

VISIONARIES IN WISCONSIN'S CONSERVATION HISTORY

by

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VIRGIL J. MUENCH

1904-1971

inducted into the Wisconsin Conservation Hall of Fame - 1990

"If we have the honesty and courage to examine all the basic causes for environmental deterioration and the pollution problems as they already exist, we must conclude that we must change our course or be engulfed by the waves of our own environmental irresponsibility."

These were the words Virgil Muench wrote to Governor Patrick Lucey in 1970, during his final months as an activist who brought the Conservation and Environmental Movements together in Wisconsin. For over 30 years, Muench worked as a lawyer defending rivers and water rights, and fighting pollution. He served as a long-time president for the Izaak Walton League and eventually the National Director, as well as a founder of the Brown County Conservation Alliance.

Muench is remembered by many as an activist with little personal ambition or self-conceit. The "sermons" he gave were on behalf of the environment and Wisconsin citizens. He spoke with power at public hearings, conferences, and meetings to large groups, but just as emphatically to a small group of friends or strangers.

Born in Algoma, Wisconsin, in 1904 to Joseph and Anna Muench, Virgil learned about the value of clean water and a conservation ethic at an early age. Said Muench, "I was entranced by the sound of the waves. . . My father was a commercial fisherman and by instinct a conservationist. Permits were available to take lake trout during spawning, but father said this was wrong - like cutting down the tree to get

the apples. Dad was a responsible individual." (Outdoor American, 1971. p11). This ethic of responsibility to the environment would be a guiding force in Muench's thoughts and actions throughout his life.

Muench received a law degree from Marquette University Law School in 1927. He practiced law in Manitowoc until 1938, and then moved to Green Bay where he continued his work until 1953. In 1948, Muench became involved in the pollution problems threatening the Fox River. He was involved both professionally - as a lawyer -and as a concerned citizen member of the Brown County Chapter of the IKES. For the IKES he drafted a petition to the Governor requesting a hearing by the Committee on Water Pollution. The petition was signed by 2000 people. Muench's primary environmental concerns over the next three decades would be for rivers and water pollution abatement.

One of his most famous cases occurred in 1949 while he was acting President of the Wisconsin Division of the Izaak Walton League. Muench won a lawsuit in a landmark decision by the State Supreme Court to stop the damming of the Namekagon River. The principal issue was the question of public rights regarding the rivers and streams of the state. The result established the concept of public domain in the waters of the state in Muench vs. Public Service Comm. (261 Wis. 492, 1951). This decision not only blocked a hydroelectric dam on one of the nations last wild rivers, but enabled the river's future protective designation as a National Wild and Scenic River several years later.

In 1950, Muench fought another proposed dam, this time on the Wolf River. Through researching the Army Corp of Engineers original river report of 1932, Muench found that the cost of building a dam was prohibitive compared with the income the power would supply (Green Bay Press-Gazette, Sept 11, 1950). When poor irrigation practices were threatening the Wolf and Oconto rivers he took up the call here as well. His river protection efforts stopped the draw-down that was endangering fish and other life. Eventually, the Wolf River also received legislative protection.

When the Fox, Oconto and Peshtigo Rivers were again threatened in 1967 with a "minimum standards allowable" classification, Muench championed the environmental implications of such a legal description. At a hearing on the proposed classification, he asked "what kind of a standard is a minimum standard for a river flowing through the heart of a city which would jeopardize the health of any human unfortunate enough to be immersed in it? And what are we condoning with such minimum standards? Aren't we condoning all the untreated septic tank wastes which have been and are now pouring into these waterways?" (Nov 16, 1967). Muench fought against the idea that development and progress could grow unchecked. He argued intelligently that although every city and good business person "wants all the benefits of this so-called progress. . . nobody wants to pay for it." He contended that pollution abatement was a "civic and moral responsibility."

Muench was an early voice in limiting development for a quality environment. He argued for years that the initial cost of environmental protection and remediation

was not too great to avoid the expense or irreversibility of human-made catastrophe. He disagreed with the opposition's claim that pollution abatement and environmental protection would cost jobs. He proclaimed this as being "oversimplified" and "instilling fear in the public mind."

Muench proposed that the ensuing natural resource destruction would cost much more in the end. "It will take billions of dollars to fight a successful war against pollution." he said. "It has always been difficult to find the necessary funds. But funds are always available for sports arenas, questionable government pork barrel expenditures, dams, military projects, flights to the moon and personal self indulgence. So the funds are really there. All we need to do is to make up our minds to make a few sacrifices in less important areas, and they will be available." (p4 Jan 9, 1970). The growing cost of environmental protection, he believed, would continue to rise. Either we would have to spend enough on clean-up to reverse the trend or be destroyed by it (OA p 11).

Through all of Muench's fights, he remained optimistic about people and industry's ability to make sound choices. He believed that the state of polluted waterways wasn't due to public indifference, but ignorance. Always diplomatic but uncompromising, he stated that the paper industry was important to the economy and welfare of the state and her citizens. "No one expects the paper industry to do the impossible" he said, "some mills have made great strides in treating their wastes. But the record also shows that some mills made only what can be called token efforts."

Muench spoke that a corporate entity did not need clean air to breathe or clean water to drink. "As an entity it does not concern itself with aesthetic or environmental problems," Muench believed therefore, that the people must. He preached that technology should not lose its role as a servant and become our master.

Major front-line water resource issues were not the only conservation causes Muench became committed to. He loved birds and was a member of the National Audubon Society and the Wisconsin Society of Ornithology. In 1953, Muench was appointed National Director of the Izaak Walton League, a position he graciously accepted and hoped "would be of service." In 1957 he was appointed a member of the Great Lakes Water Commission, and became a member of the State Water Resources Committee of the Joint Legislative Committee that same year.

