



# 1. The Abandoned Mine Site

Pulling off the highway onto the short drive, he stopped in front of the gate. A construction of welded pipes painted yellow, the gate had STOP: NO ENTRY painted in black letters on a suspended sign. This gravel turnoff was the only break in what he thought was easily a quarter-mile of chain-link fence. Surely this must be the entrance he had been seeking. He was well aware of this place, but had never thought he would get the opportunity to go inside the fence.

He quickly got out of the car and looked for the padlock. It was in place, but unlatched, as he had been told it would be. He removed it, swung the heavy bars apart, returned to his car and drove through. He stopped only after driving several dozen yards down the brush-flanked road, where his vehicle would be concealed from passing traffic. He walked back to the gate, closed it, and replaced the lock as before. As he jogged back to the car he felt fortunate that no one had seen him. He was inclined to be cautious, even though he could not imagine that any passers-by would know who he was or care about what he might be doing there. Why should they?

Under the gray sky he drove down the even darker gray gravel road, surrounded on both sides by old rock piles everywhere sprouting scrubby-looking trees. They were mostly gray birch, with a few bigtooth aspen, and chokecherries here and there, he noted. Some were quite tall, and he marveled that in a few more years this might begin to look like a natural area if one did not look too closely and see the matrix of boulder-sized rocks among which these pioneer trees had somehow sprung.

He had written down and memorized what the voice on the phone told him he should do. The directions indicated that he should turn right when he saw the first railroad tracks. The caller had said the road he would be looking for would really be only a dirt lane just before he reached the tracks. It did not look like much, but would be passable by car. The tracks would be inconspicuous

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also. If he crossed any railroad tracks or got to a bridge before turning, he would have gone too far.

Finding the turn, he discovered that the “dirt lane” quickly gave out and soon was really no road at all. It was no more than a series of ruts in a potholed field. They wound around puddles and piles of debris that littered a muddy open expanse dotted with birch saplings and more or less followed the route of an old railroad. The rails—three or four pairs of tracks running along beside him on his left—seemed to parallel each other and were barely visible through the brush. This presumably had been a railroad yard of sorts. Now birch trees grew up through and all around the tracks, and some of the trunks were six inches or more in diameter. Obviously it had been a very long time since any train had passed over those rails.

Driving slowly he saw in the distance over some trees a concrete structure, and then caught a glimpse of twisted metal, apparently the ruins of a building. On his right he passed a strange conical mound of what looked like fine coal, slumping and apparently shaped by years of rain and melting snow. Someone told him that the site had been abandoned for 35 years, and the evidence of the trees growing through railroad tracks, the eroded pile of coal, and the ruined building now coming more fully into view drove home the truth of what he had heard. Knowing this was an abandoned mine site, he had been expecting a scene of devastation. But somehow what he was seeing then impressed him far more than what his imagination had led him to expect. It was immediate and real. He had found the environmental degradation he had expected, but the many unexpected signs of failed human activity were a surprise, and they affected him even more. Accordingly he found that even his sober expectations had not prepared him for the sights around him.

Even though this place was new to him, he had heard about it and thought about it a good deal. For reasons his contact could not possibly guess, he was extremely pleased to have serendipitously gotten an excuse to visit to this place.

The caller had said they would meet in front of the remains of the old sinter plant which, aside from concrete silos, would be the most prominent remaining structure along his route. He should have no trouble identifying it.

All doubt that he had found it left him when he saw a person who was apparently the caller or the caller's agent sitting in a large SUV parked prominently in front of the massive ruined structure.

A man got out as he bounced up, but it was the huge building that at first captured his attention. The bottom floors, perhaps two or three stories tall, had walls made of concrete blocks, and above them were another two or three stories of steel construction resting upon those walls. The steel parts of the building seemed to have been partially salvaged, with missing beams, torn off metal siding, and twisted panels. Most arresting, however, was the concrete part of the structure. A whole corner of the block wall had fallen out or been knocked down, and no more than a thin steel support kept the upper floors from crashing down. When he approached the other vehicle, he would be almost under the precarious structure. Dangerous as the site appeared, he convinced himself that risk to his person was probably slight. If this thing had remained standing for more than thirty years, it was unlikely to begin tumbling down in the next thirty minutes.

Pulling up next to the other vehicle, he got out, taking note of how insignificant his Toyota Prius seemed, parked as it was with the huge ruin on one side and the man's Hummer on the other. The man beside the SUV was big too, but certainly not so big that he needed a vehicle as large as the Hummer to contain his frame. Later, if one had asked his impressions of the other man, few adjectives would have come to mind except 'big.'

