forest Service and the Park Service to cooperate with each other. The Forest Service began to promote recreation at this time as one of its important duties in part due to its competition with the Park Service for this particular type of land use. It is apparent that the Forest Service did not want to lose portions of their land with recreational or scenic value to Park Service control. In fact, throughout the twentieth century, these two land management agencies, with very different ideologies of land use, would consistently disagree on many issues while fighting for the parks or forests of America. The Forest Service was always unsure whether the federal government would transfer all recreation resources, including huge sections of their forests, to the Park Service. These issues are significant for the Mineral King controversy because during the battle, the Forest Service defended its planned development at Mineral King, but also fought to keep the area from entering into the jurisdiction of the Park Service.

The first land conflict for Mineral King between the Park Service and the Forest Service began in 1920, when Congress introduced a bill to change the name of Sequoia National Park to Roosevelt National Park, and, more importantly, to enlarge

²³ “The National Park Service Organic Act of 1916,” 16 U.S.C. 1, 2, 3, & 4 (1916).

the area by 850,000 acres, which included Mineral King.²⁴ Proponents of the bill were the Sierra Club, representatives of Fresno County, and the Secretary of the Department of the Interior, whereas the Forest Service, whose land would be transferred to the Park Service, was one of the chief opponents of the bill. Chief Forester Henry S. Graves's main argument was that the borders of the proposed park, particularly the 160,000 acres of the Southeastern portion (including Mineral King) contained areas of forest land that were not apt for a national park. Graves reasoned that these areas were not of any real scenic value and that were more suited to other uses, such as grazing and timber production.

Interestingly, Graves was particularly adamant when it came to Mineral King.

Graves stated to the committee:

I have drawn the lines to exclude the mining camp of Mineral King. I do not think it should be in the park. The present bill provides that mineral lands can be acquired under general mining laws. The Park Service should be relieved from legislation which gives authority for the acquirement of land under the general land laws. One of the differences between the national forest and the park service is that the national forest is open to acquisition by private ownership under the mineral land law. My own feeling is that this class of authority should not apply to National Parks. If mineral development were allowed it should be under very rigid restrictions.²⁵

²⁴ *Roosevelt National Park Bill Hearing before the United States Congress House Committee on the Public Lands*, House of Representatives 66th Congress (Washington D.C.: GPO, 1920), 27.

²⁵ *Roosevelt*, 31-32.

Chief Forester Graves did not specifically name any other location in the national forests that he wished to save except Mineral King. By principle, he believed that due to the area harboring a mining camp, and under the General Mining Law of 1872, Mineral King should not be included in a national park.²⁶

The Congressional hearing on the bill to rename and enlarge Sequoia National Park continued for several days, as did the debate about whether or not Mineral King should be included in the proposed park. When the committee asked Chief Forester Graves about the nature of mineral development at Mineral King, Graves stated that he was unsure of its current state. The Secretary of the Interior, Stephen Mather, stepped in and said that the mining camp at Mineral King “has been slight indeed.”²⁷ Mather elaborated by mentioning that “this whole community of Mineral King—there are a few old fellows there, patriarchal characters who have been working there for forty years, and it is old-time mining ideas that are carried out there—should be allowed to continue.”²⁸ Therefore, it was quite apparent from the discussion that both Mather—who headed the department that oversaw the Park Service—and Graves did not wish to include Mineral King in Sequoia National Park due to the existence of private development there. After six more years of debate, President Calvin Coolidge

²⁶ Under the General Mining Law of 1872, “all valuable mineral deposits in lands belonging to the United States, both surveyed and unsurveyed, are hereby declared to be free and open to exploration and purchase.” For full text see, www.usminer.com/the-general-mining-act-of-1872/. (Accessed on March 7, 2013).

²⁷ *Roosevelt*, 32.

²⁸ *Roosevelt*, 32.

signed a compromise bill in 1926 that enlarged Sequoia National Park 140 percent, mostly on its eastern side, to a total of 604 square miles.²⁹ The enlargement drew the new park boundaries completely around Mineral King and excluded the region entirely from the park. As Lary M. Dilsaver and William C. Tweed described it, “Mineral King remained like a knife of potential development plunged into the Southern boundary” of Sequoia National Park.³⁰

In the 1926 enlargement of Sequoia National Park Congress re-labeled Mineral King as a national game refuge and let the Forest Service continue to manage the area.³¹ Aldo Leopold, a District Forester in the Forest Service from 1909 to 1924 was an early advocate of refuges and was also one of the first of any land management agency personnel to set aside wilderness and game refuges areas specifically for preservation. In Leopold’s work, *Game Management* (1933) Leopold elucidated the definition of a game refuge and noted how to manage and operate one. Leopold defined a game refuge as “an area closed to hunting in order that its excess population may flow out and restock surrounding areas,” and which is at “all times a sanctuary, and the two terms are synonymous.”³² Echoing Forest Service ideologies of resource management, Leopold also stated that forestry and agriculture are no

²⁹ Lary M. Dilsaver and William C. Tweed, *Challenge of the Big Trees: A Resource History of Sequoia and Kings Canyon National Parks* (Three Rivers: Sequoia Natural History Association, Inc, 1990), 118.

³⁰ Dilsaver, *Challenge*, 118.

³¹ An Act of July 3, 1926, 16 U.S.C. 688, 62 Stat. 821 (1926).

³² Aldo Leopold, *Game Management* (New York: Charles Scribner’s Sons, 1933), 195.

different from game management, which is essentially “making land produce sustained annual crops of wild game for recreational use.”³³

Therefore, Leopold perceived game management as any other use in the Forest Service’s repertoire. The policies of Leopold, as one of the initiators of game refuges on forest land, were the foundation of the Forest Service’s approach to running a national game refuge. Although Mineral King was technically a wildlife sanctuary, the Forest Service managed its resources, including game, in such a way that adhered to its belief in sustained yields and multiple-use. There was no legislative definition or comprehensive National Wildlife Refuge System until the passage of the National Wildlife Refuge Administration Act of 1966.³⁴ Thus, the Forest Service relied on previous policies to manage Mineral King as a game refuge. In the 1940 Land Report of the National Forest System twenty game refuges were listed, including the Sequoia National Game Refuge at Mineral King, and defined these areas only as places for the protection of game.³⁵ In the case of Mineral King, the Forest Service believed that a recreational development could co-exist with a game refuge if both were managed wisely and game was protected.

During the 1930s, America was in the middle of the Great Depression, and the Forest Service recognized that recreation was not as important a resource as more

³³ Leopold, *Game Management*, 3.

³⁴ “The National Wildlife Refuge Administration Act of 1966,” 16 U.S.C. 668dd (1966).

³⁵ The United States Department of Agriculture, the Forest Service, *Land Areas Report as of June 30, 1947, National Forest System*. www.fs.fed.us/land/stuff/larLAR-documents/LAR_1947.pdf. (Accessed on March 7, 2013).

economic ones, such as timber, mining, and grazing.³⁶ Part of President Franklin D. Roosevelt's administrative response to the economic crisis, known as the New Deal, was to create new jobs. One of Roosevelt's programs was the Civilian Conservation Corps (CCC), which employed thousands of young men in the national parks and forests of America. The construction of roads, campsites, and various other facilities for recreation on the public lands, including many at Mineral King, were some of the main functions of the CCC. The CCC was one of the most popular and successful of the New Deal programs, employing over a million and a half men in just three years. In a speech on the anniversary of the CCC, President Roosevelt praised those involved for their contributions to not only the national forests, wildlife protection, and flood control, but also to overall general conservation efforts and the well-being of the nation.³⁷ The importance of the CCC was that it led directly to modern environmentalism in the second half of the twentieth century, and helped the public learn more about conservation and lend their support to preservationists in controversial land battles, such as Mineral King.³⁸

The cooperative effort between the different resource groups of the nation's forests to promote conservation during the Great Depression soon unraveled,

³⁶ United States Department of Agriculture, Forest Service. *Major Problems and the Next Big Step in American Forestry* (Washington D.C.: GPO, 1933).

³⁷ Franklin D. Roosevelt, "Radio Address on Third Anniversary to CCC" April 17, 1936, www.newdeal.feri.org/texts/86.htm. (Accessed on January 11, 2013).

³⁸ For more on this concept, see Neil M. Maher, *Nature's New Deal: The Civilian Conservation Corps and the Roots of the American Environmental Movement* (Oxford: Oxford University Press, 2008).

however, with the onset America's involvement in World War II in December 1941. Both the Forest Service and the federal government learned a valuable lesson from World War I: that timber and wood are essential resources to a country's success during a war. Therefore, as soon as Roosevelt declared war on Japan on December 8, 1941, and a few days later also on Germany and Italy, the government took control of national forest reserves and limited all non-essential production of timber. Instead of allowing Forest Service involvement in the endeavor, the War Production's Board relegated the agency to the sidelines while they relied on private timber companies to supply wood for the United States' war effort. Historian William G. Robbins wrote that "these arrangements swept away any semblance of Forest Service autonomy," and slowed many of the Forest Service programs, including conservation.³⁹

As World War II came to an end, the need for wood increased dramatically in the United States due to population growth and the need for housing, forcing the Forest Service to re-evaluate some of its original values and aims. Although the agency still adhered to its policies on multiple-use and conservation, the Forest Service, in order to adjust to the changing American environment and demographics, dropped some of its criticism of the timber industry in order to work together toward successful wood production.⁴⁰ In addition, the Forest Service launched an intensive

³⁹ William G. Robbins, *American Forestry: A History of National State and Private Corporation* (Lincoln: University of Nebraska Press, 1985), 158-160.

⁴⁰ Samuel P. Hayes, *The American People and The National Forests: The First Century of the US Forest Service*, (Pittsburgh: University of Pittsburgh Press, 2009), 10.

study into timber resources during 1952. Lasting six years and utilizing new technology and information, this study coalesced into a report entitled “Timber Resources for America’s Future” in 1958. The Chief Forester at the time, Richard E. McArdle, wrote in the foreword that “the chief purpose of the Timber Resource Review is to provide a stock-taking of the current timber situation in the United States and look into the future with respect to perspective timber supplies and need.”⁴¹ With a generally optimistic outlook, the Forest Service stated in the manual that although small foresters on private land were lagging behind, “in general, Federal, State, and Private Forestry programs are moving forward.”⁴²

During the 1950s, due to the sweeping popularity of recreation, the Forest Service also recognized the need for more recreational facilities and sites within the national forests. Families grew exponentially during the baby boom. The post-war economy was such that the middle class was allowed the luxury of travel and leisure time. It was in this context that many Americans sought out the nation’s forests as places to picnic, hike, fish, hunt, or simply enjoy their beautiful nature and scenery.⁴³ According to a Forest Service survey, the national forests had over forty-five and a

⁴¹ United States Department of Agriculture, Forest Service, *Timber Resources for America’s Future*, Forest Resource Report, no 14, January 1958.

⁴² *Timber Resources*, 10.

⁴³ For more on this concept and links to the environmental movement see Paul S. Sutter, *Driven Wild: How the Fight against Automobiles Launched the Wilderness Movement* (Seattle: University of Washington Press, 2002).

half million visits for recreation in 1955 alone, four times as many as in 1935.⁴⁴ In 1957, in light of these statistics, the Forest Service launched “Operation Outdoors,” a five-year program that would open up the forests to tourism by building more recreational sites, improving existing ones—last worked on by the CCC in the 1930s—as well as constructing and improving roads in and around the forests. In the booklet, *Operation Outdoors*, the Forest Service stated that “everyone benefits indirectly from the other national forest resources, but millions of people personally know and love some spot in the forests.”⁴⁵ When listing the reasons to increase recreation in the national forests, the Forest Service stressed that recreation was an “integral part of a multiple-use program.”⁴⁶ Adhering to the mission statement of the Forest Service—built on Pinchot’s ideals—the pamphlet demonstrated that the agency believed that every acre of the American forests must be utilized for the public good. Therefore, the agency demonstrated that many unproductive forest areas, such as Mineral King, were ideal for recreation, if nothing else.

In *Operation Outdoors*, the Forest Service detailed what the agency would and would not allow under their recreational program. For example, the agency stated that “public recreation areas and facilities will be appropriate to the forest environment” and that “only facilities for forest-type recreation, such as camping,

⁴⁴ United States Department of Agriculture, Forest Service, *Operation Outdoors, Part I: National Forest Recreation* (Washington D.C.: GPO, 1957), preface.

⁴⁵ *Operation*, preface.

⁴⁶ *Operation*, 4.

picnicking, skiing, hiking, and riding will be provided by the Forest Service.”⁴⁷ In addition, the pamphlet emphasized that the Forest Service would allow hotels, restaurants, or other concessions to be built only by private companies through permits, and only if there was a need for them. This implied that the agency upheld a conservation ideal. Eight years later, however, the Forest Service issued a prospectus for a year-round resort, including ski facilities and many other concessions, at Mineral King. On the surface, what the Forest Service proposed at Mineral King went against what they outlined in their *Operation Outdoors* report. However, winter sports had gained in popularity during the early 1960s, and were fully considered to be an appropriate use of forest land by the Forest Service. Also, by the very nature of Mineral King, at 7,000 feet elevation in the Sierra Nevada mountain range with little else around it, a recreational resort there would need restaurants and hotels built specifically for it, and therefore, the Forest Service could argue a need for them if there was a need for ski facilities.

The Chief of the Forest Service at the time, Richard McArdle, reflected on both “Operation Outdoors,” and the National Forest Development program in a 1972 interview. McArdle elaborated that the 1957 “Operation Outdoors” was a Forest Service program to increase recreational uses in national forests, but was part of a larger trend in the Forest Service towards better management known as the National Forest Development Program which was launched a year later in 1958. McArdle stated that “the 1959 program not only was a fresh look at each individual activity,

⁴⁷ *Operation*, 6.

but, just as important, it put all the individual programs together as one unified whole.”⁴⁸ The reason the Forest Service launched the program, McArdle noted, was that the agency knew that they were not even closely meeting the demands for Forest Service resources, including recreation. At the heart of the program was the agency’s multiple-use land ideology, which McArdle explained meant “balancing needs and harmonizing uses by amount of use allowed and locality.”⁴⁹

When asked about the program’s success, however, McArdle mentioned that it worked well in the first and second years, yet eventually the Forest Service was back to where it started because of “the budget people” not appropriating enough money to support the program.⁵⁰ Incidentally, McArdle, in the 1975 interview, stated that many of the Forest Service’s shortcomings, such as imbalanced resource development or lack of supply, were due to inadequate funds and support from the federal government. McArdle added that “these budget people have no real understanding of the need for orderly development of public land resources.”⁵¹ The Forest Service, even during the days of Gifford Pinchot, had a rocky relationship with Congress and the agency’s leaders found it difficult to get support for many of their policies or actions. For example the appropriations for the Forest Service in 1956 were moved from the Department of Agriculture to the Department of Interior for

⁴⁸ Elwood R. Maunder, *Dr. Richard E. McArdle: An Interview with the Former Chief, United States Forest Service, 1952–1962* (Santa Cruz: Forest History Society, 1975), 77.

⁴⁹ Maunder, *Dr. Richard E. McArdle*, 80.

⁵⁰ Maunder, 82.

⁵¹ Maunder, 81.

“political reasons,” thereby making it even more difficult for the agency to obtain money.⁵² The fact that the Forest Service believed they were short of crucial funds to manage the forests had implications for Mineral King due to the fact that one of the ways the Forest Service secured more funds was through leasing land to private developers.

One of Chief Forester McArdle’s proudest achievements was the Multiple-Use and Sustained Yield Act, which was passed in 1960. The act stated that its purpose was “to authorize and direct that the national forests be managed under principles of multiple-use and to produce a sustained yield of products and services, and for other purposes.”⁵³ Although Pinchot’s philosophy of multiple-use permeated the Forest Service throughout the first half of the twentieth century, it was not until Congress approved the law that the Forest Service had a definition for these terms. For example, the act defined multiple-use as “the management of all the various renewable surface resources of the national forests so that they are utilized in the combination that will best meet the needs of the American people.” Before the law, special interest groups viewed the term ‘multiple-use’ in vastly different ways, and although the Forest Service’s definition prevailed, it was still evident that “multiple-use really means people management.”⁵⁴ Yet, McArdle noted that although multiple-

⁵² Maunder, 93.

⁵³ “Multiple-Use and Sustained-Yield Act,” 16 U.S.C 528 (1960).

⁵⁴ Paul Hirt, *A Conspiracy of Optimism: Management of the National Forests Since World War II* (Lincoln: University of Nebraska Press, 1994), 177.

use and sustained yield were always part of the Forest Service's land management philosophy, it was necessary to let everyone know that these were the agency's official policies.⁵⁵ More importantly, now that multiple-use was law, the Forest Service believed that they needed to show the nation that they practiced this ideology. Therefore, the Forest Service selected areas of forestland that ideally demonstrated multiple-uses of land, such as Mineral King, to develop.

In 1962, McArdle retired, and Edward P. Cliff took over as the head of the Forest Service. Cliff worked closely under McArdle as Assistant Chief Forester from 1952 to 1962, and remarked in a 1981 interview that the 1960s “was a period of change, a time when pressures for national forest goods and services grew more rapidly than at any previous time in history.”⁵⁶ Cliff also recalled that during the late 1950s and early 1960s, “the Service did not want to take a backseat to the Park Service in recreation,” and launched several recreational programs and studies.⁵⁷ Aside from the recreational program of “Operation Outdoors,” the Forest Service also participated in first National Forest Recreation Survey in 1959 and in the Outdoor Recreation Resources Review Commission (ORRRC) from 1959 to 1962—both designed to learn more about American recreational patterns and brainstorm ways to meet the demand for this national resource. Cliff stated that the ORRRC's report

⁵⁵ Maunder, 32.

⁵⁶ Ronald Hartzler, *Half a Century in Forest Conservation: A Biography and Oral History of Edward P. Cliff* (Bloomington: David A Clary, 1981), 15.

⁵⁷ Hartzler, *Half a Century*, 19.

turned the national spotlight onto recreation in national forests, and resulted in a Bureau of Outdoor Recreation in the Department of Interior, specifically designed to manage recreation. Cliff, however, was quick to mention, as did McArdle, that although the Forest Service received more federal appropriations due the increased popularity of recreational programs, the agency did not have enough money to meet the public demand.⁵⁸

President John F. Kennedy supported the ORRRC, which Congress commissioned in order to find a solution to meet the present and future needs of recreation by Americans from the 1960s until the year 2000.⁵⁹ The Commission comprised eight congressmen and seven private individuals, and the basis of their report was a study by the Bureau of Census that the agency had conducted on more than 16,000 Americans. The report concluded that the “simple activities—“driving, walking, swimming, and picnicking—were the most popular recreational activities among Americans and that urban areas were in most need of facilities.⁶⁰ The Commission also pointed out that there is ample land for outdoor recreation in America; however, it was not being utilized to meet the need for more recreation sites, and that this situation could be rectified through better management of the nation’s land.

⁵⁸ Hartzer, 193.

⁵⁹ *Outdoor Recreation for America*, A Report to the President and the Congress by Outdoor Recreation Resources Review Commission, January 1962.

⁶⁰ *Outdoor Recreation*, 1962.

The Forest Service was clearly aware of the ORRRC report, which put a spotlight on their agency and its failure to meet recreational needs. In fact, a 1965 Forest Service publication on outdoor recreation in the national forests cited the report and drew its conclusion directly from it.⁶¹ The impetus to develop Mineral King for recreation in the early 1960s was directly related to this public scrutiny of the Forest Service and the agency's belief that the public wanted more recreational facilities in national forests. However, interestingly, the report stated that the recreational need was in "simple activities" and in urban areas, not large winter sports resorts on top of mountains. One can only conclude that other forces besides Mineral King's ideal location for skiing spurred the Forest Service on to decide to develop it as a year-round resort, because, as the ORRRC pointed out, skiing and winter sports were not the most popular recreational activities in the national forests.

Wilderness preservation also gained popular support during the early 1960s. In interviews conducted years later, both McArdle and Cliff were very emotional when speaking of the enactment of the Wilderness Act of 1964, and insisted that the Forest Service cared just as much, if not more, about wilderness preservation as the conservationists, such as the Sierra Club. Cliff noted that the Forest Service was "a pioneer in the wilderness movement" and that the Wilderness Act "provided a legal base for what the Forest Service was doing administratively," since the agency first

⁶¹ The United States Department of Agriculture, The Forest Service, *Outdoor Recreation in the National Forests* (Washington D.C.: GPO, 1965).

set aside wilderness areas beginning in the 1910s.⁶² Cliff, similarly to McArdle, stated that the Forest Service had a purer definition of what wilderness was, compared to that of the conservationists who wanted to preserve every area and to label it wilderness, thereby “degrading the wilderness concept.”⁶³ McArdle went as far as saying that one of the major threats to wilderness was in fact the wilderness enthusiasts themselves, who overused these areas and also insisted that wild areas be opened up to the public.⁶⁴ Despite the differing viewpoints and definitions of both the Forest Service and the conservationists, the two retired chiefs agreed that the Wilderness Act was a great achievement for the Forest Service, although it did add to its administrative duties and pressures.

The importance of the Forest Service’s definition of wilderness—as an area where no traces of human infringement, such as a trail, road, or housing structure, existed—to Mineral King Valley was that the agency emphatically believed that the Valley was not wilderness and was, in fact, very far from it. In 1965, Mineral King still had remnants of a mining community, as well as scattered private cabins owned by relatives of the first settlers. In fact it was due to the mining community that the Sierra Club, the Forest Service, government agencies, and conservationist groups, all allowed Mineral King to be excluded from the enlargement of Sequoia National

⁶² Hartzer, 222-223.

