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### The Conservation Movement in a Corporate Age

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# KEYNOTE SPEECHES\*

Charles F. Wilkinson\*\*

## The Conservation Movement in a Corporate Age

Over the course of this century, four domestic social movements have fundamentally reshaped American law and life. Each has been based on a central idea. None of those ideas has been wholly fulfilled but major parts of each have been built into national policy. Those ideas are: first, that women ought to have free and equal access to the political arena and the economic system; second, that workers ought to have a safe place of employment and that they ought to be compensated fairly; third, that black people ought to be accorded equality of treatment; and fourth, and this is of course the idea that brings us here, that our natural environment, including animal species, ought to be healthy and that significant parts of it ought to be preserved in a pristine condition.

Each of these ideas has come under great stress during this corporate age. The proponents of each idea have made concessions which have been both pragmatically necessary and potentially sapping of the integrity of the original idea—for it is perilous to dilute timeless ideals with temporal fashions.

At least two refinements seem to have been made to the fourth idea. The first is that wise policy, at least on some occasions, can be measured by economics. The second is that the American West—and we need always remember that the fourth idea has a disproportionate and special impact on this rightly fabled place—is best

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\* The Western Public Interest Law Conference was held at the University of Oregon School of Law, Eugene, Oregon on March 13-14, 1987.

\*\* Professor of Law, School of Law, University of Colorado (Professor of Law, School of Law, University of Oregon during the writing of this essay).

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served by building an economy based on recreation. The first refinement may prove dangerous not because economics has nothing to offer us—it plainly has much to offer us—but because it might be used, for example, by others to argue that a profit and loss analysis should be employed, not just on Rocky Mountain lodgepole pine, but also on Pacific Northwest Douglas fir. The second refinement, calling for a recreation-based economy, may prove unwise because in time we may find ourselves inundated by too many tourists who come here for too many of the wrong reasons.

By acceding to the values of this time, in other words, we may jeopardize the eternal values. Reflect on that word, “eternal.” Is eternity—a thing you don’t hear much about in the making of law and policy—a real thing? Yes it is. It is as real as a water project or a logging road or a profit margin.

We do not stand for such neutral things as economics or recreational development. They are instruments, means to an end. We do not stand for instrumental things. We stand for beauty and care and diversity and good health and stable, steady-growth western communities and wonder and passion and the furthest possibilities of the human spirit. We do not stand for this corporate age or any other of the ages commonly defined by human beings. We stand for geologic time—deep time that reaches back into the misty depths, back before our race came here, back to when the level plains were mountain ranges, back, even, to when those mountains did not exist. We also stand for the deep time that reaches just as far out in front of us. We stand for eternity.

Nor, it follows, do we stand for the law. Are we, as we are told, officers of the court, bound to enforce the law? We absolutely are not! Were the Suffragettes marching down hostile streets in their flowing white gowns willing to enforce the laws that denied them the right to be part of the body politic? Were the soot-black miners of West Virginia or the sweaty dock workers of Seattle willing to accede to laws that denied them and their precious families a fair return from the arduous workplaces where they spent half of the waking hours of their adult lives? Were the freedom riders who braved police dogs and billy clubs at Mobile willing to accede to laws that denied them their very humanity?

We are like our predecessors. We will not stand for laws that put poison into our rivers, or that indecently cloud or warm those rivers, or that turn mental gymnastics to prove that the streams in our national forests lack the right to flow freely. Nor will we counte-

nance laws that inject our soils with radioactive filth; or that cut down, without reason, trees that lived with our Founding Fathers or with the people of the Renaissance or even with Christ, trees that lived when the Great Spirit was the only God spoken of by the people of this land. Nor will we give credence to any law that denies existence itself to the creatures of this earth, for they ride with us, for they are we, and we are they. We may not be officers of any such court. We shall look to law, but it shall be a far higher law.

And who is this “we” that I speak of? Yes, some of us lie in front of rapacious Caterpillar tractors and tie ourselves to the crowns of old-growth trees scheduled for harvesting. Yes, some of us wear stiff, anonymous business suits and walk marbled hallways and talk the talk of the high and powerful, and, yes, we make some deals. For there may be times both for civil disobedience and for deals.

And yes, we are some other people, people too often forgotten in this dichotomous talk forced upon us by this complex society; this talk that makes it sound as though we only exist at two levels—with our backs down against dusty logging roads or up against upholstered sofas in the chambers of the mighty in the nation’s Capitol. We and our backs are other places, too. We sit against stiff working chairs in front of green-hued computer screens at the Cascade Holistic Economic Consultants’ offices here in Eugene, sending out that pure and rare thing—tap-root, mountain-creek—clear knowledge. And we put our backs, too, up against the driver’s seat one more tired time, in the name of the Oregon Natural Resources Council, to head out to the Siskiyou, or to the Dunes, or to the Columbia—the River of the West—or to the Willows, or to the Owyhee country, all to fulfill the unfulfillable task of taking support and hope and energy to the people of Oregon, so that they will transfuse it to the animals and plants and trees.

We are still other kinds of people. We work in university libraries and laboratories, determined to be objective but equally determined that we will no longer remain silent over the way the boomers and boosters insinuate their agendas into governmental policy. We work by day as executives in corporate offices and as lawyers in private practice and worry by night about how long the land will tolerate the stresses laid on it by our own companies and clients. We are every-day westerners who do not even call ourselves environmentalists but who talk over our dinner tables and over the hoods of our pickup trucks about how we want changes in the way our woods and rivers and air are treated.

No, we are not just on-the-ground activists and sophisticated national leaders. We permeate society and no one can take that life blood from us.

And if that is law and if those are the people who comprise the conservation movement, where do we attorneys go from here?

We will go out and use our station as lawyers. Our station may be higher than it ought to be, but we will use that station. When the law is good and wise we will enforce the law. When it is not, we will disseminate ideas. Perhaps we will use the name of the law, but we will deal in ideas. And, day by day, person by person, we will change minds.

For we are not, whatever our public words may be, people of so mundane a thing as the law. To be sure, some eternal truths—wondrous things—are lodged in the law. But that is only a small part of the law. The rest of the law is instrumental, the means chosen to achieve the ends of temporal coalitions, usually made up of the strong and the rich, who have captured a segment of a legislature or a court at a particular moment.

No, we stand for far more than frail things such as what the law happens to be in this age. We stand for more transcendent things. We stand for the ideas that public officials are trustees, not just for natural wonders, but for the human spirit also; for the ideas that trees do have standing and that animals do have rights. We stand for John Muir, David Brower, Rachel Carson, and Wallace Stegner. We stand for the widows of the poisoned Navajo uranium miners in the Four Corners Area, and for a great procession of children and grandchildren and great-grandchildren stretching out ahead of us to the point where their long line disappears into the horizon of time. We stand for things great and small. We stand for the grizzly bear and the wolverine and the red-backed vole. We stand for the eagle and the spotted owl and the wren. We stand for the redwood and the fern and the moss. We stand for the lake and the stream and the swamp. We stand for the mountain and the rock and the soil.

No, we do not stand for anything so fleeting and ephemeral as some corporate age. We stand for eternity.