They shook hands tentatively. The man's hands were large also, but that was to be expected.

"Welcome to the Big Orebed Mine," the man said. "You and I were needing to meet somewhere, and I had a particular reason for asking you to come out here to meet

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with me.”

“OK,” said the visitor, his tone indicating that he expected to be told why he had been summoned to this particular place.

“By the way,” the big man went on as if they had been chatting for hours, “I was surprised when I learned even people who have lived around this area all their lives don’t know what’s in here behind the fence. It’s a good thing they don’t. As you can see, the place is a mess...a disaster, a blight on the landscape, and dangerous too. It’s an accident waiting to happen.”

He turned toward the ruined building as he continued. “What if some kids climbed through a hole somewhere in the fence and were playing around inside there? They could break through a rotted floor or be hit by a falling girder. There actually was a fatality here, a body found in a flooded pit, although it appears foul play may have been involved with that one. Anyway, this is a real hazard, and any change would be for the better.”

The visitor nodded his impatient agreement with this concern about safety, and the explanation continued.

“I wanted you to see this devastation as insurance... insurance that you’re fully aware of what this is about, and down the road you won’t become faint of heart and begin having second thoughts. If you are still game after seeing this place, we will be in business, partners working toward the same ends...or at least compatible...or should we say complementary ends. And I want to be sure and to have you sure you’re on board with what we’ll be doing...that we’re on the same page and you have no misconceptions about what’s at stake.”

“Of course I’m on board,” the visitor said thinking all this was a waste of his time. “Now what do you want me to do?”

“Do business with us, do what you do best, that’s all. When the time comes for something specific, you’ll

know about it.”

The big man hesitated, as if wondering how much more he should say.

“What we want you to do may not seem straightforward or obvious, and at times you may wonder if we know what we’re doing. But we will know what we are doing, and it will work out profitably for all of us. For now, let’s just agree that we want to work together.”

“OK,” the visitor said, his manner of delivery signaling reluctant acceptance of responses which, in his view, fell far short of the desired explanation.

“There’s a lot more to this place, more than a hundred acres not counting the disposal sites,” the big man said, glancing out from where they stood. “There are huge water-filled pits, acres and acres of tall piles of rocks and sand—tailings piles, more of these concrete silos, and many more ruined and unsafe buildings. There’s even a polluted stream that’s been dammed, channelized, and rerouted many times so as not to be in the way of all this. Thinking about all it took to get that stuff out of the ground always amazes me. You’ll have a chance to get a complete tour before long.”

The big man lit a cigarette. Then he abruptly pulled an envelope from his coat pocket and handed it to the visitor, who took it silently and placed it in his own shirt pocket.

“You’ll find everything you need to know in there,” he said, “as well as a first installment. As we discussed, this will be the first and last direct transaction.”

Turning, he said, “Don’t worry about closing the gate when you leave. I’ll be only a few minutes behind you.”

Turning away abruptly, the visitor got into his little car and started the engine. The car made only the slightest humming sound, but when the driver punched the accelerator pedal the vehicle lurched forward, spitting

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a spray of gravel from beneath its tires.

The big man seemed not to notice the few specks of gravel that landed near his feet. He stood next to the Hummer as he watched the Toyota disappear from view after maneuvering around two large puddles and winding past a clump of small trees. When it was well out of sight he reached through the open window of the SUV and turned off the dashboard-mounted video camera. He had no doubt that the video it made was a wrap. He was confident the meeting had been recorded for posterity.

## 2. Questions

Judge Martha Austin, District Attorney Fred Cote, Attorney Brenda Bennett from the Public Defender's office, Investigator Charles Hebert from the State Bureau of Criminal Investigation, Dr. Willard Wright from the State Health Department, and a court reporter were present. The Medical Examiner was to have played a role in the affair, but could not attend. The group had his report, however, and the judge decided they could go on without him. Although they sat in a spacious courtroom and this was a formal hearing, only the six people were present.

The Judge reminded the participants that everything said would go into the public record and be subject to later scrutiny. They should be vigilant to accurately and fairly represent the truth as they knew it. That said, she asked the District Attorney to summarize the current status of affairs.

"I'm sure everyone here is aware of the facts of the case, but just to be doubly certain we all have the same level of understanding, let's review what we know. The subject is under the care of Dr. Wright and currently being held under tight security in his facility, so there is no reason for haste. We'll expect to hear from you later, Dr. Wright, and get an update on your evaluation."

