

GOOD TO THE LAST

DROP ?

WISCONSIN, LONG RICH IN WATER,
PONDERES A NEW ERA OF SCARCITY.

BY ERIK NESS

SIX DAYS BEFORE LABOR DAY, 9:50 A.M., and Dave Baker is already sweating through his work shirt. Today's projected high is ninety-two degrees, and the asphalt at Noah's Ark Water Park in Wisconsin Dells is quickly filling with cars, each one disgorging pilgrims robed in towels, anointed in sunscreen. Baker pilots his cart among the growing crowds with a task of singular importance: prime the pump, turn the spigot, and keep the water flowing. Entering the Jungle Rapids pumphouse, he flies from power box to flow valves as the array of pumps and filters and PVC thrums to life. He shimmies down a ladder through a hole in the floor and the sound escalates. Then he's gone, off to the next attraction.

When the park is finally at flood stage — five million gallons in thrall to recreation — Baker shows off one of the six on-site wells that make it all work. It's remarkably small; in fact, the moving parts for "America's Biggest Water Park" probably wouldn't fill an average house. Shear away the scaffolding and its filigree of turquoise fiberglass and you're left with six holes, twelve inches wide and 150 feet deep. It's a testament to the simplicity of the formula: water plus gravity equals fun plus profit.

I put my hand on the wellhead to feel the water surging within and ask Baker if he believes anyone at the park really thinks about where all this liquid refreshment comes from.

"No, not really," he replies.

After all, what's to think about? Wisconsin is seriously wet, with ample coastline along both the mighty Mississippi and two Great Lakes, a bounty of fifteen thousand inland lakes, thousands of riparian miles, endless soggy acres. What we know about drought you could scribble on a Dells postcard and send to Denver or Los Angeles, signed Alfred E. Newman: "What, me worry?"

"It's when you're most complacent that you're most vulnerable," warns Curt Meine MS'83, PhD'88 of the Wisconsin Academy of Science, Arts, and Letters. For the better part of two years, Meine, along with his colleagues, Michael Strigel MS'94 and Shaili Pfeiffer MS'01, has helped shepherd a statewide brainstorm called Waters of Wisconsin (WOW). Guided by an all-star committee, including five UW-Madison faculty members and ten alumni, the ongoing process has involved thousands of citizens, and is painting a portrait of both promise and peril for the state's storied waters.



PHOTO DISC COLLECTION

One of WOW's more symbolic achievements was prodding officials into declaring 2003 the Year of Water in Wisconsin, coinciding with the United Nations's International Year of Freshwater. But no proclamation can match the power unveiled when the rain won't fall. Noah's Ark may live by deluge, but elsewhere in the Dells, the grass is a sere brown. It barely rained in August, and many farms in the southern part of the state are officially in drought. The Wisconsin is more a river of sand than water. Lake Michigan's shoreline is approaching historic lows. Waukesha's water is radioactive, and a rancorous state legislature is slated to draw up new groundwater legislation this fall.

Scarcity is an unsettling notion in a state where water has always been taken for granted. But for the foreseeable future, it's the dominant paradigm in most of the world. Water can both create and destroy; the wisdom to benefit from its power comes only from following its course.

"With water, there are always new connections," says Meine. "You can never fully account for them all, know about them all, or predict them all. You can't deal with water issues in isolation."

WATER MARKS

The next time you flush an old toilet — the kind that flushes with authority — consider that you've just used up all the water that the World Health Organization says you need for the day. The UN is a little more generous, allowing an absolute daily minimum of 13.2 gallons.

That's fifty liters — five for drinking, ten for preparing food, fifteen for bathing, and twenty for sanitation and hygiene. Still, millions of people in countries such as Gambia, Haiti, Somalia, Mali, and Cambodia get by on fewer than three gallons daily. Me, I've used about fifty gallons today, counting the laundry, dishes, cooking dinner, a shower, and our low-flush toilet. A dairy cow needs thirteen to fifty gallons daily, depending on her output. The manufacture of a silicon wafer requires three thousand.

If you live in Wisconsin, or someplace else where thirst is not yet an issue, consider yourself lucky. Worldwide:

- 1.1 billion people do not have access to potable water.
- 2.4 billion people do not have adequate sanitation facilities.
- Water-borne diseases fill half of all hospital beds and kill one child every eight seconds.
- Those of us in rich countries use ten times more water than citizens of poor nations, who often pay rates ten times higher.

These problems are not expected to get better. As a report by the BBC recently put it, "The present is dire: the future looks so grim it must be entirely unmanageable."

Water issues in the United States aren't yet that grim, but water is clearly becoming a high-profile concern in many places:

- The East is coming out of a major drought, while the already arid West has been over-dry for nearly a decade. July was the hottest and driest in the Southwest in 109 years.

- Florida, Alabama, and Georgia fight over allocation of the Chattahoochee River. Virginia and Maryland bicker over the Potomac.
- Water-short California, which produces about half of the nation's produce, lost 15 percent of its yearly Colorado River allocation when it failed to meet a negotiation deadline.
- New York City holds its breath as a long overdue third tunnel designed to safeguard its ancient supply lines is years behind schedule.

Sitting lakeside with UW planning professor Stephen Born MS'68, PhD'70, the world doesn't seem quite so dry. A river rat by vocation and avocation, Born is approaching retirement with a fixed gaze on the mating habits of those aquatic insects favored by trout. What keeps him in the classroom is a desire to help revamp the state's outlook on water. With some interference from a cool Terrace breeze, Born relaxes into his pipe, and pops the bubble: "We're coming to a time when — even in wet climates — we're going to have to start looking at urban water management," he warns. "We're going to have to give much more attention to conservation, to recycling, to augmentation of flows. We can't talk about managing groundwater without talking about managing surface water, and quantity is related to quality, and pretty soon it becomes a conundrum, because everything is connected to everything else. But how the hell do you manage it?"

It's a question that has vexed many. Wisconsin offers a good example of how even abundance requires stewardship, forethought, investment, and innovation.

At the foundation is the public trust doctrine embedded in the state's constitution, which protects all navigable waters for the public. This protection has been fortified through 150 years of case law, and extends even to scenic beauty.

Beyond oft-cited Aldo Leopold '36, John Muir x1863, and Gaylord Nelson '42, Wisconsin is also the birthplace of limnology, or lake science, in the United States. The first limnology class was taught in 1900 at the UW and, by some measures, Lake Mendota is the most studied lake in the world. Appleton generated the world's first electricity from falling water. The Coon Valley watershed in southwestern Wisconsin pioneered soil conservation. State management of floodplains, lake cleanup, groundwater quality, and surface water are all national models. And Wisconsin was the only state to enact additional wetland protections following a 2001 U.S. Supreme Court decision that opened 20 percent of previously protected wetlands for development.

Despite this foundation of leadership, precedent, and law, water policy in Wisconsin resembles Frankenstein: many working parts, and a few areas of monstrous dysfunction. For example, despite consumption advisories for hundreds of state fisheries, the state has been unable to regulate mercury emissions. Todd Ambs, who ran the environmental advocacy group River Alliance before taking on the water division of the state's Department of Natural Resources under Governor Jim Doyle '67, sees the faults in glaring relief.

"We have a train wreck coming in just a few years in some portions of Wisconsin," he says. "In the Fox Valley, in Waukesha, we're running out of groundwater. Thankfully, in 75 percent of the state that problem is many years away. However, the general water quality challenges are immense."

GROUNDLED

Just outside of Eau Claire, the sandstone face of Mount Simon rises nonchalantly above the river. Named after an early

settler of the region who, among other things, harnessed the local water power, Mount Simon is the barest geological hint of a massive sandstone formation that underlies much of the Midwest. The rock is ancient, dating back some five hundred million years to the Cambrian days of the early Paleozoic Era. What we now call Wisconsin was located in more tropical climes, a shallow, coral-filled sea lapping sandy beaches and bays. Time passed: Cambrian to Ordovician to Silurian, Paleozoic to Mesozoic to Cenozoic. The sandy sea bottom was gradually covered and compressed into sandstone. In some ways, it's still a sea,

a great underground sponge now filled with billions of gallons of fresh water.

"It's a wonderful aquifer," says Ken Bradbury PhD'82, hydrogeologist for the Wisconsin Geological and Natural History Survey, part of UW Extension. "It's a thick sequence of sandstones that are very porous, very permeable, and very extensive." Ranging from eight hundred to two thousand feet thick, it is hundreds, even thousands, of years old, and there is a lot of it. Indeed, if you brought all of Wisconsin's groundwater to the surface, it would cover the entire state to a depth of 103 feet.

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JEFF MILLER





PHOTODISC COLLECTION (2)

This might seem an endless supply, but in southeast Wisconsin, it's being drained faster than the rain can replace it. Groundwater levels have dropped four hundred to five hundred feet during the last century, and are now declining six to seven feet a year. The deeper a well goes, the more expensive it is to pump. And Waukesha and nearly fifty other Wisconsin communities have discovered another cost: the deepest reaches of the aquifer contain dangerously high quantities of dissolved radium. The Environmental Protection Agency has ordered the city to clean up its water.

According to Ambs, warped market signals help drive this emerging groundwater crisis: the more water that utilities pump, the more revenue they generate. "This is a fundamental flaw in an age of increasingly scarce resources," he argues.

"It's not an acute disaster. It's an incremental disaster," adds Bradbury. "It's been pretty much every city and village out for itself, and that's not a very efficient way to use the aquifer. The wells are sited for all the wrong reasons: where the city happens to be able to buy some land, where the city is planning to grow, and where the boundary is — none of which has anything to do with the hydraulics of groundwater." Regional groundwater management, used in Florida to prevent saltwater encroachment, could optimize water use, save money, and improve everybody's water quality, he says.

But Waukesha has rejected this approach, asking instead for a pipeline to Lake Michigan to draw twenty million gallons a day. It's easy to see

the temptation: over the horizon lies a full 20 percent of the world's usable freshwater. There's just one problem: Waukesha drains to the Mississippi, not the Great Lakes. Under the Great Lakes charter of 1985, the pipeline must be approved by the governors of eight lake states and two Canadian provinces, who must sign off on diversions of five million gallons or more. A significant amendment to the charter, called Annex 2001, is not complete, but it is expected to require review of even smaller diversions, and that significant withdrawals be accompanied by offsetting ecological restoration.