⁶³ Hartzer, 225.

⁶⁴ Maunder, 159.

Park.⁶⁵ In addition, even conservationists and many members of the Sierra Club were unsure how to classify Mineral King; therefore, they were not sure whether or not it needed protecting. In *National Forests of America*, Orville Freeman, who was Secretary of Agriculture during both McArdle's and Cliff's reign as Chief Forester, from 1961 to 1969, wrote that "wilderness is the tangible essence of the greater world placed within our grasp to touch and feel, and test our sensitivity," in short—a "national treasure."⁶⁶ It was clear that during the 1960s, many Americans, from all walks of life and beliefs, felt a longing and nostalgia for the primitive, and desired to return back to nature, represented by wilderness. This propelled Americans to protect and preserve wilderness. However, areas such as Mineral King that were perceived not to qualify as wildernesses tended to be ignored when threatened, or even sacrificed to development interests for the sake of those areas that were true wilderness. Yet, as the Mineral King controversy would show, people who had a direct connection to the area, and who felt strongly about preservation, thought very differently and believed that even semi-wilderness was worthy of protection.

The Forest Service desired to utilize Mineral King as a skiing resort as early as 1947. However, it was during the immense growth of the popularity of recreation in the early 1960s that the Forest Service renewed its interest in developing Mineral King. Rumors that entertainment mogul Walt Disney had been looking to build a ski

⁶⁵ Dilsaver, *Challenge*, 118.

⁶⁶ Orville Freeman and Michael Frome, *The National Forests of America* (New York: G. P. Putnam's Sons, 1968), 37.

resort prompted the Forest Service as well.⁶⁷ Disney was a man who reflected the American dream, rising from poverty to become one of most influential and wealthiest Americans from the 1930s through the 1960s. Therefore, in light of this promising and financially solid buyer, the Forest Service re-issued a second prospectus in 1965. It was not surprising then that the Forest Service accepted Disney's plan for Mineral King, despite the prospectus being grander than the Forest Service first outlined. It seemed as if the impetus to re-open Mineral King for development came primarily from Disney's interest. In Disney's vision, the Mineral King project went from being a relatively small \$3 million resort, to a \$35 million grand amusement center that included such spectacles as a helicopter pad, a hospital, an ice rink, horse stables, and numerous ski lifts, hotels, and restaurants.⁶⁸ In order to understand how Disney selected Mineral King as a site for one of his iconic theme parks, as well as why he envisioned a certain type of resort for Mineral King, it is essential to look at Disney's ideologies and sentiments toward entertainment, nature, and land development—as well as his role in shaping American culture as a whole.

⁶⁷ John Harper, *Mineral King: Public Concern with Government Policy* (Arcata: Pacifica Publishing Co., 1982), 61.

⁶⁸ Peter Browning, "Mickey Mouse and the Mountains" *Harpers Magazine* (March 1972): 57-71.

WALTER E. DISNEY

“All men are in some degree impressed by the face of the world; some men even to delight. This love of beauty is Taste. Others have the same love in such excess, that, not content with admiring, they seek to embody it in new forms. The creation of beauty is Art.” Ralph Waldo Emerson, *Nature* (1849).¹

“Disneyland is dedicated to the ideals, the dreams, and the hard facts that have created America—with the hope that it will be a source of inspiration to all the world.” Disneyland Dedication Plaque, July 17, 1955.²

Walter Elias Disney died of lung cancer on December 16, 1966, a little over one week after his sixty-fifth birthday and just one year after winning the Mineral King resort contract from the United States Forest Service. A *New York Times* editorial reflected on Disney’s life, stating that “starting from very little save a talent for drawing, a gift of imagination that was somehow in tune with everyone’s imagination, and a dogged determination to succeed, Walt Disney became one of Hollywood’s master entrepreneurs and one of the world’s greatest entertainers.”³ At the time of his death, Disney had numerous projects in the works, including the construction of a \$100 million Disneyland East in Florida, the creation of an \$80 million art and design school in California, as well as the planned \$35 million resort in Mineral King Valley. During his lifetime, Disney was persistently haunted by his

¹ Ralph Waldo Emerson, *Nature* (Boston: James Munroe and Co., 1849), Project Gutenberg, EBook #29433, 8, www.gutenberg.org. (Accessed February 2013).

² “Disneyland Opening Day,” You Tube Video, first televised on July 17, 1955 by American Broadcasting Company (ABC), www.youtube.com/watch?v=2rtljoimsxs. (Accessed February 3, 2011).

³ *The New York Times*, “Editorial” December 16, 1966. www.nytimes.com. (Accessed February 3, 2013).

own death, and the need to accomplish as much as he could before he died, is reflected in his final projects. Disney's main aim in his later years was to create a lasting, permanent legacy in the form of a utopian community to be accomplished by land development projects. Disney's ideal America consisted of various sites, such as colleges and resorts, where traditional values from the past would meet with the innovations of the future, and, above all else, that would be places where all Americans could be entertained and escape their ordinary lives for a while. As it turned out, poor planning, inadequate funds, and lack of a clear foresight doomed these final Disney projects, yet, there were also many other contributing factors involved that added to Walt Disney's failure to develop Mineral King commercially. Examining Walt Disney's life, his ideologies, as well his governmental and personal connections reveals how Disney and Mineral King came together in the first place and why Disney's dream of an American alpine resort never came to fruition.

Walt Disney was born December 5, 1901, in Chicago, Illinois; yet, Disney came of age in the small country town of Marceline, about one hundred and twenty miles northeast of Kansas City, Missouri. It was on his family's small farm in Marceline that young Walt Disney lived his happiest and most memorable days. In numerous interviews, Disney called those four years in Marceline his "halcyon days," attributing his work in "country cartoons" to Marceline's influence.⁴ It was during this time that young Disney was able to observe many different animals and to study

⁴ Kathy Merlock Jackson, ed. *Walt Disney Conversations* (Jackson: University Press of Mississippi: 2006), 10.

their mannerisms. Disney developed an affinity for, and close connection to, farm animals, and began to sketch them. Showing early talent, Walt soon developed a love of drawing. Disney obsessively drew while on the farm, and often used toilet paper as regular paper when the meager Disney family budget could not afford such luxuries as notepads.⁵ However, the Marceline farm was sold in 1909 when Walt was just eight and the Disney family moved back to bustling Kansas City. Walt Disney maintained his love of the idyllic, simple farm life into his adulthood and kept his boyish country charm throughout his life. Disney, thus, pursued drawing as a remembrance of his life on the farm, and also as gateway to his future.

In addition to living on the Marceline farm, another important and dominant influence in Walt Disney's childhood was his father, Elias Disney, whose staunch religiosity, imposing presence, and radical politics deeply influenced all aspects of Walt Disney's life. Elias, taken by "the Disney wanderlust," changed his employment and home city frequently throughout his life, and never succeeded in making a name for himself or gaining any substantial amount of money—relying later on his children to work for the family.⁶ Walt Disney's love of jokes, art, and all things creative, would make young Disney a frequent target of his father's "volcanic" anger and frustration, resulting in whippings.⁷ The three eldest Disney sons ran away from home

⁵ Leonard Mosley, *Disney's World* (Lanham: Scarborough House, 1990), 29.

⁶ Neal Gabler, *Walt Disney: The Triumph of the American Imagination* (New York: Alfred A. Knopf, 2007), 3-4.

⁷ Gabler, *Walt Disney*, 23.

at an early age to escape their father's physical and mental abuse, whereas young Walt learned to cope through drawing. In addition, if Walt could not separate physically from his father, he tolerated the situation by mentally and emotionally distancing himself from him—rejecting all that Elias stood for.

Two main components of Elias Disney's personality were his dedication to Protestant Christianity and his support of radical socialist ideas. Elias saw no contradiction between the two belief systems and lived quite contently as a Christian Socialist who frequently delved into capitalist enterprises.⁸ The entire Disney family became heavily involved in church life in each city where they lived, and Elias would sometimes take the pulpit and preach whenever the local minister was away. Elias lent his deep devotion not just to religion, but also to socialism and left-wing politics—subscribing to socialist journals, voting often for socialist presidential candidate Eugene V. Debs, and even forming a farmer's union, the American Society of Equity, in Marceline.⁹ Although it was from his father's socialist newsletters that Walt Disney first began to copy cartoons, he learned to dislike and distrust anything his father stood for, which may explain why Walt Disney supported far-right politics later in life. Because of his profound resentment of his father, Walt turned to science and technology for insight instead of religion and ultimately came to adhere to Republican politics. Disney's political connections would be an important asset he

⁸ Mosley, *Disney's World*, 35.

⁹ Michael Barrier, *The Animated Man: A Life of Walt Disney* (Berkeley and Los Angeles: University of California Press, 2007), 16-17.

would utilize later in life to accomplish his many goals, which included securing the resort contract at Mineral King.

Walt Disney was able to distance himself from his father especially during his teenage years, by focusing on his sketching and cartooning at his high school and by joining the United States Army in 1918. In 1917, when Disney was just sixteen, America entered World War I, and like most of Americans, Disney turned his attention to the war effort. Disney learned at this time that his brother Roy had enlisted in the United States Navy. Because Disney looked up to his brother, Walt too became caught up in the general patriotism of the time and was determined to participate in the war effort despite his young age. Interestingly, Elias Disney was not an American citizen and was in fact a Canadian citizen, which may have influenced young Walt to become so patriotic, since his father was not. Walt Disney was not old enough to enlist, however, and after repeatedly being turned down, Disney eventually lied on his application about his age and was able to go overseas in a Red Cross volunteer unit in 1918. The tenacity and drive to get what he wanted characterized Disney throughout his life, and is particularly evident in Disney's final projects.

Although stationed in France, Disney remained the cartoonist for his high school newspaper, *The Voice*, and frequently sent sketches and notes about his time in France back home to his friends. One such letter by Disney, written in April 1919, was covered in doodles of various war figures and soldiers, stated that "France is an interesting place but just the same I want to- to- oh! I want to go home to my

mama.”¹⁰ This letter was very revealing of Disney’s character, for veiled in humor was also quite a candid and sad truth. In later interviews Disney used humor to hide his unhappiness as well, and if he revealed too melancholic a truth to any interviewer, he would suddenly reverse the mood with a joke.¹¹ Disney remained in France until September of 1919, spending most of his time yearning to go home, playing gags on fellow Red Cross volunteers, and endlessly sketching. When Disney returned to the states, barely nineteen, he had only one thing on his mind: to become a newspaper cartoonist. It was overseas that young Walt grew up, however, and the distance and time spent away from his family—especially his father—garnered him enough courage to leave home soon after he returned.

Disney went back to Kansas City in hopes of becoming a political cartoonist, but instead landed a job as an artist’s apprentice in a commercial art studio where he met his future partner, Ubbe Iwweerks (later changed to Ub Iwerks). After a just few months, the two eighteen-year-old aspiring cartoonists decided to establish their own commercial art studio, “Disney-Iwerks Commercial Artists,” with Iwerks doing the drawing and lettering and Disney taking over the cartooning and sales. Disney’s first attempt at entrepreneurship turned out to be a disaster, and the ambitious firm lasted only a month. However, Disney and Iwerks became very close, and went on to work for a slide company together. It was at this slide company where they created many

¹⁰ Mosley, *Disney’s World*, 162.

¹¹ Jackson, *Conversations*, 49.

cartoons that actually moved, where Disney developed his own style as an animator, in addition to a love of film.

However, after only a few months Disney left the new company and stepped out on his own to create Laugh-O-Grams Films on May 23, 1922, with \$15,000 from investors and a small group of employees.¹² Focused on fairy-tale films and a series of shorts modeled on *Alice in Wonderland*, Laugh-O-Gram studios had a mild success but went bankrupt the following year. These multiple failures forced Disney to reassess his situation, and would be the foundation for his highly ambitious nature later in life—a contributing factor in Disney’s grandiose plan for Mineral King. Also, viewing his father’s multiple failures gave Disney an intense determination to succeed. Instead of leaving cartooning entirely, a business Disney had grown so much to love, he was more adamant than ever to make it in the industry and opted to head straight to the epicenter of film making: Hollywood.

In a 1959 interview with Tony Thomas, Walt Disney reminisced about how he arrived in Hollywood in August 1923, “with \$30 dollars in my pocket and a coat and a pair of trousers that didn’t match.”¹³ This self-effacing manner symbolized Disney’s persona. Some would later say that this was an image carefully choreographed, and guarded, by the Disney Studio’s public relations department.¹⁴ However, this factual

¹² Jackson, *Conversations*, 62.

¹³ Jackson, 62.

¹⁴ Richard Schickel, *The Disney Version: The Life, Times, Art and Commerce of Walt Disney* (New York: Simon and Schuster: 1968), 341.

portrayal of Disney traveling to Hollywood with basically nothing but a dream became the foundation for the rags-to-riches story that followed Disney throughout his career, and which would cement Disney in Americans' minds as a charming personification of the American Dream. This image is crucial to the Mineral King controversy because Disney's status as an American icon and an adored figure was the very reason that many, especially those in the Forrest Service, did not foresee heavy opposition to his plan for a Mineral King resort. Yet, the times would change and by the late 1960s many Americans viewed the Disney Corporation in a different light amidst the social turmoil and activism characteristic of the decade.

In 1934, however, the public elevated Disney to heroic status and many in newsprint and the media labeled him a "Horatio Alger hero of the cinema."¹⁵ After failing to get a job in the early 1920s in "the picture business," Disney returned to his *modus operandi* and started his own company when he could not find employment. Only a month later, in October 1923, Walt Disney established Disney Brothers Studios, staffed by many of his former Kansas City employees, such as animator Ub Iwerks and his older brother Roy, who was in control of the finances. Within a few weeks, the new studio secured a contract to make a series of cartoons around the character Alice, from *Alice in Wonderland*. Although the shorts featuring Alice were seen across the nation, it was not until Walt and a few other employees stumbled upon the idea to create a cartoon character named Mickey Mouse that Disney would

¹⁵ Douglas Churchill, "Now Mickey Mouse Enters Art's Temple," *The New York Times*, June 3, 1934, SM12.

gain world-wide recognition. The first Mickey Mouse cartoon with sound, *Steamboat Willie*, was shown to theater audiences at the Colony Theater in New York on November 18, 1928, and was an instant hit. Soon, more theaters commissioned Mickey Mouse cartoons, and with vast marketing and merchandise sales, “the Mouse,” as Walt Disney fondly referred to him in various interviews, propelled the Disney Studio—and Walt Disney—into Hollywood’s elite circle of fame and fortune.¹⁶

During the 1930s, contrary to the majority of American businesses during the Great Depression, the Disney Studios actually experienced a lot of activity and growth. The studio grew from a handful of close employees to include “a dozen story and gag men, forty animators, forty-five assistant animators, thirty inkers and painters, and a twenty-four piece orchestra, plus camera operators, electricians, sound men, and other technicians.”¹⁷ Throughout the transition from a small studio to a large enterprise, Walt Disney grew from animator into general manager. Disney was now relegated mainly to the realm of ideas, rather than as an actual creator of any material. One of Disney’s main goals for his studio was to create a feature-length cartoon and after three years of hard work, *Snow White and the Seven Dwarfs* opened to eager audiences on December 21, 1937. The film was a tremendous success, even earning Disney an Oscar for Best Picture in 1938; yet, more importantly, the movie radically altered the Disney’s studio’s financial status, for in the nine months after

¹⁶ Jackson, 28.

¹⁷ Bob Thomas, *Walt Disney: An American Original* (New York: Simon and Schuster, 1976), 123.

Snow White's release, the total income for Disney Studios reached over \$4 million.¹⁸ It was these first endeavors, the creation of the character Mickey Mouse and the film *Snow White*, which would lead Disney and the Disney Company along the path to the wealth and power, which it held in the 1960s at the start of the Mineral King development.

Riding the wave of success from *Snow White and the Seven Dwarfs*, Disney and the Disney Studios launched into many other ambitious projects, including two more feature-length films: *Fantasia* (1940) and *Pinocchio* (1940). However, normal life at the Disney Studios, as well as for the rest of America, had come to a sudden halt on December 7, 1941 when the Japanese bombing of Pearl Harbor, Hawaii, propelled the United States into World War II. That same day, the United States military marched into the Disney Studios in Burbank, California and usurped all production, equipment, and labor toward making films in order to promote and aid the war effort. Whether or not Walt Disney objected, the federal government forced him to comply with their demands. Between 1941 and 1945, the Disney Studios directed all production to making training films for the military or propaganda films to sway American sentiment toward the war. In an article Disney wrote for *The Public Opinion Quarterly* in 1945, he mentioned "the pressure of the past four years has forced us all to scrutinize and put on trial the things we do, the way we do them, and the reason we do them."¹⁹ Disney learned a lot from the Disney Studios' war

¹⁸ Barrier, *The Animated Man*, 131.

¹⁹ Walt Disney, "Mickey as Professor," *The Public Opinion Quarterly* 9 (Summer 1945): 119.

experience, but, most importantly, he realized the value that motion pictures could have as an educational medium. Disney elaborated, in the same article, that “the generation that used the motion picture to help train its fighters and its workers into the mightiest nation in history, is not apt to ignore the motion picture as an essential tool in the labor of enlightenment, civilization, and peace.”²⁰

Disney welcomed the end of World War II, for it meant he regained control of his business and could get started right away on the myriad of ideas he had for Disney Studios; yet, the war had a lasting effect on Disney that was not easily shaken. Disney would display for the rest of his life a very strong patriotism of American ideals, such as democracy, freedom, and individualism. Disney was also introduced to the nature of the United States government, which demonstrated its control by taking over the studio that Disney worked so hard to build. Therefore, in the post-war years Disney became more politically conservative, and even spoke before the House Un-American Committee on October 24, 1947, to discuss communism in Hollywood. In his testimony, Disney stated that at the present, all of his employees were “one-hundred-percent American,” although in the past there may have been some individuals who had connections to communism.²¹ When asked specifically about the Communist Party, Disney said he believed it was not a legitimate political party and that it was an

²⁰ Disney, “Mickey as Professor,” 125.

²¹ Jackson, 36. The Disney Studios also witnessed a strike in 1941, which Disney believed communist infiltrators started. Disney took the strike personally and left the country to let others negotiate the contract terms because he was too emotionally involved. Disney saw this strike as a betrayal and the incident may have also contributed to Disney’s anti-communist sentiments.

“un-American thing,” as well as being a very real threat in the motion picture industry.²²

In addition to reporting to HUAC, Disney even aided the Federal Bureau of Investigation’s (FBI) director, J. Edgar Hoover—further entwining Disney in governmental affairs. Although not an active member, Disney worked for the FBI as a citizen who would offer complete assistance to the government when asked, in order to uncover communists in America.²³ Although more involved than the average citizen in governmental anti-communist efforts, Disney’s beliefs against communism are reflective of many Americans’ attitudes during the Cold War. Also, it may be that Disney cooperated with the federal authorities in red-baiting in order to prevent another take-over of his beloved studio. In addition, his father was a radical socialist, and it can be surmised some of the anger Disney felt toward his father was also directed to all left-wing politics. Yet, this close connection with the federal government would last throughout his life, and would increase Disney’s power in obtaining what he wanted, particularly noticeable with Disney’s land development projects, especially the planned Mineral King resort.

Disney acted on his World War II experience and the idea that motion pictures could educate Americans, and in the late 1940s the Disney Studios filmed a series of nature documentaries for this purpose. In *True Life Adventures*, the Disney Studios

²² Jackson, 40.

²³ Steven Watts, *The Magic Kingdom: Walt Disney and the American Way of Life* (Boston: Houghton Mifflin Company, 1997), 349.

filmed animals all over the globe in their natural habitats—from snow-capped mountains to desert plains—and showed audiences of all ages across the nation some of the world’s most exotic wildlife. *Seal Island* (1948), the first film in the *True Life Adventure* series, showcased footage of the Alaskan fur seals of the Pribilof Islands and won Disney an academy award in 1949. Another movie in the series, *The Vanishing Prairie* (1954), demonstrated the need for conservation and protection of certain wildlife and helped Disney receive an honorary membership from the Sierra Club a year later.²⁴

Although most people adored these *True Life Adventures*, many critics accused the Disney Studios of not depicting, ironically, the true lives of these animals. Disney, in an interview given by David Griffiths, explained that the employees of the Disney Studios have their own approach to wildlife and nature as entertainment and do not want to tell the “dry academic natural history of birds and beast and reptile” in these dramas.”²⁵ Disney’s whole mission in his career, and why he was drawn to cartooning and film in the first place, was that the industry allowed him the opportunity to entertain people. Disney was not about to abandon mass appeal or amusement for science or even education. In 1958, Disney wrote that mass entertainment was “a vital public necessity—as important as food, shelter, and a

²⁴ *Sierra Club Bulletin* 40 (April 1955): 3. John L. Harper Mineral King Collection, California State at Fresno, Henry Madden Library Special Collections. (Accessed October 2012).

²⁵ Jackson, 70.

job.”²⁶ Therefore, it is no surprise that Disney’s documentaries were more in line with his cartoons that animated and personalized animals in order to amuse people. This commitment to entertainment above all else, especially in place of realism, informed Disney’s decision to develop and transform the natural landscape at Mineral King.