The sense of responsibility Muench felt for the state and environment is evidenced by over thirty years of personal political actions. But Muench also aimed to impart this philosophy to others. He said that "since time is of the essence, we need a thoroughly informed and dedicated citizenry to play its part in saving the environment." A way to achieve this dedicated citizenry was through conservation education. The prime objective in conservation education was developing within the student an ecological "ethical conscience" as Aldo Leopold proposed in his Land Ethics.

Muench said "the right to earn more also imposes upon the student the duty not to befoul the air and water, not to destroy the soils and environment, not to

unbalance the ecological pattern of nature." He spoke that in order to save the environment we must instill "a deep feeling of responsibility and duty". This duty was not solely to the earth, but to humankind and the future of the planet.

Sources:

Wisconsin Conservation Hall of Fame. (1992). Virgil Muench, 1950-1989: historical documents and papers. Stevens Point, Wisconsin.

Virgil Muench, 66, Dies: Leader In Conservation. (1971, March 31). The Capital Times (p. 18).

He Was an Antipollution Activist - Profiles In Conservation - Virgil Muench. (1971, June). Outdoor America (p 11).

From the Wisconsin Division and the Brown County Chapter of the Izaak Walton League of America.

VIRGIL JACOB MUENCH

Virgil Jacob Muench was born in 1904 in Algoma, Wisconsin, the son of Joseph and Anna Muench. He was raised in Algoma, attended school there, then graduated from Marquette University, and, in 1927, from Marquette University Law School. His wife predeceased him, and he left surviving him two daughters and a son. Virgil practiced law in Manitowoc until 1938, then moved to Green Bay where he practiced law until 1953. He died March 30, 1971, at age 66.

He had an ardent and sustained interest in conservation of natural resources, but particularly directed his concerns to water quality, that is, to the condition of public waters.

1. He was a longtime member of the Izaak Walton League and held a number of offices in the League.

A. In 1948-49, President of the Brown County Chapter of the League.

B. In 1949-50, President of the Wisconsin Division of the League.

C. National Director of the League.

2. He was a founder of the Brown County Conservation Alliance.

3. He was a member of the Audubon Society and of the Wisconsin Society of Ornithology.

4. He became a member of the Brown County Water Use Commission and was its first chairman.

5. In 1957, he was appointed a member of the Great Lakes Water Commission.

6. In the same year, he became a member of the State Water Resources Committee of the Joint Legislative Committee.

7. In 1965, he was chairman of a citizens committee conducting a total resources development survey of Brown County, which survey detailed nine sources of water pollution.

8. In 1948, for the Brown County Chapter of the Izaak Walton League, he drafted a petition to the Governor requesting a hearing by the Committee on Water Pollution inquiring into the condition of the Fox River. The petition was signed by 2000 people and was presented to the Governor September 17, 1948. The hearing was held at the Brown County Courthouse beginning December 17, 1948; was adjourned; then reconvened in January 1949. An editorial in the Green Bay Press-Gazette of April 2, 1971, speaking of Virgil Muench, reads: "He spearheaded the movement which led to extensive Green Bay hearings in the 1940s which set the stage for the subsequent enactment of stiff state anti-pollution laws. The hearings led directly to the anti-pollution program begun by Fox River Valley pulp and paper mills which are still being developed and improved."

9. He appeared and was heard at the hearings mentioned above and at numerous other hearings throughout the state held by the State Committee on Water Pollution (and its successors) and the State Board of Health.

10. Attended and spoke at hearings of the legislature in 1949 relative to anti-pollution bills.

11. In 1950, Virgil opposed, successfully, proposals to dam the Wolf River. See article written by him and published in the Green Bay Press-Gazette of September 11, 1950.

12. He was active in stopping agricultural irrigation on tributaries of the Wolf and Oconto Rivers, which irrigation was drawing down the waters to a minimum.

13. In 1949, as President of the Wisconsin Division of the Izaak Walton League, he brought a lawsuit in his name to test the proposal of a power company to dam the Namekagon River. The principal issue was the question of public rights in the rivers and streams of the state. Those rights were defined and confirmed. The case became a pillar of conservation law in Wisconsin. See the decision of our Supreme Court in Muench v. Public Service Comm., 261 Wis. 492 (1951).

14. In 1968, pursuant to Section 144.537 of the Statutes of Wisconsin, a six-person complaint was filed before the

Department of Natural Resources for an "Investigation of Alleged Pollution of the Fox River and Green Bay in Brown County, Wisconsin". The complaint was mainly directed against the Green Bay Metropolitan Sewerage District which, the complaint alleged, was not properly treating or disposing of the waters and wastes directed to it, and was, therefore, polluting public waters. Virgil J. Muench was one of the six persons who signed the complaint. A hearing was held that ran into about five days. Muench participated in the hearing. The outcome was successful in the view of the complainants.

15. Virgil Muench wrote numerous letters to public officials, made numerous speeches to interested groups, appeared at numerous hearings expressing his deep-seated concerns for the environment. At the time of his death, he was taking courses at UWGB on environmental subjects. In all of this, he had no personal ambition. The cause of conservation had become the ruling passion of his life. He had what Aldo Leopold called an ecological conscience.

16. Virgil J. Muench received awards and honors for his work. A few are mentioned:

- A. An award from the Brown County Conservation Alliance.
- B. A citation from the Milwaukee Chapters of the Izaak Walton League, March 17, 1966.
- C. Citation from the Audubon Society.
- D. Upon his death, and in recognition of his efforts on behalf of conservation, the Wisconsin Legislature extended condolences to his survivors in a citation.