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Symposium on the Colorado Plateau

Land of Fire, Land of Conquest: The Colorado Plateau and Some Questions for Its Future*

Charles F. Wilkinson**

I. INTRODUCTION

A dugway is a type of passageway, one that is built into, and angles up, steep terrain. A high elevation road that occasionally cuts into a mountainside doesn’t qualify. A dugway is carved out for much of its length, is mostly a shelf, a primitive route through deep back-country. Any respectable road, let alone a highway or freeway, would scorn a dugway.

The term “dugway” was coined in the United States and has been employed primarily in the American West, but I think of the real homeland of the dugway as being in the Southwest, in the Four Corners area, in northern Arizona and southern Utah, in the Colorado Plateau. The country there is chopped up, and much of it is vertical—the walls, sides, and slopes of canyons, mesas, draws, and washes. The dugway has always been a natural and essential means of travel in the Colorado Plateau, the most remote region in the continental United States, with so few people, and until recently, so little intensive development. So dugways were crafted—by the Anasazi at the time of our Christ; by the Mormons in the 1860s to bring in their wagons and their religion; by sheep and cattleherders to move their stock; and by solitary hardrock miners to truck in their portable manufacturing equipment. A rudimentary, scraped-out, narrow dugway met all of

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** Moses Lasky Professor of Law, School of Law, University of Colorado. I dedicate this to Chief Justice Robert Yazzie of the Navajo Nation Supreme Court for his wisdom, integrity, and courage in upholding the highest ideals of American justice.
Moki Dugway takes off from the sagebrush and bunch grass high desert floor just north of Mexican Hat, Utah. It is the route, widened and improved over the years, up the 1500-foot high east side of Cedar Mesa, which runs north and south, thirty miles long, five to ten miles wide. You ascend quickly and just as quickly you find yourself beginning to change, for this country transforms you. You feel exposed and small on the side of this mesa. The burnished red-rock residents of the Valley of the Gods look up from directly below. Out to the east lie the clay cliffs with patterns that give them the name Navajo Rug and, far beyond them, the foothills of the mountains of Colorado.

Once on top of Cedar Mesa, the low, scruffy piñon-juniper forest gives some cover. You turn left from Moki Dugway, on to a rough dirt road that heads toward the southern tip of Cedar Mesa, called Muley Point.

I have been to Muley Point three times. On the second trip, and on the third visit too, I was guarded, quelling false expectations. It would not, could not, be what I remembered.

This was especially true on the third journey. I was with fifteen of my law students, on a field trip for an advanced natural resources seminar. My wife, Ann, was able to join us. I put Muley Point on the itinerary, telling them only that it would give us a good view, that it would be a place to get a sense of the country.

As we drove south, the piñon and juniper rose up just high enough, and the bumpy road was tucked down in a shallow indentation just low enough, so that we were not much aware of distances. We parked and walked toward a lip of rocks, just this side of Muley Point. When I came over the lip, my whole body started. It was as if some invisible person had placed the flats of their hands, gently but firmly, up against my chest, straightened me up, and stopped me in my tracks. I imagine Ann and my students felt the same. I imagine everyone has, back through all the deep millennia.

For you are looking out on the whole world.

Muley Point sits directly above the most distinctive stretch of the San Juan River, one of the four main arteries of the Colorado River system. The Goosenecks of the San Juan is a twenty-mile stretch where the river twines and weaves and meanders sharply back and forth through the red-rock formations. In a few places, at the very bottom of the winding, deep-cut canyon that is the Goosenecks, you can catch glimpses of the red-brown San Juan itself, nearly a mile below
Muley Point. Further out lies Monument Valley. Dozens upon dozens upon dozens of red monuments. North Mitten; South Mitten; Squaw Dance Mesa; The Three Sisters; Big Leader—Natani Tso; The Dancers—Yeibichai; The Castle; Thunderbird Mesa. They don't seem to be twenty miles away, as they in fact are. From Muley Point, Monument Valley is close up, intimate.

You scan the whole vast country. The tip of stately Shiprock, “the Rock with Wings” in Navajo, eighty miles to the southeast. Even farther out, the high, hazy San Juans of the Colorado Rockies. On the distant rim to the southwest San Francisco Peak, one of the Navajos' four sacred peaks, and spread across the south horizon is broad Black Mesa, the mystery within all the mystery, the sacred homeland of the Hopi. Sacred. Everywhere is the sacred.

Everywhere, too, is fire. The lasting red of the rocks, the cliffs, the monuments, the earth. The fierce heat of the sun, which governs the day. The cross-streaks of red and orange that, at day's end, light up the sky and the land itself. At night, the piñon fires, the elders, the young, and the unending tales of coyote. In days of old, the bursts of the volcanos and the cooking fires of the Anasazi. And, gracing the springtime, the scarlet flowers of the nopales—the prickly pear. These fires and others are woven through the chants, stories, and poems of the Navajo and the Pueblos.

The Plateau knows other fires, those of conquest, of the clashes between cultures, and between human beings and their implements and the land. Many more attempts at conquest are in the offing, and they ought to be of the first moment to the people of the nation and the world, for while the Colorado Plateau may belong in important part to the people there, this land of fire is held in some larger sense by all the citizens of the world. Perhaps someday we will go there. Perhaps somehow we all began there.

The subject is large and I can only begin. But I would like to sketch out part of the history of the Colorado Plateau in terms of what seem to me its five decisive events. My search will encompass the main qualities of the varied laws that held sway during, and helped shape, those events. That history and those laws, along with the place itself and the people who depend on it, call out questions about the future of the Colorado Plateau, questions that we need to answer soon.
II. THE PLATEAU TAKES ITS SHAPE

The contemporary Colorado Plateau encompasses approximately eighty million acres with the Canyonlands and the Four Corners at its heart. It is bounded by Utah's Wasatch Range to the west, the Uinta Range to the north, the Colorado Rockies to the east, and the high plateaus and deserts to the south and southwest. The region has been a marine environment throughout most of its history and was an inland sea during the Paleozoic era. Later, the waters receded, many of the contemporary mountain ranges on the perimeter began to rise up, volcanos sporadically blew, and the sea reestablished itself and receded again.¹

As of about seven million years ago, the region knew no canyons. It was a broad, flat plain—a dry seabed. The Colorado River and its tributaries ran in much the same general directions in which they now flow. The verticality we know today began to take shape. But it did not result, as one might think, from violent earthquakes tearing the land apart and creating deep fissures. Ironically, the dramatic features derive not from dramatic events but from gradual, virtually imperceptible processes that probably continue today. The whole central area of the Plateau began to rise. This vast dome literally inched up, never more than about one inch annually.

The rivers, which then, as now, ran on a steep gradient, would have none of it. The torrents held their ground against the upswelling intruder, eating into the rising dome, tearing away rock and soil. The surrounding lands continued their gradual upthrust, evolving into high plateaus and leaving exposed rock and deep clefts, as much as a mile down, in the stretches claimed by the insistent currents. The whipsawing of consecutive freezes and thaws widened the deepening canyons by creating fractures and tearing rock formations out of the canyon walls. During the Pleistocene era—the most recent million years—glaciers and more volcanic outbursts left their marks, and all the while, wind and water sculpted the land. Thus were born as some of the most vivid

manifestations of nature's inexorable laws, the canyons of the Goose-necks, Glen Canyon, Havasupai Canyon, and dozens of others, including the Grand, one of the seven natural wonders of the world, as well as the whole modern Plateau country that is our planet's most extensive and magnificent display of exposed geologic formations.