Waukesha's proposal was met with outrage in Milwaukee, where the average citizen is already wondering about the state of the lakes. Summer beach closings weigh heavily, as do low lake levels. Anders Andren, director of UW-Madison's Sea Grant Institute, says levels are cyclical, and beyond our control. Indeed, during the last four thousand years, the lakes have been as much as eighteen feet higher and perhaps fourteen feet lower. "We cannot really change the water levels in any meaningful way," he says.

The good news in the Great Lakes is that the toxic problems of the past are abating. What remains are primarily legacy pollutants, leaching from forty-one so-called areas of concern, such as the lode of PCBs in the Fox River and Green Bay.

Of more urgent concern, says Andren, is the establishment of more than 160 invasive species in the basin. In this game of ecological musical chairs, the zebra mussel is already old news,

with the even more troublesome quagga mussel now advancing in Lake Michigan. Every time a powerful new species washes through the lakes, it rebuilds them in its own image.

"They completely change the flow of energy, the flow of food, the flow of contaminants," says Andren.

As big as they are — it takes 191 years for Lake Superior to replace its water, and ninety-nine years for Lake Michigan — the Great Lakes are vulnerable to the smallest things: the "just-in-case" fertilizer we put on our crops and lawns, where we pile our leaves. That's because no matter how small these actions, your neighbors are probably doing them, too, and it all adds up. This pollution is called non-point, because instead of one big, bad pipe, the pollution comes from everywhere.

"Our next big, big water-quality problem is to try to get some handle on [this] problem," says Andren. "That's really difficult, because we have to make some painful changes in agriculture and in the way we keep our lawns." But if we don't, he warns, the same problems that plague smaller lakes like Mendota — algal blooms, some of them even toxic — could bedevil Lake Michigan.

Non-point pollution is both behavioral and systemic: it's not only how you take care of your yard, but where it is, how big it is, and how well your community was designed to accommodate the water that flows off asphalt and rooftops.

"To take care of water, you've got to take care of land use," says DNR's Todd Ambs, referring to sprawl. "It really is all connected."

An illustration: Last year Wisconsin approved some of the strictest runoff standards in the country, and has begun to invest \$65 million annually for ten years to meet those standards. But given current growth patterns — the location, housing density, and design of new development — that \$650 million investment will only maintain water quality. If a currently besieged smart-growth law gets fully implemented, then the state might see gains in water quality.

Individual homeowners may be able to do more to alleviate the problem just by changing the way they garden. "Everything is landscaped to move water off of somebody's lot as quickly as possible," says Nancy Frank '77, a green infrastructure specialist at UW-Milwaukee. If people started to see the value of keeping some or all of that water on site, they might begin to realize how water and land are intertwined.

"For too long it's been hidden, [so] we don't see the connection immediately," Frank says. "We see these grates in the street, and we know that the rain water goes down the grate, but then we have no idea where it goes."

A TALE OF TWO CONFLICTS

Two particular battles shed light on the politics of Wisconsin's water. In 1985, the U.S. Army Corps of Engineers extended regulatory protection to so-called isolated wetlands, arguing that even if they did not drain into a larger system, they were connected by the migratory birds that used them. In January 2001, the U.S. Supreme Court struck down this additional protection, opening an estimated one million acres of wetlands to development in Wisconsin alone. Though developers took quick advantage, conservationists of every stripe swung into action. Within four months, both houses of the legislature acted unanimously to protect these wetlands in Wisconsin.

This kind of consensus was conspicuously absent when Perrier came prospecting for a new source of spring water for

its Ice Mountain label. The first site proffered by state development officials was just downstream from the Mecan Springs Natural Area, which the DNR had been safeguarding for years. When word leaked out, the reaction was strongly negative, and Perrier wisely backed off. Hundreds of other wells of similar capacity already operate in Wisconsin, but by the time Perrier was through studying Big Spring in Adams County, the opposition was intense enough to scare the company to Michigan.

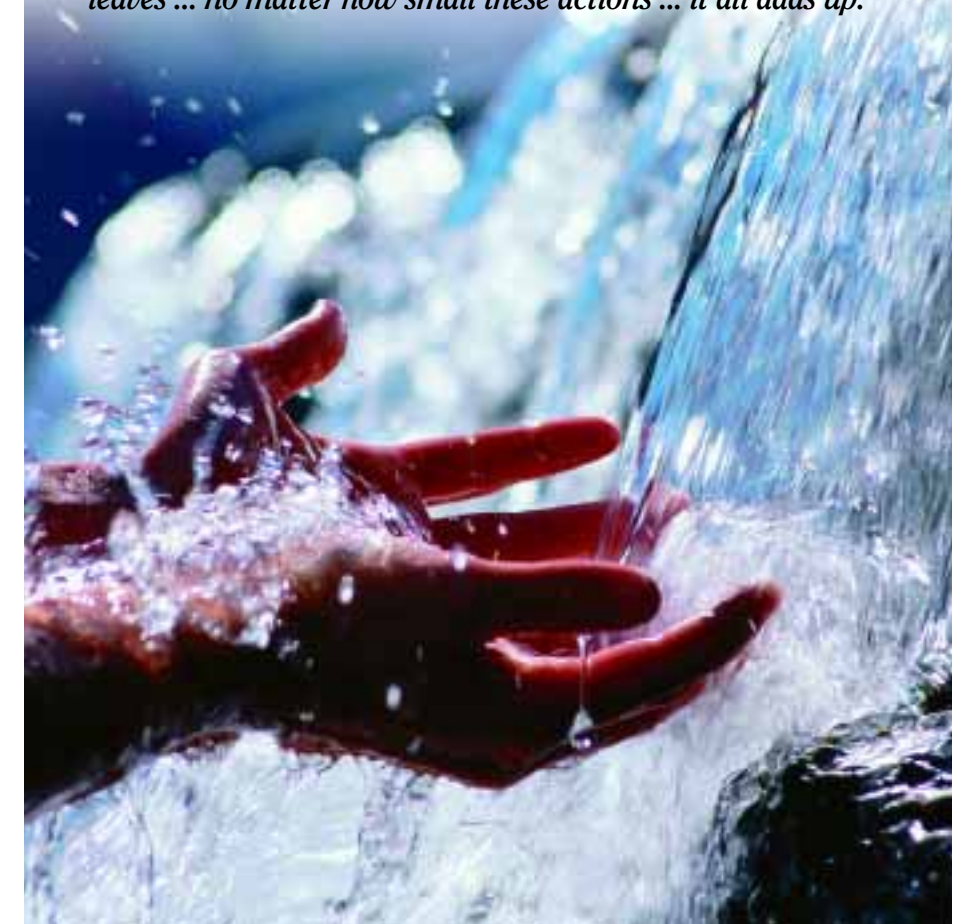
Perrier essentially became a scapegoat, a victim of our failure to comprehensively manage water, argues planning professor Born. "Perrier is not an issue in

and of itself," he says. "It's a tip of an iceberg that speaks to the inadequacy in how we manage groundwater."

To effectively make decisions in the future, he says, the state needs a larger framework that recognizes all of Wisconsin's waters as a complete system. "Not just an ecological system," he explains, "but a competing system of users, a competing system of values, with people as part of the equation. The complexity is such that you can't solve the problems without dealing with it as an integrated system. How can we fashion our institutions, our rules, our policies, to address these kinds of complex questions?"

Continued on page 62

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Good to the Last Drop?
Continued from page 27

Regionalism is the only thing that can work, Born argues. "It's like having a problem in a marriage, and saying, 'I'm going to deal with it by myself,'" he laughs. The solution isn't necessarily centralization and top-down decision-making, he says, but "finding ways of coordinating, communicating, resolving conflicts so that we can share both the bounty and the dilemmas.

"Conflict management is ultimately the key to water management."

In an era of fiscal drought, it doesn't help that water will be more expensive. Since 1997, budget fights and shortfalls have taken 50 percent of the general-fund money used to enforce state water laws, even as regulatory tasks have grown to include the 1996 revision of the federal Safe Drinking Water Act and new state stormwater standards. Additionally, the nationwide repair or replacement of drinking and wastewater

facilities may cost as much as \$1 trillion during the next two decades, according to the Environmental Protection Agency.

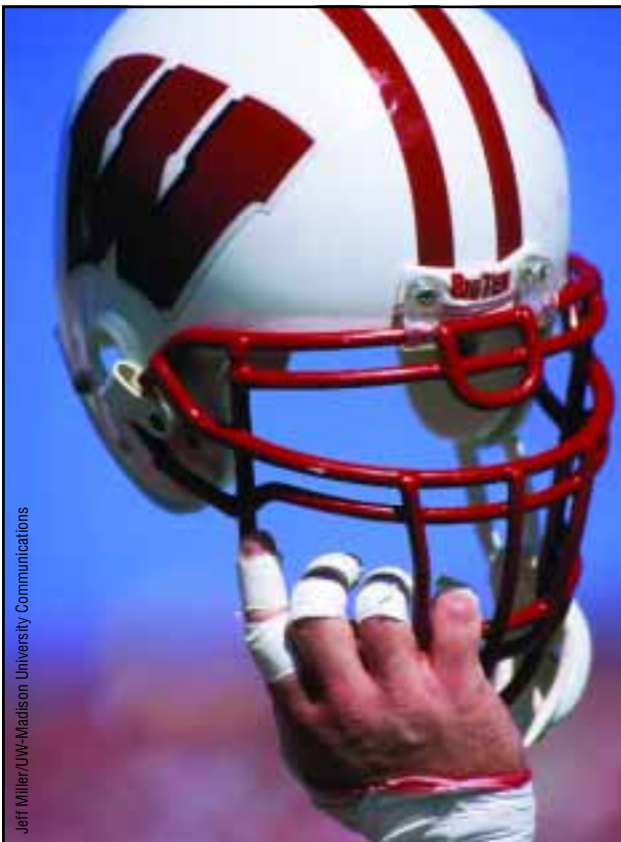
AFTER THE RAIN

The rain finally began to fall in southern Wisconsin in mid-September, bringing more than four inches during a single weekend — although, even with that, rainfall for the year was still be below normal. Friends, neighbors, and strangers all talked about the rain, and people walked the streets without slickers or umbrellas. More than once, I went outside, raised my face to the sky, and let the water wash away the worry. I felt a palpable weight lift from my heart, knowing I could relax about our trees, our potatoes, our lawns, and the stagnant Yahara River. Within twenty-four hours after the rain, everything shifted three shades deeper into green, and the sound of the leaves rustling in the wind took on softer, more luxuriant tones.

