

1993

## The Eagle Bird: Mapping a New West

Dale D. Goble

*University of Idaho, College of Law*

Follow this and additional works at: [https://digitalcommons.law.uidaho.edu/faculty\\_scholarship](https://digitalcommons.law.uidaho.edu/faculty_scholarship)



Part of the [Environmental Law Commons](#)

---

### Recommended Citation

6 W. Legal Hist. 231 (1993)

This Book Review is brought to you for free and open access by the Faculty Works at Digital Commons @ UIdaho Law. It has been accepted for inclusion in Articles by an authorized administrator of Digital Commons @ UIdaho Law. For more information, please contact [annablaine@uidaho.edu](mailto:annablaine@uidaho.edu).

1993

## The Eagle Bird: Mapping a New West

Dale D. Goble

Follow this and additional works at: [https://digitalcommons.law.uidaho.edu/faculty\\_scholarship](https://digitalcommons.law.uidaho.edu/faculty_scholarship)

 Part of the [Environmental Law Commons](#)

---

virtually *invented* the subject, and for this we owe them a quite sizable debt. I hope this is only the beginning.

Lawrence M. Friedman  
Stanford University

*The Eagle Bird: Mapping a New West*, by Charles F. Wilkinson. New York: Pantheon Books, 1992, 203 pp., bibliography, \$20.00, cloth.

Charles Wilkinson begins his latest collection of essays with three places—Yaquina Head on the Oregon Coast, Indian Ledge near the headwaters of the Umpqua River, and Salmon Falls Creek in northeastern Nevada—that inspire wonder, “that simple and pure and fine emotion” (p. 7). In addition to wonder, however, each of these places has also inspired another simple Euro-American emotion: the drive to conquer. Yaquina Head has been bulldozed for crushed stone, clearcuts are visible from Indian Ledge, and Chinook salmon have not run in Salmon Falls Creek since hydroelectric dams blocked their route. The contrast between the wonder that such places inspire and the cold calculations they too often invite is the subject of the essays in *The Eagle Bird*.

To bridge the gap between wonder and calculation, Wilkinson modifies Aldo Leopold’s injunction that we need to “think like a mountain” by urging “thinking like an ecosystem . . . in terms of interconnectedness, cooperation, diversity, and community” (p. 185). The distinction between mountains and ecosystems in part reflects the need to recognize that we humans are connected not only with the biological and geological world, but with the other members of our species in a community that is no less “natural” for also being “social.”

For Wilkinson, this shift—the creation of an ethic of place—is crucial, because it offers the possibility of moving beyond the contentiousness that characterizes policy-making on resources in the West. The roots of this contentiousness lie in what the historian Patricia Limerick has called the region’s “legacy of conquest,” a process that has “involved the drawing of lines on a map, the definition and allocation of ownership (personal, tribal, corporate, state, federal, and international), and the evolution of land from matter to property.”\* As the first group of essays in *The Eagle Bird* demonstrates, this heritage has contin-

\*Patricia Nelson Limerick, *The Legacy of Conquest* (New York, 1987), 27.

uing relevance. The essays outline the current disputes over the meaning and power of those lines on the map: battles over the jurisdictional diversity of Indian reservations, over water diversions and in-stream values, over trees as timber and as forests, over wilderness and salmon and wolves.

These disputes involve alternative beliefs about ownership and understanding of the land and other resources, and about alternative claims of legitimacy to the use of resources; questions about our understanding of abundance and scarcity, even about the nature of resources (are wolves a resource or are they varmints?). Is a community like Stanley, Idaho, "rich" when its members have an unsullied view of the craggy Sawtooth Mountains and when sockeye salmon run into Redfish Lake, or only when enough cows can be grazed or trees cut or minerals mined to allow the purchase of a new pickup each year?

While Wilkinson is a conservationist (he sits on the governing board of the Wilderness Society), he urges us to remember that we "exist within a community and that consensus is the preferred method of resolution" (p. 145). The process that he offers is community-based: if the health of the salmon run requires a reduction in grazing, the reduction shouldn't be so drastic as to decimate the community dependent upon the grazing. All of the members of the community—the people, the land, its animals and vegetation, the water and the air—are entitled to equal respect; none has a special claim over the others.

This is the ethic of place that Wilkinson urges, a feeling for the land and the interconnectedness of things. It requires a shift in our mental reality from the conquest of nature to a recognition that the land itself requires cooperation; that diversity—biological, political, and cultural—is the potential strength of our communities. The ethic of place demands a movement from conquest to ecology, from Manifest Destiny to self-destiny through dialogue.

While the call for dialogue and accommodation that lies at the heart of Wilkinson's ethic of place is welcome during a period of increasingly strident debate, the essays in *The Eagle Bird* may de-emphasize the real difficulties facing the traditionally boom-and-bust West. The region faces significant and economically dislocating changes as the extractive industries that form the basis for much of the intermountain West's economy encounter environmental and economic limits. High production from the national forests and cheap hydroelectricity and irrigation water from federal dams have contributed to the endangerment of spotted owls and Snake and Sacramento River Chinook salmon; subsidized grazing and mining are potential victims of budgetary limitations. The impact of the various

changes may be ameliorated if the West recognizes the need for resolution through consensus, but the changes are nonetheless likely to be painful.

Dale Goble  
University of Idaho College of Law

*Native American Testimony: A Chronicle of Indian-White Relations from Prophecy to the Present, 1492-1992*, edited by Peter Nabokov. New York: Viking Penguin, 1991, 474 pp., illustrations, notes, index, \$25.00, cloth.

As attorneys and advocates, we often find ourselves speaking for other people, arguing their cases before juries of their peers. But, as we all know from rules of evidence, it is not the words of the attorney that are to be considered by the jury. Only testimony from the parties and witnesses themselves may be considered in reaching a verdict. And it is often the party's own testimony that sways the jury, because it is real and emotional to the speaker. That is also true of *Native American Testimony*, edited by Peter Nabokov. Letting Native Americans speak for themselves sways the reader far more than an erudite legal argument of an advocate or scholar. The book's simplicity is the key to its effectiveness.

Nabokov cleverly uses prefaces and short summaries to provide information on governmental policies affecting the Native Americans and to move the reader from one time period to another. The excerpts begin with Indian prophecies of the coming of the white man and the changes it will bring. We then read of initial encounters between whites and Native Americans. The Native Americans are astounded by white culture. Charles Alexander Eastman, a Santee Sioux, writes of his uncle's report of white society: "The greatest object of their lives seems to be to acquire possessions—to be rich. They desire to possess the whole world" (p. 22). This major difference in outlook leads to most of the confrontations between Native Americans and whites—over possession of land. The difference in values and priorities is made apparent by the speakers. Whites did not recognize anything of merit in Indian society or culture, so there never was an integrative, adaptive melding of the two cultures. Whites required Indians to change and accept white culture. When Crazy Horse was dying, he said, "We preferred our own way of living. We were no expense to the government then. All we wanted was peace and to be left alone" (p. 179).

Each point or policy is illustrated by a few short entries. The