III. HUMAN BEINGS SETTLE THE PLATEAU

There are many different versions of the first human occupation of the Colorado Plateau, some from the scientific community, some from the communities that are native to the region. Archaeologists date the arrival of our species on the Plateau as beginning no later than 13,000 B.C., possibly as long as 40,000 years ago. These adventurers, who are said to have immigrated to this continent from Asia by way of the Bering Land Bridge, were hunters who initially lived mainly on big game. Then climatic changes apparently pushed the herds out and these first natives became desert gatherers. Their habitation in the region during this phase was extraordinarily lengthy, but they left little that our scientists have been able to find, and our knowledge of them is slight.

These early settlers eventually met up with Indians from the loose-knit Mogollan culture of Central America. Among other things, the southerners brought in corn seeds. The two peoples intermarried and the merging of their cultures produces a more communal and less mobile society, known to us today as the Anasazi.

The beginning of the Anasazi culture is marked at about 2000 years ago. The Anasazi seem to have lived at a conservative, measured pace, settling in farming communities that were occupied for many generations before the residents moved on. They plowed the resistant soil, irrigated their crops, and constructed small dams for agricultural and domestic use. Corn became a staple. Increasingly, they began to construct their homes on the walls of canyons or washes, gaining access to the benches above by carved footpaths—the first dugways. Many of

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the cliff dwellings, petroglyphs (images chiseled in stone), and pictographs (painted images) that make the Colorado Plateau one of the world's greatest treasure troves of ancient history were built and etched during the Anasazi and Fremont time.\(^3\)

I made my beginning explorations for petroglyphs and pictographs just a while ago, and these and other archaeological evidences of the old cultures have made the deepest intellectual imprint of anything that has touched my mind in recent years.

A friend from Salt Lake City had given me rough directions to a small side canyon, southeast of Canyonlands National Park, that had some petroglyphs. I called the Park Service and the ranger knew of the canyon, but she also was imprecise about its exact location. Their descriptions proved accurate enough. When I came around a bend in the road at about the location they had both charted, a roadless canyon branched in from the west. I got out of the van and began hiking up into this seldom-used draw.

Of course, I was not engaged in original exploration for these old inscriptions. Yet in my own mind I felt like an explorer, for there were no trail signs, no explanatory exhibits. The experience rekindled the emotions of hiking into and fishing a backcountry stream; not virgin country, but still rarely visited.

I knew that the artisans pecked their work on desert varnish, the brown-black coating caused by the leaching of iron and manganese oxides. This allowed the old People to penetrate through the thin, dark veneer to the underlying red-rock, the fire of the Colorado Plateau, leaving a sharp contrast with the darker varnish. The artists liked nearly vertical, flat walls.

I realized later that, as I hiked up the rocky bed of the dry creek, I was borrowing the intensity learned from an earlier love—flyfishing Western waters. Scan the stream with laser intensity for the feeding trout. Set the hook at the instant of the silver flashing strike—now, before he spits out the stiff deer hair fly. Pinprick alert in this waterless stream bottom, I scanned over the walls of this canyon. There—and there—the confluence of black and verticality. My jaw

tightened and, although I did not shoot my right arm up to set the hook, the taut engagement of mind and body was the same. But no petroglyphs. The fly jerked off the surface; false rise of the rainbow.

Then, at the far boundaries of my vision, above the talus slide on the canyon wall: lines, curves, shapes that seemed different from the designs of wind, water, and rockslides. I tore out of the creek bottom, up the talus slope, banging my left knee in the process, to the bottom of the canyon wall. Yes: six engraved images. One had a triangular-shaped body, human, it seemed. The others were a row of thick-bodied, rectangular deer with stick legs and antlers. I'm not one to stand too long at exhibits in art galleries or museums. It makes me self-conscious. But I did stand long here. Three minutes. Five minutes. Longer. Just me and my first-discovered petroglyphs.

Then two more panels in the same canyon. Two more discoveries, made by a fisherman’s long-practiced alertness and savored by a newfound reverence. The second contained three flute players: Kokopelli, the legendary flute player of the Anasazi. His lighthearted, fanciful, sensual, quixotic tunes have been heard on the Colorado Plateau since the earliest stories. It is still the music of the Plateau. Kokopelli’s work lives on, not just in these and thousands of other canyon walls, but in the old Hopi dances and, too, in the delicious improbability of KTNN, the 50,000-watt, clear-channel “Voice of the Navajo Nation,” bilingual in Navajo and English.

I drew the musicians’ images. I’m not remotely an artist, not even a sketcher. I’d never been compelled to do such a thing before.

My last-found panel of petroglyphs that first day captivated me even more. I worked my way up the talus slope and stood below a panel that couldn’t have been reached by standing on the talus. The panel was up higher and had to have been pecked out from a narrow ledge about twelve feet above the canyon debris, eight or so feet long, and no more than eighteen to twenty-four inches wide. I found myself wanting to sit, or crouch, where the artist or historian or journalist or shaman had made this elaborate set of pictures—four animals, three humans (one a Kokopelli figure with a flute), a snake, and a rectangle I couldn’t identify. But I couldn’t replicate what this person of a millennia or more ago had done. The ledge was too high, too narrow. It was hard to hold my balance. I was afraid of falling. And my joints were too stiff. In short order, they began to scream out at me.

I didn’t, or couldn’t, in other words, do for a few minutes what this artist had done so tediously for hour after hour after hour, and very
likely for day after day, chipping away piece by piece, to create a message of a people's beliefs. It was not signed, nor, it seems, is any petroglyph or pictograph on the Plateau signed. All that effort, all that time, all that pain throughout all the joints, all that and more, not in the glorification of the individual, but in the celebration of something larger, probably the society and the land and the gods all wrapped together. Humans with a sense of scale.

Few non-Indians today can claim four generations on the Plateau, and only a handful of Mormon families can claim eight. The Anasazi lived and loved and labored and prayed on the Plateau for nearly thirteen centuries, sixty-five full generations, and, as I said, their lineage traces back at least to 13,000 B.C., 750 generations in all, perhaps many more.

These cliff dwellers moved on about 1300 A.D. No one knows the exact reason. Perhaps some enemy, Utes or Apaches, drove them out. There may have been an epidemic. Tree ring analyses show an extended drought between 1276 and 1299, and it may well be that one of the greatest joys and challenges of the American West—its aridity—got the better of the Colorado Plateau's long-enduring citizens. In any event, the Anasazi travelled out and formed the pueblos that thrive today along the Rio Grande and at Zuni and Hopi on the Plateau.

Numbers of other Indian tribes then began to populate the region. They were a diverse group: Utes and Apaches, always on the move and superb at the hunt, and, to the west and north, Paiutes, a people who learned how to wring out a living from the seemingly inhospitable flatlands by subsisting on small animals—rabbits, tortoises, lizards—and cactus, roots, and insects. The Havasupai, Hualapai, and the resurgent Pueblo communities would be added to this creative, adaptive, hardworking, and deeply religious mix. The Navajo, the largest native group in North America, began to arrive from the north—as far away as Alaska, apparently as early as A.D. 1100. These adaptive Athapascons were farmers and raised domestic stock, but were more mobile than the agrarian Pueblo people.

Each of the native peoples of the Plateau had "law ways"—elaborate rules governing individual conduct and tribal policies. These strictures determined relationships toward family, other tribal members, other tribes, and the land and its creatures. The

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overarching philosophy seems to have been a striving for harmony among all things. The means for attaining the harmony were the rewards and duties of religion, which was pervasive. Everywhere, the sacred.

These tribes all have their creation accounts, often called stories or myths. Yet for them, it is the anthropologists' accounts that are the myths. The Navajo, for example, have an explanation very different from the purported journey from the far north. The Navajo—Dineh, as they call themselves—rose up from the earth in the area (somewhat east of the current reservation) bounded by the four sacred peaks: Mount Blanca in Colorado's Sangre de Cristo Range to the east; Mount Hesperus, also in Colorado, to the north; San Francisco Peak, near Flagstaff, to the west; and Mount Taylor in New Mexico to the south. This domain, which included much of the southern part of the Plateau, was Navajo Land.