Several of Disney’s interviews about his nature films, as well as some reviews, give insight into his attitudes toward nature and the Disney Studios’ unique idea of what wildlife documentaries should entail. For example, a *New York Times* review of *The Vanishing Prairie* in 1954 stated that the film maintained the same innocence and fascinating quality of all the Disney products, and that people, critics especially, should not be surprised that Disney alters nature in the films to fit into a plot line. In addition, the documentaries, true to the Disney formula, upheld the values of wholesomeness and mass appeal. The article also stated that Disney’s *True Life Adventure* documentaries held up “a mirror to nature, but the mirror isn’t always flat and clear. Sometimes it is willfully angled or distorted for the sake of a gag.”²⁷

Walt Disney repeatedly addressed the critics of his nature documentaries. For instance, in one interview Disney stated that he intuitively viewed animals in an anthropomorphic way, which influenced his nature documentaries.²⁸ In an article Disney wrote on the universal nature of humor, he suggested that he believed comedy

²⁶ Walt Disney, “Film Entertainment and Community Life,” *Journal of American Medical Association* 167 (1958): 1342.

²⁷ Bosley Crowther, “The Screen Review: Vanishing Prairie by Disney at Fine Arts,” *The New York Times*, August 17, 1954, 17.

²⁸ Jackson, 110.

was present in the animal kingdom and that wildlife are capable of exhibiting and interpreting humor.²⁹ In yet another interview, he explained that only the most interesting nature footage made it into his *True Life Adventures* and that footage shot in Australia was particularly disappointing due to the lack of predators.³⁰ It is evident that Disney did not view animals and nature through a detached, scientific lens, but rather in a very entrenched humanistic way. Also, in *True Life Adventures*, by framing nature as entertainment, the Disney Studios reinforced a tourist-minded view of the environment, as well as a recreational economy.³¹ Disney's sentiments toward nature, which would be factors in his desire to build a resort at Mineral King, did not praise or aim to enjoy nature for its own sake, but rather viewed nature as an entity to transform into a vehicle for the enjoyment of humans.

Disney was first and foremost in the business of entertainment. Therefore, regardless of the type of project the Disney studios were working on, their first commitment was to please their fans. It is not surprising then, that *True Life Adventures* became less scientific and more cartoon-like at the hands of the Disney studios. Disney also adored his audience, and believed he had an obligation to please them, and only them. Although Disney often said he did not care for money, an element that may have made him feel indebted to his fans was the fact that Disney

²⁹ Walt Disney, "Humor: An International Sixth Sense," *The Phi Delta Kappan* 35 (May 1954): 327-329.

³⁰Jackson, 74.

³¹ Gregg Mitman, *Reel Nature: America's Romance with Wildlife on Film*, 2nd edition (Seattle: University of Washington Press, 2009), 130.

Studio's total sales in 1947 were the highest in their history: \$6,619,912 for the fiscal year.³² Yet, at the crux of Disney's *True Life Adventures* documentaries is the fact that Disney manipulated the natural world for human entertainment purposes. This idea can be extended to Disney's transformation of many American landscapes, such as his plan for Mineral King, but was first applied to the construction of Disneyland.

Walt Disney's idea for Disneyland, a themed amusement park where families could have fun together, stemmed from his own personal experiences. When Disney took his children to fairs and parks, he often got bored and realized that most of the other parents looked unhappy as well. As early as the 1940s, he envisioned a place where all ages could visit and be entertained together in a clean and orderly environment. Whenever he visited a resort, fair, or park, Disney always had his dream of building a park in the back of his mind and would take note of the movement of people, design, and attractions. Having visited amusement parks all over the world, Disney soon realized the need for similar destination in Hollywood. Disney came up with this notion by observing the disappointment of the visitors to his studio when, expecting to find something akin to a bright and fun Disney movie, found animators just sitting and working instead.³³

These two ideas for an amusement park and a Hollywood destination were combined to create Disneyland, and by the early 1950s, Disney was well on his way

³² *The New York Times*, "Walt Disney Earnings Highest in History," January 6, 1948.

www.nytimes.com. (Accessed on February 3, 2013).

³³ Thomas, *Walt Disney*, 218.

to having his dream come true. Highly involved in the project from the onset, Disney directly participated in the initial steps, such as scouting out location sites, finding investors, and commissioning planners. Also reflective of Disney's commitment to the Disneyland project was his formation of a new company, WED Inc. (Disney's initials) to finance and work on the development. Walt Disney Productions, which produced all the Disney products and films, was by now a public company and most of the shareholders rejected Disney's plan for a park.³⁴ Therefore, in typical Disney fashion Walt ventured off on his own, intent on getting what he wanted, and created a private company to build his dream park. Disney's passion for his new land development project even extended to building it on the perfect location, and in 1953, Disney hired the Stanford Research Institute, headed by Harrison "Buzz" Price, to use statistical data to come up with the ideal spot for Disneyland.

The Stanford Research Institute took many different factors into account when assessing the ideal location for Disney's large theme park. The criteria included: a tract large enough to support the resort, price of land, available utilities, topography, winter and summer temperatures, freeway accessibility, population patterns, and even number of days smog may settle "so heavily on the magic kingdom as to rob it of its magic."³⁵ Price and the Institute reported to Disney in July 1953 that a two hundred and fifty acre orchard of orange groves in Anaheim, in Orange County, matched all these criteria and was the most fitting location for Disneyland.

³⁴ Barrier, *The Animated Man*, 236.

³⁵ Schickel, *The Disney Version*, 310-311.

However, fifteen to twenty families owned the land near the proposed building area. The negotiations to purchase the property from these families lasted around two years as they raised prices and added wild stipulations, such as one couple who demanded Disney keep two palm trees on the property—which were luckily well suited for the planned area, Adventureland, and would fit well into the landscape.³⁶ Walt Disney learned a lot during this first foray into land development and would later influence his other land projects, including Mineral King. Walt Disney kept his planned developments secret henceforth while buying private property, in order to keep costs low and demands to a minimum. Disney also looked for properties with as few owners as possible and that is why Mineral King was such a draw to Disney since the government was really the one major owner of that area.

As Disney's vision of a Disney-themed park in the Los Angeles area began to crystallize, Disney took advantage of the newest medium, television, in order to promote it. *Disneyland* the television series aired in October 27, 1954, and its stories and themes paralleled the park's different sections—Fantasyland, Frontierland, Tomorrowland, and Adventureland. In the first episode of the *Disneyland* series, Disney stated that Disneyland was his, and, incidentally, also Mickey Mouse's, "latest and greatest dream."³⁷ Disney also explained that Disneyland was to be a combination of "fair, amusement park, and exposition," yet would mainly be a place

³⁶ Schickel, *The Disney Version*, 312.

³⁷ "The Disneyland Story," YouTube Video, first aired In October 1954 by the American Broadcasting Company (ABC) www.youtube.com/watch?v=rlq3rfuqpu. (Accessed on February 3, 2013).

of “hopes and dreams, facts and fancy, all in one.”³⁸ In addition to promoting Disneyland, the series also gave the viewers an inside look into the Disney Studios and its current productions, such as the television show *Davy Crockett*. Disney was always in tune with American cultural trends, and both recreation and television were popular in the early and mid-1950s. In addition, Disney tapped into Americans’ nostalgia for a pre-war America. This yearning for a simpler time was epitomized by Disney heroes, such as Davy Crockett, who symbolized the American ideals of freedom and individualism, highly valued in an America in the middle of a Cold War.

In order to transform a grove of orange trees into the most magical and happiest place on earth, Disney was very involved in the direct construction and creation of Disneyland. During the building of the park, Disney would roam the site “in a straw hat and loud shirt” ordering workers about and commenting on what should go where—“he wanted perfection.”³⁹ Thus, from the start, Disneyland was very much the pet project of Disney, following a pattern that would come to solidify Disney’s role in the Disney Corporation. Disney would first come up with an initial idea, see the project through construction, and then move on to something new once that first project was complete. It is highly probable that Disney would have done something similar with the Mineral King project as well.

In just a year after first breaking ground and the cement hardly dry, Disneyland opened to the public on July 15, 1955. The culmination of the Disneyland

³⁸ “The Disneyland Story,” 1954.

³⁹ Gabler, *Walt Disney*, 525.

television series was a two-hour special that commemorated the big event. Reflective of the grand style of Disney, the Disneyland Opening Day Celebration was designed to entertain with such novelties as celebrity appearances, parades, elaborate dedication ceremonies, and even Walt riding in on a miniature train.⁴⁰ Disneyland, which the Disney shareholders predicted would be a complete failure, was actually an enormous success.

In a little over a year of Disneyland's opening, 8,961,534 visitors came to the attraction, and it quickly became the top tourist destination in the Western United States.⁴¹ Disneyland also vastly broadened the Walt Disney Studios' already diversified collection of products, by adding commercial development into the collection. Most importantly, however, Disneyland turned Walt Disney onto the idea of creating theme parks all across the United States in order to offer more places for middle-class Americans to escape to and be entertained. As one Disney biographer put it, with the success of Disneyland, Disney "saw himself not just as entertainer or even an amusement park operator but as a visionary planner who could impose his will on the environment as he had imposed it on the screen."⁴² Therefore, the creation of Disneyland was a keystone in Disney's road to Mineral King. With the success of the park, Disney realized he could transform certain landscapes into productive and

⁴⁰ "Disneyland Opening Day," YouTube Video, originally aired on July 17, 1955 by American Broadcasting Company (ABC) www.youtube.com/watch?v=2rtljoim5x5. (Accessed on February 3, 2013).

⁴¹ "Disneyland Takes Lead as Tourist Attraction," *Los Angeles Times*, September 5, 1957, B10.

⁴² Gabler, 57.

useful spots for American society. Most importantly, he envisioned what the ideal American community would look like and what it would contain—and then set out to create it.

Due to the popularity of Disneyland, Disney himself gained even more recognition and stature, and was named honorary chair of the National Wildlife Week in 1956, as well as in 1957, 1961, and 1964. As the honorary chair, Disney appeared in several public service announcements (PSAs) educating American audiences about environmental and wildlife concerns. For instance, in one of the television spots, Disney stated that “nature’s design is changed by civilization, when this happens—we must help nature preserve her vanishing creatures.”⁴³ For 1961, the theme was ‘conservation’ and in his announcement, Disney told the viewers that conservation should be of concern to all Americans because the natural resources of the nation are not inexhaustible.⁴⁴ Although former President Dwight D. Eisenhower, a friend of Disney’s, touched upon this notion of adapting conservation to a post-war economy and population in 1953, the idea was still applicable in the 1960s.⁴⁵

⁴³ “Honorary Chair for National Wildlife Week,” You Tube Video Compilation, Public Service Announcements from 1956, 1957, 1961, and 1964 originally aired by ABC. www.youtube.com/watch?v=in0zpnr2jdo. (Accessed on February 2, 2013).

⁴⁴ “Honorary Chair.”

⁴⁵ Dwight D. Eisenhower, “Special Message to the Congress on the Nation’s Natural Resources,” July 31, 1953. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*, www.presidency.ucsb.edu/ws/?pid=9660. (Accessed May 28, 2013).

Walt Disney was a complex man and was known to be full of contradictions.⁴⁶ His serving as the honorary chair for the National Wildlife Week supports this idea. It is obvious that Disney was concerned about nature and the environment; however, the whole idea of Disney upholding conservation ideals is contrary to Disney's intense commercial development side, particularly at Mineral King. From Disney's *True Life Adventures*, it is clear that Disney anthropomorphized wildlife and valued nature for what it could do for humans, not for its own sake. Therefore, Disney may have had environmental awareness and was concerned about nature and wildlife, but he valued humans and human entertainment much more. In short, creating a better America through various Disneyland-type projects would always take precedence over any of Disney's conservation ideals.

Disney's last PSA as the honorary chair of the National Wildlife Week in 1964 revealed his ideals of land use, which are relevant to understand Disney's deep-seated reasons for trying to develop Mineral King. In the clip, Disney looked kindly into the camera and stated:

Do you know each of us is a land owner? It's true. As an American you have an interest in all public lands. They begin close to your home and they reach across the country. They are your city and your county lands, your state and your federal lands. To receive the greatest benefit from these public lands, you should request that they be managed to include all forms of outdoor of recreation: boating, hiking, picnicking, bird watching, hunting, and fishing. Yes—this is your land.

⁴⁶ Jackson, 66.

Know its use and develop it so that tomorrow's
Americans may have these lands to enjoy too.⁴⁷

Disney believed that recreation was one of the greatest uses for public lands, since outdoor recreation areas were places that families could experience and enjoy together. In fact, in another article, Disney revealed that he envisioned Disneyland less as an amusement park but more as a recreation spot.⁴⁸ In the PSA, Disney also sounded very similar to the United States Forest Service and the agency's desire for the multiple use of land. Therefore, it is understandable that the Forest Service's Mineral King Valley development plan appealed to Disney, for the agency required that many different and diverse recreational facilities be built at Mineral King.

Disney was also drawn to Mineral King because it was an ideal location for skiing. Disney was an avid skier and felt that Americans, and particularly Southern Californians, were in desperate need of a ski resort which would meet their growing demands for a local site where they could experience winter sports. Walt Disney first began skiing in the 1930s, when most Americans, except the wealthy, had not even heard of the sport. However, after World War II, components such as the rise of the middle-class, trends in recreation, a steady economy, as well as improved and safer ski equipment, soon gave rise to the sport. In 1930, there was only one skiing village in America; yet, by 1955 nearly 2,500,000 people visited the slopes and resorts that

⁴⁷ Jackson, 66.

⁴⁸ Barrier, 312.

were developing at rapid rates to meet the demand.⁴⁹ In the national forests, however, hiking and swimming were still the most popular recreational activities. Disney, once again in tune with American cultural trends, not only helped finance one of the new ski resorts in California, Sugar Bowl, but also made a ski-inspired movie, *Third Man on the Mountain* (1958). During the filming of *Third Man on the Mountain*, Disney first traveled to the Swiss Alp resort of Zermatt, and instantly fell in love with it. Disney returned as often as he could, and used one of the mountains, the Matterhorn, for a ride at Disneyland in 1959. Most importantly, however, the ski resort of Zermatt would be a major design influence on Disney's plan at Mineral King.

In addition to the sport of skiing growing at a fast pace, although still not the most popular sport in national forests, recreation as a "cash crop" was also a booming business, especially in California.⁵⁰ In 1959, between \$4 and \$5 million dollars was spent on outdoor recreation alone, and the demand was expected to double by 1980.⁵¹ Many states, in fact, depended on outdoor recreation to support their economies. Therefore, factors such as the rise in recreation and skiing, as well as Disney's own personal affinity for the sport and its winter landscapes, contributed to his desire to

⁴⁹ Ezra Bowen, "Skiing: A Builder's Year," *Sports Illustrated*, December 19, 1955.

www.sportsillustrated.cnn.com/vault/article/magazine/MAG1130572/2/index.html. (Accessed on February 9, 2013).

⁵⁰ Henry Romney, "Trail Blazers in California," *Sports Illustrated*, April 4, 1960.

www.sportsillustrated.cnn.com/vault/article/magazine/MAG1134526/index.html. (Accessed on February 9, 2013).

⁵¹ Romney, "Trail Blazers."

build his own ski resort in the late 1950s and early 1960s. Once the idea was in place, Disney began scouting out locations all across the nation for the ideal geographical area to support his new project, but was particularly focused on Southern California. Disney once again recruited colleague Buzz Price, who had started his own research institute, the Economic Research Association (with monetary help from Disney), to conduct studies of locations and statistics about skiing. Price and the Association found that Southern California only supported one in every hundred skiers and was in need of a resort.⁵² The report also named Mineral King Valley, in lower Central California, as one of the best locations in America for a ski resort, and estimated that a resort there would bring in \$600,000,000 in the first ten years of operations.⁵³ As with Disneyland, statistical and research reports swayed Disney's decision on where to build this new attraction.

Walt Disney, aiding in his goal to build a ski resort, was named the Director of Pageantry for the Winter Olympic Games of 1960. In an article for *The New York Times*, Disney explained that he would “oversee the staging of all the Olympic Pageantry, including the opening and closing ceremonies and the victory ceremony after each event.”⁵⁴ Reflective of the trend of the growing popularity of skiing in America, the Squaw Valley Resort in North Lake Tahoe won the bid to host the 1960

⁵² Thomas, 346.

⁵³ Thomas, 347.

⁵⁴ *The New York Times*, “Walt Disney to be Chief of Olympic Pageantry,” November 5, 1958, 50.

www.nytimes.com. (Accessed February 2013).

Winter Olympic Games in 1955. Squaw Valley was so new that a lot of the lifts, winter sports areas, as well as the lodges, were all specifically built for the games. The fact that the Olympic Committee chose Disney to lead the pageantry for the Winter Olympics in California showed that the state supported him and that Disney was not only a symbol of success, but also of wholesome, family entertainment. Walt Disney did not disappoint his audience either, for he compiled grand spectacles perfect for this global celebration and reflective of Disney's grand fashion.⁵⁵ It was also at Squaw Valley that Walt Disney met, and worked closely with, Willy Schaeffer—whom Disney later asked to be a consultant for the Mineral King project where he would help find locations and conduct ski surveys.

Disney recruited many other leading and influential men whose support he would need in order to make the Mineral King resort a reality. Ever since the government took over Disney's studio in World War II, and Disney's involvement in federal anti-communism efforts, Disney had become more politically motivated and supported many political figures and campaigns with donations. For example, California Governor Edmund "Pat" Brown supported Disney and his Mineral King project. This was extremely important for Disney, since the Forest Service stipulated that a winning Mineral King prospectus had to include the premise that the developer would pay for an all-weather road leading up to Mineral King. Disney was against paying for the road, and wanted the state to build and finance the all-weather highway

⁵⁵ Robert Rubin, ed, California Olympic Commission, *VIII Olympic Winter Games, Squaw Valley California, 1960 Final Report*, 63.

instead. Therefore, Pat Brown's approval of the project, and his political support, was an important factor in Disney's pursuit of a successful development at Mineral King.

In an interview in December 1965, however, Disney, in a typically aloof manner, stated that he had "a little fling at politics," but that he found it "really not that interesting."⁵⁶ Yet, Governor Pat Brown appeared right beside Disney when he submitted his final plan for the resort in September of 1965 to the United States Forest Service, signifying Disney's ties to the state. Also, Disney contributed heavily to the gubernatorial campaign of Republican candidate, Ronald Reagan, in 1966, knowing that Mineral King would need continued support from California's political leaders.⁵⁷ To solidify his hold on the location, Disney, as early as 1963, began buying private property around Mineral King Valley under his private company, Retlaw, Inc. (Disney's first name spelled backwards.)⁵⁸ Due to the cost of so many Disney projects, Disney was forced to sell off most of his other private company, WED, Inc., which owned Disneyland Park, yet kept some of his smaller private companies.

In December 1965, Disney worked on a number of different projects in addition to the Mineral King resort. Disney was planning the design and construction of a Disneyland East, which would later become Walt Disney World, as well as scrambling to find investors for a creative arts college, Cal Arts, in California. On top

⁵⁶ Peter Bart, "The Golden Stuff of Disney Dreams," *The New York Times*, December 5, 1965, X13.

⁵⁷ Schickel, 16-17.

⁵⁸ John Harper, *Mineral King: Public Concern with Government Policy* (Arcata: Pacifica Publishing, Co., 1982), 69.

of those massive projects, Disney was also planning a \$40 million addition to the original Disneyland. During this time, the Disney Corporation was at its height. Ever since Disneyland's opening the Corporation's shares had risen steadily, and by 1963 Walt Disney Productions was grossing its highest earnings yet per annum, over \$60,000,000.⁵⁹ A *New York Times* reporter noted that "at a time when most men would be dreaming of retirement, Disney has taken on a mind-boggling array of projects that go so far beyond anything he has ever attempted before."⁶⁰ This extensive over-achieving right at the end of Disney's life signified not just someone who felt they may not have much time left, but also someone who could not possibly give each project the typical minute attention that he did with the construction of Disneyland, contributing to its success.

From winter 1965 to fall 1966, WED, Inc. employees drew up intensive plans for Mineral King, worked on designs for attractions, solidified contracts, and surveyed the landscape; however, Walt Disney grew more and more unhealthy. Many commented on how ill he looked, although he still worked tirelessly on his various projects, even visiting Mineral King in spring of 1966. In the fall, however, when Disney entered the hospital for minor pain, doctors found spots on Walt's lungs that proved cancerous. Walt Disney had started smoking in France during World War I and continued the habit for rest of his life. After the dire diagnosis, Walt attempted to

⁵⁹ *The New York Times*, "Record Earnings Shown by Disney," May 6, 1963, www.nytimes.com.

(Accessed on February 10, 2013).

⁶⁰ Bart, "The Golden Stuff," X13.

keep on living his usual high-stress life, but soon was back in the hospital on his sixty-fifth birthday on December 5, 1966. Eleven days later Walt Disney died in his sleep.

As the world mourned Walt Disney—a man so admired that he was bestowed with close to 950 awards during his lifetime including the esteemed Presidential Medal of Freedom in 1964—Walt Disney Enterprises was preoccupied with how to continue without their icon and figurehead.⁶¹ Retlaw, Inc. was the only company that Walt Disney actually owned at the time of his death, and it was quickly bought out by Walt Disney Productions. In addition, Disney's daughter, Diane, took over his position as head of the board of directors and his assets were divided among his family and charitable organizations, including the planned Cal Arts College. Therefore, in a business sense, Walt Disney Productions recovered fairly quickly after Walt's death. However, without Walt's affable and humble character to promote its plans, the Disney Company was now seen in a new light by most Americans—as the wealthy and powerful capitalistic corporation that it was. Even Walt Disney himself had been a Disney product: a symbol of wholesomeness, humility, and country values. Disney was a human face to the cold, business world and without his humanity it proved difficult for the Disney Company to retain its likeability after his death. The times, too, were turning against the ideals that Disney and the Disney Studios stood for, which were primarily the values of white suburban, middle-class

⁶¹ *The New York Times*, "Walt Disney," June 30, 1968, www.nytimes.com. (Accessed on April 28, 2103), and *Sierra Club Bulletin* 40 (April 1955): 3.