Wright gave a slight nod, and Cote went on.

"You have all seen the report from the Medical Examiner and, as you know, it leaves serious doubt as to whether a crime was actually involved in the victim's demise. A blow to the head was the cause of death, and it could have been delivered by a person or any number of inanimate objects. There were traces of cocaine in the bloodstream, and this likewise leaves us with an interesting fact, but a great number of possibilities as to how it might relate to the case. The other findings of the examination of the remains are in the same category."

He looked around to see if anyone disagreed before continuing.

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“We have all likewise seen Inspector Hebert’s report. Do you have anything to add, Inspector?”

“The facts are all in the report,” said Hebert. “I can only add my personal impression, for whatever it may be worth.”

He hesitated, as if waiting for approval to continue. Met only by silence, he spoke.

“My interview with the suspect...perhaps I should say subject...was a remarkable experience. I suppose it is my training and my approach to my work, but I expect other people to be rational and logical. Whether they are guilty of crimes or innocent, I expect they’ll act in their own best interests. This was different, and the reason I bring it up is that I don’t think my interview belongs in a court of law. I don’t think the subject was capable of acting in his best interests because what he said or didn’t say wasn’t based in reality.”

Frustrated at his inability to fully express his misgivings, he endeavored to pass off the issue to someone else.

“Obviously I’m not a psychiatrist, and I would be much more trusting of what the subject said to Dr. Wright than what he said to me.”

Aware that the group’s attention had shifted to him, Wright looked up from some papers in his hands, cleared his throat, and began.

“Mr. Proux is a very disturbed individual. His psychosis is traceable to a long-ago injury that left him physically crippled and also resulted in brain damage. The combination of these factors has led to a steadily deteriorating mental condition and a decreasing ability to deal with the world around him. Is he capable of physical, even deadly violence? Certainly. Did he murder the young woman? Perhaps he did, although I am in no position to make such a judgment.”

The last word was barely out of Wright's mouth when Public Defender Bennett spoke up.

"With all respect, Doctor," she said, "the question we are here to answer is not whether he killed her. There is a body of evidence suggesting he may have killed her, there is a witness...of sorts, and maybe everyone in this room believes he did it. The question for us is whether he can get a fair trial...whether he is able to participate meaningfully in his own defense."

"Forgive me," said a flustered Wright. "I thought it unnecessary to state the obvious. Mr. Proux definitely is not, and probably never will have the ability to defend himself. Oh, it is possible his condition could miraculously improve, but all my training and experience suggests the only kind of change we can look forward to will be continued deterioration."

The judge broke in. Having been through an earlier hearing covering much of the same ground, she was eager to get to this hearing's conclusion.

"I believe I have heard from all of you that there is no new physical evidence, no useful testimony overlooked earlier, and no change in the suspect's competency. I will do all I can to ensure he will remain in the custody of the State Health Department until and unless there is some change that will allow a jury to determine whether he is criminally insane, or merely insane. Unless anyone has something to add, this hearing is at an end."

As they were leaving, the judge reflected on her discomfort. She had called the hearing because of a lingering uneasiness. Part of it was due to her concern for the rights of the suspect. He was locked up, perhaps for life, without ever having the benefit of a fair hearing. There were other cases like this, and in many of them, as in this one, there often was no chance for a good outcome. She hoped someone else would ultimately get the job of deciding what to do with him. The other part of her concern was more immediate. If Proux had not killed the girl, how had she died?

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The residents of the hamlet of Orebed Lake had been driving past the gate to the old Big Orebed Mine for more than 30 years and were used to seeing it closed and locked. Perhaps once or twice a year a truck from the power company, state Department of Environmental Protection, or some other agency was seen entering, but those rare instances had become almost as normal as the remaining 99 percent of the time when the gate remained shut and padlocked. It was a cause for surprise and later concern, therefore, when people began noticing new activity.

First a survey crew had arrived. Passers-by had seen two white pickup trucks with the name of a large engineering firm entering through the open gate, and later the crew members were there for all to see as they ate lunch in the RonDack room. They remained in Orebed Lake for only two days, although one of them told the waitress they expected to be back in a week or two.

Now and then the gate was locked again, but often it stood open.

Not long after the surveyors left, a road scraper had shown up, followed by a dump truck and front-end loader. The presence of these had been confirmed by eyewitnesses, and as far as people could tell, other heavy equipment might have entered the site unobserved. And although 30 years worth of brushy growth made it almost impossible to see what was going on behind the fence, the sound of heavy equipment working now and then carried even as far away as in the middle of the hamlet itself.