In dry country, rain is usually this kind of metamorphic event, as practically every living thing crowds through the window of opportunity and excess. Here in Wisconsin, the land of exuberant waterparks and fifteen thousand lakes, it felt like that kind of rain, signaling a change beyond the weekend forecast. But did it change how we think about water? Follow the water, and it will provide new answers.

"You're always synthesizing with water because you're drawing connections," says the Wisconsin Academy's Curt Meine. "Can we find a new way to do things? Can we find a way to break out of the political battles of recent years? We have huge resources of people and scientific information. Can we bring the best science in the state to bear?"

Erik Ness lives in Madison, not far from the Yahara River. He writes about environment and science for *Discover*, *Preservation*, *Wisconsin Trails*, and *Isthmus*.



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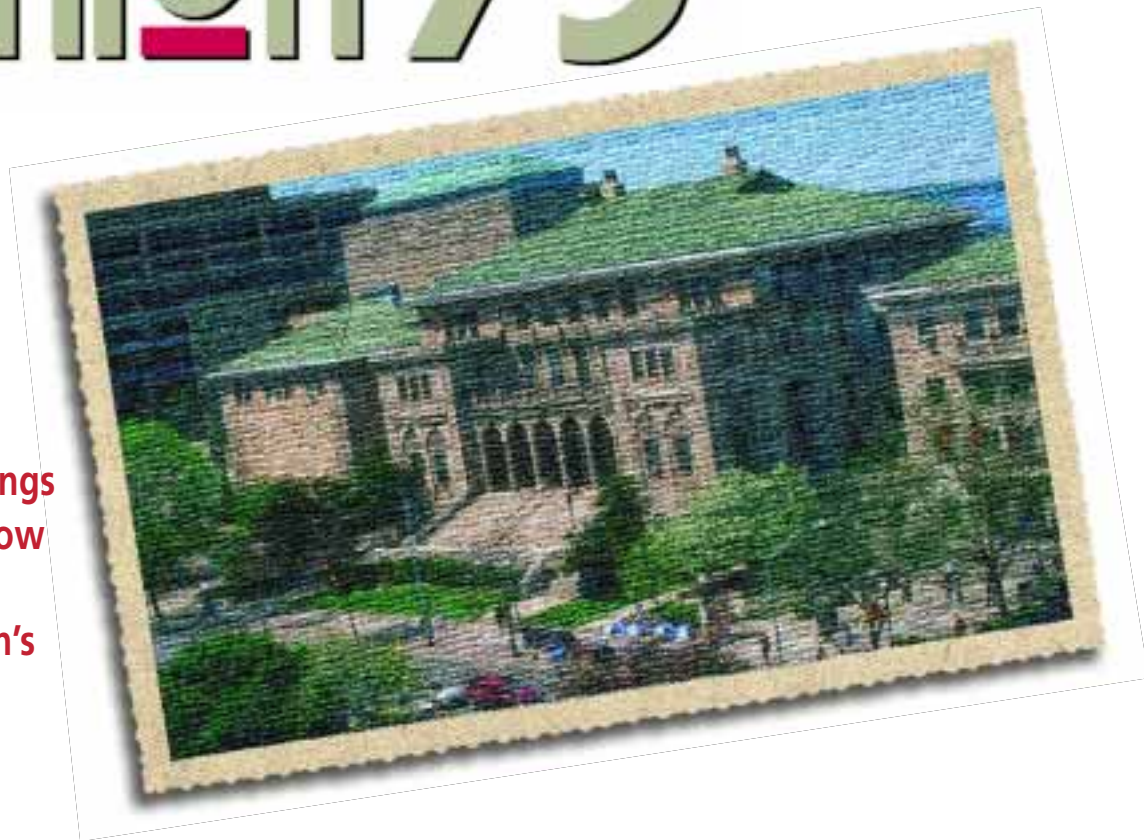


Celebrating 40 Years of WAA Travel

THE UNION 75

At the three-quarter-century mark for Memorial Union, we offer seventy-five things we bet you didn't know about the University of Wisconsin-Madison's "living room."

BY JOHN LUCAS



Porter Butts disliked pinball.

The legendary Wisconsin Union founder and director resisted putting the popular machines into Memorial Union because he felt that they compromised the Union's highest mission: providing productive and satisfying uses for leisure time.

Pinball, to his mind, was a game without skill that cut off interaction with others. After all, the Union's motto is "*Societate Crescit Lumen*" or "Light [learning] enhanced by human relationships."

"It was like the English department recommending comic books or dime novels," he said in 1979, although he eventually relented after learning that the machines raked in fifty to sixty thousand dollars in quarters. Butts '24, MA'36 decided that the money could help fund other worthy Union pursuits.

The love-hate affair with coin-operated machines is just one of the quirky bits of lore that have made the Wisconsin Union — including the seventy-five-year-old Memorial Union and its younger sibling, Union South — what it is today. On this anniversary, *On Wisconsin* dove headlong into the Union's eminent history, with the assistance of the Union, UW Archives, and the archives of the *Daily Cardinal*, *Badger Herald*, *Capital Times*, and *Wisconsin State Journal*. The list here is by no means comprehensive or complete, but just a few points of light from the Union's history of nurturing human relationships.



Waiting for Union food, 1949.

1. The favorite meals of UW-Madison students, as served by the Wisconsin Union, circa October 1947: hamburgers, spaghetti, baked beans, pork chops, pot roast, and Swiss steak.

4. ★ 574 ★ Number of “sun-burst” chairs on Union Terrace.

5. ★ 5,091,294 ★ Number of people who passed through Memorial Union and Union South’s doors in 2002, an average of 97,910 people per week.

6. ★ 1,000 ★ Number of goldfish Hoofers dumped into the fountain on Library Mall in 1978 as part of “The Great Goldfish Giveaway.” No figures were available on how many survived.



7. Until the early 1980s, most pieces in the Union’s art collection could be rented for fifty cents per semester as part of the “**Art-to-Go**” program.

A gallery showing, 1970.

2. At the 1939 World’s Fair in San Francisco, the Wisconsin Union Theater was voted “**one of the twenty-five most distinguished contemporary buildings in America**” in an architectural competition. Sinclair Lewis called the building the “most beautiful theater with the most beautiful site in the world.”

3. Only in Wisconsin (and maybe Germany):

For a time beginning in 1934, on the Rathskeller’s annual “Cheese Night,” a fifty-pound wheel of cheese was moved into the center of the room and put under a spotlight. A chef cut free slices in honor of the German tradition of consuming beer with cheese.



8. The late **Lewis “Bus” Topp** was the Union’s one and only barber for more than fifty years. Topp noticed a decline in business as many men wore their hair longer in the 1960s and 1970s. “I don’t think it’ll ever go back to where it was, because wives and girlfriends go for this long hair,” he said in a 1974 interview with the *State Journal*. “It’ll take some guys with prestige to get the ball rolling on short hair again.”

9. ON THE BRINK, PART I:

The Union’s Music and Entertainment Committee booked the Tar Babies in 1990. Their opening act, a little known group called Smashing Pumpkins, was paid only seventy-five dollars for the gig.

10. ★ 580 ★ Number of annual events in the Wisconsin Union Theater, which draw 127,000 patrons.

11. No bugs here: The Union’s kitchens are so clean, it was said in a 1947 *State Journal* story, that they typically carry a bacteria count “as low as one,” while other restaurants average between five hundred and ten thousand.



Good cheer at the Union Bash, 2001.

12. Gemütlichkeit: German for a feeling of well-being or congeniality, the principle on which the Rathskeller was founded.



If you build it: from a 1921 funding campaign.

13. During the campaign to build Memorial Union, UW President Glenn Frank said, “The Memorial Union building will give us a ‘living room’ that will convert the university from a ‘house’ of learning into a ‘home’ of learning. It is worth any sacrifice that we may be called upon to make in order to bring it to completion.” **Roughly half of UW-Madison students in the 1920s pledged fifty dollars or more** (the equivalent of more than five hundred bucks in today’s dollars) to pay for a building that they would never get to use as students.



18. The Union's first twenty-five years were dramatized in a color film titled *Living Room of a University*. The effort won a Hollywood Screen Producer's Guild Award.

A happy twenty-fifth in 1953.

14. School ties: Today, one out of every five UW-Madison alumni takes out a Union membership within a year of leaving Madison. The Wisconsin Union has more than eighty thousand lifetime members worldwide.



The Rathskeller, 1941.

15. In 1932, the ping-pong room in Memorial Union was renamed the "**Katskeller**" by the Women's Affairs Committee to protest the male-only Rathskeller. During World War II, when female students outnumbered males by nearly four to one, the "men only" signs came down.

16. ★ 24 cents ★ Average price of meals at Memorial Union during the Great Depression, when the Union Council voted to reduce prices to help students afford to eat.

17. Among the Union issues investigated by the alumni association and state legislature in the 1930s: "**Do you cook with Wisconsin butter or Crisco?**" and "**Why does the Union have dining rooms competing with private restaurants?**" The Union Council responded that such questions were "implicit in the nature of a democratic institution and necessary to its effective functioning."

19. Women in the picture: The Union had its first female president in 1943–1944. Also in 1943, the Union hired a female student to run the projector in the Play Circle Theater. She was believed to be one of only three female projectionists in the country at that time.



A poster from when movies were movies.



Fellow well met: a Tudor dinner, 2002.

20. Ever visited in January?: In 1948, *Time* magazine praised Memorial Union, saying: "It's almost impossible not to have a good time at Wisconsin."



21. Rufus Rollback: The fictitious chef of the 1950s, who cut food prices to pre-World War II levels on certain menu items each day. In 1952, between nine thousand and ten thousand meals were being served daily.

23. Hula fever: Classes in hula were offered twice weekly in Memorial Union in 1951.

24. Bermuda shorts were unwelcome dress in Memorial Union until the late 1950s.

22. Intercollegiate billiards: Founded at Memorial Union in the 1930s, the game was first played by telegraph, and only later face-to-face.

Corner pocket: billiards in the 1930s.



25. ★ 780,000 ★ Number of popcorn kernels popped in an average week at the Stiftskeller (which amounts to six hundred pounds of popcorn).

26. Not everyone appreciated **Memorial Union's architecture**, designed by Arthur Peabody to evoke the feel of Italian lakeside palaces. In 1932, one fellow architect slammed the concept, saying: "Yes, it speaks Italian, extremely bad Italian, and very difficult to understand." The critic's name: Frank Lloyd Wright.

