

# American Indian Law Review

---

Volume 8 | Number 2

---

1-1-1980

## Book Review: American Indian Environments: Ecological Issues in Native American History

Harold W. Young

Follow this and additional works at: <https://digitalcommons.law.ou.edu/air>



Part of the [Indigenous, Indian, and Aboriginal Law Commons](#)

---

### Recommended Citation

Harold W. Young, *Book Review: American Indian Environments: Ecological Issues in Native American History*, 8 AM. INDIAN L. REV. 491 (1980),  
<https://digitalcommons.law.ou.edu/air/vol8/iss2/13>

This Book Review is brought to you for free and open access by University of Oklahoma College of Law Digital Commons. It has been accepted for inclusion in American Indian Law Review by an authorized editor of University of Oklahoma College of Law Digital Commons. For more information, please contact [Law-LibraryDigitalCommons@ou.edu](mailto:Law-LibraryDigitalCommons@ou.edu).

## BOOK REVIEW AND CRITICAL OBSERVATIONS

*American Indian Environments: Ecological Issues in Native American History*, Edited by Christopher Vecsey and Robert W. Venables. Syracuse University Press, 1980. Voluminous illustrations and endnotes. Pp. xxv, 208.

In 1855, Chief Seath of the Duwamish Tribe wrote in a letter to President Pierce, “*This earth is sacred.*” (Reported at p. 7, *Environmental Action* (Nov. 11, 1972.) The chief’s succinct statement provides a uniquely appropriate summary of the book, *American Indian Environments*, which is the subject matter of this review. One might rightfully ask, “Why commence a review with the summary?”, or “If one has read and knows the summary, why read further?” This reviewer believes that stating the summary at the forefront of the review provides a guidepost for the reader to stay on the trail of the language in the text, and is particularly apt for the ten monographs that comprise *American Indian Environments*. Also, the purpose and goal of this review is something more than conventional.

### I. *Of Philosophies and Environments*

This book might, as aptly and accurately, have been entitled, “American Indian Philosophies,” for it is more embracing than either the common acceptance of the natural environment or the human environment. But the unifying of Indians’ philosophies and environments is the crucible of the monograph writers. The common thread running consistently through the ten monographs is the Indian philosophy that environments shape persons, directly contrary to the non-Indian applied conviction that persons should conquer their environments. Perhaps, if the book is open to negative critical comment at all, it is the relentless pursuit of a one-sided advocacy of the Indians’ view. Early on, at page ix of the Introduction, Professor Vecsey and Curator Venables write profoundly:

In the Indians’ sacred circle of creation, everything—even a stone—is equally alive and equally integrated into a balance of life. How different this perception is from the non-Indians . . . . After describing the worst forest fire to sweep through an area of Ontario in eighteen years, the white reporter concluded that, fortunately, there was no loss of “life.” Thousands of acres of soil, trees and other life forms lay scorched, but the reporter and probably most of the non-Indians who made up the au-

dience assumed that the word "life" by itself, with no qualifying term such as "animal," meant only human life, other life forms being inferior. No such separation and stratification of life forms exist in the sacred circle of the Indians' environments. The Indians' circle of life comes back upon itself, and thus any loss of life along the circle diminishes the whole.

Of course, little had been done to seek to bridge the substantial gap between the Indian and non-Indians' philosophy of environment in any practical manner until Congress enacted the massive environmental legislation of the decades of the '60s and '70s. But recognition, the reviewer believes, shares equally with action; for without recognition there can be no action. This was demonstrated by members of our highest judicial tribunal, the Supreme Court of the United States. Justice Douglas, in his dissent in *Sierra Club v. Morton*,<sup>1</sup> relied fundamentally upon Christopher Stone's thinking in *Should Trees Have Standing? Toward Legal Rights for Natural Objects*,<sup>2</sup> which was later published in book form by William Kaufmann, Inc., Los Altos, California (1972). And Justice Blackmun, likewise dissenting in the same case, closed his dissent with the age-old quotation from John Donne, "No man is an Iland intire of itselfe; every man is a peece of the Continent, a part of the maine; . . . And therefore never send to know for whom the bell tolls; it tolls for thee."<sup>3</sup>

This reviewer suggests that the gap in environmental philosophies, while recognized, persistently resists much bridging or closing because of a deeply encrusted failure of communication between spokesmen of the two cultures. In connection with the celebrated *Scenic Hudson I* case,<sup>4</sup> involving the proposed construction of a pumped-storage hydroelectric power plant that would have scarred the face of Storm King Mountain on the west side of the Hudson River near West Point, the reviewer has written elsewhere of two persons of polarized differing views who might have stated:

"What a sight!"—said the environmentalist.

