

Mountain States Legal Foundation

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MELVIN AND LULA BRANDT'S SON BEFORE THE

U.S. SUPREME COURT

In 1936, Melvin and Lula Brandt, in a Chevy they owned outright, drove from Mountain View, Missouri to the Medicine Bow National Forest of southeastern Wyoming. When they reached Fox Park, which grew out of the transcontinental railroad's need for cross ties made from the lodgepole pine that carpets mid-elevations of the forest, they had two dollars. Like thousands of other young men in the midst of the Great Depression, Melvin Brandt was looking for work and found it among the hearty Scandinavians who logged the forest.

He hired on to cut ties for Ole Alexander. With borrowed tools and boots, Melvin Brandt hiked into the woods, cut down a tree of at least 11 inches diameter with a one-man crosscut saw, scored the sides with a six pound double-bit axe to create a minimum seven inch by four inch face, removed the scored wood with a broadaxe, and cut the shaped wood into eight foot lengths, each of which he lugged to the nearest road. Melvin Brandt got a nickel a tie. Soon he could produce twenty a day.

John Wicklund who left Sweden at 14, arrived in New York City speaking no English, and worked in Minnesota logging camps, was Ole Alexander's wood's boss. He and Melvin Brandt became friends, bought out Ole Alexander in 1946, formed Brandt & Wicklund Forest Products, and, by 1951 built a permanent sawmill. The U.S. Forest Service, responsible for the 284 million board feet of annually producible timber generated by the forest's million plus acres, had planned for such a mill on the "Fox Park Industrial Site" tract.

John Wicklund ran the men and horses that harvested the timber and hauled it to the mill that Melvin Brandt operated; at its height it was processing six million board feet annually, employing 60 men. Since 1910, the Laramie, Hahn's Peak & Pacific Railway Company had run a railroad from Laramie, Wyoming through the Fox Park site, and then south to the Wyoming-Colorado border along a 200-

foot-wide, 66 miles long right-of-way. The railroad brought in supplies and transported milled timber to Laramie and beyond. In 1976, the Forest Service traded 200 acres Melvin Brandt owned on Sheep Mountain plus 40 acres near Fox Park for 83 acres in Fox Park occupied by the mill, houses and cabins, a church, pool hall, hotel, general store, school and saloon.

Melvin and Lula's son Marvin, raised amidst the woods, the mill, and the hard work, went to college, but soon returned. Unfortunately, after the 1980 recession, times were hard and changing. The Forest Service was no longer interested in letting Marvin Brandt harvest the timber; instead, it left it to the pine beetle. It did not matter that the vast forest, properly managed, could sustain scores of operations like Brandt's mill.

In 1991, a young woman spoke to locals at the Hungry Woodsmen of her vision that, after the Wyoming and Colorado Railroad, as it was then known, pulled up its tracks and ties, a high-altitude bicycle trail could be built in its place all paid for by local businesses; Marvin Brandt proclaimed he was that local business and was nearly finished. That year, he sold the mill and its equipment for pennies on the dollar.

In 2003 Marvin Brandt accidentally learned of Forest Service plans to build the trail; the agency "forgot" to tell him and his neighbors. Despite the 9,000 foot elevation, snow cover from November to mid-June, and the lodgepole pine's attempt to reclaim the path, the Forest Service audaciously predicted 120,000 bikers annually! First, however, the Forest Service sued Marvin Brandt and seized the abandoned railroad right-of-way across his land.

On January 14, Marvin Brandt will sit before the justices of the Supreme Court of the United States to hear a government lawyer argue why the laws, documents, and court rulings that apply to everyone else do not apply to the federal government.

For more information: [Brandt v. United States of America](#)