Once I observed a conversation about this. A Navajo man related his people's creation story in careful detail. When he finished, a sincere but skeptical non-Indian asked him how the story could be true in light of the Alaska-based theory of the scientists, the basis for which the non-Indian proceeded to relate at some length. My Navajo friend paused, to show respect, I think, rather than to reflect. He is a sophisticated man, in one world from his college degree and challenging job with the Tribe, and in the other world from his lifelong traditional ties to his people. He is bilingual, having grown up with the Navajo tongue before learning English.

My friend replied directly: "Both versions are true." The non-Indian asked, "How can that be?" Another long pause. "It depends," my friend responded deliberately, "on where you are, in what context you are in." Each context, it went without saying, had its own validity.

It defies rationality that the Native world view still persists. Every Plateau tribe has been battered relentlessly for well over a century. The Navajo Long Walk. Captivity at Bosque Redondo for the Apache. Twelve million acres of treaty land—one-fifth of the whole State of Colorado—torn away from the Utes to satisfy a gold rush. Introduction of European diseases, for which there were no immunities, and of alcohol, which is a poison for Indian people. Government-subsidized missionaries to drain the old religions and bring in new, better ones. BIA boarding schools hundreds of miles from home. And in modern times, forced homesteading of tribal land, attempted termination of tribal existence, forms of government cooked up by the Bureau of Indian
Affairs, and development of tribal water and minerals by non-Indians.\textsuperscript{5} The alcoholism continues and tribes are plagued by low income and high unemployment, which is, depending on the reservation, anywhere between thirty and sixty percent. Off-reservation jobs and higher education siphon off many of the young. And there is the allure of TV, video, McDonald’s, and Michael Jordan.

In spite of this, the cultures endure. The Indian peoples of the Southwest, including the Plateau, are by a good measure the most traditional of any region in the United States. The languages are still spoken, the blood is thick, the religions are pervasive, and the old ceremonies are still held—and believed in. The tribes own and govern twenty-five million acres, nearly a third of the whole Plateau.

IV. JOHN WESLEY POWELL JOURNEYS
THE RIVER AND THE CANYONS

By the 1860s most of the Plateau was still a blank spot on the maps. Lopez de Cardenas looked down into the Grand Canyon in 1542, but he returned to the main Coronado expedition, which struck out to find the Seven Cities of Cibola elsewhere. Jesuit and Franciscan missionaries visited the Hopi and Zuni during the 1600s and 1700s, and some stayed for a few years at a time. Their influence was not great, however, and the old ceremonies continued deep in the kivas. The padres never even built a mission. Scattered parties of mountain men trapped beaver in some of the tributary streams during the 1820s and 1830s and then moved on. Hardrock miners, traveling west from Colorado and east from California and Nevada, did some digging, but they were not much more than passing through.\textsuperscript{6}

Nor did Brigham Young’s ambition (in 1849 his declared boundaries of the provisional State of Deseret reached from the Continental Divide to Los Angeles) much penetrate into the Plateau. Young wanted to expand his yeoman farmer’s theocracy from the Salt Lake Valley into


the warmer climes to the south, and succeeded in founding two settlements in the far southwestern corner of the Plateau, Cedar City in 1851 and St. George in 1863. By 1870 St. George had the larger population, 1100 souls, but the Tabernacle had not yet been completed.

These early Mormon communities took root and eventually became inlaid in the land, for they were composed of determined people. Hardy Redd, a La Sal rancher, tells of his grandmother, Eliza Redd, who wrote in her diary from the primitive outpost of Bluff in the 1880s: "Who goes through life without a little hardship? We came here to learn, not to suck a silver spoon." Still, leaving aside these resourceful colonies, for nearly all Americans the heart of the Plateau was more than merely remote and uninhabitable. It was incomprehensible, outside of the country's range of vision.

Major John Wesley Powell deserved the term visionary. A hero in the Civil War—he had lost his right arm at Shiloh—he generated immediate respect and kept it (unless you happened to be a Western senator during the last decade of the nineteenth century and you believed, as all Western senators did, that the West had no limits). Powell trained his formidable intellect on the American West. As would befit a visionary, he bit on the toughest nut: he would learn—no one else in written history ever had—of the Grand Canyon by water.7

Powell, against all the advice, floated the Colorado River twice, in 1869 and 1871. When he put in at Green River, Wyoming, in 1869, no one expected to see him, any of his crew of ten, or their bodies, again. But Powell made it and so did his colleagues, except three who quit (one can understand this, for all of the explorers were miserable and nearly out of food) and were killed by Paiutes, up on the rim. No one had any way of knowing that, when the trio departed, the expedition was less than one day from the bottom end of the Grand Canyon.

Powell published his report on his journeys to a nearly electrified public. He was a scientist, and thus his report was accepted as proof about the mysterious Plateau. Major Powell could also turn a phrase, and in his report he managed to create some sense of the wonders that

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no other white person had ever seen. Witness his description just after entering the "Great Unknown," the Grand Canyon:

The walls now are more than a mile in height—a vertical distance difficult to appreciate. Stand on the south steps of the Treasury building in Washington and look down Pennsylvania Avenue to the Capitol; measure this distance overhead, and imagine cliffs to extend to that altitude, and you will understand what is meant; or stand at Canal Street in New York and look up Broadway to Grace Church, and you have about the distance; or stand at Lake Street Bridge in Chicago and look down to the Central Depot, and you have it again.

A thousand feet of this is up through granite crags; then steep slopes and perpendicular cliffs rise one above another to the summit. The gorge is black and narrow below, red and gray and flaring above, with crags and angular projections on the walls, which, cut in many places by side canyons, seem to be a vast wilderness of rocks. Down in these grand, gloomy depths we glide, ever listening, for the mad waters keep up their roar; ever watching, ever peering ahead, for the narrow canyon is winding and the river is closed in so that we can see but a few hundred yards, and what there may be below we know not; so we listen for falls and watch for rocks, stopping now and then in the bay of a recess to admire the gigantic scenery; and ever as we go there is some new pinnacle or tower, some crag or peak, some distant view of the upper plateau, some strangely shaped rock, or some deep, narrow side canyon.⁸

Powell went on to serve the country in many other ways. Drawn in by the many Indian people he had known and respected, he became head of the Bureau of Ethnology and compiled ethnological reports on Indians that remain valuable today. Concurrently, he held the top position at the U.S. Geological Survey and supervised extensive mapping expeditions of the West.

Based on his broad experiences, John Wesley Powell developed strongly held ideas about how the federal government ought to proceed with the settlement of the West. He set them all out in 1879 in his famous *Arid Lands Report.*⁹ The land and water laws Powell had in mind would be premised on the limits imposed by the region's aridity. He urged that the westward expansion—this was the time of "the Great

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⁸ *Powell, Exploration of the Colorado River*, supra note 7, at 251–53.
Barbeque”—be scaled back, made more orderly, and organized around local, self-sufficient farming communities. Powell knew the West cold, but he seemed not to know its politicians. In 1891 Western senators and boosters forcibly tabled his *Arid Lands Report* and by 1894 had drummed him out of office. Nevertheless, his ideas were luminous then and now, and he stands as one of the leading public figures in the history of the West.