"What a site!"—said the power man.

Sadly, neither would have begun to *communicate* with the other.

1. 405 U.S. 727 (1972).

2. 45 So. CALIF. L. REV. 450 (1972).

3. *Devotions xvii*.

4. *Scenic Hudson Preservation Corp. v. F.P.C.*, 354 F.2d 608 (1965).

## II. *Of Natural Resources and Religions*

Natural resources are intertwined in an inextricable manner with the religions of the Indian cultures. By a foreseeable twist of fate, water (more specifically by present and irreplaceable potential shortages of that life-sustaining commodity) provides a commonality of concern between Indians and non-Indians alike. Wilbur Jacobs, a Professor of History at the University of California, Santa Barbara, in his excellent monograph on "Indians as Ecologists," quotes from Carl Sauer, a geographer, that soil destruction is America's "dreadful problem." Through lack of water, longtime erosion, and wasteful agricultural practices in the arid and semiarid regions of our West, Sauer argues, we have dissipated our land wealth. In non-Indian resource development, it is the same present shortage of water and potential exhaustion of the groundwater supply that has vexed the exploitation of energy fuel sources from strip mining of coal or the use of water in coal slurry pipelines.

Of course, the familiar so-called *Winters* doctrine stands for the proposition that the United States Supreme Court in 1908 held that Indians on federally reserved lands have paramount rights to the beneficial use of waters that come into contact with their reservations. The Principal Chief of the Cherokee Nation, Ross Swimmer, a graduate of the University of Oklahoma Law School, has proposed the unique theory that the *Winters* doctrine, or an extension thereof, should give his nation title to every drop of water that falls upon the lands of the Cherokees. But, then, groundwater is the great hope of the Rocky Mountain/Northern Great Plains area, and the division between resource development and Indians' groundwater rights straddles a tenuous division line. An underground aquifer is not a respecter of boundary lines between "reserved" and "nonreserved" lands any more than is the wind above the ground. But the Indians perceive very realistically a great difference between their grazing/agricultural uses of water and the extent to which nature's way has been grossly interfered with by the great multipurpose dams on the Columbia, the Snake, and the Colorado rivers.

While the Indians did not directly take a leading role in the epic fight over the great Grand Canyon dams proposed by the Bureau of Reclamation in the mid-1960s, that controversy provided a blueprint for their later fight over Black Mesa coal in the early 1970s. The Bureau's proposal to dam the Grand Canyon called for two dams, the Marble Gorge Dam and the Bridge Canyon Dam (later proposed to be called the Hualapai Dam as part of an

agreement made with the Indian tribe of the same name). The Hualapai was to be 53 miles downstream from the Grand Canyon National Monument, while the Marble Gorge Dam would be 12.5 miles upstream from the boundary of the National Park. The Bureau's position and reasoning was that the reservoirs created by the dams would give more tourists access to the canyons by boat, which in turn would allow closer inspection and enjoyment of the multihued formations. The Sierra Club, as the leading antagonist of the Bureau, responded with advertisements questioning the Bureau's logic: "Should We Also Flood the Sistine Chapel So the Tourists Can Get Nearer the Ceiling?"

Now for coal, as perhaps the best symbolic illustration of the all-enveloping attitude of Indian environments and religions toward the earth as a natural resource, itself, and to all that is contained beneath the surface. One is reminded of Pearl Buck's Pulitzer Prize-winning novel, *The Good Earth*, written in the 1920s and portraying the utter dependence of the Chinese on the earth and its progeny for food, clothing, and shelter. More important, one is reminded of the Chinese people's deep and abiding reverence for the good earth's motherhood, not substantially unlike the Indians.

