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Review of The Eagle Bird: Mapping a New West

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The author takes on the tough questions and the big battles. He reviews the prior appropriation doctrine of water law, the ethic of place, Indian sovereignty and reservations, the future of national forests, the appeal and need for wilderness, and the state of the state of Colorado, his homeplace. He thinks like a lawyer, writes like Aldo Leopold, and forces us into new ways of thinking about the current confrontation between developers and conservationists.

In fact, it is lawyers and laws that receive early attention by Wilkinson. He wonders why laws "do not speak of the wonder and majesty of the bald eagle" (p. 9). Legal writing is bloodless and precise, yet it must speak of clean air, majestic wildernesses, and pure water. "The law is profoundly protective of established interests, and much of that protectionism is profoundly subtle" (p. 14), Wilkinson writes. And those forces work against new entrants in the legal system, with new kinds of rights, he notes. "Those who favor the status quo have much to gain by keeping emotions down" (p. 15).

Wilkinson argues provocatively that there are very real limits on owners' uses of private lands and resources. He quotes a U.S. Supreme Court decision of 1987 that gives the state a primary way of "preserving the public weal" by restricting uses that individuals can make of their property. The public welfare is stronger than unrestricted private ownership of land.

Wilkinson expands that doctrine.

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

In the coming battles over land, wilderness, water, and the quality of life in the West, how are we to reach a compromise and community of interests among all the contending parties? A good place to start, on all sides, would be to read this slim book of essays by one of the West's leading legal minds, Charles Wilkinson.

It is wrong for a landowner in one locale, in the name of ownership, to take too much habitat that is used by birds that travel from Alaska to Mexico. It is wrong for a local water user to take too much water from fish or whitewater rafters who may need it a hundred miles downstream. It is wrong for private landowners to pollute the waters, and that includes allowing tons of silt—the precious earth itself—to wash off timber, farm, or ranch lands and choke our rivers. (p. 117)

Wilkinson briefly reviews the history of each of the broad areas of conflict he explores then sketches the current situation and ways to ease the conflict. Though he is clearly an environmentalist of the highest order, he knows that none of the conflicts is truly black-and-white. He hopes Westerners will gain a new sense of "societal self-worth" so that they can control their own destiny.

Doing so involves a reading, or re-reading of the great conservationist writers in Wilkinson's working bibliography, including Leopold, Bernard DeVoto, Rachel Carson, John McPhee, Wendell Berry, Gary Snyder, Edward Abbey, Terry Tempest Williams, Bill Kittredge, Barry Lopez, and Wallace Stegner. Wilkinson quotes John Muir lavishly and notes that all of his writings ought to be heard now.

This book is an important start on new dialogue to build community, not conflict, in the West. It should be read by all who would have a part in reaching that consensus.

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