Still, for all the weight and intensity of the *Arid Lands Report* and his later career, it was Powell’s 1869 expedition that is his best-remembered accomplishment and that stands as a grand historical marker for the Southwest. This was the intellectual opening of the Plateau. By no means was there a rush to the Four Corners. Stewart and Morris Udall, whose family settled in the tiny Mormon community at Lee’s Ferry on the Colorado River near the Arizona-Utah line, would both recall that even by the 1920s the Plateau was still the Old West, on the frontier, just a notch removed from complete wilderness. But after Powell, at least the maps could be filled in. The Colorado River, the Grand Canyon, the whole Plateau, were no longer off limits. Yet sixty years later, when the region was opened for real, the opening would bear no remote resemblance to John Wesley Powell’s thinking, recommendations, or spirit.

V. THE CITIES OF THE SOUTHWEST
CONQUER THE PLATEAU

The fourth critical event that shaped the region, in many ways the dominant one, was the extraordinary industrial build-up of the Colorado Plateau that began in the 1930s, accelerated in the 1950s and 1960s, and continues today. The natural resources of the region—water, coal, oil, gas, uranium, air, and the land—all were opened up for intensive development. This was done for export, to support the dynamic growth in the American Southwest from Los Angeles and San Diego to Phoenix and Tucson to Albuquerque and El Paso. The magnitude of the effort is perhaps unparalleled in this nation’s history. The big build-up compressed hundreds of thousands, perhaps millions, of years of geologic time: the recent human occupation of the Plateau has caused far more changes to the natural world—the land, water, animals, and air—than occurred during any other comparable period of time, even
given all the convulsive, explosive events of old.\textsuperscript{10}

The beginning point was Hoover Dam, begun in 1931 and completed in 1935, at Black Canyon on the lower Colorado River, half an hour's drive southeast of Las Vegas. The construction contract for the project was obtained by the so-called Six Companies. This consortium, which included Bechtel, Kaiser, and Utah International, and which received financing from the young Bank of America, was the proving ground for what would become some of the world's largest multinational corporations. Hoover Dam was the first giant building project on the Plateau and the launching pad for the modern industrial West.

Hoover Dam was impressive by more than Western standards. It was world-class, one of the greatest construction ventures ever undertaken by this or any other country. At 726 feet—a seventy-story office building—Hoover was the world's highest dam. The project required sixty-six million tons of concrete—enough to build an interstate highway from New York to San Francisco, enough to build a five foot-wide, four inch-thick path from the North Pole to the South Pole. The reservoir behind the dam stores twenty-eight million acre-feet of water, twice the annual flow of the Colorado River.

Hoover Dam set off a rush to develop that reached throughout the Colorado River Basin. The other gargantuan structure, every bit the equal of Hoover, is Glen Canyon Dam. Seven hundred and ten feet tall, the dam created a twenty-seven million acre-foot impoundment that inundated 186 miles of deep canyon country, thousands of Anasazi and Fremont sites, unknown numbers of miscellaneous dugways, and Glen Canyon itself. The reservoir, the longest in the world, was named Lake Powell, but one would guess that John Wesley Powell would have protested and judged the project far beyond his sense of right public policy, his sense of scale.\textsuperscript{11}

Dozens of other major dams, lesser than the two Goliaths, but giants nonetheless, plug up the Colorado and its tributaries. One of them, Navajo Dam on the San Juan River, is illustrative.

The San Juan owes its size to the winter storms pushing north


\textsuperscript{11} On Glen Canyon Dam, see RUSSELL MARTIN, A STORY THAT STANDS LIKE A DAM: GLEN CANYON AND THE STRUGGLE FOR THE SOUL OF THE WEST (1989).
from the Gulf of Mexico. They deposit their moisture and build up a deep snowpack in the San Juan Mountains, the massive east-west range in southwestern Colorado. The tributaries—East Fork, West Fork, Navajo, Piedra, Los Piños, Animas, La Plata, and others—flow south from the high country and form the San Juan. The river drops from Colorado down to New Mexico, where it runs mostly west, crossing into Utah near the Four Corners and flowing through the Goosenecks before emptying into what was once the mainstem Colorado River but is now Lake Powell.

The San Juan had produced some good fishing in New Mexico before Navajo Dam was built. A ranger from the New Mexico State Department of Parks told me that there were “monsters” taken out of there before the dam. But the original river was erratic. It was a violent river, unfishable, during the massive runoff that the late spring sun sent down the mountains each year. And the high desert soils turned the water red-brown as often as not.

Not anymore, not since Navajo Dam. When the 400-foot earthen dam was completed in 1962, it created one of the tailwater fisheries that have become famous in the West; others include theColorado River below Glen Canyon Dam near the Utah-Arizona line, Green River below Flaming Gorge Reservoir in Utah, the Dolores River below McPhee Dam in western Colorado, the South Platte below Cheeseman Dam just an hour’s drive southwest of Denver, and the Big Horn on the Crow Reservation in Montana below Yellowtail Dam. For when conditions are right, a dam can do wonders for the trout habitat below the dam. Water is released through the bottom of the dam, and this flow—the tailwater—can make for optimum big trout conditions. Since the water comes from the depths of the reservoir, during the winter the river is warmer than it would be under natural conditions and during the summer it is protected from the sun and kept cooler than in the freeflowing river. In the case of the San Juan, the tailwater runs at a steady forty-three degrees all year round. The river runs clear and blue. All the silt is collected behind the dam.

Spectacular trout habitat. Big fish, many big fish, and they will take dry flies or nymphs throughout most of the year. The roadway sign is not puffing when it assures flyfishers that the dam has created “extraordinary habitat for record-sized trout,” one of the “prime trout fishing areas in the Southwest,” and, the sign could fairly add, in the nation. The other sign, the lawyers’ sign, the one that reminds us of our inability to tame a large, wild river with certainty, is an abstraction,
only vaguely disquieting. Its black letters read:

WHEN SIREN SOUNDS, FLOW AND LEVEL
OF RIVER WILL CHANGE QUICKLY.

And in red:

WARNING
GET OUT OF RIVER

Also, to give a red-letter warning in Spanish:

CUIDADO

I knew that Navajo Dam and Reservoir had been hard, very hard, on the Hispanic people living along the San Juan. It is the same cauldron of passions that caused John Nichols to write *The Milagro Beanfield War*. An Anglo anthropologist, Frances Quintana, had written *Pobladores: Hispanic Americans of the Ute Frontier*, a history of the Hispano settlements in the San Juan Valley. I called her and set up a time to get together at her home. She suggested that I also talk with her husband, Miguel, and his daughter, Martha.

Mrs. Quintana, in her seventies, is a deliberate, precise, and fair-minded person whose life has been shaped by a prolonged, close-up encounter with injustice. She studied for her doctorate as a grown woman with school-age children and she took her work seriously. In 1960 she was assigned to Ignacio, Colorado, in the San Juan country, with the Tri-Ethnic Research Project of the University of Colorado. Her anthropological field work took her to the Hispano societies of southern Colorado and New Mexico, where she observed both the vibrant cultures and the steady loss of land, water, and community. Later in life, after her children were grown, she married Miguel.

In the introduction to *Pobladores* (The Settlers), Mrs. Quintana acknowledged that she has forged many friendships with the Hispano people and that she has come to take the Hispanos' side. Yet, she pointedly wrote, "I do think, however, that I have stayed with the facts." And she has: her straightforward writing style and careful research leave no doubt of that. She speaks in the same way. Yet, in her face,
you can see the defiance and a long-smoldering anger.

The American West was settled from the south as well as the east, and the Rio Grande Valley was one of the main corridors that Hispanos travelled, beginning in the 1500s. The whole Southwest belonged to Spain, then the Republic of Mexico, until 1848, when the United States conquered it. The Rio Chama, a main tributary of the Rio Grande, was home to a number of traditional Hispano communities. The Hispanos mostly stayed out of the San Juan country to the west, which was Ute and Navajo territory. By the early 1870s, however, it became clear that the United States would remove both tribes from the upper San Juan. When the Brunot Agreement was forced upon the Utes in 1874, the way was paved for entry by non-Indians. Hispanos from the Chama moved across the Continental Divide and made a number of settlements in the San Juan Valley.