America. By the mid-1960s, social movements such as the Civil Rights Movement, the Women's Movement, and the Environmental Movement were gaining significant ground and were lashing out at the conformity of the 1950s.

Disney's death can be viewed as one of the main contributing factors in the ultimate failure of the Mineral King project. Disney saw his ambitious pet projects through to completion, with an intensity and attention to detail that no one else in his company matched. Also, no Disney employee was as attached to the idea of developing a ski resort as Walt Disney had been before his death. In addition, Disney was the embodiment of the company and had many personal and political connections that helped his projects succeed. These connections, especially important to Mineral King, dissolved with the death of Disney. Yet, directly after Walt Disney's death, WED, Inc., which was relegated to development projects, continued on with Walt Disney's Mineral King project to honor his memory.

In 1965, the Forest Service gave the Disney Company three years to create a final plan of development, and employees continued to work on it.⁶² However, what WED, Inc. and Walt Disney Productions did not foresee was the intense opposition to the Mineral King project that would occur shortly after Disney's death. The Sierra Club, one of the oldest and leading environmental organizations, led the opposition against the project, ending up not only in the American courts, but also in the court of public opinion. At the end of the thirteen-year-long battle, the government would

⁶² *The New York Times*, "Disney Gets Permit to Develop Resort in Sequoia Forest," December 18, 1965. www.nytimes.com. (Accessed on February 9, 2013).

annex Mineral King to the nearby Sequoia National Park, and Walt Disney's dream of an 'Alpine Wonderland' would never crystallize. The Sierra Club's ideological and activist history is relevant to the story of the Mineral King controversy for it clarifies why the organization opposed the planned Mineral King resort in 1965 and why the club ultimately turned to American courts to prevent the Disney development.

THE SIERRA CLUB

“Thousands of tired, nerve-shaken, over-civilized people are beginning to find out that going to the mountains is going home; that wildness is a necessity; and that mountain parks and reservations are useful not only as fountains of timber and irrigating rivers, but as fountains of life.”¹ John Muir, *Our National Parks* (1901).

“It appeared to me that for a like reason men remain in their present low and primitive condition; but if they should feel the influence of the Spring of Springs arousing them, they would of necessity rise to a higher and more ethereal life.”² Henry David Thoreau, *Walden* (1854).

The Sierra Club *Minutes of the Annual Organizational Meeting of the Board of Directors* for May 1965 was the first instance where that organization mentioned the Mineral King Valley since 1947, when the Sierra Club agreed to support a ski development in that location of the Sequoia National Forest.³ However, in response to another Forest Service attempt to develop commercially Mineral King in February of 1965, the Sierra Club overturned their previous resolution and decided to oppose the construction of a resort in Mineral King Valley.⁴ Many different factors contributed

¹ John Muir, *Our National Parks*, (Boston: Houghton Mifflin, 1901), 1.

² Henry David Thoreau, *Walden: On the Duty of Civil Disobedience*, Project Gutenberg EBook# 205, www.gutenberg.org/catalog/world/readfill?fk-files=2121329. (Accessed on February 23, 2013).

³ The Sierra Club, *Minutes of a Regular Meeting of the Board of Directors* (San Francisco: September 4, 1949), 6, University of California at Berkeley, Bancroft Library. Online Archive of California, www.oac.cdlib.org. (Accessed on February 22, 2013).

⁴ The Sierra Club, *Minutes of the Annual Organizational Meeting of the Board of Directors* (San Francisco: May 1965), 14. University of California at Berkeley, Bancroft Library, Online Archive of California, www.oac.cdlib.org. (Accessed on February 22, 2013).

to the Sierra Club's reversal of its position; however, one of the predominant causes for the change in policy was the fact that the club was a very different organization in 1965 than it was in 1947. First established in 1892 by the naturalist John Muir, the Sierra Club was founded on the idea of preservation of wilderness. Yet, throughout the first half of the twentieth century, the Sierra Club primarily focused on annual outings and protecting areas in California. However, in the 1950s, due to the post-World War II population boom, which led to increased American support for conservation of land, the Sierra Club's membership grew significantly and forced its leaders into broadening their boundaries, agendas, and policies. To understand the Sierra Club's final decision to take action against a development at Mineral King, it is essential to look at the history of the organization (internal and external), the group's ideologies about land use, and its increasing political involvement and activism in the second half of the twentieth century.

The year 1890 was a significant one in American history, for it was the year that the National Census first demonstrated that there was no frontier left.⁵ To many Americans, the census implied that there was no more virgin land to be conquered, no more wild areas to be civilized, and no more lands to be transformed into prosperous farms. Historian Frederick Jackson Turner wrote that it was through the settling of the

⁵ Frederick Jackson Turner, *The Frontier in American History* (New York: Holt, Rinehart, and Winston, 1962), 1. The 1890 census was destroyed in a fire at the national archives in 1921 and only partially remains, see <http://www.archives.gov/publications/prologue/1996/spring/1890-census-1.html>. (Accessed on February 26, 2013).

American frontier that American identity was solidified, which legitimized Americans' sense of nostalgia.⁶ In addition to the loss of the frontier, the Industrial Age was at its zenith at the end of the nineteenth century in America. Therefore, modernization and urbanization also contributed to many Americans' sense of longing for an earlier, simpler time. It was in this context that Americans began to look at nature and natural resources in a new light and that a group of reformers known as conservationists strived to protect and manage American environments in order to preserve them for future generations. The conservation movement was revolutionary in that it represented a distinct break of sentiments of Americans toward nature—challenging older and more traditional beliefs.⁷ More importantly, it laid the foundation for the environmental movement of the 1960s and 1970s which helped garner popular support for environmentalists opposing commercial developments, particularly the ski resort at Mineral King Valley.

John Muir was one of the individuals who came to symbolize this changing attitude toward nature in the late nineteenth century, and who took direct action toward environmental wilderness protection and preservation. In 1892 Muir created the Sierra Club, an environmental organization that would aid him in his efforts of preserving American environments. Muir was, ironically, not an American, but was born in Dunbar, Scotland, in 1831 and moved to Wisconsin with his family when he

⁶ Turner, *The Frontier*, 2.

⁷ Donald Worster, *A Passion for Nature: The Life of John Muir* (Oxford: Oxford University Press, 2008), 7.

was eleven, where he first fell in love with the varied and grand landscapes. Spurred by Manifest Destiny, and the belief that out West he could make a name for himself, Muir eventually made his way to California in 1868, where he discovered the Yosemite Valley and the Sierra Nevada mountain range. Muir lived, traveled, and roamed the Sierra Nevada for many years, and would be the main driving force for federal protection of this area against commercial developers and private interests. In 1872, when the Yellowstone region of Wyoming was set aside as the first official National Park, Muir demanded, and succeeded in gaining, national park status for in 1890 for both Yosemite and a grove of giant sequoia trees, known as General Grant, in the southern region of the Sierra Nevada.

Muir's views of nature were heavily influenced by both the Romantic and Transcendentalist literary movements of the eighteenth and nineteenth centuries, led by authors such as Ralph Waldo Emerson and Henry David Thoreau. These authors romanticized nature and linked the earth's natural wonders, such as mountains or forests, with the divine. Transcendentalists believed that experiencing nature was an important aspect of leading a moral life, where man was able to transcend earthly aspects and rise to the virtues of Heaven. Muir likewise believed nature was something more than a mere resource for man's pleasure and whim, but was a sacred area where one could communicate with God and experience the wonders of Him in earthly form. For this reason, Muir felt that the best use for national parks—and any remarkable American environment—was to “feed men's spirits.”⁸ Muir also

⁸ Worster, *John Muir*, 281.

described nature as if it were alive and possessing human qualities. For example, Muir wrote in 1894 that, “contemplating the works of these flowers of the sky, one may easily fancy them endowed with life: messengers sent down to work in the mountain mines on errands on love.”⁹ Muir’s intense emotional connection with nature and wilderness impressed upon the Sierra Club similar beliefs, and these intense connections to nature spurred the club’s activism in the last half of the twentieth century.

Muir’s perspective of the natural world was not only through a humanistic lens. Muir strove to experience natural wonders, not as separate from the environment, but from the vantage point of creatures, rocks, and trees. Muir’s writing, both public and personal, fully demonstrated that he believed nature was endowed with spirit and life, and that humans were also part of this beautiful and wondrous natural environment. For example, writing to a friend in 1872, Muir stated that he was “only a piece of jagged human mist drifting about these rocks and waters,” who knew plenty about the ways of nature, but very little about the ways of Man.¹⁰ In one of his journal entries, Muir elaborated on the idea that man and nature are one when he wrote that “we all travel the milky way together, trees and men.”¹¹ Due to Muir’s

⁹ John Muir, *Mountains of California*, first published New York: Century Co., 1894 (New York: Modern Library, 2002), 14.

¹⁰ John Muir, *A Letter to Charles Warren Stoddard*, February 20, 1872. John Muir Collection, University of the Pacific, www.digitalcollections.pacific.edu. (Accessed on February 17, 2013).

¹¹ Lee Stetson, ed. *The Wild Muir: Twenty-Two of John Muir’s Greatest Adventures* (Yosemite: Yosemite Association, 1994), 116.

unique viewpoint of the world, he realized the intrinsic value of nature and believed that, although a great source of enlightenment and pleasure for humans, the environment existed for its own sake as well. Although not all Sierra Club members would feel as intensely toward nature as Muir did, his ideologies are so ubiquitous in the Sierra Club that many times they are the foundation of the club's arguments for the preservation of nature. This was especially true during the Mineral King battle.

Yosemite held a special place in Muir's heart, and he continued to battle to protect this majestic area even after it became a national park in 1890. Despite preservation, Yosemite's environmental integrity was constantly being threatened by over-tourism, poor management, and private interests. In response to these dangers, Muir and the Sierra Club went to the press and public for support. In 1893, the Sierra Club directors published a letter in the *California Press* explaining that "the Sierra Club is an organization one of whose objectives is to enlist the support and cooperation of the people and the government in preserving the forests and other natural features of the Sierra Nevada Mountains."¹² Also, the Sierra Club asked for the public's support in maintaining the integrity of Yosemite's environment by notifying the club of any destruction of trees or any other injury to the landscape. The Sierra Club was making it quite clear to the public and federal agencies that they were the caretakers of the Sierra Nevada. It is also important to note, and indicative in the

¹² The Sierra Club, *A Letter from Sierra Club Directors to the California Press, September 18, 1893*.

University of the Pacific, John Muir Collection, www.digitalcollections.pacific.edu. (Accessed on April 25, 2013).

article for the California Press, that when Muir founded the Sierra Club it was a small, local organization, focused primarily on California environments, mainly Yosemite, which later changed as the organization grew nationally.

As the protector of Yosemite, the Sierra Club fought its first major land battle for a section in the park named Hetch-Hetchy Valley, which would ultimately end in the flooding of the area to create a water reserve for San Francisco and its citizens. When gold was first discovered in 1848, the population of California continually rose due to Gold Fever and the general westward rush to settle the area. By 1900, California's total population was 1,485, 053.¹³ The city of San Francisco was the largest city in California, and to meet the demands of its growing population, its leaders looked to the Hetch-Hetchy Valley in Yosemite National Park as the ideal place to construct a dam and create a needed water reservoir. It was not until the San Francisco earthquake on April 18, 1906, which demonstrated that the city was in dire need of water, that the federal and state governments stepped in to support the city in its endeavors to dam the area of Hetch-Hetchy. Almost everyone agreed that the safety and natural rights of its citizens were more important than the scenic value of the area. John Muir, who was by now seventy-five-years old, and the Sierra Club, fought the damming of Hetch-Hetchy Valley with emotional public speeches, circulating petitions, and by constantly making pleas to politicians.

¹³ The United States Department of Commerce, Census Bureau, *1900 Census*, www.census.gov/prod/www/abs/decennial/1900.html. (Accessed on November 20, 2012).

In a 1910 article, “The Hetch-Hetchy Valley: A National Question,” Muir equated the saving of Hetchy-Hetchy with a crusade against the evils of the world. Muir wrote, “nothing dollarable is safe, however guarded” and added that “the Yosemite Park, the beauty, the glory of California and the Nation, Nature’s own mountain wonderland, has been attacked by spoilers ever since it was established, and this strife, I suppose, must go on as part of the eternal battle between right and wrong.”¹⁴ In 1907, Muir wrote Secretary of the Interior, James R. Garfield, stating that the Sierra Club supported an alternative area for a water supply, such as the Tuolumne River, for San Francisco, but felt that a dam in a national park would be a “great mistake” and would set a terrible precedent.¹⁵ In the letter, Muir compared the Hetch-Hetchy Valley to the Garden of Eden, stating that Eden too was plundered and attacked and if humanity failed to protect Hetch-Hetchy, then it will be as if Heaven’s Angels failed again. However, although pessimistic throughout his writing, Muir insisted that as long as a stump was left in Yosemite, he and his Sierra Club would do all they could to protect it. The strong words and emotions that Muir, as head of the Sierra Club, demonstrated in his public and private outreach to protect Yosemite would begin a tradition of the involvement of powerful sentiments and emotions by the Sierra Club and other preservationists while fighting to preserve nature.

¹⁴ John Muir, “The Hetch-Hetchy Valley: A National Question.” *American Forestry* 16 (January 1910): 263.

¹⁵ *A Letter from John Muir to James R. Garfield*, September 6, 1907. John Muir Collection, University of the Pacific, www.digitalcollections.pacific.edu. (Accessed on February 17, 2013).

Despite efforts to stop the dam—a seven-year-long battle for Muir and the Sierra Club—the federal government gave Hetch-Hetchy Valley over to the city of San Francisco to be dammed. “The plague of the Hetch-Hetchy failure,” Michael Cohen writes, was never fully exorcised from the Sierra Club’s memory and the ghost of the loss is a driving force for the Club’s environmental activism since 1914.¹⁶ The Hetch-Hetchy defeat, therefore, would reverberate throughout the club’s activities and drive a more conservation-leaning organization in the late 1960s to battle once again for a Sierra Nevada environment: Mineral King. Shortly after Hetch-Hetchy was dammed, the Sierra Club, under the leadership of Joseph LeConte, pushed for a federal organization to safe-guard national parks from future development, and in 1916 the National Parks Service was founded under the National Parks Act. However, with America’s involvement in World War I (1914–1918) and later with the domestic effects of the Great Depression in the early 1930s, the Sierra Club’s main priorities were enjoying nature and not in waging large public land battles. In fact, during the 1920s and 1930s, the main activities of the club were its annual outings, support for the newly created Park Service and System, and mapping the Sierra Nevada.¹⁷

During the 1940s, however, changing American attitudes about nature, and the fact that commercial and private development continuously threatened wilderness areas, would revive the Sierra Club’s conservation efforts and force the club into

¹⁶ Michael Cohen, *The History of the Sierra Club, 1892-1970* (San Francisco: Sierra Club Books, 1988), 20.

¹⁷ Cohen, *Sierra Club*, vii.

saving other natural environments. In particular, ideas outlined by forester Aldo Leopold—brought to the attention of the Sierra Club by members Harold Bradley and Lowell Sumner—had a major effect on many of the members’ outlook and policies of conservation.¹⁸ Leopold’s posthumously published work, *A Sand County Almanac: and Sketches Here and There* (1949) stated that “there are some who can live without wild things, and some who cannot” and that the essays enclosed in the work, “are the delights and the dilemmas of one who cannot.”¹⁹ More than that, Leopold stated that his true purpose for writing the work was to shed light on how the conservation movement was getting nowhere and to outline some ways of how to change American sentiments toward nature permanently.²⁰ In his last, and most remembered, essay, “The Land Ethic,” Leopold combined the science of ecology, and the idea of the interconnectedness of the community, with a new form of ethics based on the notion that the environment should be included in human beings’ sense of what is right and wrong. In Leopold’s own words, “the land ethic simply enlarges the boundaries of the community to include soils, waters, plants, and animals, or collectively: the land” and, in short, “changes the role of Homo Sapiens from conqueror of the land-community to plain member and citizen of it.”²¹ Although Leopold’s sentiments were not noticed by the general American public, his work was

¹⁸ Cohen, *Sierra Club*, xii.

¹⁹ Aldo Leopold, *A Sand County Almanac and Sketches Here and There*, first published 1949 (London: Oxford University Press, 1970), vii.

²⁰ Leopold, *Sand County*, viii.

²¹ Leopold, *Sand County*, 204.

a major influence on members of the Sierra Club, because Leopold's ideas meshed well with Muir's nature ideologies. More importantly, the influence of both Muir's and Leopold's attitudes toward nature would form the basis of the argument of the Sierra Club's position in opposing commercial development at Mineral King.

The broadening of the Sierra Club's attitudes about nature paralleled a general widening of the club's geographic borders, as well as its policies, agendas, and membership during the 1950s. Edgar Wayburn, head of the Sierra Club's Conservation Committee during the 1950s, commented in his autobiography that the 1950s were a pivotal time for the club due to three critical events: the organization's decision to grow exponentially, its plan to expand nationally, and the fact that it hired a more professional staff.²² The 1953 *Minutes for the Fall Meeting of the Board of Directors* demonstrated that the Sierra Club's board members did discuss and contemplate whether or not they should open membership to individuals outside California. The club's leaders reasoned that the organization was strong internally and could support a large organization. In addition, the club believed that "the ever-changing scope of the conservation job" required them to broaden their outlook, and, therefore, its leaders unanimously decided that the Sierra Club should be nationwide.²³ More specifically, the year 1952 represented a distinct break from a small,

²² Edgar Wayburn, *Your Land and Mine: Evolution of a Conservationist* (San Francisco: Sierra Club Books, 2004), 79.

²³ The Sierra Club, *Minutes of the Fall Meeting of the Board of Directors* (San Francisco: October 17, 1953), 2-4.

local, and activity-focused Sierra Club, with the naming of David Brower as the first executive director. As the organization's "professional brain," Brower would lead the Sierra Club into more political and public activism, paving the way for the group's actions and later positions at Mineral King.²⁴

Brower was one of the most outspoken members of the Sierra Club, who championed Leopold's land ethic, and utilized the science of ecology to advance the club's conservation efforts and policies. Brower first joined the Sierra Club in 1933 mainly for the mountaineering trips, yet steadily rose in the ranks to be voted in unanimously to the new position of executive director in 1952, a position he would hold until 1969. When interviewed for the University of California at Berkeley Oral History Project in 1976, Brower reflected that during the 1950s, "conservation was high on the agenda and that wilderness appreciation came back and began to flourish."²⁵ The Sierra Club's original purpose was to explore, enjoy, "and render accessible" wilderness areas, which was indicative of Muir's belief that the national parks should be open for everyone to enjoy.²⁶ However, Brower noted that by the mid-1950s, "it didn't take long to get that render 'accessible' out," for by that time,

²⁴ The Sierra Club, *Minutes of the Creation of Post of Executive Director* (San Francisco: May 2, 1953), 6.

²⁵ Susan Schrepfer, *Interview with David Brower, Environmental Activist, Publicist, and Prophet*, (Berkeley: Regional Oral History Office, 1980), 24.

²⁶ The Sierra Club, *Minutes of the Sierra Club Board of Directors, 1892–1907, Agreement of Association* (San Francisco: 4 June 1892) Online Archive of California, www.oac.cdlib.org. (Accessed April 25, 2013).

the Sierra Club strongly believed that the ‘accessible’ function had been met in wilderness areas, and what was needed instead was its protection.²⁷ The Sierra Club, thus, was struggling with how to promote wilderness areas to the American public but also how to protect these areas in order to preserve these lands for future generations to enjoy. The Sierra Club, in the early 1950s, was concerned primarily with protecting the overly-visited recreational spots, such as Yosemite, while promoting increased recreation and funds for the national forests.²⁸ However, as populations continued to rise in the late 1950s, and as the club fought more heated environmental battles to protect public lands, the organization narrowed their definitions of conservation and began to view developments, even recreational ones, as threats to wilderness areas. These sentiments would later lead the Sierra Club to oppose the planned Disney resort in the Mineral King Valley.

Contributing to the Sierra Club’s policy of emphasizing conservation of wilderness areas over access were several federal attempts to construct dams in the wild areas of public lands in order to garner energy to meet the increasing resource demands of a growing nation. In 1952, the Sierra Club learned that the Bureau of Reclamation planned to construct a large hydroelectric project known as the Colorado River Storage Project, which included two dams, Echo Park and Split, on the

²⁷Schrepfer, *Interview*, 24.

²⁸ The Sierra Club, Minutes of the Sierra Club Board of Directors, 1951–1954, University of California at Berkeley, Bancroft Library, Online Archive of California, www.oac.cdlib.org. (Accessed June 10, 2013).

Colorado River that would flood areas in Dinosaur National Monument. The *Minutes of the Sierra Club Board of Directors from 1951 to 1953* discuss the growing controversy at Dinosaur, and influenced by Brower, mention the need for more publicity showcasing the area's aesthetic beauty and ideal location for river recreation.²⁹ The Sierra Club also elucidated the organization's main impetus for opposing the Echo Park dam, which was "to teach dam builders a lesson they won't forget—that of not proposing to build a dam in areas that have been set aside as a part of a system of national parks and monuments."³⁰ Aside from outreach and a video depicting the wonders of Dinosaur National Monument, entitled "Wilderness River Trail," the Sierra Club also formed a conservation committee specifically for the Dinosaur Campaign. The committee, led by Brower and other key members of the club, attended congressional hearings in order to defend the integrity of the National Park and National Monument System, as well as to cast doubt on the Bureau of Reclamation's intentions and scientific justifications. The club, therefore, grew increasingly more organized, political, and, more importantly, learned how to fight for conservation in a changing America.