27. Luminaries: Martin Luther King, Jr., John F. Kennedy, Robert F. Kennedy, Eleanor Roosevelt, Jawaharlal Nehru, Saul Bellow, and Carl Sandburg, among others, appeared or spoke at Memorial Union.



28. ★ 1,000 ★ Gallons in the world's largest milkshake, mixed in 1978 for the fifty-year anniversary of the Union. No word on how many straws it took to slurp up the drink.



Let them eat pancake: Porter Butts serves up flapjacks in 1950.

29. ★ 42 ★ Number of years Porter Butts served the Union, before retiring in 1968. Ted Crabb, previously a member of Butts's staff and director of the UW-Milwaukee Union, became the second director, but served a mere thirty-three years.

30. ★ 6 ★ Number of female students appearing nude in a 1967 production of *Peter Pan* in the Fredric March Play Circle Theater, which was canceled due to campus outcry.

31. ON THE BRINK, PART II: In spring 1960, Madison author and historian Ronald Radosh was friendly with an aspiring folk singer who frequently played at a State Street coffee-house called The Pad. One day, Radosh and the singer sat together on the Union Terrace, playing guitar.
The singer: "I'm going to be as big a star as Elvis Presley."
Radosh: "Singing Woody Guthrie songs?"
The singer's name: Bob Dylan.

32. The Union was officially designated as the "**Division of Social Education**" by the Board of Regents in 1935, in accordance with Butts's ambition to see the Union serve as a focal point for out-of-class learning.

33. ★ 14 ★ Years before Memorial Union opened that the UW's Union Board helped found the Association of College Unions. Wisconsin's student president returned from that group's first national conference with renewed determination to have a dedicated Union building on campus.

34. Fasching, a German drinking festival akin to Mardi Gras, was held at Memorial Union annually between 1959 and 1980. The *Daily Cardinal* lamented its end with the headline, "No Drunkfest at the Union this Year."

35. After visiting the legendary Stiftskeller St. Peter in Salzburg, Austria, Butts named Memorial Union's **Stiftskeller**, which means "cellar of the founders."



36. Taming of the Shrew was the opening act for the Wisconsin Union Theater on October 9, 1939. The performance, headlined by Alfred Lunt and Lynn Fontanne, was written up by the *New York Times*.

37. The wreck of the Queen Ann: The Union was once home to a "fleet" of tour boats: the *Dana* and the *Queen Ann*. The latter sank in a storm in 1972, and the former was sold soon after, when it was determined the Union couldn't afford to continue operating the boat.



Life in the Rat, 1959.

40. ★ 1933 ★ Year the Rathskeller began serving 3.2 beer, following the repeal of Prohibition, becoming the first college union in the nation to do so. The brew was legally classified as "non-intoxicating."

41. "Fewer Walls, More Bridges": Theme under which Union South opened on November 10, 1971. The building was dedicated as a peace memorial.



Wisconsin welcome: Memorial Union greeting desk, 1951.

42. ★ 27,000 ★ Campus room reservations scheduled by the Union's central reservations office per year.

43. ON THE BRINK, PART III: Ever heard of the Indigo Girls, the Mighty Mighty Bosstones, the BoDeans, or Phish? Not many people had when those acts played the Unions during their early, pre-fame days.

44. The Royal Order of Catering Waiters: An elite team of Union waiters known for their speed, timing, and use of hand signals. "If the backfield of the football team can shift and run like those waiters," remarked football coach Ivy Williamson in 1949, "we won't have to worry on the football field."



Babe blue: James Watrous creates the Bunyan murals.

45. The late artist **James Watrous '31, MA'33, PhD'39**, who painted Memorial Union's murals of Paul Bunyan from 1933 to 1936, had to return several times to repair the eye of Babe, the blue ox, which was cut out by souvenir-seeking students.

46. "It is the custom here at the Union that he who eats and drinks also pays for it. Such a guest is dear and cherished, who promptly pays for what he gets."

— Translation, from German, of the Rathskeller motto.



Tooting the horn for Louis Armstrong, 1957.

47. Louis Armstrong, Ella Fitzgerald, Dave Brubeck, Miles Davis, Sergei Rachmaninoff, Vladimir Horowitz, Duke Ellington, Itzhak Perlman, Wynton and Branford Marsalis, Uta Hagen, Henry Fonda, Anthony Quinn, and Paul Robeson, among many others, all performed as part of **Union Theater-sponsored programs.**

48: The **770 Club**, so named for the Union's old address at 770 Langdon Street, was the nation's first collegiate nightclub in 1933. It lives on at Union South as Club 770, an alcohol-free entertainment venue.

49. Bummelling: A German university tradition dictating that students must lounge, dance, drink, and sing before getting down to serious study. "Die Rathskeller Bummel" was a popular promotion for a time in 1939.

50. The name "**Hoofers**" was established in 1931 from a similar group at Dartmouth known as the "Heelers." At the UW, "Heelers" served as apprentices to the upper-classmen "Hoofers" who managed the outdoor activities group.



Hoofers boats on the lake.

51. ★ 1,400 ★ Gallons of milk served weekly in the Rathskeller in 1967, compared to 190 gallons of beer.

52. "The Battle of Beer and Wine," a mural in the Stiftskeller, is modeled after one in Munich, Germany. Painted by Milwaukee artist Kurt Schaldach in 1978, the full verse (translated from German) goes: "When wine and beer make war on each other, who will win and who will lose?"

53. ★ 110 ★ Number of colleges and universities from around the nation that sought assistance from Butts in establishing their own unions. In 1964, he visited twenty universities in Asia to aid in the development of their union programs.

54. ★ 8 ★ Number of blind students who enrolled in a special Union ballroom dance class offered in 1940, believed to be one of the first of its kind.

55. The name Memorial Union was chosen when fundraising for the new campus student center was insufficient to complete the job. Advocates for the campus center joined with those promoting a **World War I memorial**, hence the Union's designation as a "living memorial." Purdue and Indiana Universities followed suit.

56. ★ 700 ★ Number of puppets brought for a performance by the Salzburg Marionette Theatre in 1951.

57. "Reunion at the Union": Title of a popular song written by two Truax Field airmen during World War II. The Union published the song and sold out almost immediately. During the war years, the Union never closed for one day.



Wheel away: the craftshop, 2000.

58. ★ 10 ★ Number of wheels for making ceramic pottery in the Union's craftshop, which also includes woodworking tools, a darkroom, an art metal shop, and equipment for making batik.

59. The Union Theater wing was financed with \$585,000 from a loan, \$266,000 from the Public Works Administration, and \$135,000 from gifts and Union operating surplus.



A 1935 drawing of the Union Theater.

60. ★ 97 ★ Number of Picasso etchings displayed in 1959. The works of other artists, including Diego Rivera and Georgia O’Keeffe, were also displayed.

61. “The old Rat is dead!”

— Editorial in the Daily Cardinal in the early 1960s, after the Rathskeller food counter was converted to self-service and “hostesses” began checking ages and asking patrons to take their feet off tables.

62. Barefoot: Joan Baez performed, sans shoes, before a sellout Union Theater crowd in the early 1960s. The *Daily Cardinal* raved: “Joan Baez — soon this is all we will need to say when this plaintive little girl presents an evening of folk songs about frustrated love.”

63. The original Union Terrace chairs were made of wicker, far less sturdy than the current “sun-burst” variety. However, when the company that manufactured the metal chairs went bankrupt, the Memorial Union Building Association purchased the tool and die so that chairs could be made in the future.



64. \$135,200: Projected annual take in quarters from “Dance Dance Revolution,” the Unions’ most popular arcade game.



65. I will have a dream: In Martin Luther King, Jr.’s 1962 speech at the Union Theater, he proclaimed, “We’ve come a long way, but we’ve got a long, long way to go” in the struggle for integration. He told segregationists, “We will wear you down by our capacity to suffer.”

66. “I found the students at Wisconsin alert, intelligent, and uninhibited. It was a most stimulating meeting for me.”

— then-Senator John F. Kennedy, after his May 16, 1958, speech at the Union Theater.



Union pledge plea, 1921.

67. “Let’s Dig”: The drive to raise money for Memorial Union was the first university effort to solicit pledges from alumni. Prior to the drive, alumni were never asked, as they expected tax dollars to fund university needs.

68. ★ 80 ★ Number of gallons of tomato and chicken soup — the most popular choices at the time — produced each day by Union kitchens in the late 1940s and early 1950s.

69. ★ 1,500 ★ Number of students to volunteer at more than twenty sites around the country as part of the Wisconsin Union Directorate’s Alternative Breaks program.

Students at a Habitat for Humanity project, 2000.

70. ★ 4 ★ Number of future Olympians who trained on the old Hoofers ski jump on Muir Knoll in the early 1930s.

75. All of this history and more is being preserved by the Wisconsin Union and the UW Archives. An ever-expanding collection of photographs is now available online; visit <http://webcat.library.wisc.edu:3200/> and click on, “Select a database,” then “The University of Wisconsin Collection.”

71. Memorial Union hosted the university’s first **lecture-discussion series on courtship and marriage** in 1938.

72. ★ 1,300 ★ Pieces in the permanent Union Art Collection, first established upon the opening of Memorial Union as one of the first collegiate art galleries. Today, more than 75 percent of the works are on display in Memorial Union or Union South.

73. ★ 900 ★ Students employed annually by the Wisconsin Union.



Flipped out: students at work in the Union kitchens.

74. During the early 1950s, **Oxford Union-style debates** were held regularly. The first focused on a resolution stating, “The University of Wisconsin would have achieved greater fame if women had been excluded.” The women won.

HISTORICAL PHOTOS COURTESY OF UW ARCHIVES; OTHER PHOTOS BY JEFF MILLER, STEPHANIE JUDGE AND MICHAEL FORSTER ROTHBART, UNIVERSITY COMMUNICATIONS

The Union's Next Era



JEFF MILLER

As Memorial Union began marking its seventy-fifth anniversary, writer John Lucas talked with Mark Guthier, above, who in November 2001 succeeded Theodore (Ted) Crabb '54, becoming only the third director of the Wisconsin Union. Guthier came from Indiana University, where he served as assistant director of its college union for nearly ten years. He talks about the Wisconsin Union's history — and what the UW's beloved institution will reach for next.

What do you think has been the Union's biggest accomplishment?

