An old white pine that would have been flooded by the Higley Mountain Dam (although now dead, the tree still stands today and takes more than four people to put their arms around it). Photo by Paul Schaefer

During his years as a senior advisor to many younger Adirondack conservationists, Paul Schaefer told some interesting stories. He witnessed the following incident in the New York State Legislature in 1953, when he was about 45-years-old, at the height of his effectiveness as a conservation organizer. The following story is about passage of what was called the Ostrander Amendment, an amendment to Article 14, Section 1 – the “forever wild clause” – of the New York State Constitution.

In 1953, the State Assembly had twice passed the Ostrander Amendment and the bill was on the floor of the State Senate, then being chaired by Lieutenant Governor Frank Moore. The Clerk of the Senate began to read the bill when a State Senator came up to the Lt. Governor’s desk, grabbed the bill from the Clerk, and quickly left the Senate Chamber. The Lt. Governor sent one of his aides after him and as the aide rushed out of the Senate chamber, he saw the
Senator headed into a washroom. Following him, the aide found the State Senator about to flush the bill down the toilet. The aide, a big man, grabs the Senator by the collar, snatches the bill from his grasp and takes it back to the Senate Chamber and hands it back to the Lt. Governor, who said, according to Paul, “the next man who tries to take this bill I will personally hit with this gavel.”

Paul Schaefer had spent the previous eight years working with hunters, fishermen, garden club members, union members, and post-World War II conservationists of all stripes trying to block the Higley and Panther Mountain dams from being built by the Black River Regulating District and U.S. Army Corps of Engineers on the South Branch of the Moose River near Inlet and Old Forge.

Those dams would have flooded much of what is now the Moose River Plains Wild Forest (as well as the Adirondack League Club’s private lands) were planned to be followed by 25 more dams across the Adirondacks.

That same year, Paul Schaefer wrote in The Forest Preserve magazine:

"The remarkable exhibition of dictatorial power given in recent years by the Black River Regulating District provides sufficient reason in itself to support the change in our State Constitution which Amendment No. 9 [a.k.a the Ostrander Amendment] will effect. Acting as both judge and jury on the merits of its own actions and decisions, and operating under a charger which prevents any state or public agency from reviewing and reversing their decisions, however damaging they may be to the public interest, this Board has set out on a long series of proposals to invade your Forest Preserve.

"The most recent has been the notorious Highly Mountain Dam which, after a great deal of public pressure, was sidetracked for the Panther Mountain Dam – which the Board did not see fit to sidetrack, and forced an aroused citizenry to resort to every court in the state for protection.

"The matter is not yet finally settled, and the main plank in the case of the Black River Board has proved to be not that the dam is necessary, or in the public interest, but that it is unconstitutional to prevent the River Regulating Boards from building a dam in the Forest Preserve if it so desires. The Black River and the Hudson River Regulating Boards have at least 25 similar projects (news dams or enlarged impoundments), which they are preparing to undertake if its power is not curbed. For example, Piseco Lake, Elm Lake, Chain Lakes, Cedar River Flow, Indian Lake enlarged, Goodnow Flow, Cheny Ponds, Boreas Ponds, Thirteenth Lake, Ords Falls, Schroon Falls, Trout Brook, Warrensburg, Hawkinsville, Forestport enlarged, Nelson Lake, Minnehaha, Old Forge, Sixth Lake enlarged, Indian Rapids, Big Moose Lake, Beaver Lake, Pine Lake, Lake Lila, Stillwater enlarged."
“A vote for Amendment No. 9 will be a vote to eliminate this sweeping, autocratic abuse of power.”

Amendment No. 9

Back in 1913, New Yorkers were debating the future of water resources in State. After much heated negotiating and compromising, the “forever wild” clause was amended to allow three percent of the Forest Preserve (then under a million acres in size) to be flooded for the canals of the state, for municipal water supply and “to regulate the flows of streams.” After World War II, the aforementioned River Regulating Boards of the State and State political leaders like Governor Thomas E. Dewey saw the chance to expand hydroelectric power and downstream manufacturing by exploiting this river regulating provision.

After fighting the Higley and Panther Mountain Dams for nearly a decade, Paul Schaefer and his allies in the Legislature took on the seemingly impossible task of amending the Constitution once again to remove the “regulate the flow of streams” provision. By stripping out this provision, Amendment No. 9 required any authority that sought to flood even the smallest portion of the Forest Preserve to achieve a separate constitutional amendment and a vote by the people. As Paul described it, “the people should recapture the right of decision over the use of Adirondack lowlands which was inadvertently given away by them to river regulating boards in 1913.”

Paul and thousands of New Yorkers were asking the State Legislature to block some leading financial, industrial and political powers of upstate New York in favor of our public lands, free flowing rivers and wildlife. It had taken years of
struggle to get to the point where a State Senator would have the gall to flush a bill down a toilet in the Capitol. Amendment No. 9 had already been voted down in the late 1940s, so considerable was the pressure in favor of these dams and the hydroelectricity and development they would create, but those working for free flowing rivers and wildlife in those valleys did not give up. Standing against the dams were the following organized into the Council of Conservationists for Amendment No. 9:

NYS Conservation Council  
Citizens Union of the City of New York  
Adirondack Moose River Committee  
Friends of the Forest Preserve  
Izaak Walton League of America  
Association for the Protection of the Adirondacks  
Adirondack Mountain Club  
Federated Garden Clubs of New York State  
American Planning and Civic Association  
Wildlife Management Institute  
Wilderness Society  
National Wildlife Federation  
Conservation Forum of New York State  
American Nature Association

Plus more than 1,000 other organizations throughout the State, including many local fish and game clubs, which pressured their legislative representatives.

Together, they prevailed. There would be no great expansion of “a cemetery of tree stumps and mudflats.” The State Legislature approved Amendment No. 9 in the 1952 and 1953 legislative sessions. The people, asked whether or not “to prohibit the use of portions of the Forest Preserve for the construction of reservoirs to regulate the flow of streams,” voted yes or for the prohibition, with 1,002,462 votes in favor, 697,270 against.

What does this vote mean for us today? We all have Piseco Lake, Elm Lake above the Sacandaga River, Ords Falls on the Hudson River, the Essex Chain of Lakes, a mostly free-flowing Cedar River, and a Big Moose Lake, Lake Lila, Beaver Lake and Boreas Ponds (soon to become part of the Forest Preserve) and many other smaller lakes and free-flowing rivers and streams to enjoy thanks to the work of the Council of Conservationists from 1945-1955.

As Paul Schaefer wrote in 1954, “here was an outstanding example of bipartisan cooperation. Republicans and Democrats alike, recognizing the real public interest in this measure, forgot their differences and combined to lift the amendment out of the realm of party politics. Despite all the high pressure, behind-the-scenes efforts of the opposition to kill the amendment in committee and on the floor, the will of the people as expressed through their representatives asserted itself with invincible force.”