On April 11, 1956, President Dwight D. Eisenhower signed a bill that not only eliminated the Echo Park Dam, but also contained a proviso that prevented dams in

²⁹ The Sierra Club, *Board of Directors Meeting Minutes*, 1951-1953. University of California at Berkeley, Bancroft Library, Online Archive of California, www.oac.cdlib.org. (Accessed Jan 25, 2013).

³⁰ The Sierra Club, *Minutes of the Quarterly Meeting of the Board of the Directors* (San Francisco: February 27, 1954), 3.

any area of the national park system along the Colorado River in the future. The conservationists, however, compromised by allowing the Bureau of Reclamation to build a dam upriver, known as Glen Canyon Dam.³¹ In the minds of some of the Sierra Club members, the victory at Dinosaur—in a sense—righted the wrong of the damming of Hetch-Hetchy Valley in 1914. However, the outcome of the conflict was not solely the result of the Sierra Club, for America in the 1950s was arguably very different from America in 1914. Intellectual currents, such as Leopold's land ethic, combined with cultural aspects, such as a rise in the standard of living for the middle class and even the increased interest in outdoor recreation despite the Sierra Club's opposition to it in some areas, aided the Sierra Club in gaining American support for their conservationism. Although the Echo Park campaign was a success in that it prevented a dam that would flood Dinosaur National Monument, the battle between development and preservation would continue throughout the rest of the twentieth, and into the twenty-first, century. Brower summed up that "development versus preservation was the source of a struggle then, and continues to be, not only in the U.S. but globally as well, as we move from an empty earth to a full one."³² The Echo Park battle, however, was important because it led the Sierra Club toward a trend of

³¹ For more information see Mark W. T. Harvey, *A Symbol of Wilderness: Echo Park and the American Conservation Movement* (Albuquerque: University of New Mexico, 1994), particularly pp. 277-285.

³² David Brower, *For Earth's Sake: The Life and Times of David Brower* (Salt Lake City: Peregrine Smith Books, 1990), 51.

spearheading very public and very political environmental land battles, which they later waged at Mineral King.

The changing intellectual sentiments toward wilderness in the 1950s, in addition to cultural trends, also impacted the overall mindset, and ultimately the actions, of the Sierra Club. Historian Roderick Nash's seminal work, *Wilderness and the American Mind* (1964), explained these trends and gave insight into environmentalists' understanding of wilderness. Tracing the evolution of the ideas about wilderness from its Old World roots to its New World identities, Nash demonstrated that in early America, wilderness was seen as a constant threat to the settlers' survival, and later to the pioneers of the West, and, thus, the conquest and civilizing of wild places was a major concern of Americans throughout its history. The first shift in American sentiments about wilderness, Nash noted, stemmed from the conservation era in the late nineteenth century, and the second shift was mainly impacted by the works of Aldo Leopold and his land ethic. Referring to Leopold, Nash explained that "the synthesis of the logic of a scientist with the ethical and aesthetic sensitivity of a Romantic was effective armament for the defense of wilderness protection."³³ The basis of Nash's argument was that every historical group has a unique concept of what wilderness entails. This concept was equally true of the Sierra Club and many other individuals and organizations involved in the Mineral King controversy—each of whom had a different definition of wilderness.

³³ Roderick Nash, *Wilderness and the American Mind*, 4th edition (New Haven: Yale University Press, 2001), 182.

The Sierra Club, in order to promote their new ideal of a more encompassing definition of wilderness and to protect these wilderness areas, launched the first Wilderness Conference on April 8, 1949, in Berkeley, California, with the help of another conservation organization, the Wilderness Society. In 1935 eight conservationists, including Aldo Leopold, formed the Wilderness Society to help protect wilderness areas. It was under the leadership of Howard Zahniser (1945–1964), however, that the Wilderness Society gained national attention and had more success in wilderness protection.³⁴ At the Second Biennial Wilderness Conference in 1951, Zahniser stated that Americans “can no longer afford to lose wilderness” and that “any further loss is a sacrifice, a sacrifice to be made only under the most extreme compulsion.”³⁵ Speaking on behalf of the Sierra Club at the Fifth Biennial Wilderness Conference in 1957, David Brower also proclaimed that “these outdoor spaces—daylight saving plots, weekend and holiday areas and vacation spots—won’t set themselves aside,” and added that conservationists must help plan and implement their protection.”³⁶

The main impetus for the wilderness conferences was to get legislation passed in Congress that would clearly define wilderness and protect it for future generations. In 1964, fifteen years after the First Wilderness Conference, the Sierra Club and the

³⁴ For more information on the life of Howard Zahniser and the impact he had on wilderness protection see Mark Harvey, *Wilderness Forever: Howard Zahniser and the path to the Wilderness Act* (Seattle: University of Washington Press, 2009).

³⁵ David Brower, ed. *Wildlands in Our Civilization*, (San Francisco: Sierra Club Books, 1964), 47.

³⁶ Brower, *Wildlands*, 54.

Wilderness Society succeeded at this goal. The Wilderness Act of 1964, which Howard Zahniser wrote and relentlessly lobbied for, established a National Wilderness Preservation System “for the permanent good of the whole people,” and set aside wilderness areas for protection and limited recreation.³⁷ The act also defined wilderness as “an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain,” and which was in “contrast with those areas where man and his works dominate the landscape.”³⁸ The Sierra Club committed itself not only to the passage of the act, but also afterward stated that a major part of the club’s agenda was to make sure that the act’s provisions were followed by land management agencies, especially the Forest Service.³⁹

Although the Wilderness Act of 1964 clearly defined wilderness, and outlined procedures to create wilderness areas, the act gave federal agencies, mainly the Forest Service, ten years to take care of bureaucratic red-tape involving changing an area’s classification. Therefore, although the act was a success for the Sierra Club and the Wilderness Society, it also further intertwined the two conservation organizations, which saw themselves as protectors of these areas, with federal land management agencies, who managed the wilderness. In addition, the act had a clause to pacify its opponents that stated that “no land should be designated as ‘wilderness areas’ except

³⁷ “The Wilderness Act of 1964” 16 U.S.C. 1131-1136 (1964).

³⁸ “The Wilderness Act of 1964.”

³⁹ The Sierra Club, *The Sierra Club Minutes of a Regular Meeting of Board of Directors* 1964 (San Francisco: September 5, 1964).

as provided for in this Act or subsequent Act,” meaning that the Forest Service and the government legally had control over what land was deemed wilderness, and, thus, worthy of protection.⁴⁰ The act, and that clause, would have implications for Mineral King, which was not deemed wilderness due to the fact that it had remnants of a mining town from the late nineteenth century. In addition, the supporters of the development at Mineral King, such as Walt Disney and the Forest Service, would later use the fact that the area was not classified as wilderness as a major reason why a recreational resort was a good use of the land in that area.

Mineral King was not unique in the fact that it was not legally deemed a wilderness because of slight human alterations to the environment, yet, it was still very much primeval in character in some locations. Many other landscapes across the nation were similar to Mineral King, and in order to be able to fight for these semi-wilderness environments not protected by the Wilderness Act, the Sierra Club and other wilderness preservationists’ utilized the term ‘*de facto*’ to classify these areas as almost-wilderness. At the Fourth Biennial Conference on North West Wilderness in 1962, Brower defines *de facto* wilderness as “wilderness areas which have been set aside by God but which have not yet been created by the Forest Service.”⁴¹ Brower explained that conservationists, in striving to protect the environment, were not just learning about the natural world but also were learning about the inner workings of government. Brower also argued that *de facto* wilderness was “being sentenced to

⁴⁰ “The Wilderness Act of 1964.”

⁴¹ Brower, *Wildlands*, 103.

death by its enemies in the administrating public agency,” and that its true friends would continue to fight for it. Not only was Brower speaking very strongly against the Forest Service, setting them at odds with conservationists, but he also called on his fellow nature-lovers to be politically active in order to protect these primitive areas from extinction. Browers’ speech, interestingly, also echoed the earlier sentiments of John Muir by revealing that nature, specifically *de facto* wilderness, has value in its own right.

In 1964, William E. Siri became the president of the Sierra Club and launched the group into a new era, built on the conservation ideals of Leopold’s land ethic and the activism of David Brower. Siri reflected that “the club was growing so rapidly it was stretching its breeches and a number of internal changes had to be made if the club was to fit its emerging national role.”⁴² One of those internal debates was whether the club should “stay in the woods” and concentrate merely on wilderness protection, or tackle new environmental problems, such as the dangers of chemical pesticides.⁴³ For example, Brower believed that opposing nuclear energy and preventing the construction of nuclear power plants was now an important agenda for the Sierra Club, whereas other members felt sticking to protecting wilderness environments was a better use of the club’s time. As with the early 1950s, the Sierra Club in the early 1960s was also grappling with rapidly expanding membership and a

⁴²Ann Lage, *Interview with William E. Siri, Reflections on the Sierra Club, the Environment, and Mountaineering, 1950-1970s* (Berkeley: Regional Oral History Office, 1979), 23.

⁴³ Lage, *Will Siri*, 33.

growing scope of conservation policy. In both instances, it was not an easy transition for the club to change with the times, for throughout the 1950s and early 1960s there were many heated debates, discussions, and disagreements between the individual board members on policy and agenda, as well as resignations and changes in leadership.⁴⁴

The Sierra Club's involvement in land battles also increased in the early 1960s, as its membership skyrocketed and the organization strived to protect as many public lands as it could. For example, the Sierra Club fought the clear-cutting of California Redwoods and the damming of the Grand Canyon. These wilderness areas were not the only natural wonders on the club's radar, for in a meeting on May 16, 1961, the Sierra Club listed nineteen major wilderness areas that they demanded cease orders for all development occurring at the sites.⁴⁵ The Sierra Club in the 1960s, therefore, was set on championing the preservation of as many environments across the nation that they could, and was willing to make their voices heard loud and clear to private interests and governmental agencies. San Geronio, in the San Bernardino mountain range in Southern California, was another natural wonder that was on the Sierra Club's docket to help preserve and protect from land development. As with

⁴⁴ The Sierra Club, *Minutes of the Board of Directors 1950–1965*. University of California at Berkeley, Bancroft Library, Online Archive of California, www.oac.cdlib.org. (Accessed January 2013).

⁴⁵ The Sierra Club, *The Sierra Club Minutes of the Board of Directors 1961* (San Francisco: May 16, 1961), 3.

Mineral King, San Gorgonio was a frequent target of private companies who wished to build a ski resort there from the 1940s through the 1960s.

As early as 1938, the Sierra Club's Winter Sports Committee named Mt. San Gorgonio as one of the ideal spots for ski resort development in Southern California. The club also decided that "the construction of simple housing facilities necessary for the conduct of such activities was not inconsistent with the use of the San Gorgonio primitive area," yet the organization did recommend a re-drawing of forest borders to ensure that no wilderness area was adversely affected.⁴⁶ As with the Mineral King decision in 1947, the Sierra Club in 1938 did not believe that a ski resort was incompatible with wilderness and was, in fact, an ideal use of these environments in certain locations. As noted, the Sierra Club before the post-World War II population boom was a very different organization, for they were not opposed to development in America's wilderness areas. However, with changing attitudes toward wilderness, a stricter preservation ideology, and heightened political activism, the Sierra Club in the early 1960s reversed their pro-development stance in San Gorgonio and pushed Congress to protect the area.

Many viewed San Gorgonio as a true wilderness area, unlike Mineral King, and therefore it was easier for the Sierra Club and other conservationists to prevent any development initiated there. In 1963, San Gorgonio was brought again to the attention of Sierra Club board of directors by a representative from a Los Angeles

⁴⁶ The Sierra Club, *The Sierra Club Minutes of the Organizational Meeting of the Board of Directors 1938* (San Francisco: May 7, 1938), 3.

chapter who asked them to intervene in the discussion about a planned commercial ski development there. As a result, the Sierra Club leaders became heavily involved in San Gorgonio and requested a meeting with the ski developers to determine exact details of the planned resort, such as the height of the ski lifts.⁴⁷ The Sierra Club stated that any ski development would damage the wilderness and aesthetic value of San Gorgonio and that the main issue at stake is a question of what the “highest and best use of the area is over the long term.”⁴⁸ Local forest rangers and federal representatives agreed with the Sierra Club, and ultimately, the San Gorgonio Wilderness Area was saved from any further commercial development because it included legally protected wilderness. Therefore, the Sierra Club in the 1960s believed that wilderness in its natural state was the best use of land, and that even recreation spots were threats to the primitive character of these wilderness areas. However, the federal government saved San Gorgonio from development because it agreed with the Sierra Club that the area was in fact primitive in character. This did not deter the private developers and skiing interests because they turned their sites elsewhere, and found Mineral King.

As Sierra Club membership increased and its conservation polices widened geographically, local chapters played important roles in protecting and preserving the environments in their own backyards. For example, with San Gorgonio, it was a local

⁴⁷The Sierra Club, *The Sierra Club Minutes of the Board of Directors 1963* (San Francisco: May 4, 1963) 9.

⁴⁸The Sierra Club, *Minutes 1963*.

Los Angeles Sierra Club chapter that asked the board of directors to step in and help prevent development. The Sierra Club's leaders, however, always made the final decision as to whether the club would fight against development in some areas and not in others. In May 1965, the Sierra Club leaders finally decided to discuss a planned development at Mineral King, even though the local Kern-Kaweah Chapter of the Sierra Club in Tulare County, led by John L. Harper, tried bringing the situation to their attention many months earlier.⁴⁹ Harper received a memo on September 4, 1962, that revealed that Walt Disney was conducting surveys in the Mineral King Basin and was possibly looking to build a ski resort at Mineral King.⁵⁰ Following up on the gossip, Harper discovered that while the battle for the San Geronio Wilderness was still waging, Disney, with his "business sense," decided that Mineral King was the better site for a Southern California ski resort and had started on the preliminary procedures needed to accomplish his goal.⁵¹ Harper created a report in 1964 about Mineral King and a potential Disney development there, but it was not until the Forest Service sent out a prospectus in February 1965 that others, including the Sierra Club board of directors, took heed of the situation.⁵²

⁴⁹ The Sierra Club, *Minutes of Annual Organizational Meeting of the Board of Director 1965* (San Francisco: May 1, 1965), 11.

⁵⁰ John Harper, *Mineral King: Public Concern with Government Policy* (Arcata: Pacifica Publishing Co., 1982), 61.

⁵¹ Harper, *Mineral King*, 66

⁵² Harper, *Mineral King*, 76.

Less than two decades earlier, in 1947, the Sierra Club was aware of Forest Service attempts to build a ski resort at Mineral King, and its leaders, at that time, supported this type of recreation for the area. In May 1965, however, after a “long and detailed discussion close to four hours,” the Sierra Club decided to overturn its 1949 position and opted to oppose any development at Mineral King.⁵³ Some of the arguments in favor of a development of a ski resort at Mineral King by the club leaders were that Mineral King was not wilderness, it would be morally wrong to overturn a prior resolution, and that it would make the Sierra Club look bad to its members and the nation. Moreover, the supporting arguments concluded that Mineral King was overall the best area for a major ski resort in Southern California. Those who opposed the Mineral King development argued that it was perfectly fine to reverse an old, out-dated position and believed that Mineral King was a “magnificent area.” Also, opponents believed that although Mineral King was not entirely wilderness, some parts of the area were in fact *de facto* wilderness and were even reverting to their natural state.⁵⁴ Even David Brower, the Sierra Club leading conservationist and *de facto* wilderness defender, was undecided on the Mineral King issue, and admitted later in his autobiography that he “wobbled” and was ready to support development until a fellow member convinced him not to.⁵⁵ It is clear from the two opposing sides that within the Sierra Club, the different leaders even had

⁵³ Harper, *Mineral King*, 12.

⁵⁴ The Sierra Club, *Minutes*, May 1, 1965, 13.

⁵⁵ Brower, *For Earth's Sake*, 179-180.

contrasting views about what constituted a wilderness—which made it difficult to follow a standard policy when dealing with wilderness conservation. Aside from the ethics of a club’s policy, the main debate about the development at Mineral King was whether or not the area was in fact wilderness, and, thus, worth preserving at all. In addition, if Mineral King, therefore, was in not wilderness, should the area be sacrificed to protect and preserve other areas more wilderness-like in character, such as San Gorgonio?

What became an important factor in protecting individual environments, thus, was the activism and outreach by local Sierra Club chapters to protect areas to which they had connections and felt strongly about—similar to the policies of the Sierra Club in the days of John Muir. It was clear from the long debate by the Sierra Club board members, and the instance of four different resolutions, that a decision about Mineral King was a difficult one for the Sierra Club. In fact, the decision was not unanimous, but rather a vote of seven to four against development.⁵⁶ However, for the local Kern-Kaweah Chapter, whose members hiked, camped, and enjoyed Mineral King, the answer was always an easy one: a Disney resort should not be allowed to be constructed in their beloved Mineral King Valley. Incidentally, other Southern California Chapters, such as Los Angeles and Riverside, wanted the board of directors to reconsider their ruling against development, perhaps because the members of those chapters would utilize and directly benefit from a large resort in the

⁵⁶ The Sierra Club, *Regular Meeting of Board of Directors* (San Francisco: September 11-12, 1965), 9.

area the most.⁵⁷ However, the Sierra Club board of directors would stand their ground and oppose the Disney development, launching them into a long struggle to protect the area.⁵⁸ Studying the political and social context of the Mineral King controversy exposes the complexities of this particular land battle, and explains how—against all odds—the federal government opted to preserve the semi-wilderness valley.

⁵⁷ The Sierra Club, *Minutes of a Special Meeting of the Executive Committee* (San Francisco: June 12, 1965).

⁵⁸ For a brief account into the ideological shift of the Sierra Club in 1949 to 1976 and their strategies at Mineral King see Susan Schrepfer, “Perspectives on Conservation: Sierra Club Strategies in Mineral King,” *Journal of Forest History* 20 (October 1976):176-190.

THE BATTLE (1965–1978)

Have you heard that it is good to gain the day? I also say that it is good to fall, battles are lost in the same spirit they are won.”¹ Walt Whitman, *Song of Myself* (1855).

“It is not inevitable, nor is it wise, that natural objects should have no rights to seek redress in their own behalf. It is no answer to say that streams and forests cannot have standing because streams and forests cannot speak.”² Christopher Stone, *Should Trees have Standing?* (1972).

In October 1969, *The Roadrunner*, the Sierra Club bulletin for its Kern-Kaweah Chapter, outlined the Sierra Club’s stance on a proposed commercial development by the Walt Disney Corporation at Mineral King Valley in Sequoia National Forest of California. Aside from noting perceived lease violations at Mineral King and its status as a game refuge, the Sierra Club mainly argued that “a development of this size would cause irreparable physical damage to the region, destroying the natural character” and that both the United States Forest Service and Disney Enterprises “grossly underestimate” these effects.³ In 1947, the Sierra Club Board of Directors decided to approve the Forest Service’s attempts to develop a ski resort at Mineral King; however, in 1965, after a very rigorous debate, a very different group voted to overturn its prior position and oppose a development at

¹ Walt Whitman, *Leaves of Grass, and Selected Prose*, 13th edition (New York: Holt, Rinehart, and Winston, 1965), 38.

² Christopher Stone, *Should Trees have Standing? Law, Morality, and the Environment* (Oxford: Oxford University Press, 2010), 8.

³ *The Roadrunner*, “The Mineral King Lawsuit,” October 1969, 3.

Mineral King.⁴ Therefore, when the Walt Disney Company, and its plan for \$35 million resort, won the Forest Service bid to construct a recreational facility at Mineral King, the Sierra Club decided to fight for the environmental integrity of the area. Many different factors, such as governmental leaders, environmental legislation, and the environmental movement as a whole, affected the actions of the Sierra Club, the Forest Service, and the Disney Corporation during the Mineral King battle. By looking at the political and social trends in the United States during the 1960s and 1970s, it readily becomes apparent why Disney's grand plan for a Mineral King resort never materialized and why, instead, the valley was designated as a national park.

Walt Disney Productions won the Forest Service's bid for the Mineral King development in fall 1965; the company was given about three years to conduct surveys, complete leases, and submit a final plan for their year-round resort. When Walt Disney died in December 1966, the Walt Disney Company was very intent on carrying out the last projects of its cherished founder, including the Mineral King resort.⁵ Walt Disney, before his death, secured approval from California, through Governor Edmund "Pat" Brown, and his successor Ronald Reagan, to pay for and construct a twenty-five mile all-weather highway into Mineral King Valley. The

⁴ The Sierra Club, *The Minutes of a Regular Meeting of the Board of Directors* (San Francisco: August 31, 1947), University of California at Berkeley, The Bancroft Library, Online Archive of California, www.oac.cdlib.org. (Accessed February 2, 2013).

⁵ For information on the Disney Company's transition after Walt Disney died, see Bob Thomas, *Building a Company: Roy O. Disney and the Creation of an Entertainment Empire* (New York: Hyperion, 1998), 293-340.

existing Mineral King road—constructed haphazardly in the late 1800s by miners to support light traffic—was a one-lane, winding dirt road that was inadequate to accommodate the number of visitors and automobiles that Disney predicted would frequent the resort. In fact, the Forest Service stated in their 1965 prospectus that a successful bid was contingent on the developer building a new road, but that “the Forest Service does not suggest how, when, or by whom this will be done.”⁶ The Forest Service, having managed Mineral King for nearly sixty years, knew that the road would be one of the more costly and more difficult hurdles to overcome so that Mineral King could accommodate an all-year round resort.