The greatest accomplishment for the Wisconsin Union over the last seventy-five years is what it will continue to do for the next seventy-five years, and that's to be the one place that students, faculty, staff, alumni, and Madison community members all have in common — the one home for UW-Madison. And it does that in a way unlike any other college union in the country. We'll always be about bringing all those constituents together. That's one of the Union's great strengths.

In what ways do you think the Union will change or evolve?

Sometimes we think of students as the piece that changes the most. We've also seen the needs and tastes of faculty change over the years. For example, faculty dining clubs aren't the big things

they were in the twenties, thirties, and forties. Today, it's grab-and-go dining, and we've changed to meet that. I can't tell you right now what the dining preference will be in ten years, but we will be ready to serve it.

In entertainment, perhaps in 1939, when the Union Theater was built, classical entertainment was in its heyday. This type of programming still has an important part to play in what we offer to the campus, but it's probably not central to the mission of the theater anymore. As campus interests change, the type of entertainment will change, but our commitment to offering first-class quality entertainment will still be there. The same might be true of Hoofers. The ski jump came down off Muir Knoll in the thirties and forties, and that's not there anymore. Now we have scuba diving and horseback riding. Those are just a few examples.

What kinds of physical changes do you envision for the Union buildings?

We're very close to finishing an overall long-range facility master plan that takes into account the rehabilitation, restoration, and expansion of Memorial Union and Union South and begins to ask the question about the possibility of other locations and the possibility of building a third union someday.

When you look at walking distances from our two main facilities, you begin to see there are sections of campus that are not within a ten-minute walk. That gets us thinking about whether we need an additional location to reach the areas of campus we don't currently touch.

In addition, our facilities and physical surroundings need to change to meet current needs, tastes, and desires. They must be more tech-savvy than they were ten or twenty years ago. How people proceed through a building is different from how it was ten or twenty years ago, so corridors and wayfinding and paths and lighting and those types of things must continue to be improved.

When Memorial Union was built, it served a campus community of eight

thousand people. Union South was added at a time when the campus community — including students, faculty and staff — was close to forty thousand people. We now serve a campus community of sixty thousand, and that doesn't begin to add in the Madison community. We are beginning to outgrow our facilities. Through the master plan, we've examined to what extent we can add facilities for additional meeting space, entertainment space, and food space. At Memorial [Union], we're hemmed in in a lot of ways, so we'll need creative solutions to add space. [Union] South's the same way. We're looking at underground options and the possibility of other ways to expand.

What about a proposal for the west end of campus?

Currently, the Union doesn't really serve the west end of campus well, as far as being within close walking distance. The students, faculty, and staff who study and work on the far western edge of campus need convenient dining opportunities, meeting rooms, possible program space to support conferences, student organization space. A new west-campus Union could, out of all three facilities, serve a grad school population more directly than the other two, which would make it somewhat unique.

A master plan is a long-range document. How do you prioritize which improvements come first?

The consulting team that worked with the Union to develop a master plan has organized the elements of the plan into what we'd call "doable chunks." Beginning with the seventy-fifth anniversary through the hundredth anniversary, in that twenty-five year span, if we were going to do something every three to five years, what would it be? How would we go about raising the funds for each of those initiatives? We're looking at different funding models — our own operations, plus some level of support from students, as well as donor support.

How could Union South become more integrated into the campus community?

The key to [Union] South is to think of it as a wonderful union in its own right and to do something there that allows it to stand on its own and not be compared to Memorial. It needs to have its own sense of place and identity. Something that makes it a point of destination, like the Terrace. It also needs to be more transparent — the master plan includes ideas for opening up the space so that you can see the activities going on inside.

Do you have any “high concept” ideas for Union South at this point?

A coffeehouse-cyber café concept is one thing that’s being talked about. Instead of trying to replicate the Rathskeller, let’s go the other direction and have it spill out onto an urban terrace and amphitheater.

How about Memorial Union?

One of the things we want to do with Memorial is to renovate spaces and bring them back to the aesthetic quality they had when the building first opened. One example of that is what we did with the renovation of the Main Lounge, thanks to a gift from the Class of 1950. That

project, which included adding central air conditioning into the space, was not so much a historic preservation project, but a historic rehabilitation. That is a good example of what we want to have happen throughout the building.

Another thing is that the main entrance used to be the entrance off the second floor. People went in that way and down into the building. The Rath was in the basement. But that’s changed over the years. Can we design entrances that are grand, much as you got when you entered on the second floor? Can this be done in the other two entrances off Langdon and Park Streets?

The redo of the Lakefront Café — soon to be called Lakefront on Langdon — will be the most visible change immediately, right?

Lakefront on Langdon will be an example of what we hope to do with all of our food service outlets, which will be to modernize them and make them more customer friendly. It’ll be a “market” concept, and we’ll be able to change our food concepts more quickly — without having to wait ten or twenty years to gut the whole thing again.

What big-ticket items could be in the future for Memorial Union?

One example would be the Wisconsin Union Theater wing — there’s a possibility of adding space on the north side to support receptions and catering. Or a ballroom with a wonderful view of the lake, in addition to a new entrance on the south side and an expanded box office.

There are ideas for expanding the Terrace to go from the Union across the East Campus Mall (and the current parking lot), across the Red Gym and to the Alumni Center. Can we start to think of the Terrace as being larger than just the space behind Memorial — that it would encompass Lake Street to Park Street — creating a neighborhood of sorts?

What are the top two or three things you hear when you’re out talking to people about the Union?

The Union is the heart and soul of the campus. People love the fact that it has such a history about it, and that it’s always been here, and it’s this common thread. Whether you came in 1928 or graduated in 2002, you have something in common with everyone in between, because you’ve all shared the Wisconsin Union.

The other thing that I hear is that we need to take care of the Union. And that we can’t allow it to deteriorate. I probably hear that more from people who go away and come back, because if you’re here every day it’s kind of like you don’t notice yourself growing old. But see someone you haven’t seen for ten years — they look different to you.

UW alumni love this place and have fond memories, but they also notice that we need to take care of it. We want it to be as everybody remembers it, and for a lot of those people, it was this shining jewel for the campus. That’s really what this master planning process has been about — to identify ways we can do that, celebrate that, in the years to come, so students will come in 2028 and have the same experience students had in 1928. 🏠



MICHAEL FORSTER ROTHBART

With projects such as the renovation of Memorial Union’s historic second-floor lounge, which received a thorough makeover in 2002, the Union envisions a future that still embraces its past.

UW-MADISON RECENTLY ADDED "CAMPUS SCENES THAT ROCK" TO ITS REPERTOIRE OF AWARDS AND RECOGNITION FROM NATIONAL PUBLICATIONS. SO WHAT DOES THIS HONOR MEAN FOR MADISON'S MUSIC SCENE?

Rockin! the Rankings

By Christine Lampe '92

Madison is a great place to live, earn a degree, work, and raise a family — but most UW grads knew that well before the rest of the country began hearing about it in “best of” lists from *Forbes*, *Child*, *Ladies’ Home Journal*, and other publications. Today, this well-kept secret is just as difficult to keep under wraps as its resident university, which, for years, has held its own in collecting honors from popular publications, even as administrators caution about how little such rankings really mean.

There are the academic accolades, like being listed for five years in a row above number nine on *U.S. News and World Report*’s “America’s Best Public Colleges.” And, of course, the unsubstantiated rumor that’s been circulating for decades about landing a spot on *Playboy*’s Top Ten Party School list. And the most recent, where UW-Madison earned top billing as *Sports Illustrated*’s Best College Sports Town, and was listed in *Backpacker*’s Top Five Outdoor Colleges.

But somewhere between Monday's 8:50 a.m. classes and Saturday's 1:05 p.m. kickoff at Camp Randall is Friday night. And UW-Madison has earned some recognition there, as well.

In February 2003, *Rolling Stone* ranked UW-Madison among America's top "Campus Scenes That Rock." Based on criteria that included venue, rising talent, and total party volume, Madtown clinched the number five spot ahead of such music meccas as Eugene, Oregon, and Berkeley, California.

Madison's immediate reaction was mixed. While some felt it was fitting that the capital city made the list, there were naysayers, too. Those interviewed in a *Badger Herald* article called "Local Musicians Dispute Rolling Stone Claim" strongly disagreed with Madison earning such honors. Subsequent feedback on *Herald* message boards went so far as to blame UW students "who refuse to travel off campus or journey into a new scene." Could America's premier rock 'n' roll magazine be wrong?

Indeed, Madison has become a city where increasing restrictions are being placed on local club owners in an effort to curb binge drinking. And many students are too busy trying to stay competitive to seek out an evening of live entertainment. While neither scenario seems like a formula for success, and while it's important to note that rock 'n' roll is just one genre among many offered in such a diverse city, many local experts agree that Madison has earned its new reputation — only in unexpected ways.

VANISHING VENUES?

Cathy Dethmers '94 moved to Madison from Milwaukee to go to school, but, she says, "Part of what drew me here was the music scene." Dethmers owned Madison's legendary O'Cayz Corral for seven years before it was destroyed on New Year's Day 2001 in a fire that ignited in the adjoining Comic Strip bar. That day, her popular club joined a growing list of Madison venues that had closed, been shut down, or burned, including Headliners, the Paramount, and Club de Wash.

Beyond the loss of O'Cayz, Dethmers has seen many changes in the live music landscape, and admits she was surprised to see UW-Madison surface in *Rolling Stone*. She estimates that a mere 10 to 20 percent of the crowds at her alternative club were students. "I think that's part of why Madison is unusual ... [There are] so many young people with the opportunity to see live music, yet it seems like they don't really take advantage of it."

Aaron Honore x'04, program manager at student radio station WSUM, agrees. "Ten to 20 percent will seek out activities outside of football Saturdays or other obvious entertainment," he observes. "But there's always something going on. It's just a matter of knowing where to look and who to talk to." Honore says a lot of the shows he attends are in people's basements — the kind of thing you learn about through those in the know. He finds others on message boards such as www.madhc.com. And some, he hears right on WSUM.

The station hosts a show on Sundays that plays only local bands. WSUM's general manager, Dave Black MA'03,

points out, "Students don't need to go out to hear what they want to hear — it's all over the place. And a lot of that good stuff gets on CD and winds up right here. That's part of our mission."

Opening the eyes of UW-Madison students to quality music is part of the mission for the Wisconsin Union Directorate (WUD), as well. This student-run organization books more than two hundred shows a year at the Memorial Union Terrace and Rathskeller, and at Union South's Club 770, and relies on the knowledge and research of its volunteers to bring successful new acts to campus. "There's constantly new input from UW students, so the Union plays a big part in helping make the scene," says Student Music Director Jenny Ng x'04.