These Hispano communities were among the few in this New Mexico-Colorado borderland in the nineteenth century. There were the two Ute reservations, remnants of the vast Ute domain that had, just a few years before, reached nearly to the Wyoming border. Durango and Pagosa Springs to the north were small towns, mostly Anglo, on tributaries of the San Juan. Gold and silver boomtowns like Silverton and Ouray, in the mountains, were much farther north still. By the late 1800s the upper San Juan was predominantly Hispano.

Rosa, the largest Hispano town on the San Juan, was a vibrant, booming community. The center was the town’s namesake, the Church of Santa Rosa de Lima, an adobe structure that the pobladores built collectively to honor the first saint of the New World. Contrary to the heavy-handed, violent practices of the Anglos, the Hispanos had collegial, ongoing relationships with the Ute people, especially those at Ignacio. Fiestas abounded year-round, with the Santiago and Santa Ana fiestas in July featuring the gallos, or rooster pull, in which horsemen competed to pull from the ground a rooster buried up to its neck. Rosa, Arboles, and the other communities guarded their cultural independence. No school district reached into the San Juan Valley, but the Hispanos built and operated their own school. They ran a local justice court and managed to bend the jurisdictional rules to keep nearly all of their disputes at home, away from the Anglo-controlled county court in Aztec.

Miguel Quintana, born in 1912, remembers Rosa vividly. The

14 Act of Apr. 29, 1874, ch. 136, 18 Stat. 36.
families were large (he was one of seventeen children) and the community was tightly-knit. Like most, he ran a few cattle, grew some crops, and operated a business, in his case a cantina, then a mercantile store. He loved the fertile land in this broad, sunny valley. "I had," he says, "my silky bottomland." His daughter, Martha, winsome and open, lights up when she remembers her childhood, the community dances in the big hall on the third weekend of every month, the wedding dances when all the communities came together.

Martha depicts with reverence the extended kinship community that was the heart and soul of Rosa. "If," she explains, "someone had to stucco a house or build a barn, four or five families would just get together and do it." This sharing pervaded all of the life at Rosa. If somebody bagged a deer in the piñon-juniper country just above the farmland, the venison would be spread out among the neighbors. If somebody cut timber from the fine ponderosa pine stands still higher up, many families would receive firewood. The baking of a pot of beans or a batch of bread would be followed by knocks on many doors. When someone took ill, people would fetch a doctor, do the plowing, care for the animals, and take turns sitting up with the invalid. Caring, reaching out, civility for eighty steadfast years.

Yet when I met with the Quintanas, it was at their home in Aztec, not Rosa or one of the other Hispano towns. A dignified gentleman of few words, Mr. Quintana painted the ending: "I said I would stay until they bulldozed me out and I did." Martha, just twenty then, was there to help, for the Quintanas were among the last of the 250 families to go. "The water was coming up, and the buildings had been bulldozed. There was no choice left. The bridge across the river had been torn down a couple of years before. The remaining families put what we could in our pickups. Then we forded the river, and left Rosa for good."

The water behind Navajo Dam relentlessly backed up and drowned Rosa, Arboles, most of Caroque, other smaller communities, and the ranches along the Rio de Los Piños. Los Martinez, just below the dam, was vacated too. People scattered, to Aztec, Farmington, Albuquerque, Los Angeles, Seattle, elsewhere. Most of these subsistence ranch and farm families were rendered landless. There was no reimbursement for relocation costs. The government payments for their land may have met the technical legal requirements, but they were far too small to buy replacement land. Mr. Quintana’s silky farmland and his old Rosa mercantile building didn’t add up to much in an appraiser’s eye.

Four families, including Martha’s, resettled in New Arboles in
Colorado, on the shore of Navajo Reservoir. They managed to get together in the old way and build a small, white-frame church. The cemetery, however, has been a source of continuing bitterness. The Bureau of Reclamation exhumed the bodies in the Rosa cemetery and moved them up to New Arboles. Gruesome, yet better than inundation. But some of the oldest graves were unmarked. People knew them by their location in the cemetery down in Rosa, but now everything has been rearranged. When they come here, often from long distances, they are confounded by rows of markers declaring: “UNKNOWN.”

The Hispanos remember Rosa. In 1979 Martha organized a reunion on the shore of Navajo Reservoir near New Arboles. No fewer than 1000 people showed up, from all over the country. Once again the bright colors swirled all around, the smell of barbecued beef filled the air, and the sounds of the fiesta rang out loud and true on the upper San Juan. Looming over the gaiety was the grey overcast of the bitter loss of a nurturing, family-oriented community that could and should be alive every day, not just on a reunion weekend. “I’m convinced,” Martha says carefully, “that the people who were still in Rosa would have stayed and most of those who left would have come back. The institutional glue would still be there.”

Navajo Reservoir, twenty miles long, covers other things. The Old People lived there from 3000 years before Christ was born until after 1000 A.D. Two hundred generations of human existence. Archaeologists are drawn to the upper San Juan because the range of historical occupants is so broad, allowing distinctions to be made between different archaeological periods and between phases within periods. Among other things, there is a connection to the culture at Chaco Canyon, 100 miles to the south, which seems to have tied together in some yet-unexplained way the economy, world view, and gods of the Pueblo people of the whole San Juan Basin. Thus, in the Piedra Phase (A.D. 850–950), sites submerged under Navajo Reservoir had foreign objects imported over long-established trade routes with the Chuska and Chama Valleys of New Mexico, southwestern Colorado, southeastern Utah, and northeastern and southern Arizona. Earlier, in the Sambrito Phase (A.D. 400–700), there is evidence of trade from as far away as the Gulf of California. Hundreds of sites were inundated, ranging from campsites to whole villages.\footnote{On the archaeology of the San Juan watershed and basin, see Frank W. Eddy, \textit{Prehistory in the Navajo Reservoir District, Northwestern New Mexico} (Museum of}
Like Rosa and the early Native villages, the rock art of the upper San Juan is gone now, flooded over. Most of it goes way back, but some is more recent, done by Navajos in the 1750s. The Twin War Gods are painted on rocks near the confluence of the Los Piños and the San Juan. Navajo workmen, when they built the dam in the 1960s, knew that the Twin War Gods would be flooded. They were convinced, however, that the 400-foot earth dam, trying to hold enough water to flood half of Connecticut a foot deep, would never hold. The Twin War Gods, the workmen said, would eventually win out.

In red:

WARNING
CUIDADO

Why were the Navajo Dam and Reservoir built?

It all traces to the 1930s, 1940s, and the 1950s, the era when Western water policy went bad. Before then, the uses of the rivers were mostly benign. To be sure, there were excesses. Hydraulic mining, especially in California, deposited millions of tons of rock and soil in the salmon rivers and battered the spawning grounds. The states and the federal government parcelled out rafts of subsidies, large and small, to water users. Yet a great deal of good was done. Farm and ranch communities grew up, almost always stable and sometimes modestly prosperous. On the Colorado Plateau, Mormon settlements were built on land that could make crops only if irrigated. A great many communities lived, like Rosa, off their silky bottomlands and the water that made them spring to life.