In October 1966, California approved a \$3 million grant to construct an all-weather highway into Mineral King Valley. In April of 1967 the California Highway Commission adopted a plan to finance the project.⁷ Therefore, the road issue was resolved in the minds of the developers and the state, in spite of the fact that approximately six miles of the new highway would go through nearby Sequoia National Park. From the beginning of this project, the Forest Service, Walt Disney Productions, and the California legislature all ignored the fact that Mineral King Valley was surrounded by a national park, which was set aside for preservation and

⁶ United States Department of Agriculture, Forest Service, *Prospectus for a Proposed Recreation Development at Mineral King in Sequoia National Park* (Washington D.C.: GPO, February 1965).

⁷ WED Enterprises, Inc., “Master Plan of Walt Disney Production’s Mineral King Project,” January 8, 1969, 3. WED, Inc. (an acronym of Walter Elias Disney), was one of the few in the 1960s privately owned by Walt Disney. It was later incorporated into Walt Disney Productions when Disney died in 1966.

not development. The National Park System, founded in 1916, was built on the idea that national parks were set aside “to conserve the scenery, the natural and historic objects, and the wildlife therein,” and, therefore, the agency adhered to this mission-statement when developing roads or concessions within the parks.⁸ In addition, the Leopold Report (1963), which the Secretary of Interior authorized for the purpose of updating and modernizing park policy toward wildlife, suggested an overall ecological and preservationist outlook in managing all aspects of the national parks.⁹ The Sierra Club, opposing the Disney development, seized on the issue of the new Mineral King Road going through the Sequoia National Park, in an attempt to halt the project.

Michael McCloskey, head of the Sierra Club Conservation Committee, wrote to the Park Service to inquire about their position on Mineral King, and also asked the agency how it felt about a highway possibly being constructed through a national park. In a return letter, A. Clark Stratton, the Assistant Director of the Park Service, stated that Mineral King was not a part of Sequoia National Park and that the entire road would be owned and operated by Tulare County, implying that Mineral King was not a concern of his agency. Stratton also stated that the Park Service “concurs with the Forest Service in believing that suitable recreational development at Mineral

⁸“The National Park Service Organic Act of 1916” 16 U.S.C. 1, 2, 3, &4 (1916).

⁹ A.S. Leopold (Chairman), *Wildlife Management in the National Parks: The Leopold Report* (Washington D.C.: GPO: March 1963). <http://www.craterlakeinstitute.com/online-library/leopold-report/index-leopold-report.htm>. (Accessed April 25, 2013).

King is appropriate”; yet, he did add that the development should be constructed as to not adversely affect the environmental integrity of the park.¹⁰ Regarding the highway, Stratton stated that the Park Service requested that the developers look into alternative transportation ideas to highway construction, such as monorails and tramways. It is clear from Stratton’s letter that the Park Service supported the Disney development, but was reluctant to take a position on the construction of a new Mineral King road.

George B. Hartzog, Jr. was the head of the National Park Service at the time and his supervisor was Secretary of the Interior Stewart Udall, appointed in 1961 by President John F. Kennedy in an attempt to strengthen conservation efforts in the country. When President Kennedy was assassinated in November 1962 and Vice President Lyndon B. Johnson was sworn in as president, Udall remained in his position until Johnson left office in 1969. In an oral interview Udall conducted in April 1969, he explained the relationship between the Johnson Administration and the Department of Interior. Beginning with the Wilderness Act of 1964, Udall noted how environmental legislation, propelled by the Department of Interior, came into vogue in American politics during the mid-1960s, as goals of the country changed and citizens pushed political leaders for more conservation. Udall explained that President Johnson “appreciated what we were doing,” and that Johnson’s administration was eager for the department to approach them with any new ideas for environmental

¹⁰ A. Clark Stratton, *Letter to Michael McCloskey from Assistant Director*, United States Department of Interior, National Park Service, April 10, 1967.

laws.¹¹ President Johnson's first lady, Lady Bird Johnson, was also a supporter of conservation efforts in America, and helped the Johnson Administration pass laws for environmental protection.

The Sierra Club was confident that because Udall was an environmentalist, the Mineral King all-weather highway would not be permitted to go through Sequoia National Park and that the Disney resort would not be built. In addition, Udall was from Arizona, one of the states in the West where conservation and environmentalism was important due to the majority of public lands existing in many western states. Udall, however, was not the only political leader who had a voice in the Mineral King matter. Secretary of Agriculture Orville Freeman (1961–1969), whose department oversaw the Forest Service, also joined in the debate and was adamantly in favor of building the new Mineral King highway, as well as the Disney resort. Freeman saw wilderness as a natural resource, much like the Forest Service envisioned, and supported commercial development for recreation in the national forests. It was logical for Freeman to support the Mineral King resort, since, after all, it was the Forest Service that requested, and approved, a year-round resort for Mineral King in the first place. *The New York Times* was to soon hint at an ensuing battle that was

¹¹ Joe B Frantz, *Interview I with Stewart L Udall*, April 18, 1969, LBJ Library Oral History Collection, University of Texas Oral History Project, 20.

www.lbjlib.utexas.edu/johnson/archives.hom/oralhistory.hom/udall/udall01.pdf. (Accessed on March 18, 2013).

brewing between Udall and Freeman about the Mineral King road being built through Sequoia National Park.

On July 16, 1967, *The New York Times* published an article in which William M. Blair reported that “Mr. Udall is presently holding up approval of a road through a section of Sequoia National Park; its purpose is to give private enterprise entry into the wild, alpine valley of Mineral King.”¹² Blair added that both “Mr. Udall and Mr. Hartzog are worried,” since the highway, already approved by the state leaders of California, would be constructed in order to support an annual total of 2,500,000 visitors to the Mineral King resort. In a letter to a friend, Udall expressed his concern and stated that “the best way to make Mineral King the finest recreation in the west is through the exclusion of automobiles,” for “the experience of the postwar years tells us that the combustion automobile, with its fumes, noises, and accompanying clutter, is a paramount and blighting influence in the national parks.”¹³ It is apparent that Udall was strongly against the building of the Mineral King highway through Sequoia National Park because it went against the principles of the Park Service, and that the projected number of visitors to the resort would negatively affect the surrounding national park.

The debate between Freeman and Udall about the new Mineral King highway demonstrated the ideological conflict between the Department of Agriculture and the Department of Interior, and, by extension, the Forest Service and the Park Service.

¹² William M. Blair, “The Building of an Embarrassment,” *The New York Times*, July 16, 1967, 314.

¹³ Blair, “Embarrassment,” 314.

The Forest Service and Agriculture Department saw outdoor recreation as a natural resource, much like mining or grazing, and believed that national forests should be accessible and utilized for all Americans to enjoy.¹⁴ The Park Service, on the other hand, believed that nothing, including recreation, should impair the primitive nature of national parks or violate the ecological integrity of the surrounding wilderness. Therefore, it was inevitable that the two heads of these land management departments would clash over the Mineral King road and its development. *The New York Times* speculated that because Freeman and Udall were “in sharp disagreement over high national policy in the field of conservation,” President Johnson might have to step in and “referee the dispute.”¹⁵ Despite his conservationist leanings, however, in December 1967, Udall “reluctantly bowed” to Freeman and other supporters of the

¹⁴ Samuel P. Hays, *The American People and the National Forests: The First Century of the U.S. Forest Service* (Pittsburgh: University of Pittsburg Press, 2009), 92-97.

¹⁵ William Blair, “Two Cabinet Aides Clash Over Park,” *The New York Times*, December 3, 1967, 51. Interestingly, Freeman later opposed a highway through a section of a classified primitive area in the national forestland of Colorado arguing that the “highway mentality” in America was destroying natural resources and wilderness, see William Blair, “Freeman Rejects Road through primitive Area,” *The New York Times*, May 18, 1968. One can only surmise that in addition to the vast amount of money that the Forest Service would gain from the construction of the planned resort, another major factor at the heart of the Mineral King controversy was that the resort’s supporters truly believed that it was not wilderness, and, thus, did not require protection.

development, and agreed to allow the planned Mineral King highway to pass through Sequoia National Park.¹⁶

As a result of Udall's submission and approval of the planned Mineral King highway, the Sierra Club was re-invigorated in their fight against the Mineral King development. The Sierra Club *Minutes of the Meetings of the Board of Directors* demonstrated that, at least at the national level, the club did not return to the issue of Mineral King until January 1968, directly after Udall allowed the highway to be built.¹⁷ On January 21, 1968, in a special meeting, the Sierra Club executive committee stated that "the possibility of legal action is being studied for a means to stop the relocation and improvement of the road to Mineral King across a part of Sequoia National Park following Secretary of the Interior Udall granting permission for a new road to cross the park to Mineral King."¹⁸ The Sierra Club, and other environmental organizations, began to turn to the judicial system in the mid-1960s to

¹⁶ *The New York Times*, "Udall Yields and Opens Way for a Resort in Sequoia Forest," December 28, 1967, 27. A few months before the final decision, Hartzog formulated a committee to outline a Park Service policy on roads. The Service published the committee's report, "Park Road Standards" in 1968, which stated that roads in national parks should be aesthetically pleasing, ecologically sound, and "should only be considered the last resort in seeking solutions to park access (7)."

¹⁷ The Sierra Club, *The Minutes of the Sierra Club Board of Directors, 1965-1969*. University of California at Berkeley, Bancroft Library, BANC Film 2945, Online Archive of California. www.oac.cdlib.org. (Accessed Winter 2012–2013).

¹⁸ The Sierra Club, *Minutes of a Special Meeting of the Executive Committee* (San Francisco: January 21, 1968), 6. The Bancroft Library, Online Archive of California. www.oac.cdlib.org. (Accessed February 2, 2013).

fight for environmental rights, especially since newly enacted environmental laws gave them a direct reason to take federal land agencies and commercial developers to court.

The historical narrative of environmental law states that although individuals and citizen groups were active in fighting for conservationist ideals prior to the 1960s, it was not until a conservation battle involving Storm King Mountain that environmental law coalesced and citizens were then granted a voice in the American courts about environmental issues.¹⁹ In the early 1960s, Consolidated Edison (ConEd), an electric power supplier for New York City, responded to booming populations in its area and increased demand for energy by outlining a plan for a new hydroelectric power plant on Storm King Mountain near the Hudson River. Responding to the planned power plant's proposal that would pose an ecological and environmental threat to the Hudson River, Storm King Mountain, and all surrounding human communities and wildlife areas, a group of citizens organized under the guidance of a Wall Street lawyer to form the Scenic Hudson Preservation Conference. The conservationists decided to fight ConEd's license in the courts and, therefore, sued the Federal Power Commission for allowing the project to go through. The main foundation of the conservationists' case, however, was the fact that the power plant would cause permanent aesthetic injury to the area concerned. In an unprecedented

¹⁹ Karl Boyd Brooks, *Before Earth Day: The Origins of American Environmental Law, 1945-1970* (Topeka: University Press of Kansas, 2009) and Richard J. Lazarus, *The Making of Environmental Law* (Chicago: The University of Chicago Press, 2004).

decision, a Second Circuit Court ruled in the Scenic Hudson Preservationists' favor by stating that economic interest was not necessary to challenge a federal agency's actions.²⁰ The Storm King battle waged in the courts until 1980 and eventually was settled by a mutual resolution whereby ConEd agreed not to build a power plant at Storm King. The importance of this earlier battle over Storm King for the later Mineral King controversy is that it opened the way for environmental organizations to turn to American courts to prevent, or at least stall, developmental projects. In fact, the Sierra Club joined with the Hudson River environmentalists in their lawsuit, and gained from the experience more legislative knowledge and the fact that the Sierra Club could also utilize the judicial system in their environmental battles.

During the same period that the Sierra Club looked at legal avenues to fight the newly proposed Mineral King road, the group was also occupied with an internal struggle amongst its leaders about the Club's direction and conservationist policies. In Ed Wayburn's presidential report in September 1968, he hinted at "several internal problems" which were "time consuming, demanding, and increasing in both number and complexity."²¹ Wayburn stated that the Sierra Club was facing "grave decisions

²⁰ Oliver Houck, "Unfinished Stories," *Colorado Law Review* (Summer 2002), LexisNexis Academic, www.lexisnexis.com, (Accessed March 19, 2013). This article was later turned into a book, but which only contained information on Storm King and not the Mineral King lawsuit. See Oliver Houck, *Taking Back Eden: Eight Environmental Cases that Changed the World* (Washington D.C.: Island Press, 2010).

²¹ The Sierra Club, *Meetings of the Meeting of the Board of Directors* (San Francisco: September 14–15, 1968), 3.

on matters of conservation policy, finances, and internal reorganization,” and he urged all of the directors and other club leaders to attack this internal strife “with the same persistence and genius” applied to their conservation victories.²² Although Wayburn did not exactly come out and say what these issues were, the next few meetings elaborated further that the conflicts were between certain Sierra Club leaders and Executive Director David Brower.

With growing support for conservation efforts across America, propelled by books such as Rachel Carson’s *Silent Spring* (1962) that shed light on environmental issues such as pesticide use, the Sierra Club membership at the end of 1968 soared to 66,000 members.²³ In the late 1950s and early 1960s, the Sierra Club went through its first administrative and policy adjustment with a growing membership and the fact that the Club was becoming one of the nation’s leading environmental organizations. As the environmental movement gained more visibility and popularity in the latter half of the 1960s, the Sierra Club grew even larger, and the Club had to re-assess once again its conservation policies and goals. However, during this second re-organization, the Sierra Club leaders’ small differences were not smoothed over, but instead caused an irreparable split.

David Brower had held his position as the Sierra Club’s first executive director since 1952, and was one of the main members to lead the group into the national spotlight through national publications, conferences, and highly publicized

²² The Sierra Club, *Minutes*, September 14–15, 3.

²³ The Sierra Club, *Minutes*, September 14–15, 3.

environmental battles for areas such as the Grand Canyon, Dinosaur National Monument, and many more. In 1968, however, three of the directors of the Sierra Club brought charges against Brower that questioned his use of the Club's finances and for failing to comply with Club policy by not consulting other leaders in his actions. The three leaders suggested that Brower be dismissed from his position because of these issues.²⁴ Although the majority of leaders did not vote Brower out in 1968, the chasm in the Club and ideological differences caused Brower to resign as executive director in the Spring of 1969. The debate within the Sierra Club in late 1968 and early 1969 is crucial to the Mineral King battle, because as Wayburn pointed out, it distracted the club from its conservation programs. In fact, Mineral King, and other conservation conflicts, took a back seat to the club's quest for unity at this time, and the minutes hardly mentioned anything but the internal strife.²⁵ After Brower left, Michael McCloskey became executive director in 1969. This change is important because McCloskey had a background in law and pushed the Sierra Club to not only join with other plaintiffs in legal environmental battles, but also to engage in their own lawsuits. McCloskey selected the Mineral King battle as the group's first court case on which to concentrate.

In an interview in 1983, McCloskey described how the Mineral King lawsuit came about and how it led to the formation of the Sierra Club Legal Defense Fund

²⁴ The Sierra Club, *Minutes of a Special Meeting of the Board of Directors* (San Francisco: October 19, 1968).

²⁵ The Sierra Club, *Minutes of Regular Meetings of Board of Directors* (October 1968–June 1969).

(SCLDF) in 1971. McCloskey stated that he, “more than anyone else,” was responsible for bringing about the Mineral King lawsuit when “it became clear that the Forest Service was not going to give us [the Sierra Club] any recourse whatsoever.”²⁶ McCloskey mentioned that he consulted with Bob Jaspersen, the head of the Conservation Law Society of America, who believed that the Sierra Club had a strong case to fight the Mineral King resort and agreed to take the suit. McCloskey added that “in 1969 and ’70, things just mushroomed. Pretty soon we had thirty to forty cases going and we had volunteer attorneys all around the country.” Since the Sierra Club’s legal load had gotten so large, McCloskey and a few others organized the SCLDF to oversee and fund the cases.²⁷ Therefore, although the Mineral King lawsuit led the Sierra Club to create the SCLDF to fight for environmental protection in the courts, its creation also separated the club leaders from many of its legal environmental battles, such as Mineral King.

Meanwhile, on January 8, 1969, the Walt Disney Corporation completed their final plans for the Mineral King resort and its design was accepted by the Forest Service, causing the Sierra Club to work harder at formulating a case to prevent construction in Mineral King. The Disney Master Plan stated that the “prime goal of the project was the cooperation between private enterprise and state and federal

²⁶ Susan R. Schrepfer, *Interview with Michael McCloskey: Sierra Club Executive Director: The Evolving Club and the Environmental Movement, 1961-1981* (Berkeley: University of California at Berkeley, Bancroft Library Oral History Office: 1983), 136-137.

²⁷ Schrepfer, *Michael McCloskey*, 142.

government agencies to meet an extraordinary public need for outdoor recreation facilities.”²⁸ A pamphlet created by the Forest Service a month later gave more precise design details of Disney’s Mineral King resort, and strongly advocated its construction. The Forest Service described the existing Mineral King site as “old and decaying,” where, as if a phoenix rising out of the ashes, the landscape would soon be transformed into a beautiful recreational wonderland by Disney.²⁹ The pamphlet also stated emphatically, almost in a defensive tone that, the Disney development was needed “almost desperately,” and that Disney would use private capital, and not public funds, to enhance public land.³⁰ In addition, the publication also touched upon the controversy involving the highway, arguing that a road into Mineral King Valley had already existed since the 1920s, and that, due to this fact, Mineral King had never been legally defined as a wilderness.

Once the Forest Service issued the Mineral King pamphlet, the Sierra Club finished compiling its case and took the next steps toward moving the Mineral King battle out of the wilderness and into the courtroom. On June 5, 1969, the Sierra Club sued Walter J. Hickel, Secretary of the Interior, John S. McLaughlin, Superintendent of Sequoia National Park, Clifford Hardin, Secretary of Agriculture, J.W. Deinema, Regional Forester of the Forest Service, and M.R. James, Forest Supervisor of the

²⁸ Walt Disney Productions, Inc. *Master Plan Presentation of Walt Disney Productions Mineral King Project*. January 8, 1969, 1.

²⁹ United States Department of Agriculture, The Forest Service, *Mineral King: A Planned Recreation Development* (Washington D.C.: GPO, February 1969), 1.

³⁰ Forest Service, *Mineral King*, 7.

Sequoia National Forest in the United States District Court of Northern California. The Sierra Club's lawsuit argued that the Forest Service issued permits illegally to the Walt Disney Corporation for its proposed Mineral King development and that the Secretary of Interior illegally approved a highway to cross a national park.³¹ Under Forest Service guidelines, permits for recreational uses of national forests, such as hotels, concessions, and restaurants, were only to be allowed for a total of eighty acres and for a time period of thirty years. However, to allow Walt Disney Productions to build their mega-resort, the Forest Service issued Disney many separate leases of eighty acres each, ultimately covering all 2,600 acres of Mineral King Valley, and planned to renew the leases every thirty years. On July 25, 1969, U. S. District Court judge William T. Sweigert agreed with the Sierra Club that the Forest Service leases were questionable, and he issued a preliminary injunction that halted work on both the Mineral King highway and Disney resort.³²

The Forest Service did not want to stop construction of the Mineral King project; therefore, in February 1970, it took the case to a US Court of Appeals in hope of overturning Sweigert's decision. With support from the County of Tulare, the Far West Ski Association, and the United States Ski Association, the defendants argued that the injunction was based erroneously on the supposed illegality of the Forest

³¹ "*Sierra Club vs. Walter J. Hickel et al.*" United States District Court of Northern California, June 5, 1969. John Harper Mineral King Collection. California State at Fresno, Henry Madden Library Special Collections, John L. Harper Mineral King Collection. (Accessed October 2012).

³² Louise A. Jackson, *Mineral King: The Story of Beulah* (Three Rivers: Sequoia Natural History Association, 2006), 184.

Service permits and that the Sierra Club had no standing, or right, to sue them anyway. On September 16, 1970, the Court of Appeals found that all the arguments of the Sierra Club's suit were unfounded, including the fact that there were no public hearings on the development, the notion that the permits were fraudulently authorized, and that development was illegal in a game refuge. In addition, the court stated that they did "not believe such Club concern without a showing of more direct interest can constitute as standing in the legal sense."³³ Therefore, the Court of Appeals disagreed with Sweigert, and the lower court's decision, and revoked the previous injunction meant to halt construction on the Mineral King resort.

The Sierra Club, while disappointed by the reversal of the injunction, and especially the second court's position that the organization did not have standing to sue, was intent on fighting for the environmental integrity of Mineral King. Immediately upon hearing the Court of Appeal's decision, McCloskey declared the Sierra Club would challenge the ruling in the Supreme Court, and on October 6, 1970, the Appeals Court agreed to reinforce the injunction due to the ensuing litigation.³⁴ It is important to note that the actual developers, the Walt Disney Company, were never part of the Sierra Club lawsuit, for the club decided to target the government officials and federal agencies involved instead. The Disney Company

³³ "Sierra Club v. Walter J. Hickel, et al." No 24966, United States Court of Appeals, Ninth Circuit. September 16, 1970. John L. Harper Collection, California State at Fresno, Henry Madden Library Special Collections. (Accessed October 2012).