Natasha Kassulke MA'93, WUD's music adviser, adds, "We always say you can see new bands here first. We take a lot of pride in our history and the fact that Phish, the Indigo Girls, Jimi Hendrix ... all played the Union before they became huge."

That legacy of bands on the brink playing in small venues is what a lot of UW grads remember about their years



JEFF MILLER

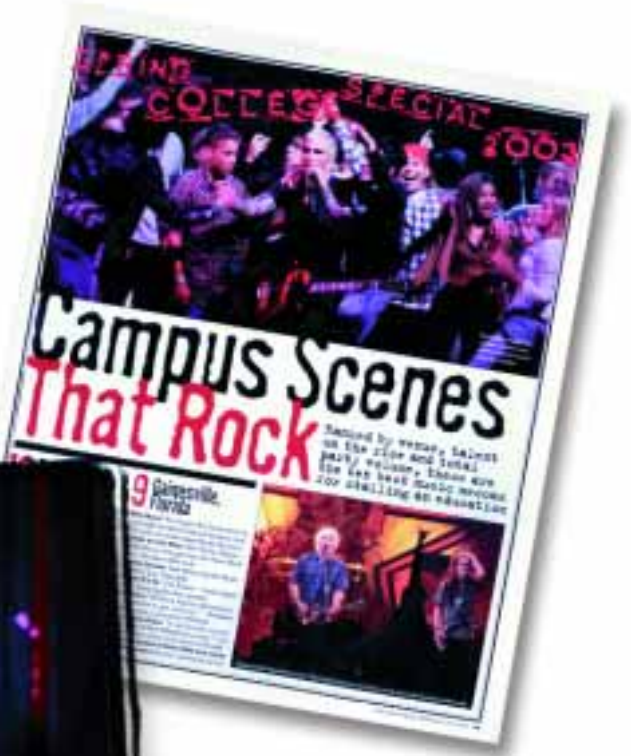
Some complain that the lack of venues in Madison is to blame for a vacillating music scene. But who could forget about the Terrace, the 2,500-capacity venue that offers free live music every week throughout the summer?

here. Ken Adamany of Last Coast Producing has been booking bands around town since he was a student at the UW. “In the sixties and early seventies, we had a thriving music scene,” he says, recalling clubs like the Factory and Dewey’s on Gilman Street, which held the first Wisconsin shows for performers such as Fleetwood Mac and Rod Stewart. “There were a

events like Blues Fest and all of the neighborhood festivals have really stepped up, and I think sometimes we take them for granted. They may not be nightclubs, but you can see free music and a lot of local bands.”



JOSH JANKE



Where else but in a university town can you find a band named after the first philosophy book written by Nietzsche? Birth of Tragedy (left), Madison’s cathartic supra-heavy metal duo, was recognized as talent on the rise in *Rolling Stone*, above.

number of night clubs, and I think a lot of people were more interested in seeing live music in those days. And then it sort of went away with the disco phase.”

But Adamany says there was a resurgence in the eighties. “Almost any act that came through the Midwest that wanted to play in Madison appeared at Headliners or The Boardwalk.” When asked about today’s atmosphere, he says it’s surviving. “It seems to be improving now, although a slow economy affects the number of times people go out in a week, let alone in a month.”

Kassulke adds that those in search of good, live music also have other options. “A lot of people look back on the ‘good old years’ when we had some of those other clubs, but there are efforts under way to replace some of those. Also,

YOU HAVE TO START SOMEWHERE

The *Rolling Stone* article recognized local acts Birth of Tragedy, the German Art Students, and Phat Phunktion as bands on the rise in Madison. If nothing else, Birth of Tragedy drummer Ryan Peterson ’99 and singer/guitarist Cory Divine credit the magazine with helping to give a name to up-and-coming musicians.

“As a result, we signed a management deal with a company called Anger Management,” says Divine. “Through that, we’re working on a new demo and have generated some interest throughout the industry.”

But Jason Braatz x’05, bass guitarist for Phat Phunktion, had a slightly different reaction to being referenced in the

music mag. “The *Rolling Stone* thing is cool because we can say we’ve been mentioned, but as far as opening any doors that hadn’t already been open ... it kind of happened at a bad time,” he says. The band, which has performed with Rick James, The Temptations, and Earth, Wind, and Fire, has slowed its booking schedule while keyboardist Tim Whalen ’01 attends graduate school at the prestigious Manhattan School of Music. That, in essence, gives Braatz the freedom to explore a different style of music with his latest group, Bon Pantalón.

Thankfully — especially for bands without as many credentials as Braatz’s — the number of small venues willing to move pool tables to accommodate live music is increasing. Places like Mother Fools on Williamson Street, Café Montmartre, and the Tornado Club on the square — and even Atwood Avenue’s Glass Nickel Pizza Company — are offering alternatives for those willing to seek out nontraditional venues. Glass Nickel owner Brian Glassel has hosted Tuesday night open jam sessions

featuring acts such as The New Recruits and the Cork 'N Bottle String Band for about six months. But Glassel admits his restaurant will never be a major venue. "We offer our customers live music because we can. But there are no plans in the works to grow offerings to more than once or twice a month," he says.

Even Luther's Blues, a major venue that books five to six national acts every week, offers space to local talent on Tuesday and Wednesday nights. The club's marketing director, Mike Haight, says, "We do a lot with trying to bring new bands up. We'll take a chance on a local act and let them play and see how they do. Bands like the Kissers, Love Monkeys, and Know Boundaries that started out on Tuesday nights now draw to capacity on the weekends."

Meanwhile, some of Madison's old favorites are expanding their ability to support live entertainment, as well. The Union's Open Mic series still takes place on Thursday nights, but now runs until 1:00 a.m. as part of its Fashionably Late campaign. These extended hours offer an alternative to bar-hopping, while giving more new bands a chance to be heard.

And today, after almost three years of struggle with the city and local developers, Dethmers is finalizing plans to open the long-awaited High Noon Saloon in February on East Washington Avenue.

It will still offer a variety of music with an intimate feel, but at twice the size, Dethmers hopes to draw high-profile touring bands, filling a niche she feels is missing in Madison. "The larger national bands are recognized and draw more people out to see live music than would normally search it out on their own," she says. "The more that happens, the more they get exposed to local bands. It helps bolster the whole scene in general."

THERE'S MORE TO MADISON

So is a *Rolling Stone* ranking enough to make local residents — especially students — fork over five dollars at the door or comb the *Isthmus* to find good live music on a Friday night? Maybe. But there's even more to Madison music than the *Rolling Stone* story tells.

By virtue of being a university town, there's a certain transience that breeds variety and creativity. And that's not a given on every campus. In Ann Arbor, Michigan (rated number seven in the *Rolling Stone* article), one student griped, "The venues import decent national acts, but the scene still lacks progression and imagination."

Not so in Madison. Students meet in UW-Madison residence halls. They pick up drumsticks and guitar picks and really give it a go for three or four years before

moving on. *Rolling Stone* editors favored cities that pumped out more than thirty new acts per year, and Madison's influx of fresh talent no doubt propelled it ahead of those cities where the same ten local bands stick around for years and years.

"I suppose every music scene is diverse," says Braatz, "but [in Madison] there are a lot of bands that are great in a lot of different genres. The quality is what's unique about Madison. For the amount of bands, the majority of them are really good."

Surprisingly, the amount of talent in a town of Madison's size seems to lead to more camaraderie than competition. Kassulke, who spent ten years covering local music for the *Wisconsin State Journal* before working at the Union, notes that as a positive change in Madison. Cross-promotion is big among bands, which often fill in for one another at the Union and other venues in a pinch.

Madison's well-insulated economy may even play a factor. "I think part of why this scene is so good locally is that there are the kinds of jobs that musicians can have to pay their bills and still go out and create music without making a lot of money at it," says WSUM's Black. "There's the way the local economy is set up, and then there's a built-in fan base, so you have all of these things coming together in a semi-urban environment that really, really works."

Whether the UW and Madison should even be considered one and the same, and whether either should have made the list at all (or risen higher than five) is of little consequence — it seems that the local scene really *does* work. And with any luck, *Rolling Stone* will join the list of publications that have exposed yet another one of Madison's best-kept secrets, creating new focus on rising stars, new venues, the local economy, and appreciation of the many types of music Madison has to offer. That is, until the next top ten list is released. 🎸

Christine Lampe '92 comes from a long line of local musicians. Her late grandfather Jack (trumpet, Hal Mack Quartet), father, Bix (drums, The Relics), and husband, Joe (bass, SuperTuesday), have all played a part in Madison's music scene.

what's your favorite music memory?

In her career as a *Wisconsin State Journal* reporter and as music adviser for the Wisconsin Union Directorate, Natasha Kassulke has seen hundreds of live performances in the Madison area. But when it comes to her all-time favorite music memories, you might be surprised to find that her loyalties lie with one venue.

Read about Kassulke's favorite music moments — and post your own — on the Madison music memories message board at uwalumni.com/musicmemories. The best stories will be published in the Summer 2004 issue of *Insider Magazine*.

UWALUMNI.COM/MUSICMEMORIES

Law and Monsters

Continued from page 43

leave off — it aims to be a permanent, impartial court for crimes against humanity. It has yet to indict a defendant.

The ICTY is the model for future war crimes trials. “It will be *the* precedent for international criminal cases,” says Kostich. “There’s really nothing else for the ICC to draw on.”

So as a precedent, how is the ICTY doing? Is it pushing the world closer to that ideal in which all people can find a refuge in justice — even those who are accused of denying justice to others?

So far, the ICTY has brought in 134 indictments. The prosecutor’s office has secured nineteen convictions to five acquittals, with fifty-one defendants currently detained at The Hague. It’s now in the middle of what will likely be its biggest case, the trial of Slobodan Milosevic. “He’s the big fish,” says Kostich. “The tribunal has to convict him of genocide. One way or another, he was involved in everything that happened in the former Yugoslavia.”

Although the ICTY is still handing down indictments — the most recent were announced in May — its work may be winding down. The United States, with its powerful military and far-flung interests, holds considerable sway over issues of international criminal justice. And Kostich feels that “this country has done a 180 as far as international courts are concerned,” referring to the U.S. turnabout and withdrawal from the International Criminal Court in 2002.