Then water use turned to water development. The dominant purpose shifted from small-scale agricultural to crank-it-up-fast industrial. By the time World War II ended, the real estate developers and the corporate executives wanted the rivers—the Columbia, the Missouri, the Sacramento, and especially the Colorado and its tributaries—and they wanted them now. The flows could produce hydroelectric power and water to build waves of new subdivisions. The boomers' demands and the "use it or lose it" imperative of the prior appropriation doctrine made for a rush on the rivers, and the states threw all of

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N.M. Papers in Anthropology No. 15, 1966). This report is the summary of a series of reports on the Navajo Reservoir district that was published by the Museum of New Mexico, following several years of "salvage archaeology" on the area that would be flooded by the Reservoir.

their weight behind their own developers. What a combination: free water, vested property rights, states desperately struggling to outdo each other, federal money to burn, and no oversight. Stewart Udall, who was an Arizona congressman in the 1950s and Interior Secretary during the Kennedy-Johnson years, and who saw the build-up first-hand, called it "water chauvinism. Crazy, crazy river basin management."

The Colorado River Storage Project Act of 1956 marked the zenith. The money and the influence of the boomers seemed limitless. The big interests pulled their chairs up to the table, set their jaws, divided up the waters of the Colorado River, including the San Juan, and announced that the federal government would pay the bill. An Hispano community like Rosa was of no account at all. The force of it all was unbelievable and it was accomplished immediately, right now. Six short years later, Martha Quintana was struggling to ford the rising San Juan in her pickup, praying that she wouldn't lose her furniture and fiesta dresses to the current.

And Navajo Dam is not the San Juan River's only new-style development project. The builders in Albuquerque, on the other side of the Continental Divide, wanted San Juan water for subdivisions. When the Colorado River watershed was divided up, they got federal funding for the San Juan-Chama Project, which ships water east to the Rio Grande, by way of the Rio Chama, a tributary of the Rio Grande, through a complex of giant tunnels twenty-six miles long. Each year, the San Juan is depleted by 100,000 acre-feet, but, incredibly enough, almost none of the water is used. Thirty years later Albuquerque still doesn't need it and still hasn't adopted a water conservation program that in any event would make the San Juan-Chama Project unnecessary. Below Navajo Dam, downstream from the blue-ribbon trout fishery, large withdrawals of water for cities and agribusiness have combined with the San Juan-Chama Project to make the San Juan shallower, warmer, and saltier.

Ironically, perhaps, one of these installations is the Navajo Indian Irrigation Project (NIIP), operated by the Navajo Nation. NIIP was

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17 On water development, see FRADKIN, supra note 10; MARTIN, supra note 11; MARC REISNER, CADILLAC DESERT: THE AMERICAN WEST AND ITS DISAPPEARING WATER (1986); WILKINSON, supra note 16; DONALD WORSTER, RIVERS OF EMPIRE: WATER, ARIDITY, AND THE GROWTH OF THE AMERICAN WEST (1985).


19 See WILKINSON, supra note 16, at 227.
created, not out of any desire of the water barons to get water to
dispossessed people, but as a political necessity to satisfy Eastern
senators who were wondering quite loudly how anyone could justify all
the federal expenditures for non-Indian development when, right in the
middle of the Colorado Plateau sat the Navajos, with the most land and
the most extensive and oldest water rights.

NIIPP was designed by federal bureaucrats, not the Navajos, and
from the beginning it was woefully underfunded (unlike San Juan-
Chama, which was built promptly to full specifications in order to
transport water to Albuquerque). The Navajos lost millions upon
millions on the poorly conceived project. In the past few years, the
Navajos have somehow been able to balance the books at NIIPP through
their extraordinary adaptability that has created so much order out of
the chaos of colliding with a larger society with such a different world
view. One can only guess at the results if all the money for NIIPP could
have been allocated by the Navajos themselves, perhaps for hospitals,
the judicial system, and the impressive tribal education system,
pread, elementary, secondary, and collegiate.

Evidence of the weakened condition of the San Juan, as a working
river, is offered up by two threatened fish species, the humpback chub
and the Colorado squawfish. While the tailwater of Navajo Dam may
make good trout habitat, the industrial and agricultural diversions
farther downriver, which use water stored in Navajo Reservoir, have
wrecked the habitat for these less glamorous fish. The squawfish, for
example, which once grew to five feet in length and is the world’s
largest minnow, is struggling to survive as a species in the San Juan
River of today. The lower stretches of the San Juan are so depleted,
and the channel is so braided, that the squawfish can’t make its
migration runs up the river to spawn.

This river has been redefined in just thirty years.

After the big water projects came large-scale coal development,
beginning in the late 1950s. Today, coal mines and power plants are
every bit as dominant as the reservoirs and pipelines in the central part
of the Plateau. The Four Corners Power Plant and the Navajo Mine
are typical of the big coal-energy operations. The two are symbiotic.

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20 On the Navajo Indian Irrigation Project, see Judith Eva Jacobsen, A Promise Made: The
Navajo Indian Project and Water Politics in the American West (1989) (unpublished Ph.D.
dissertation, University of Colorado (Boulder)).
Mexico, is a mine-mouth coal plant: the Navajo Mine, just a few miles south, is the sole supplier of fuel to the power facility. Peabody Coal leased 36,000 acres from the Navajo Nation and relocated thirty-six traditional Navajo sheepherding families elsewhere.

In its own way, strip mining at Navajo Mine is as monumental as Monument Valley itself. The coal seam is laid bare by stripping away "overburden"—trees, vegetation, and layers of rock, shale, and soil, and often side canyons and archaeological sites as well. This is done by blasting with explosives. Each individual blasted strip is 100 feet wide, thirty feet deep, and a mile in length. The whole mile-long string of nitroglycerine is set off at once in a dramatic crescendo of explosions, debris, dust, and "whooppees!" of onlooking mine workers and visitors. Then, to go deeper, the strip is blasted again and again and again. The miners run several parallel strips at once. The resulting pit is a manmade canyon a mile long, nearly that wide, and 180 feet deep. This is before the mining of coal even starts.

The coal is taken out by the largest machine I have ever seen. The operator in the cab works what looks like a crane except that the boom is 300 feet long—the length of a football field. The boom holds a dragline, a gigantic escalator with buckets that can lift and dump ninety cubic yards of material each, enough to fill a two-car garage.

The coal must be transported to the power plant and an old-style dugway would hardly do. The Navajo Mine owns and operates its own rail system. The mine runs twenty-car trains; each car holds 100 tons of coal. With six full trainloads a day, the mine delivers 28,000 tons of coal daily to the Four Corners Power Plant. Other mines on the Plateau work at an equally furious pace. At Kayenta Mine on Black Mesa, Peabody Coal ships out another 28,000 tons of Navajo and Hopi coal per day to the Navajo Generating Plant near Page. The Black Mesa Mine, adjacent to Kayenta, sends coal to the Mohave Generating Plant, 274 miles away, by slurry pipeline.

The power plants themselves are the largest industrial complexes I've ever been in. The eight-story buildings at the Four Corners Power Plant blanket several acres. Visitors are armored in hard hats, plastic goggles, and ear plugs. The boilers, where coal is burned to turn water into steam, amount to buildings unto themselves. These cauldrons create temperatures of 2500 to 3500 degrees Fahrenheit. The steam from the boilers shoots out and spins generators, fifty feet tall, that produce the electricity. The racket and fury play out into hundreds of wrist-size wires, held aloft by 200-foot praying mantis steel standards,
for distribution from the Pacific Ocean to the Pecos.

The byproducts from energy production at the Four Corners Power Plant—silicon, aluminum, iron, sulphur dioxide, nitrogen oxide—are sent aloft through smokestacks that tower 750 feet high. The pollution reaches throughout the Plateau, mixing, perhaps ironically, with smog from Los Angeles, where much of the electricity is shipped. The plume from the Four Corners Power Plant was the only manmade object visible on Earth in a satellite photograph taken from space in 1967.