³⁴ John L. Harper, *Mineral King: Public Concern with Government Policy* (Arcata: Pacifica Publishing Company, 1982), 173.

stated, during the course of legal action against their project, that they believed that the Sierra Club, as citizens of the United States, had the right to sue, and supported them in this matter.³⁵ However, the Mineral King lawsuit, by the end of 1970, had already prevented Disney from working on their Mineral King resort for two years. The Disney Company had other projects to focus on, such as the completion of another of Walt's last visions, Walt Disney World in Florida, and the Sierra Club's lawsuit definitely cooled the company's overall interest in Mineral King. On February 22, 1971, the Supreme Court decided to hear the Sierra Club's case, continuing the injunction and further stalling work on the project.³⁶

A year later, while all parties were preoccupied with other issues, on April 19, 1972, the Supreme Court rendered its verdict in the Mineral King case. In *Sierra Club v. Morton*, the Supreme Court declared that the Sierra Club did not prove that it had any direct relation to the Mineral King Valley that would be injured by the development and, therefore, the court concluded the organization did not have standing to sue.³⁷ In a verdict of 4 to 3 (two justices were out) the Supreme Court majority ruling, which included Supreme Court Chief Justice Warren Burger, stated:

³⁵ Tom Turner, "Who Speaks for the Future?" *Sierra*, 75 (July-August 1990): 38.

³⁶ Harper, *Mineral King*, 175.

³⁷ *Sierra Club v. Morton* 405 U.S. 727 (1972). Walter J. Hickel was fired on November 25, 1970, from his position as Secretary of the Interior over a disagreement with the Nixon Administration and replaced by Rogers Morton in January 1971.

Aesthetic and environmental well-being, like economic well-being, are important ingredients for the quality of life in our society, and the fact that particular environmental interests are shared by many rather than the few does not make them less deserving of legal protection through the judicial process. But the “injury in fact” test requires more than an injury to a cognizable interest. It requires that the party seeking review be himself among the injured.³⁸

The Court argued that the Sierra Club failed to state that the organization, or any of its members, would be adversely affected through activities or pastimes by the creation of the Disney Resort at Mineral King. The Court articulated that the fact that the Sierra Club “regarded any allegations of individualized injury as superfluous,” on the theory that the group’s “longstanding concern with and expertise in such matters were sufficient enough to give it standing,” was a gross misunderstanding of American court cases and law.³⁹ Therefore, the Supreme Court concluded that the Court of Appeals was correct in ruling that the Sierra Club had no standing to sue the various individuals involved in the Mineral King Project, and, hence, the case was dismissed and the injunction lifted.

Three Supreme Court Justices disagreed with the majority ruling—Justice William O. Douglas, Justice William J. Brennan, and Justice Harry Blackmun—and their dissents demonstrated that environmental protection *was* at the heart of the case for them, and that this fact should have had more influence in the ruling. Justice Blackmun stated that he would have agreed with the Court’s decision “if this were an

³⁸ *Sierra Club v. Morton* (1972).

³⁹ *Sierra Club v. Morton* (1972).

ordinary case,” but it was not, for it addressed “significant aspects of a wide, growing, and disturbing problem, that is, the Nation’s and the world’s deteriorating environment with its resulting ecological disturbances.”⁴⁰ Justice Blackmun also argued for an expansion of standing in order to allow organizations such as the Sierra Club to sue on behalf of the environment, and Justice Brennan asserted his agreement with Blackmun.⁴¹ It was Justice Douglas’ dissent, however, that would reverberate well after the Mineral King decision, becoming a prototype for those suing on behalf of the environment. This was hailed as a triumph by the Sierra Club and was evidence to them of the value of proceeding with the case, despite their loss.

Justice William O. Douglas was once a prominent member of the Sierra Club, but had left the organization to focus on law and was eventually appointed to the Supreme Court in 1939 by Franklin D. Roosevelt. Justice Douglas was a well known supporter of the environment, nature organizations, and wilderness protection. In his dissent, Justice Douglas surmised that:

The critical question of “standing” would be simplified and also put neatly in focus if we fashioned a federal rule that allowed environmental issues to be litigated before federal agencies or federal courts in the name of the inanimate object about to be despoiled, defaced, or invaded by roads and bulldozers and where injury is the subject of public outrage. Contemporary concern for protecting nature’s ecological equilibrium should lead

⁴⁰ *Sierra Club v. Morton* (1972).

⁴¹ Eva Hanks, et al. *Cases and Materials on Environmental Law and Policy* (St. Paul: West Publishing Company), 94. John Harper Mineral King Collection. (Accessed October 2013).

to the conferral of standing upon environmental objects to sue for their own preservation. This suit would therefore be more properly labeled as ‘Mineral King v. Morton.’⁴²

This statement is quite radical due to the fact that it implies that nature, such as a river, should have legal rights to sue for its own protection. Douglas elaborated that “the river as a plaintiff speaks for the ecological unit of life that it is part of,” and that those who have a meaningful relation to that river, such as fishermen, canoeists, loggers, or scientists, “must be able to speak for the values which the river represents.”⁴³

Douglas’ dissent was drafted largely from an article written by a Southern California lawyer, Christopher D. Stone, who later compiled his ideas into a book, *Should Trees Have Standing?: Law, Morality, and the Environment*. Stone explained in the introduction of the third edition of his book that he was inspired initially by property law, and was intrigued by the notion that wills give rights to the deceased, when he thought about “what a radically different law-driven consciousness” would look like, “one in which Nature had rights.”⁴⁴ However, Stone realized that for nature to have rights in a court of law, three criteria needed to be met: a suit in the object’s

⁴² *Sierra Club v. Morton* (1972).

⁴³ For more a complete reproduction of Justice William O. Douglas’ dissent, see William O. Douglas and Joseph W. Meeker, “Nature’s Constitutional Rights,” *The North American Review*, 258 (Spring 1973): 11-14.

⁴⁴ Christopher D. Stone. *Should Trees Have Standing?: Law, Morality, and the Environment*, 3rd Edition (Oxford: Oxford University Press, 2010), xi.

own name (to get past the standing issue), that damages calculated would be direct injuries to the nonhuman entity (to get past reliance on economic injury to humans), and lastly, that the ruling would be based on the benefit of the nonhuman entity and not human improvement.⁴⁵ Douglas alluded to all of Stone's criteria in his dissent in the Mineral King case, especially the fact that corporations are nonhuman entities that fight for their legal rights all the time, and "boosted by Douglas' endorsement, the newspapers and some of the public got into *Trees* overnight."⁴⁶ In fact, some environmental law cases were later structured, per Stone's and Douglas' suggestion, where the inanimate object was listed as the plaintiff.⁴⁷ However, although the Mineral King case conceded that nature had inherent rights—and that these rights should be heard—most citizens, and even some environmentalists, had difficulty understanding and supporting such a radical notion. In fact, during the 1990s, the Supreme Court, influenced by outspoken Associate Justice Antonin Scalia, narrowed the definition of environmental standing, making it harder for conservation groups to sue on behalf of the environment, as with the case *Lujan v. Defenders of Wildlife* 504 U.S. 555 (1992).⁴⁸

⁴⁵ Stone, *Trees*, xii.

⁴⁶ Stone, *Trees*, xii.

⁴⁷ Some other cases included: *Marbled Murrelet and EPIC v. Pacific Lumber* (1993); *Marbled Murrelet, Northern Spotted Owl and EPIC v. Bruce Babbitt, et al.* (1995); and *Coho v. National Marine Fisheries Service* (1999).

⁴⁸ Karl S. Coplan, "Direct Environmental Standing for Chartered Conservation Corporations," *Duke Environmental Law and Policy Forum* 12(Fall 2001):183-217. In the *Lujan* case, the court rejected

Sierra Club v. Morton (1972) turned a national spotlight on the fact that some Americans did believe that nature had inherent rights and that the Mineral King Valley deserved to be preserved as semi-wilderness because of this notion.⁴⁹ However, ultimately the conservationists lost the case; yet, this fact did not deter the Sierra Club. The organization saw the ruling as “a massive victory disguised as a defeat,” and basically re-organized another case that included direct injury, and, in June 1972, re-submitted their lawsuit.⁵⁰ Meanwhile, the developers could not just continue where they left off at the beginning of the court battle and resume work on the Mineral King resort because there were other forces delaying the project. One important factor, for example, was the National Environmental Policy Act (NEPA)

standing because the plaintiffs could not show direct injury to the exact areas where the developers planned construction. In 2000, however, the Supreme Court returned to a broader definition of standing on environmental issues, stating in *Friends of the Earth Inc. et al v. Laidlaw Environmental Services* 528 U.S. 167 (2000) that plaintiffs’ injury due to water pollution downstream of the development was sufficient enough to have standing to sue.

⁴⁹ For more on this subject see Roderick Nash’s *The Rights of Nature: A History of Environmental Ethics* (Madison: The University of Wisconsin Press, 1989).

⁵⁰ Clifton Carr and Tom Turner, *Wild by Law: The Sierra Club Legal Defense Fund and the Places it has Saved* (San Francisco: Sierra Club Legal Defense Fund in association with Sierra Club Books: 1990), 21.

that President Richard M. Nixon signed into law in 1969 and which became effective in January 1970.⁵¹

The purpose of NEPA was “to declare a national policy which will encourage productive and enjoyable harmony between man and his environment,” and more specifically to “promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man.”⁵² The importance of NEPA to the Mineral King development is that, due to its passage, the Forest Service now had to conduct a formal study and then report on how Disney’s grand all-year-round recreational resort would affect the surrounding environment. In addition, no construction on the project could take place until this report, or Environmental Impact Statement (EIS), was completed. The Forest Service went through two different drafts, which many criticized, before producing a Final Mineral King EIS in 1976.⁵³

In the Final EIS, the Disney plan for a resort was reduced almost by half, and, for the first time during the eleven years of the Mineral King controversy, the Forest Service addressed the issue of how the wildlife and ecology of the area would be

⁵¹ Richard Nixon passed many important environmental laws while in office. For explanation of why he did so and for a clearer understanding of environmental politics under Nixon’s Administration see J. Brooks Flippen’s *Nixon and the Environment* (Albuquerque: University of New Mexico Press, 2000).

⁵² “The National Environmental Policy Act of 1969” 16 U.S.C. 4321-4337 (1969).

⁵³ *Sierra Club Bulletin*, “Impact at Mineral King: A Conclusionary Document,” 60 (May 1975).

affected by construction of the Disney resort.⁵⁴ In the Final EIS, the Forest Service stated that the “facilities at Mineral King will ultimately include campsites for 625 people, 25 miles of new highway, 18 ski lifts, and lodging for 4,500.”⁵⁵ The Forest Service also listed the three endangered animals—the peregrine falcon, bald eagle, and California Condor—that *might* be affected by the construction of a resort at Mineral King. However, the Forest Service did add that the development would not substantially conflict with the purpose for which the Sequoia National Game Refuge was established.⁵⁶ By 1976, however, when the Final EIS came out, public support for the Mineral King development waned considerably.

Many Americans were against the development and supported the Sierra Club and the conservationists throughout the entire Mineral King battle. *The New York Times* consistently wrote about the Mineral King controversy and contributors expressed concern that the Mineral King development should not be allowed to mar the “rare and beautiful wilderness” of Mineral King Valley.⁵⁷ Other articles stated “that the truest value of Mineral King is that it stands as the latest crass example of

⁵⁴ United States Department of Agriculture, Forest Service, *Mineral King Final Environmental Impact Statement* (Washington D.D.: GPO: 1976), i.

⁵⁵ Forest Service, *Mineral King Final*, i.

⁵⁶ Forest Service, *Mineral King Final*, ii.

⁵⁷ *The New York Times*, “Mineral King Folly,” February 2, 1969 and “Scandal of Mineral King” June 24, 1969. www.nytimes.com. (Accessed March 25, 2013).

abuse of public lands by the very agents to whom we entrust that land.”⁵⁸ Many citizens also wrote to *The New York Times* about Mineral King, and most editorials, such as the one by a daughter of the first superintendent of Sequoia National Park, agreed with the newspaper’s outlook.⁵⁹ National magazines, such as *Time* and *Harper’s*, joined in the Mineral King debate as well and leaned toward the conservationists’ side of the argument.⁶⁰ In California, *The Los Angeles Times* argued that most Southern Californians would not frequent the resort, and that “Congress should choose national park status for Mineral King.”⁶¹

As the Mineral King controversy dragged on into the mid-1970s, even citizens who initially supported the project began to give up hope that the Mineral King resort would ever be built and turned against the developers. Two of the main proponents of the Mineral King project were citizens of the surrounding counties, Fresno and Tulare, as well as skiers and skiing associations. This was due to the fact that both groups would directly gain from the construction of the resort: skiing facilities for the

⁵⁸Arnold Hano, “The Battle of Mineral King,” *The New York Times Magazine*, August 17, 1969, 56-57.

⁵⁹Phyllis White Cobbs, “Mineral King: Wrong Place for a Disney Project,” *The New York Times*, May 16, 1972, 42.

⁶⁰“To Guard and Preserve or Open and Enjoy?” *Time Magazine*, February 7, 1969, 17 and Peter Browning, “Mickey Mouse and the Mountains” *Harpers Magazine*, March 1972, 57-71.

⁶¹Jim Lowery, “Mineral King: The Battle Royal Resumes,” *The Los Angeles Times*, October 30, 1977, 5.

skiers and employment and revenue for the locals.⁶² In 1970, *The Fresno Bee* lamented the fact that the resort was still not built in a December article entitled “Mineral King: This Was the Year.”⁶³ Although these two groups were the two main proponents, there were some others in favor of the resort, including even some conservationists, such as Horace A. Albright who was a former Park Service Director.⁶⁴ Interestingly, almost all of the Disney development supporters maintained that Mineral King Valley was not a wilderness, and, therefore, it was acceptable to develop the area commercially. However, after so many years of delay, even staunch proponents of the project began to give up support for the project, particularly by the mid-1970s.

The Fresno Bee published an article which, although still in favor of the resort, blamed the Forest Service for failing to act swiftly enough with an EIS, and stated that the court battles “could go on for years,” so “don’t expect to see dirt flying soon.”⁶⁵ Skiing magazines, such as *Skiing* and *Powder*, also suggested that support by skiers was changing as well, publishing articles that criticized the Forest Service and doubted the feasibility of the resort, especially due to the incidence of avalanches in the area.⁶⁶ Also, California Governor Ronald Reagan, who had personally promised

⁶² Hano, “The Battle,” 56.

⁶³ Ron Taylor, “Mineral King: This Was the Year,” *The Fresno Bee*, December 13, 1970.

⁶⁴ Horace M. Albright, “Mineral King Project,” *The New York Times*, July 26, 1969, 24.

⁶⁵ Charles K. McClatchy, “Editorial: Mineral King,” *The Fresno Bee*, March 6, 1976, A8.

⁶⁶ John Jerome, “The Forest Service: A Timber Broker for Skiing’s Future,” *Skiing* 27 (February 1975): 76 and Eric Burr, “Mineral King—Mickey Mouse or Disneyland?” *Powder* (October 2, 1978):

Walt Disney a new highway for the project, surprisingly backed out of the deal in August 1972, mainly because most California taxpayers were not willing to help finance the now \$38 million road. This was a significant reversal by one of the resort's earliest and most prominent supporters—foreshadowing a gloomy outlook for the project. In essence, the Mineral King battle, the environmental movement, and the downturn in the economy had succeeded in stalling the Mineral King project long enough for its major proponents to start to back away from the development.

Popular support drove the Disney Corporation and the Forest Service in the beginning stages of the project, and, in fact, public demand was one of the main arguments for the creation of the recreational facility at Mineral King in the first place. Therefore, as the American public lost interest, so did the Forest Service and ultimately so did Disney. In addition, both the Forest Service and the Walt Disney Company had many other matters to attend to besides Mineral King. The Forest Service, for example, due to the enactment of many environmental laws in the late 1960s and early 1970s, was preoccupied with many surveys and studies. More specifically, the Forest Service was busy conducting Roadless Area Reviews and

25-33. Incidentally, although avalanches did not factor into many of the arguments against the development, John L. Harper was especially interested in avalanches as the main reason the Disney resort was not feasible, see Harper, 151-159. To add to the argument, two Disney employees were caught in an avalanche while conducting surveys at Mineral King for the Disney resort in February 1969 where one was seriously injured one and the other was killed. For more information see Walter Ballinger, "Avalanche! A Memoir of Survival in Mineral King California," *Quest* (February/March 1979):50, www.mineralking.us/multimedia.htm. (Accessed April 11, 2013).

Evaluations (RARE) mandated under the provisions of the Wilderness Act (1964), as well as other numerous EISs required by NEPA (1969). In addition, the Forest Service was at center stage for many other controversies and debates about their environmental policies, such as clear cutting, which also took their attention away from Mineral King.⁶⁷ The National Forest Management Act, passed by Congress in 1976, outlined Forest Service policies; yet, it also “provided more handles for the courts to get into Forest Service matters.”⁶⁸ Therefore, with the EIS stalling production, and many other administrative and political issues to attend to, Mineral King was not very high on the Forest Service’s list from 1972 through 1978.

The Disney Corporation was initially elated by the go-ahead they received from the Supreme Court in 1972, yet were frustrated with the NEPA-required EIS which continued to stall their work on the Mineral King resort. In late 1971, Roy O. Disney (who had taken over for his brother Walt as head of the Corporation in 1966 upon Walt’s death) died and two long-time Disney employees, Donn B. Tatum and E. Cardon Walker, split Roy’s duties.⁶⁹ The Mineral King project was just a minor part of the Walt Disney Company’s agenda; therefore, the company still remained one of the leading companies in the United States throughout the controversy. For example, in 1973 the Disney Corporation earned approximately \$257 million and employed

⁶⁷ Harold K. Steen, *An Interview: John R. McGuire Forest Service Chief, 1972-1979*, (Durham: Forest History Society, Inc., 1988), 48-53.

⁶⁸ Steen, *McGuire*, 56.

⁶⁹ “Disney: Executive Changes,” *The New York Times*, December 28, 1971, www.nytimes.com. (Accessed March 2013).

more than 21,000 individuals in a variety of entertainment fields such as film distribution, merchandising, publications, television, music, and theme parks.⁷⁰ For the most part, Walt Disney Productions tried to remove itself from the Mineral King controversy surrounding their planned project, and “lacking Walt Disney’s personal interest and dubious about the financial prospects,” the company slowly backed further and further away from Mineral King.⁷¹ In 1974, the Disney Company even began searching for alternative sites in California to build their ski resort.⁷²

The year 1977 would be an important time for Mineral King because certain developments that year would lead directly to the valley becoming part of Sequoia National Park. First, Americans, frustrated with the Republican administrations of President Richard Nixon and Gerald Ford, elected a Democrat into the White House—Jimmy Carter. The conservationists and the Sierra Club were elated by Carter’s win, for they believed he “was a pretty good environmentalist.”⁷³ In addition, a re-districting took place in Central California that added a good portion of Fresno County to a Tulare County congressional district. Bob Mathias had been the Congressman for Tulare County during the Mineral King controversy, and was one of the most outspoken and active proponents of the planned Disney development. However, due to the re-districting, and a general tide of American support for

⁷⁰ “Disney Empire is Hardly Mickey Mouse,” *The New York Times*, July 18, 1973, 30.

www.nytimes.org. (Accessed March 2013).

⁷¹ Michael Barrier, *The Animated Man: A Life of Walt Disney* (Berkeley: University of California Press, 2007), 320.

⁷² “Disney Eyes Tahoe Area Site: Mineral King “Not Out.” *The Fresno Bee*, May 16, 1974, A1:2.

democratic politicians, Democrat John H. Krebs beat Mathias in the 1977 election. Another important factor was that in 1974 California elected Democrat Edmund Gerald “Jerry” Brown (son of former governor Pat Brown), to replace Governor Ronald Reagan in 1975. This switch in the political scene on all three levels—local, state, and national—was the ideal combination so that Mineral King could finally be preserved.

Krebs was not in favor of a Mineral King resort, and was intent on ending the Mineral King controversy while in office by getting the Mineral King Valley into the surrounding Sequoia National Park where he and a majority of others felt that the area rightfully belonged. Krebs created “a bill to enlarge the Sequoia National Park in the state of California by adding to such a park the Mineral King Valley area” and presented it in the first session of the 95th Congress on March 2, 1977.⁷⁴ While Krebs was working on gaining Congressional support for the new bill, District Court Judge Sweigert threw out the second Sierra Club lawsuit for a “lack of prosecution.”⁷⁵ The Sierra Club had not pursued the lawsuit for nearly six years because the EIS was stalling production on the Mineral King development. Yet, the fact that the Sierra Club abandoned the lawsuit supports the notion that even the Sierra Club, at the

⁷⁴ “Sequoia National Park Enlargement Act of 1977” H.R. 4354. 95th Congress, March 2, 1977.

⁷⁵ Gene Rose and Ron Taylor, “Court Ousts Sierra Club Suit on Mineral King,” *The Fresno Bee*, March 16, 1977, A1:2.

national level, had lost interest in the Mineral King battle and believed their attention was needed elsewhere.⁷⁶

Although many were in favor of Krebs' bill, there was still staunch opposition against it and it would not be until November 1978 that Mineral King Valley would finally be preserved. For example, before the Senate Committee on Energy and Natural Resources, Senator Samuel Ichiye Hayakawa testified against the proposal, stating that "it is not favored by a majority of people in the Southern California area," noting especially the suspicious "hurried manner" of the bill.⁷⁷ Hayakawa's testimony also hinted that others were strongly against Mineral King becoming a national park who were not as outspoken as other groups during the battle. Hayakawa cited the Committee for Multiple-Use of Public Lands—made up of cattlemen, agriculturalists, and mining and land interests—as one of the major opponents of the bill. This sheds light on what the true nature of the Mineral King battle was about: public land policy and the debate on what the best use of public land should be.