“The ICTY does create a precedent,” says Kostich, and it’s a precedent that many powerful governments wouldn’t like. “If you can have a tribunal for Yugoslavia, why couldn’t you have one with jurisdiction over, say, the U.S.? Or over Russia for what’s going on in Chechnya? That ain’t gonna happen.”

For Kuzmanovic, too, the ICTY presents an ideal of justice that neither it nor the world is ready to live up to. He suspects that nations will resort to force as the ultimate determiner of justice. “You can imagine what would happen in

the highly unlikely event that a member of our administration would ever have to face a tribunal of this kind,” he says. “I think the vast majority of people would feel offended that our own criminal justice system couldn’t take care of the situation and would be actively working to find a way to send in the special forces, as the president has threatened to do, to extricate someone if they’re arrested.”

In the meantime, Kostich narrows his focus to keeping the ICTY honest. “You can judge a society — how progressive and civilized it is — by looking at its criminal justice system,” he says. “The way it treats the indigent and the accused will tell you how that society treats the elderly, the poor, and so on. And the same is true for the international community. At the end of all this, as a practitioner, I want to be proud. I want to be able to come back to the U.S. and say that we’re doing a hell of a good job 🇺🇸

John Allen is the associate editor of *On Wisconsin*.

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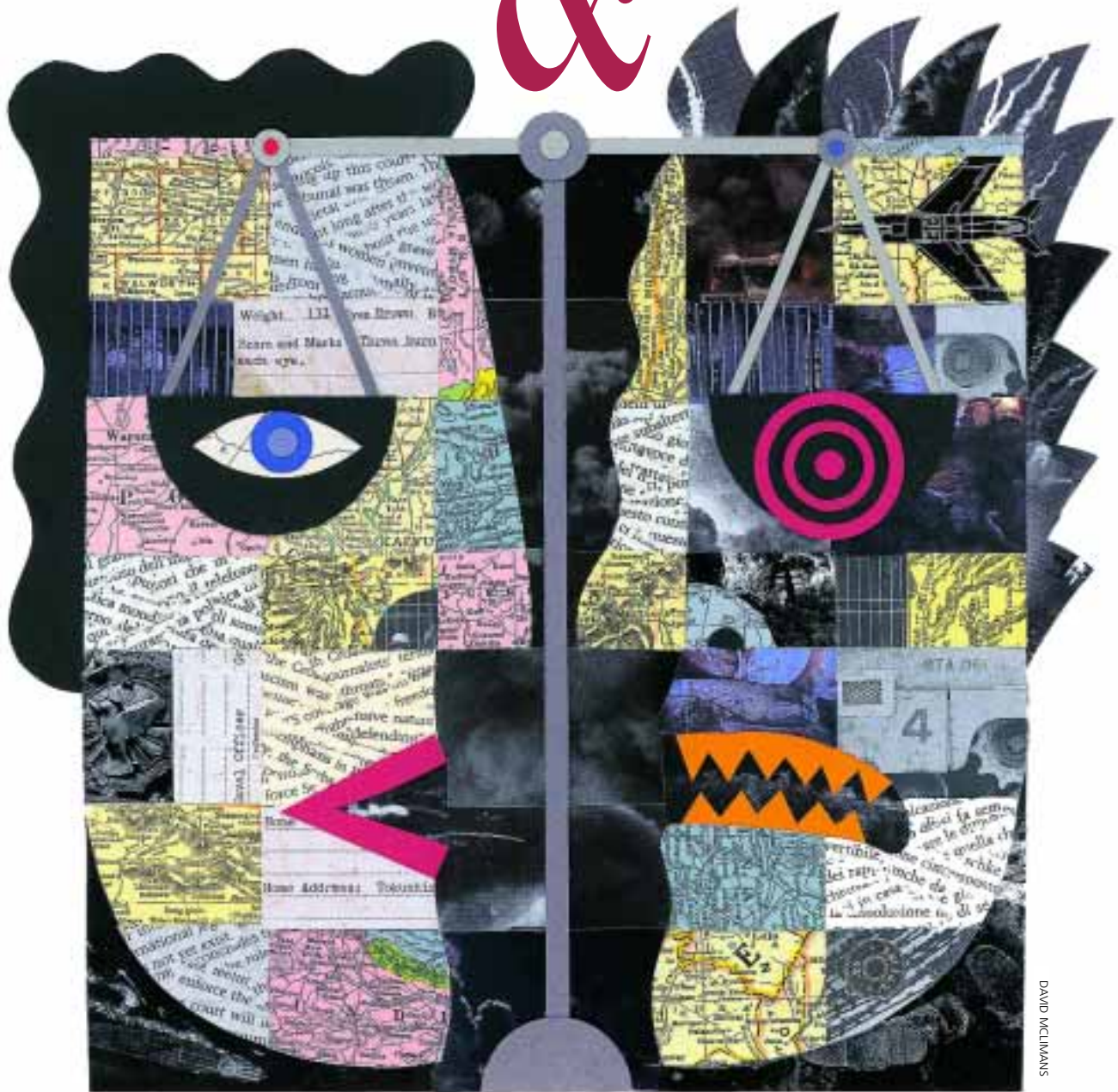
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LAW & monsters



DAVID MCCLIMANS

During the last decade, politicians and diplomats have experimented with war crimes tribunals as a means of bringing peace and justice. But is anyone looking out for the rights of war criminals? **Why should anyone want to?**

BY JOHN ALLEN

Auschwitz, Nanking, Verdun, My Lai: all war is a crime against someone. That's its nature. War is the breakdown of civil society into organized violence. Willful killing, robbery, dislocation, rape: they're all part of the process.

Of course, some warriors are nastier than others. Some (Cromwell, Stalin, Pol Pot) get away with it, leaving the question of criminality to the hung jury of history. Others (Eichmann, Tojo, Pinochet) face judgment from a more temporal court.

Add the name Stevan Todorovic to the latter list. He's one of the 134 leaders, followers, soldiers, and politicians formally accused of committing crimes against humanity during Yugoslavia's wars of dissolution in the 1990s. Each of these men and women has been indicted before a court — the International Criminal Tribunal for the Former Yugoslavia (ICTY) — which was convened by the U.N. and sits in The Hague in the Netherlands, attempting to mete out justice for some of the worst crimes in recent history.

Todorovic was the chief of police in the Bosnian town of Bosanski Samac from April 1992 to December 1993, while Serbian forces controlled the area. During his time in power, non-Serbs were persecuted and displaced, and many were beaten while in his prisons. At least one of them was beaten to death. Most spectacularly, Todorovic, known to his inmates as the Monster, was reputed to sexually torture male prisoners for his amusement. In 1995, the ICTY charged him with thirty-seven counts of crimes against humanity.

But when Todorovic landed at The Hague in 1999, he made a lucky move — he placed himself in the legal care of Nikola Kostich JD'70, one of America's leading defenders of the rights of accused war criminals.

"I don't care how awful the crime is," says Kostich, "and some of these guys are accused of dastardly stuff, and I've represented them — I don't care what the crime is, the international community is required to provide a fair and transparent criminal justice system so that these guys are tried fairly. If they're

convicted, they should be sentenced. If not, they should be set free."

Kostich and his colleagues on Todorovic's defense team found irregularities in the Monster's arrest (he'd essentially been abducted from Yugoslavia by a team of mercenaries). With this argument as leverage, the defense team convinced the

"If you want a serious conviction, you've got to have a serious defense. You want to show that you can win that conviction under any circumstances."

prosecutors to accept a plea bargain — Todorovic pleaded guilty to one count (persecution) in exchange for a pass on the others. He's now serving a ten-year sentence in Spain and may be paroled, Kostich estimates, as early as 2005.

"Todorovic was a very bad dude," says Tomislav Kuzmanovic '85, JD'88, another ICTY defense attorney, "but he got a very good deal."

It may seem that defending accused war criminals is just that: an attempt to win good deals for bad dudes. But providing the likes of the Monster with the best possible defense may be the only way to ensure that international criminal justice is actually just.

"It's a gray world for me," says Kostich, "but one thing remains black and white, and that's the issue of the rights of the accused. Every defendant deserves a full and fair trial."

Genocide, extermination, torture, sexual assault: the charges are a laundry list of horrors. It isn't necessary to defend such criminals. For that matter, it isn't necessary to try them — a country could, when it lays hands on someone it believes is a war criminal, simply lock him up and throw away the key. In recent months, the United States has flirted with this idea, both with suspected

Al-Qaeda operatives captured in Afghanistan and with various members of Saddam Hussein's regime. Neither labeled prisoners of war, which would protect them from prosecution, nor formally charged with any crime, they simply wait in jail until their fate is decided.

Such treatment may seem like poetic justice, offering criminals no more rights than they gave to others. But Heinz Klug, a UW Law School professor, warns that it lacks true legitimacy. "If you want to legitimately declare someone a war criminal," he says "you've got to prove it by a decent process."

And so, to ICTY defense attorneys, representing their clients is an essential part of moving the world from dependence on raw power to trust in justice. After all, there's a reason why justice is symbolized by a balance. Unless defendants have full opportunity to answer or refute the charges against them, there's no point in having a trial. Fighting tooth and nail for defendants' acquittal — or at least for leniency — is as essential as is their prosecution and punishment.

"If you want a serious conviction," says Klug, "you've got to have a serious defense. You want to show that you can win that conviction under any circumstances."

Kuzmanovic and Kostich are both filling that role, keeping up a serious defense and making sure the tribunal's work is legitimate. They're members of a relatively small clique — there are just 102 defense attorneys currently working at ICTY, and only twenty of them are Americans.

But Kostich is special — he's worked with a dozen defendants and witnesses at The Hague, most Serbs or Bosnian Serbs. He was the first American defense counsel at the ICTY, the lead attorney for the first sentencing, and he negotiated the first plea bargain "ever," he says, "in the history of international jurisprudence.

"It's pretty heady stuff," he adds. "Me, a little country lawyer, tangling with these big cases."

Outside The Hague, the cases may not seem so big at the moment. The wars

in Yugoslavia sputtered out in 1995, and after their sequel, the 1999 NATO intervention in Kosovo, they disappeared from the front pages of U.S. newspapers. Other wars and other crimes quickly took their place. Though occasionally the antics of former Yugoslav president Slobodan Milosevic, defending himself before the ICTY, bring the tribunal into the news, the actual operation of the court goes almost unnoticed.

Nevertheless, the ICTY represents a revolutionary concept in international relations. The tribunal is an attempt to make real the often professed but seldom credible notion that law is superior to power, that right trumps might.