Beginning in the late 1950s, the Colorado Plateau was the site of the world's largest uranium boom. Navajos signed up as miners and hundreds of them died of lung cancer from breathing, without ever having been warned, radioactive dust. Navajo people were given the uranium mine tailings, for free, to use for the foundations in their homes. The Nevada Test Site for nuclear bomb testing is west of the Plateau, but the Plateau is downwind. St. George and other Mormon communities were hardest hit. There is yet no reliable count of the number of cancer cases; most of the potential victims are stolid, rural Mormons who keep to themselves so that official reports fail to reflect the actual mortality rate caused by the tests. Still, there are known to be hundreds of deaths by cancer among downwinders and the count is steadily growing.21

The conquest that began at Hoover Dam, and moved throughout most of the Plateau, came easy. The water laws threw the rivers open, first come, first served. The mining laws did the same. For all practical purposes, there were no environmental laws, and precious few laws protecting human health.

Nor did the laws of the United States, obligated to act as the trustee for the tribes since the days of George Washington and John Marshall, protect Indian interests. This was critical, for the juggernaut of conquest rolled forward on tribal coal, land, water, oil and gas, and uranium. The mineral and land leases were negotiated in the 1950s and 1960s, before the tribes had gained the necessary negotiating experience. The Department of Interior saw the companies as representing the national interest. The leases, presented to the tribes

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by Interior as *fait accomplis*, were all below market value, without escalator clauses. In some cases, tribal water rights and the tribes' sovereign rights to tax were waived. Several of the leases have now been renegotiated by strong, independent tribal councils, but the tribes have already lost hundreds of millions, perhaps billions, of dollars.

I have known dozens of Indian people who become abject, who grieve, at the conquest. One Navajo woman, a moderate woman, compared it to rape. In his book of poetry, *Outcroppings from Navajoland*, Donald Levering speaks for a great many Navajos and other Indian people on the Plateau in his poem, *The Giants*:

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mesas strewn across the land
like giants' limbs
cut by wind & water
to the marrow: coal-veins
exposed

Navajos have endured
the cutting of a road
across the sacred trail
of the Giant's blood
from Mount Taylor
to their heartland

will they persevere
after their graves
are stripped for coal
& the turquoise & silver skies
have gone to smoke
after the gas is tapped
the oil bled
after uranium dust
has settled
glowing in their bones
after the copper mountains
south & west
have been leveled
for the nervous giant
of electricity.22
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To be sure, the build-up accomplished some worthy objectives. The cities have water. Electricity is spun out on a 1000-mile grid east to west to millions of people in homes, businesses, and hospitals. Some local people, including a good many Navajos and a few Hopis, have high-paying jobs in the mines and power plants. Further, we modern-day observers need to realize that knowledge of many different kinds was incomplete then. Coal-produced energy was, we thought, cheap; we had not yet learned how to measure the environmental, economic, and human costs that we now routinely identify as externalities. The same was true with hydropower, for which we assigned no costs for the loss of freeflowing rivers, communities like Rosa, Anasazi sites, canyons, or Indian water rights. Critically, we did not have access to modern energy and water conservation techniques, or to technology for development of renewable resources, that would have made much of the build-up unnecessary.23

Still, while we should be understanding in evaluating the work of those past leaders, we have a duty to the future to ask questions in order to pass along understanding: Was such an absolute conquest necessary? Have the cities conserved first, and then asked for water and energy? Did we care enough for the water, the land, and the air? Did we care enough for the people? Above all, have we learned?

VI. TOURISTS CONVERGE AND THE TRIBES REVIVE

The last quarter of a century has brought two fresh currents that constitute the fifth major event.

The rise of the West's recreation economy has had a deep impact in the Plateau country. The National Park Service estimates that more than twenty million people from all over the nation and the world make recreation visits to its units in the Colorado Plateau each year. St. George and Moab have been transformed. Rafting, wilderness use, biking, sightseeing, and other forms of activities have more than taken up the slack for the shrinking extractive industries. The benefits accrue

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to all manner of businesses, from restaurants to gas stations to art galleries to clothing stores to motels to drug stores to the great bane or blessing, take your choice, of the New West: espresso shops.24

There are, of course, downsides. Off-road vehicle (ORV) use, which in my view is a good use if controlled, is out of control in many fragile canyons. Archaeological plundering proceeds at a sickening rate. Some of the best rivers, wilderness areas, and trails are overcrowded, and so are most of the roads, in this land where solitude is a main resource. The recreation boom thus puts pressure on the remoteness of the Plateau and produces the paving of the Burr Trail, the paving of a road into Chaco Canyon, and many other road projects, including a proposed extension of Interstate 17. The strong, increasingly stable recreation economy may well be a key positive ingredient in the future of the Plateau, but it may also be another conquest.

The past quarter of a century has also brought a sharp upswing in the real exercise of tribal sovereignty. The accomplishments of Indian tribes in the courts, in Congress, in negotiations with states, and in economic development, amount to one of the most inspiring social movements in modern America. The tribes have taken on the toughest issues—political power, land, natural resources, and economic capital—and they have made steady progress in each area. How hopeful, how consonant with the bloodflow of the Plateau Country, that the tribes should reassert themselves.

Several years ago, I visited the Hopi Reservation. Although I had often been to the Navajo Reservation, which entirely surrounds Hopi, this was the first time I had worked with the Hopi, which many people would describe as the most traditional of all tribes. The Tribal Council was at a decision point on a major tribal policy issue.

The Tribal Council had asked three law professors to advise the Council. The three of us agreed that I would present our findings. A public hearing on this delicate and controversial matter was scheduled for a Friday morning in January at 8:30.

I arrived at about 4:00 on Thursday afternoon to meet with the

Council in advance of the next day's public hearing, but the Council had other business. At 6:00 p.m. they turned to this matter and our report. There were numerous people in the room, most of whom were strangers to me. "Dinner?" someone asked. "We'll send out for dinner," said the Tribal Chairman, "just pay the Tribal Secretary. We need to push ahead." Half an hour later, while I was making my presentation, hamburgers, french fries, Cokes, and 7-Ups arrived. Many different people spoke, although the Council did not. At about 9:45 p.m., the Chairman gavelled a break. He went back into his office, I learned later, to confer with other Council members. At 10:00 p.m. they came back. "Thank you all very much. We will now go into executive session with Professor Weel-kin-son."

This Council was organized under the Indian Reorganization Act of 1934 (IRA), a well-intentioned federal law designed to resuscitate tribal governments. Nonetheless, on many reservations, it resulted in the seating of tribal councils that lacked real tribal support. At Hopi, most of the religious leaders, the Kikmongwi, refused to participate in the IRA process and for decades the IRA Council lacked credibility within the Tribe. It had power in the outside world, though. Among many other things, in the early 1960s the Council signed the inequitable leases for the coal mining at Black Mesa.

Things had changed by the time of this meeting in 1985. The IRA Council still sat, and the Kikmongwi still did not, but the religious leaders had reassumed the primacy that they had exercised for so many centuries before the IRA. The Council members consulted the Kikmongwi and regularly voted the wisdom of the religious leaders. It was an accommodation, not unlike that of my Navajo friend and the Alaska emigration-creation story dichotomy.

Before the break, the Council had spoken predominantly in English, with a few translations into Hopi, but during the executive session they went almost completely to Hopi, pausing a few times to ask me a question. Occasionally, sprinkled in among the guttural chops I could not begin to understand, I heard "Weel-kin-son." This late-night meeting in Kykotsmovi near Third Mesa, remoteness within remoteness, utterly unlike any other I had ever attended, went on. I worried about the public hearing the next morning—this morning, now. Council members would, I imagined, have to talk with the Kikmongwi. Some of them lived, I knew, thirty or forty miles away. Yet I was rapt,

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leaning forward, straining my mind, struggling, although it was impossible, somehow, to obtain some understanding from the foreign words and the stolid, dark faces. At last, the Chairman gavelled the meeting to a close and the Council members filed out. The Chairman thanked me and told me he would see me at 8:30. It was 2:30 in the morning.