In his monograph entitled, "Navajo Natural Resources," Peter MacDonald, Chairman of the Navajo Tribal Council of the Navajo Nation, and incidentally, a graduate in electrical engineering from the University of Oklahoma, styles himself a "human engineer." As a sort of microcosm of the natural resources that the Indian tribes have, how they look at these resources, as well as the impact they have on our environment, Peter MacDonald looks to his own Navajo Nation's abundant resources and states: "The Navajo nation has 5 billion tons of coal on the reservation [a land base of 18 million acres], and we produce on an annual basis more than 13 million tons a year and most of it is *strip mined*." (Emphasis added.) Chairman MacDonald writes also of the substantial production of oil, gas, uranium, and timber from the lands of the Navajo, but it is coal which the reviewer perceives to be the focalizing basis for so much that has transpired on the Indian tribal lands in the area of the Four Corners (the only point common to the boundaries of four states in the Union: Arizona, New Mexico, Colorado, and Utah).

Strip mining is a process by which the earth is removed from the coal, instead of the inverse pit mining process where the coal is removed from the earth. In 1964 and 1966, Peabody Coal

Company, a subsidiary of Kennecott Copper Company, negotiated strip mining leases with the Department of Interior and Navajo and Hopi tribal councils covering some 14,000 acres of the Black Mesa in Arizona near the Four Corners.

Much of this low-grade coal stripped from the Black Mesa was transported to a huge coal-fired electric generating complex, known as the Four Corners plant, near Farmington, New Mexico, in the far northwest corner of the state. There it was daily transformed into the source of fuel for the virtually environmentally uncontrolled complex, which simultaneously belched forth some 350 tons of particulate matter (fly ash and soot) daily during the early 1970s. With maddening regularity this more than a hundred-mile plume of black residue from Black Mesa coal settled on the residents of Los Alamos, Albuquerque, and Santa Fe. During an early flight of the earth satellite the Four Corners plume of fly ash and soot was reported to be the only man-made object visible in the western hemisphere; its counterpart in the eastern hemisphere was the Great Wall of China.

Not only can the strip-mined coal produce a degrading air quality dimension, but in the arid regions around the Four Corners the earth torn away to get to the coal may not be capable of being returned to its former pastoral uses for food and forage. Richard Llewellyn's 1940 epic, *How Green Was My Valley*, provides an analogy: A village in Wales was totally dependent upon pit coal mining for its residents' economic existence. Through the generations the "slag pile," this unwanted residue from pit mining—like the fly ash and soot from the combustion of Black Mesa strip mining—grew to such gargantuan proportions that it toppled over and buried the tiny Welsh village.

Ambivalence may be the only, albeit unsatisfactory, way in which the Four Corners tribes, as an example, try to cope with the utilization of natural resources and the Sacred Wampum. Perhaps the old ways must predominantly become lost in antiquity and, concomitantly, today's ways must dominate the future. It is singular, even paradoxical, that a full-page advertisement in the May 20, 1971, issue of *The New York Times* was written so as, ultimately, to speak through the words of a Hopi youth:

The religion of both the Navajo and Hopi peoples are intertwined with the soil of the Black Mesa.

The Hopi believe that they grew directly up from the soil. It is their Garden of Eden, so to speak, except in their view the soil itself is alive—as alive as they are, and the trees and the plants and the sheep they herd. They believe the soil itself is

sacred, much as *you* might feel about the Holy Grail, or the Wailing Wall. To the traditional Hopi, ripping apart the soil and removing things from it, as Peabody is doing, is, in the words of one young Hopi, “like ripping apart St. Peter’s, in order to sell the marble.”

As the shadows from the passage of more than one hundred twenty-five years continue to lengthen, the echoes of Chief Seath’s words to President Pierce in 1855, commensurately, become louder and more intense: “*This earth is sacred.*”

*Harold W. Young*

Professor of Law and Fellow  
Emeritus in Science and  
Public Policy  
University of Oklahoma