In normal times, it took little to feed Orebed Lake's rumor mill, and it gorged on the surprising activity at the mine site. For most, the site had always been a source of mystery. It had been shuttered and securely locked for decades and few knew anything about it except for the crumbling buildings and unsightly waste piles seen from the highway. Some people had managed to gain entrance, however, and this was driven home dramatically several months before when the body of a missing teenage girl was found in a flooded pit. The police hadn't made a

case, but almost everyone was convinced there had been a murder. This recent event only served to enhance the reputation of the Big Orebed mine site as a strange and almost sinister place.

But now the rumor mill was finished with the affair of the dead girl, its former preoccupation having been displaced by speculation about new activity at the mine site.

The mine is reopening! This most common and for some most hopeful interpretation of the activity was upon sober reflection probably the least likely. Mining for iron ore was almost completely gone from the United States, having moved offshore to places with richer deposits, weaker regulations, and cheaper labor. There had been recent gluts and occasional shortages of iron and steel, but nothing except retrenchment on the part of the domestic steel industry. Even if these trends were not in the background, the Big Orebed mine was not a realistic candidate for reopening. There were said to be some commercially useful ore deposits remaining, but the mine pit had filled with millions of gallons of water and the plant had been dismantled, with machinery sold off and buildings demolished, salvaged, or allowed to deteriorate on their own. Nor was it conceivable that the Adirondack Conservation Authority or other regulatory bodies would issue needed permits for resumption of mining.

Those who realized resumption of mining was all but inconceivable were nevertheless at a loss to explain what was going on. Citizens had asked some of the men who had lately showed up to work on the project, and had gotten no useful information at all. "We're repairing some old gravel roads." "We've been hired by a construction company to survey the groundwater." These and similar replies suggested the workers were unwilling to reveal what was going on. Or possibly they were completely unaware to what larger undertakings their labors were intended to contribute.

Some citizens speculated that the military or the CIA had taken over the site and was preparing a top secret installation concerned with the national defense.

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Despite bordering on the fantastic, this was one of the few explanations fitting the available evidence. How else could one explain the secrecy?

One day an ambulance was seen entering the site. The report led people to suspect a worker had been injured, and they expected momentarily to see the vehicle discharging someone at the hospital. Word of the likely arrival reached the hospital, and emergency care people there were on special alert, expecting their skills to be needed soon. No ambulance arrived, however, and no one saw it leave the mine site.

Curiosity became almost unbearable, as was a growing sense of concern. Whatever was going on at the Big Orebed site would be certain to affect the community and all those living there. Should they be hopeful or fearful? They needed to know what it was so they could decide whether and how to react.

Moose Chalmers, a local community leader, was not one to take action on the basis of conjecture, but he saw the rumors and concern getting out of control. After pondering for days what he might be able to do, he decided he would contact the county planning office. Whoever was doing the work at the site must have some kind of permit, zoning variance, or other legal authorization allowing them to proceed. And if they did, there would be some kind of public record available to him and other members of the public. He got out the phone directory and placed the call.

### 3. ACA Headquarters

Anyone looking in on the meeting in the headquarters building of the Adirondack Conservation Authority would have difficulty reconciling the subject of the discussion with the visual surroundings. The low, earth-tone building had the look of a lodge in some state park, and the conference room where four people sat had casual, semi-rustic furniture, colorful posters depicting wildlife in natural settings, and large windows looking out on lush, unbroken forest. The words spoken, however, would have clearly told the listener they concerned the affairs of a bureaucracy. And while this group might have been discussing the quality of visitor experiences and the value of educational displays in the Adirondacks, there were far more serious issues at hand.

Deputy Assistant Commissioner Brad Fontana had called the meeting and clearly was in charge. Also present were Chief Ralph Sanders of the Enforcement Division, Legal Counsel Robert Morton, and Policy Specialist Paula Zehr, all of them technically his employees. The three middle-aged men shared confident, almost bored looks, while the much younger woman waited in rapt attention to learn what the meeting might have to do with her.

She was to learn very quickly.

“We have another tipster, or whistle-blower, if you will, and once again we have to do something about it,” said Fontana, rolling his eyes, but then becoming serious. “This one, though, is definitely different from most of them. It seems as if it might be something much bigger, not at all like most of our whistle-blower complaints. I think we need to move quickly and do all we can to get on top of it.”