In the case of Mineral King, however, preservationists' land policy succeeded. In January 1978, the Carter Administration (the first presidential administration to intervene in the Mineral King controversy) stated that they would recommend that the

⁷⁶ At the local level, the Kern-Kaweah Chapter of the Sierra Club expressed their concern that the lawsuit was thrown out. See *The Roadrunner*, "Sierra Club's Mineral King Suit Thrown out of Court," 24 (May 1977).

⁷⁷ "The Testimony of Senator Samuel Ichiye Hayakawa on Mineral King before the Senate Committee on Energy and Natural Resources." (Washington D.C.: GPO, April 1978). John Harper Mineral King Collection.

“dispute be resolved by annexing the twenty-five square mile valley to Sequoia National Park.”⁷⁸ The Disney Corporation “criticized sharply the Jimmy Carter Administration,” and E. Cardon Walker, the company’s executive director, stated that the incident exemplified why business was losing confidence in the government.”⁷⁹ In fact, Disney asked the government to reimburse them for over \$1.2 million that they lost during the whole Mineral King battle, but the Senate turned them down.⁸⁰ Meanwhile, Krebs was able to get his Mineral King bill attached to a larger Omnibus National Park Bill. On November 10, 1978, Congress passed the National Parks and Recreation Act and President Carter then signed the act.

The National Parks and Recreation Act of 1978 included so many proposals involving national parks that it was known as the “Park Barrel Bill,” (a play on the term “Pork Barrel Bill,” which is a bill that contains various items unrelated to the main issue).⁸¹ It is ironic that Mineral King Valley, after so much controversy and heated debate, slipped right in amongst all the other items. It is almost fitting that Mineral King, which had not been a successful mining area or game refuge and was not easily accessible for recreation due to its rugged landscape and very windy road, would finally be left untouched. Section 314 of the act states that all 16,200 acres of

⁷⁸ Gladwin Hill, “Carter Plan Opposes a ‘Disneyland’ North,” *The New York Times*, January 26, 1978, A13.

⁷⁹ “Disney Raps Action on Mineral King,” *San Francisco Chronicle*. February 16, 1978, 24.

⁸⁰ George Baker, “Mineral King Ski Hopes Die,” *The Fresno Bee*, October 14, 1978, 1A.

⁸¹ Seth S. King, “President Signs a Bill for a Record Spending of \$1.2 billion on 100 Parks, Rivers, Historical Sites, and Trails,” *The New York Times*, November 12, 1978, 29.

Mineral King would be added to “enhance the ecological values and public enjoyment” of Sequoia National Park.⁸² Also, due to the establishment of the act, Congress abolished the Sequoia National Game Refuge and allowed the property and cabin owners in Mineral King to remain in their homes by leasing their properties back to the government. President Carter stated that the act was “the broadest measure of its kind in history,” authorizing the government to spend over \$1.2 billion on various recreational facilities throughout America—\$725 million on urban recreation alone.⁸³

In conclusion, many different factors contributed to the Mineral King battle culminating in the preservation of Mineral King Valley through its annexation to Sequoia National Park. The Sierra Club was the main opponent of the Disney development, and when the club saw no other direction to go in order to stop the project, it sued the federal government for improper management of public lands. The Sierra Club lawsuit made it all the way to the Supreme Court, but the case became about whether or not the Sierra Club had standing to sue rather than about environmental protection. Even though the Forest Service and the Disney Corporation had the approval of the government to continue work on the Mineral King resort, the National Environmental Policy Act (1969), and its required EIS, stalled construction of the development. By the time the Final Mineral King EIS was published, Disney had lost interest in Mineral King, the state of California had pulled out of its

⁸² “The National Parks and Recreation Act of 1978,” 16 U.S.C. 471i (1978).

⁸³ King, “President Signs a Bill,” 29.

agreement to finance a Mineral King highway, and the project's main supporters, skiers and local residents, had lost the drive to keep fighting. It was not until there were three Democrats at all levels of government, local, state, and federal, that Mineral King was finally preserved and annexed to Sequoia National Park. The Mineral King controversy is extremely important because it highlights the nature of the public land debate in America. The Mineral King controversy demonstrates how preservationists and developers, with their contrasting ideologies about land use, have continuously fought for public lands ever since those areas were first set aside in the late nineteenth century due to rising populations and increased limitations of space. This debate and many battles will continue until an over-arching public land policy is enacted.

CONCLUSION

“Gettysburg was more than who won and who lost. So was Mineral King.”¹ Oliver Houck, 2002.

“The environment is where we all meet; where we all have mutual interest; it is the one thing we all share. It is not only a mirror of ourselves, but a focusing lens on what we can become.”² Lady Bird Johnson, 1970.

In 1994 the Walt Disney Corporation planned the construction of a theme park, “Disney’s America,” which would celebrate the glories of America’s past and be situated thirty-five miles southwest of Washington, D.C. Ironically, the chosen site for Disney’s history-themed park was close to the actual historic location of the First Battle of Bull Run, which was fought during the U.S. Civil War on July 26, 1861. The proposed Disney Park was to be the centerpiece of a 3,000 acre, \$650 million development that would provide 19,000 jobs and accrue \$47 million in annual revenue for the state of Virginia.³ However, as with the Mineral King resort, the park was never built. Historians, scholars, environmentalists, and other concerned citizens were wary of the project, believing that its construction would negatively affect the historic Civil War site through urban sprawl and air pollution. Opponents of the Disney development formed a coalition, known as Project Historic America, and

¹ Oliver Houck, “Unfinished Stories,” *Colorado Law Review* (Summer 2002). LexisNexis Academic, www.lexisnexus.com. (Accessed March 19, 2013).

² Lady Bird Johnson, *A White House Diary* (Holt, Reinhold, and Winston, 1970), 581.

³ Michael Janofsky, “Learned Opposition to New Disney Park,” *The New York Times*, May 12, 1994. www.nytimes.com. (Accessed April 2013).

urged the Disney Corporation to choose a different location for their park. Project Historic America argued that in the country, there was “so little left that is authentic and real,” that Disney should not despoil a true historical landmark.⁴ There were also many individuals in Congress who opposed the Disney development and urged the federal land agencies involved to insure that the park complied with the laws governing air quality, transportation, and historic preservation.⁵ Michael Eisner, president of the Walt Disney Corporation at the time, stated that the company’s opponents’ “strategy to try to delay us is a smart one—to delay costs money. Many companies would throw in the towel.”⁶ Four months later, in September 1994, the Disney Corporation would do just that.

By trying to construct a theme park near a historic landmark, it seemed that Walt Disney Productions had not learned from the Mineral King controversy that American citizens were willing to fight for certain landscapes they believed had environmental, aesthetic, or even historic value. However, the Mineral King battle, which spanned thirteen years and cost Disney over one million dollars, did teach the Disney Corporation that if strong opposition began to form against one of their planned developments, it was probably best for the company to walk away. Thus, when many historians, environmentalists, and politicians spoke out against the

⁴ Janofsky, “Learned.”

⁵ Michael Janofsky, “Opponents of Disney Park Find Allies in Congress,” *The New York Times*, June 19, 1994. www.nytimes.com. (Accessed March 2013).

⁶ Janofsky, “Opponents.”

proposed “Disney’s America” park in Virginia, the Disney Corporation wisely opted not to construct its theme park. Another contributing factor in the Disney Corporation’s decision was the fact that the Sierra Club threatened to take the company to court to stop, or even merely delay, the project.⁷ The Disney Company knew from its experience with Mineral King to take this threat seriously. The 1994 “Disney’s America” incident demonstrated that some things in America had not changed since 1965, such as private developers wishing to develop public lands for commercial reasons. Yet, societal factors such as the strength of environmental activism and the fact that more citizens, and not just environmentalists, were concerned with environmental issues helped to prevent another Disney development within only few months.

The Forest Service, while it appeared to be making enormous strides toward practicing ecology and incorporating more environmental-friendly policies in the national forests during the 1970s, returned to a program of commercial development under the Republican administrations of President Ronald Reagan and his successor, George H.W. Bush.⁸ One of the largest and longest environmental battles that the Forest Service fought was the Montana Wilderness battle, which, as with Mineral King, was a public land confrontation between commercial interests, recreationalists,

⁷ Richard Perez-Pena, “Disney Drops Plan for History Theme Park in Virginia,” *The New York Times*, September 29, 1994. www.nytimes.com. (Accessed April 2013).

⁸For more on the environmental policy of the Reagan and Bush Administrations see Norman J. Vig, ed. *Environmental Policy in the 1990s*, 3rd edition (Washington D.C.: CQ Press, 1997), 95-113.

and pro-wilderness advocates. Many accused the Forest Service of “being in bed with the timber industry” and favoring development.⁹ In 1992, at the height of the Montana Wilderness battle, a bill passed that divided up the more than six million acres in dispute to the different interest groups; however, only 1.2 million acres of the land was set aside as wilderness preserves. One main difference, however, between the Montana Wilderness battle and the Mineral King controversy, was that in 1992, the majority of local residents and citizens of Montana were against development and wanted the area preserved as wilderness, despite the loss of potential revenue and promised jobs.¹⁰ This fact supports the argument that highly-publicized land battles such as Mineral King helped to educate the public about the importance of environmental protection, and, therefore, more Americans supported wilderness preservation in the 1990s.

The Forest Service is a federal agency, and, therefore, more than any other group involved in land battles, such as commercial developers or the environmentalists, it is subject to the influence of political parties, federal representatives, and presidential attitudes towards the best use of land. For example, during the 1990s, under the more environmental-friendly administration of President William J. Clinton, and his efforts by vice president Al Gore, the Forest Service’s

⁹ Dan Funsch, “The Great Montana Land Grab,” *The Baltimore Sun*, February 7, 1992, www.articles.baltimoresun.com. (Accessed on May 29, 2013).

¹⁰ Timothy Egan, “Montana Wilderness Battle: Apportioning Pristine Areas,” *The New York Times*, July 25, 1992. www.nytimes.com. (Accessed March 2013).

policies shifted their focus more toward preservation and less on private interests. For example, in 1998, President Clinton suspended the construction of all roads, which were primarily built for logging, in back-country wilderness areas in national forests.¹¹ This suspension was a direct reversal of earlier, less-conservationist policies during the Mineral King controversy in the late 1960s, when the Johnson Administration approved the proposal of the Mineral King highway, which was to go through both a national forest and a national park.

To strengthen conservationist policies during his presidency, Clinton also helped organize a conference in 1998 of the largest federal land management agencies, including the Forest Service and the Park Service. The purpose of this conference was to promote environmentalism, downplay development, and also help foster cooperation between the agencies.¹² However, in an endless cycle of changing policies, the Forest Service returned to a pro-development stance under the Republican administration of President George W. Bush; and, that policy was recently overturned by Bush's successor, President Barack Obama.¹³ It appears that the Forest Service, until it re-assesses its multiple-use ideology outlined in the

¹¹ John H. Cushman Jr. "US to Suspend Road Building in Many National Forest Areas," *The New York Times*, January 10, 1998. www.nytimes.com. (Accessed March 2013)

¹² Timothy Egan, "Get Used to the New West, Land Managers Tell the Old West," *The New York Times*, February 12, 1998. www.nytimes.com. (Accessed March 2013).

¹³ Noelle Straub, "Judge Tosses Bush-Era Forest Management Regulations," *The New York Times*, July 1, 2009 and Leslie Kaufman, "Bush Policy on Lands is Reversed," *The New York Times*, December 23, 2010. www.nytimes.com. (Accessed March 2013).

Multiple-Use and Sustained Yield Act (1960), and clearly defines whether it is pro-development or pro-preservation, will continue to manage public lands based on the beliefs and political leanings of the presidential administrations under which it serves.

The Sierra Club was arguably the least consistent group during the Mineral King controversy because of the club's reversal of its own policies, the organization's changing leadership, and its varying degrees of interest in Mineral King throughout the 1960s and 1970s. However, ironically, since the late 1970s, the Sierra Club has been the most consistent in both policy and action of all the groups that were involved in the Mineral King battle. For instance, the Sierra Club maintains a high degree of social and political activism on behalf of the environment and continues to fight for many different environmental issues locally, nationally, and even globally. In fact, one of the Sierra Club's current environmental battles is strikingly similar to the Mineral King controversy. This latest land battle also involves the expansion of a ski resort in the Sierra Nevada mountain range, this time in Lake Tahoe, California.¹⁴ Although many environmental organizations and groups surfaced since the 1970s, the Sierra Club is still one of the largest and most prominent, having acquired 150,000 new members since 1992, and with a current

¹⁴ "Ski Resort Expansion Threatens Damage to Lake Tahoe" San Francisco: January 5, 2012, Earthjustice, www.earthjustice.org/new/press/2012/ski-resort-expansion-threatens-damage-to-lake-tahoe. A federal court just recently agreed with the environmentalists and ordered the developers to redo their environmental impact statement, see "Court Halts Lake Tahoe Ski Resort Expansion," Sacramento: January 7, 2013. www.earthjustice.org/news/press/2013/court-halts-lake-tahoe-ski-resort-expansion. (Accessed April 8, 2013).

membership of over 700,000.¹⁵ Earthjustice, formally the Sierra Club Legal Defense Fund, continues to sue individuals on behalf of the environment, with over thirty cases in California alone.¹⁶ On the fortieth anniversary of *Sierra Club v. Morton* (1972) Earthjustice described the case as “how the earth got a lawyer,” implying that the verdict opened the door for the environment to sue on its own behalf.”¹⁷ This statement is not entirely true, because the court case merely shed light on the concept of nature having inherent rights and did not create a legal policy or even a wide-reaching ideology based on that idea. What *Sierra Club v. Morton* did accomplish, however, was the creation of a template for citizens to fight for the rights of the environment in American courts. As with the Forest Service, though, environmental law has bounced back and forth from successes to defeats based on the political leanings of the courts. Until the idea of nature having inherent rights can get around those difficult legal hurdles of standing and direct injury, environmental law will continue to be inconsistent.

During the Mineral King controversy the owners of the private cabins in the Mineral King Valley fought alongside the Sierra Club to prevent losing their property to the Disney development. Yet, since private property is not allowed in national parks, when Mineral King became part of Sequoia National Park, the cabin owners

¹⁵ Big Think. www.bigthink.com/user/carlpope. Big Think, 2012.

¹⁶ Earthjustice. www.earthjustice.org/our_work/cases. San Francisco: 2013. (Accessed April 9, 2013).

¹⁷ David Lawlor, “How the Earth got a Lawyer,” Earthjustice, www.earthjustice.org/mk/lawer. (Accessed April 17, 2013).

had to lease their property to the federal government. Outlined in the National Parks and Recreation Act of 1978, the leases of the cabin owners were set to expire upon the original signer's death or death of their spouse, whichever came last.¹⁸ In 1995, when many of the original owners died, their children fought to keep the family's property in Mineral King Valley. The sixty-seven cabin owners in Mineral King, many of them descendants of the original settlers of the 1870s, formed the Mineral King District Association (MKDA) during the Mineral King controversy and in the 1990s tackled the government again, this time also to retain their homes. The MKDA argued that the Mineral King cabins were of historic value, much like the opponents of "Disney's America," which was planned near a historic site. The leader of MKDA, Thomas Dungan, stated that the main issue in 1995, eerily similar to that in the 1970s, was reasonable use of land, and that the National Park Service was indifferent to the wishes and needs of the cabin owners.¹⁹

At the end of a year-long fight, the original cabin owners were permitted to keep their cabins. The Mineral King controversy demonstrates that simply transferring a certain landscape, such as Mineral King, from one land management agency to another does not always guarantee that a battle over its resources will cease. It also proves that the residents of the Mineral King Valley were not really winners in the aftermath of the Mineral King controversy, and it brings up the

¹⁸ "National Parks and Recreation Act of 1978" PL 95-625, 95th Congress, November 10, 1978, Section 314.

¹⁹ "The Mineral King Protection Act," H.R. 2528 (November 14, 1995).

question of who really is the “public” when speaking of public lands, as well as who has the right to utilize them and for what purposes. To prevent any further development at Mineral King, the MKDA actively sought historical recognition for the Mineral King road, and in 2003 the government recognized it as an historic site.²⁰ In addition, in 2009 the Mineral King Valley finally became part of the Wilderness Preservation System under a large tract entitled the John H. Krebs Wilderness Area—decades after the enactment of the Wilderness Act (1964).²¹ It is interesting to note, however, that many supporters of the Mineral King development, and even many conservationists, believed that Mineral King was not wilderness during the 1960s and 1970s. This reversal of classification demonstrates that the definition of wilderness can change from one generation to the next, and is more a cultural construct than a reality.²²

²⁰ United States Department of Interior, National Park Service. “National Register of Historic Places 2003.” Mineral King District Association, www.mineralking.us/multimedia.htm. (Accessed April 17, 2013).

²¹ Bettina Boxall, “Mineral King’s Long Road to Wilderness,” *Los Angeles Times*, March 26, 2009, www.latimesblogs.latimes.com/greenspace/2009/03/wilderness-note.html. (Accessed April 17, 2013).

²² Roderick Nash, in *Wilderness in the American Mind* (New Haven: Yale University press, 1982) was one of the first scholars to touch upon this idea; however, many environmental historians have recently re-visited this concept. In *Uncommon Ground: Toward Reinventing Nature* (New York: W.W. Norton & Company, 1995), William Cronon, ed. argues in his essay, “The Trouble with Wilderness,” that in order for modern environmentalism to be successful, environmentalists need to come to terms with the fact that wilderness is “quite profoundly a human creation” which is weighted with issues of class, gender, and is a product of the civilization which constructed it (69). Similarly, Richard White in his

The importance of viewing historic occurrences, such as the Mineral King controversy, from all the different viewpoints, is that a clearer and more complete picture of the event comes to light. In addition, by studying the historic context of the different internal and external social and political factors, one has a better understanding of why and how such historic incidents take place. Why is Mineral King Valley preserved as semi-wilderness today in the Sequoia National Park? There is no one answer. The Sierra Club decided in 1965 to prevent the government from privately developing public land that they, as conservationists, believed should be preserved for present and future generations to enjoy. The Forest Service, under a long-held ideology of multiple-use, believed that Mineral King could be a successful recreation area as well as a game refuge, and therefore believed that creating a year-round resort would meet as many of the public natural resource needs as possible. Initially, in 1965, Walt Disney wanted to build a recreational facility at Mineral King to entertain the American masses, promote his ideals and ethics, and to provide a ski facility that was lacking for Southern Californians. The leaders of the Disney Corporation, after Walt Disney's death, wanted to honor his legacy by completing the last remainders of his projects, including Mineral King.

The Mineral King controversy is an example of the public land debate in American history that has existed since the late 1790s, when the government first set

essay in *Uncommon Ground*, "Are You an Environmentalist or Do You Work for a Living?" writes that "Nature is, in a sense, purely cultural" and that "different cultures produce different versions of nature (183)."

aside lands as public reserves.²³ The controversy is also reflective of how the environmental movement in the 1960s and 1970s was very influential in shaping the political and social culture of America, through the enactment of environmental legislation, the utilization of those environmental law to fight for the rights of nature, as well as the growth of environmental activism—spearheaded by large national conservation organizations such as the Sierra Club. However, changing presidential administrations and the overall trend of the political climate is a huge factor in whether or not environmental protection succeeds. The Mineral King controversy is an ideal example of this fact, for in the end it was the transition to an era of more environmental-friendly politicians—at all different levels of government—local, state, and federal—which allowed Mineral King to be preserved. The Mineral King battle, thus, showcases how different levels of government interact with each other over land-use ideologies.

The population boom after World War II was the main catalyst for increased awareness of the limitations of space in the United States that launched environmental land battles in the 1960s and 1970s. In our current global climate, at the beginning of the twenty-first century, populations continue to increase and it is logical to opine that similar battles concerning land and natural resources will increase exponentially all over the world. It is up to citizens to claim ownership of public lands and not have these areas as pawns of politicians, especially as more of the public becomes

²³ Jeanne Nienber Clarke and Daniel McCool, *Staking Out the Terrain: Power and Performance Among Natural Resource Agencies* (New York: State University of New York Press, 1996).

concerned about the environment. Even though the environmental movement increased public awareness about the environment, most Americans still do not accept the notion that nature has inherent rights—a fact that prevents broader definitions of standing from prevailing in environmental court cases.²⁴

In short, Mineral King and other such battles may, and likely will be, revisited. Whether or not public lands that are managed by the Forest Service are commercially developed or preserved has yet to be decided. The land-use debate, therefore, is far from over. If Americans cannot agree on how best to utilize public lands in the nation's forests, the least we can do is decide collectively to ensure that these areas remain for all to enjoy. The fact that Mineral King exists today is the result of the determination and drive of certain individuals who were not content to sit back and let the government manage public lands in their names. Our legacy to them—the generation that came before us—is that we too take on an active role in the management of these wilderness areas, and perhaps future generations will thank us as well.

²⁴ Maggie Rose Ortins, "Drain Hetch-Hetchy? Voters Say, No Dam Way," *Fog City Journal*, November 8, 2012. <http://www.fogcityjournal.com/wordpress/5232/drain-hetch-hetchy-voters-say-no-dam-way/>. (Accessed May 1, 2013). The recent vote by citizens of San Francisco to keep the dam at Hetch-Hetchy as a water reservoir and not return the area to its natural state is a perfect example of how many Americans, despite the strides made during the environmental movement, still believes that human rights are more important than the rights of nature.

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