The public hearing did begin at 8:30 a.m. sharp. The chairs were all taken and Hopi people stood two and three deep in the back of the room and along the sides. After a long opening prayer, I nervously presented our report at some length. Hopi people spoke passionately, sometimes in English, sometimes in Hopi. Experts from outside the tribe spoke, some of them disagreeing with our report. The impassive Council members listened.

Eventually, a resolution to this sensitive matter emerged, although it seems that there was no time or place at which an official decision was made. I knew there had been thousands of discussions back in the villages on the mesas. No one was ever dismissed, sanctioned, or reprimanded. Yet the Hopis made fundamental adjustments and struck out on a new path after all of their deliberations, formal and informal, public and private.

For time and honor stretch out in the Hopi world view. There are proper ways. No decision was announced but a decision was reached. There was no rush but there were imperatives, rules that have always been there. Those were the wishes of the Old People. The Hopis’ type of decision, and the reasons for it, and the way they reached it, all lodged in the deep mist of uncountable centuries of people and ideas and propriety, were more ethical and profound than our law professors’ report ever began to be.

I’ve never seen such permanence. The Hopis will be on the Colorado Plateau a century from now, five centuries from now. And beyond. That’s not remotely romanticism or idealism. That’s history. Facts. Data.

And the Navajo? Could they become the fifty-first state? They own seventeen million acres, larger than the land area of twelve states. They have 250,000 citizens; most Western States came into the Union when the standard was 60,000 citizens. Realistic? Not in 1993, not in 2003. But what about 2030 when membership approaches 500,000, which it will, and when the tribal economy is solid, which it will be? I don’t pretend to know. But I do believe that the Navajo Nation, just like the Hopi, will be there in 2030—and 3030 also. And so will the
other tribes of the Plateau.

For, in a certain sense, the most astounding thing about the Colorado Plateau is that it is Indian country. The tribes own thirty percent of the Plateau lands, about the same as managed by the BLM, more than the Forest Service or the Park Service, much more than the four states combined. The private holdings amount to just sixteen percent. And the old dwellings, relics, engravings, paintings, music, sacred places, bones, and ghosts are everywhere. In 1993, despite all odds, the Colorado Plateau is Indian country.

VII. CONCLUSION

We are left, as perhaps we always will be, with waves upon waves of questions about the Colorado Plateau. How important is this place? Why? Which interests should be favored? Those of the Indians? The non-Indian residents? The cities of the Southwest? The people of the nation and the world? Or should it be the interests of the Plateau itself? Is there a real way, in this churning, modern society, somehow to treat a place, and its canyons and goosenecks and lookout points and monuments and dry washes, even its dugways, with the dignity we would extend to a person?

And the recreation economy. Is this conquest, too? Is industrial tourism, as Edward Abbey rightly called it, sustainable at its current rate? How important is remoteness? What does the Burr Trail mean? What does it mean when the Arizona Governor seeks to fulfill the North American Free Trade Agreement by building Interstate 17 up through Page or Marble Canyon and then cutting into the remoteness in the heart of the Plateau? What does it mean when people say that such a project would be good for recreation?

And the small Anglo towns of southern Utah, embedded in this rough landscape for a century or more. Are not their dedication to family, love and knowledge of the land, and their staying power entitled to weight and respect in the making of public policy? Should we begrudge the people of Escalante a below-cost timber sale if the harvest level is sustainable? Should we deny the ranchers of La Sal and Monticello a below-cost grazing fee if they are willing to adopt the best modern range management practices? If their scale is right, don't they have the right to harvest or graze?

And energy development. How should our society deal with the latest proposal, the one to mine out the coal on the wild Kaiparowits
Plateau, just north of the Grand Canyon? What kind of a case should new developers of the Plateau have to make? If authoritative studies estimate conservatively that one-third to one-half of our new energy needs can be met by conservation measures at cost savings of billions of dollars each year, should not the exporter be required to show that a state-of-the-art conservation program is in place and that new construction is clearly required before new resources are developed? And if new resources are to be developed, given the established role of coal in acid rain, global warming, and visibility impairment, and given the potential of renewable resources, should not the heavy presumption be in favor of wind, solar, and geothermal? And what have we learned from Rosa, the drowned Anasazi villages and engravings, and the haze that obscures the wonders from Muley Point and many other sentinel lookouts by reducing our vision from 180, even 200 miles, to 75 miles or less? Would it be a sensible national policy in this complex age to say it straight and short: that there shall be a moratorium on all new coal mines and power plants on the Colorado Plateau? And if such a proposal is made, have we finally realized that the issue is not a matter of whether energy development is necessary, which it is, but that it is a matter of whether the scale is right?

And that pale term, cultural resources, that we use to describe the long history of the lives and work of the native peoples of the Plateau. Why do we provide so much less protection to our archaeological treasures than do Denmark, Sweden, Italy, and many of the other nations of the world? Is it because of our steady-gaze focus on progress, which has brought us much good, or is it due to the darker reason that the Old People were of another race, not our own? Would we strip-mine Gettysburg if coal lay underneath? Is it not long past time for idealistic young lawyers to found an Anasazi Defense Fund, with an expert staff of lawyers, archaeologists, anthropologists, economists, and lobbyists to build public awareness of the lasting value and profundity of these resources and to achieve the needed deep reform through the courts, the land agencies, and the federal and state legislatures?

For have we not finally learned that the federal land agencies' multiple-use management policies view the vista far too narrowly, and that on the Colorado Plateau we must add, as precious coequal resources, remoteness, visibility, and cultural resources? What relevance is it to their protection that each of these newly perceived resources have all been plundered so much in so short a time, since the
1950s, in just two generations?\textsuperscript{26}

And the tribes. Why are they still in possession of so much of the Plateau? Is it because no one yet wants this outpost region badly enough? Do peoples simply dig in, with profound and inexplicable resolution, when their roots go deep enough? Or is this more the work of Kokopelli, with his music and sensuality, and coyote, with his tricks?

And law, the outlines of good law. What have been the best laws in the long history of the Plateau, those that have most sensitively accommodated stability and creativity, careful husbandry and prosperous living, restraint and progress? Who was most lawful, most lawless, most caring, most insensitive, most civilized, most primitive? Is there such a thing as natural law, law compelled by forces larger than human beings? If there is, did we see it on the Plateau when the rivers said no to the upsurge of the land? When even the careful Anasazi no longer had water for their groomed corn rows? Will the rivers and rain say no to us? Is there law in the layered fire of the canyon walls and in the drawings etched and painted on those walls in other ages?

And was not the poet Atoni perhaps speaking of all these things when he etched his best words about his land of fire? Was he not thinking of the gifts that the land gives us; of the sustainability of our whole community; of all the residents of the Plateau; of the people of the world who hold that land so high; of civility and staying power, the best stuff of law; and of the land itself, as well as of his own people, when he wrote:

\begin{verbatim}
the track of the sun
    across the sky
leaves its shining message
    illuminating,
strengthening,
    warming,
us who are here,
showing us we are not alone.
we are yet alive!
and this fire . . .
    our fire . . .
shall not die.\textsuperscript{27}
\end{verbatim}

\textsuperscript{26} ARCHAELOGICAL HERITAGE MANAGEMENT IN THE MODERN WORLD (Henry Cleere ed., 1989).

\textsuperscript{27} THE SOUTH CORNER OF TIME: HOPI NAVAJO PAPAGO YAQUI TRIBAL LITERATURE 1 (Larry Evers ed., 1980).