Whistle-blowers had often posed problems for the agency—“The Authority” as it was known to insiders. It had gotten a reputation for being overbearing and arbitrary, enforcing its rules too literally and too vigorously. Its activities had earned the disdain of many residents of the Adirondacks. Businesses and homeowners complained

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bitterly about the petty regulations and the high-handed manner in which they were enforced. Some rules had to do with matters as minor as taking down dead trees or paving a gravel driveway. And it was not uncommon for citizens who failed to follow every minute letter of the regulations, or to get prior permits, to find themselves in trouble with the agency, widely known to laypersons as the “ACA.”

As a top official of the organization, Fontana was concerned about the erosion of its reputation and he was fearful that loss of public trust would reduce its effectiveness. He and others within the Authority would often have been much more accommodating to residents’ concerns were it not for the chronic problem with whistle-blowers who were all too eager to turn in their neighbors. Often they were people who had it in for neighbors for any number of real or imagined reasons. Some might be compulsive followers of rules who became incensed when others appeared to be disregarding the rules they themselves followed so scrupulously. Others might have unrelated scores to settle. In any event, once a complaint from a whistle-blower had been received, the ACA had no recourse but strict enforcement; they had no choice but to follow the letter of the law.

“A woman in Orebed Lake has reported what appears to be heavy construction activity on the site of the old iron mine.” He looked down at a hand-written note. “Ingrid Savage,” that is her name.

“Has any application for this construction work been filed?” It was Morton.

“None whatsoever with us—we have no records at all relating to this activity. If Ms. Savage’s report has any substance at all, we appear to be looking at a bootleg operation...and possibly a major infraction requiring one of our legendary and patented heavy-handed responses.”

He looked to Zehr. “Paula, I want you to take charge of this and learn all you can. Talk with Ms. Savage, talk to others over there who might have information, and check with local governments to see what they know. Give

it your full attention. Keep me informed, and if you need anything, don't be shy. I have asked Ralph to provide you with whatever you will need to pursue this."

"If, perchance, you find yourself needing heavily armed guards, a helicopter patrol, or a even a gunboat, I'll see that you get them," said Ralph Sanders, his twisted smile indicating that he was enjoying his joke.

"What about my other responsibilities?" She said. She had been reviewing a seemingly endless stream of permit applications and had a tall stack of them on her desk still awaiting her attention.

"We'll get somebody to handle the permits. This will be your highest priority until we get the full picture of what is going on," said Fontana.

For the past several months he had been looking for an opportunity like this. In his opinion, Zehr was capable of becoming one of the Authority's bright lights, and he had felt she deserved a chance to work on something more important than reviewing permits. The ACA was short-staffed in several areas, and it was his responsibility as a manager to see that the most important tasks were placed in the hands of the best people. Whether this turned out to be a big thing or not, it would be a necessary first step in Zehr's professional development.

He was about to declare the meeting at its end when on the spur of the moment, he decided to say a few more words. He had to deal with some conflicted feelings. He knew this was not a simple issue and he believed it could turn out to be more nuanced than the others realized. He believed relating a bit more of the background to the others could do no harm, and might even help them to come to better solutions.

"That mine site has been an eyesore—a blight on the great Adirondack wilderness—for much longer than I have been here. It was ugly when I came to the ACA 18 years ago, it's still ugly, and it only gets uglier with each passing year."

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He hesitated.

“A few years ago some local planning agency had a study done to assess future needs of the Orebed Lake area and options for community improvement. Part of the report addressed the mine site specifically, and much of it had to do with the critical need for economic development. I’ll always remember the report’s five-word conclusion: it was, “Anything would be an Improvement.”

He looked to each of the others present.

“Keep those words in mind as we proceed with this case. I don’t mean we shouldn’t do our jobs. But if it turns out what is going on there is legitimate and can somehow be accommodated within the existing regulatory framework, we should try to be creative—give it a fair evaluation and not impede its moving forward. If the right kind of change is underway, it’ll be a huge boost for the area and for the Adirondacks. And we in the Authority will have taken an important step toward accomplishing our mission.”

As they filed out of the conference room, Fontana reflected on what he had just told the group. Saying anything would be an improvement was obviously going too far, and yet he hoped whatever was then in the works in Orebed Lake when all was known could indeed be considered an improvement.

For her part, Paula Zehr looked forward to her new assignment. She liked working for the ACA and didn’t mind reviewing permit applications, but she was buoyed by the change. Apparently leaders within her part of the organization had faith that she could do more and better things for them. New challenges and opportunities might be ahead. Also, she had never been to Orebed Lake, and after what she had just heard, she was curious.