The ICTY isn't the first international war crimes tribunal. Its most famous predecessors were the Nuremberg and Tokyo courts that held German and Japanese officials responsible for the depredations of World War II. But there are important differences. The tribunals that followed the Second World War were created and presided over by the victorious Allies; the defendants all came from the defeated nations. Although bringing Axis Power criminals to justice was certainly the main aim of the tribunals, it cannot have escaped the judges' attention that guilty verdicts would also justify the Allies' war effort.

In 1993, when the Yugoslav wars were at their peak and Stevan Todorovic was running his police department, the U.N. Security Council made a break with history. It determined that the Balkan situation warranted judicial intervention, even though no member of the Security Council was involved in the conflict. The crimes there, they declared, "constitute[d] a threat to international peace and security." These crimes needed to be stopped, not to gain geopolitical advantage, but because they were wrong.

In the resolution that created the ICTY — or, to give the tribunal its full name, the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law in the Territories of the Former Yugoslavia — the Security Council set out four goals: "to bring

BOB RASHID (2)



Kostich: "The professors and activists forget about the rights of the accused."

justice to persons allegedly responsible for violations of international humanitarian law, to render justice to the victims, to deter further crimes, and to contribute to the restoration of peace by promoting reconciliation in the former Yugoslavia." Instead of judging the warring factions, the tribunal was to have jurisdiction

"There should be a place to try the great criminals of the world."

"only over natural persons and not over organizations, political parties, administrative entities, or other legal subjects."

"For years, I've felt it would be nice to have an international criminal court," says Kostich. "There should be a place to try the great criminals — the Pol Pots and the Augusto Pinochets of the world."

But there was a problem in the ICTY's fourth founding objective: to bring about peace and reconciliation.

"Those are political goals, not goals of justice," says Kuzmanovic. Concern for how ethnic groups get along compromises the court's objectivity with respect to particular defendants, he argues. If Serbia bears the most guilt for the crimes committed during the wars, does reconciliation demand that every Serb who comes before the court be convicted, irrespective of individual responsibility?

"What the ICTY should be about is seeing if certain individuals are guilty of committing certain crimes, not about bringing peace," says Kuzmanovic. "Those aren't mutually compatible goals."

How the tribunal's political intent has affected its judicial function is open to interpretation — and both Kuzmanovic and Kostich interpret freely. Kuzmanovic, who's of Croatian descent, believes the tribunal has tried too hard to be politically correct, in some cases apportioning guilt simply to show that it isn't out to blame any particular nationality but is willing to hold all nations at least partially responsible.

To Kostich, the court has focused its attention too closely on Serbs. "I had a feeling, from the first time that I heard of the ICTY, that the Clinton administration had a bias against the Serbs."

But Kostich's concern for ICTY defendants isn't solely idealism. "Everybody in this has biases," he says.

Some of Kostich's bias grows out of his connection to Serbian politics. He was born to Serbian parents outside of Sarajevo, now the capital of Bosnia-Herzegovina. His grandfather, an Orthodox priest also named Nikola Kostich, was the first president of the Serbian National Congress after the creation of Yugoslavia. His father, Mladen, was an officer in the royal Yugoslav army and fought as a guerrilla when the country was occupied by the Nazis. After the war, Mladen escaped the incoming Communist government, which had placed him under a death sentence. Kostich spent years under a regime that was trying to eradicate all loyalty to race, religion, and royalism. He was a teenager by the time that he and his mother were able to emigrate and join Mladen in Milwaukee.

"That kind of experience puts a stamp on you," says Kostich. "It made me a better lawyer, because I learned to think on my feet, but it also made me quietly pro-American. I appreciate the freedoms I've found here."

After law school at the UW, Kostich spent a year at The Hague, then returned to Milwaukee to practice criminal law, first as a prosecutor, then as a defender.

When the ICTY set up shop in 1993, Kostich felt his profession and his genealogy coming together. He set off for the Balkans to educate Serbs on the tribunal's existence. He met with some of the most controversial Bosnian Serb leaders of the time: President Radovan Karadzic and General Ratko Mladic, whom former U.S. Ambassador Richard Holbrooke calls "the Osama and Saddam of Bosnia." Two years after Kostich met with them, the ICTY charged both with genocide. They're still on the run.

While in the Balkans, Kostich also came into contact with the legal team representing Dusko Tadic, the ICTY's first defendant. Kostich became increasingly interested in Tadic's defense until, in 1996, he began arguing before the tribunal.

"All the hard work I'd done before, all the toil, all the homicides I'd prosecuted, all the drug cases I'd defended — the ICTY comes as a culmination of all that," says Kostich. "Also, as a Serb defending fellow Serbs, I can walk in their shoes. I can explore what really happened in the Balkans. That's a huge burden, if you've declared yourself a Serb who wants to help the country and the culture."

What he found at The Hague was also disappointing. "The people who are most interested in international law tend to be professors and academics and some people who work for non-governmental organizations in the human rights area," he says. "And the professors and activists — they have blinders on. They're focused on giving justice to victims, but they forget about the rights of the accused. There was no real equality of arms" between prosecutors and defendants, "and nobody seemed concerned about this."

The question of equality of resources may seem too mundane to list among rights. After all, why should a court created for the prosecution of accused criminals concern itself with funding their defense? But evidence, transportation of witnesses, documents — they're all essential parts of a case, and they all cost money.

The trouble with the procedures at the tribunal — and thus, potentially,



Kuzmanovic: Peace and reconciliation "aren't mutually compatible" with individual justice.

with future international criminal courts — is that, essentially, those who created the court seem to have neglected the nature of war crimes defendants. To commit crimes of great magnitude, people generally have to hold considerable power (and often considerable wealth). They don't seem like the sort of people who would need a public defender. But by the time potential war criminals are indicted and arrested, they've been driven from power, used up their connections, and spent their fortunes trying to escape their accusers. Most of the ICTY's defendants have declared themselves indigent.

And the law that their attorneys must face is far more complex than domestic laws. When the U.N. Security Council began setting up its plan for the tribunal, it had precious little in the way of precedent to draw on. Nuremberg and Tokyo were heavily weighted in favor of the prosecution, and international statutes tend to be open to interpretation. The Geneva Conventions, for instance, limit legal attacks to only those that offer "a definite military advantage" in the "circumstances ruling at the time."

The "circumstances ruling at the time" invite different readings, and a general may easily see "definite military advantage" where civilians (and their lawyers) do not.

Hashing out such questions, as well as sifting evidence, takes time and often the effort of many people — and that costs money that defendants usually don't have. Thus the one issue that has grown to be a recurring difficulty for ICTY defense attorneys is budget, or rather, the fraction of the tribunal's budget that may be spent on a defendant's legal expenses. "This is kind of a bugaboo with us," says Kostich.

In the ten years since the tribunal was created, the ICTY budget has grown from \$276,000 to more than \$223 million, which may sound like a lot. But consider this: the Bush administration, in its \$87 billion request for the administration of Iraq, requested \$100 million just for the investigation of crimes against humanity under Saddam — five hundred investigators at \$200,000 apiece. And currently, there's no court to try any criminals those investigators turn up.

At the ICTY, nearly half the budget is earmarked for the office of the prosecutor. The rest must be split among the defense, judges, guards, translators, and many others. Defense attorneys have not only their own expenses and pay to consider, but salaries for aides, investigators, and expert witnesses.

"I'm not complaining about the fact that I'm paid by the U.N. or about how much they pay me," says Kostich, "but I'm having trouble getting support staff." Such a staff is vital when the prosecution may have spent several years preparing for a case, piling up boxes of documents, and interviewing hundreds of witnesses before even bringing an indictment. "I simply run out of time to do everything," he says. "That's an overlooked part of the rights of the accused, and that's disturbing."

Bosnia, Rwanda, Kosovo,

East Timor: the ICTY has spawned a series of offspring. Perhaps the most ambitious is the International Criminal Court (ICC), created by the Treaty of Rome in 1998 and, since 2002, operating near the ICTY at The Hague. The ICC hopes to pick up where ad hoc tribunals

Continued on page 64

Law and Monsters

Continued from page 43

leave off — it aims to be a permanent, impartial court for crimes against humanity. It has yet to indict a defendant.

The ICTY is the model for future war crimes trials. “It will be *the* precedent for international criminal cases,” says Kostich. “There’s really nothing else for the ICC to draw on.”

So as a precedent, how is the ICTY doing? Is it pushing the world closer to that ideal in which all people can find a refuge in justice — even those who are accused of denying justice to others?

So far, the ICTY has brought in 134 indictments. The prosecutor’s office has secured nineteen convictions to five acquittals, with fifty-one defendants currently detained at The Hague. It’s now in the middle of what will likely be its biggest case, the trial of Slobodan Milosevic. “He’s the big fish,” says Kostich. “The tribunal has to convict him of genocide. One way or another, he was involved in everything that happened in the former Yugoslavia.”

Although the ICTY is still handing down indictments — the most recent were announced in May — its work may be winding down. The United States, with its powerful military and far-flung interests, holds considerable sway over issues of international criminal justice. And Kostich feels that “this country has done a 180 as far as international courts are concerned,” referring to the U.S. turnabout and withdrawal from the International Criminal Court in 2002.

“The ICTY does create a precedent,” says Kostich, and it’s a precedent that many powerful governments wouldn’t like. “If you can have a tribunal for Yugoslavia, why couldn’t you have one with jurisdiction over, say, the U.S.? Or over Russia for what’s going on in Chechnya? That ain’t gonna happen.”

For Kuzmanovic, too, the ICTY presents an ideal of justice that neither it nor the world is ready to live up to. He suspects that nations will resort to force as the ultimate determiner of justice. “You can imagine what would happen in

the highly unlikely event that a member of our administration would ever have to face a tribunal of this kind,” he says. “I think the vast majority of people would feel offended that our own criminal justice system couldn’t take care of the situation and would be actively working to find a way to send in the special forces, as the president has threatened to do, to extricate someone if they’re arrested.”

In the meantime, Kostich narrows his focus to keeping the ICTY honest. “You can judge a society — how progressive and civilized it is — by looking at its criminal justice system,” he says. “The way it treats the indigent and the accused will tell you how that society treats the elderly, the poor, and so on. And the same is true for the international community. At the end of all this, as a practitioner, I want to be proud. I want to be able to come back to the U.S. and say that we’re doing a hell of a good job 🇺🇸

John Allen is the associate editor of *On Wisconsin*.

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