Introduction
In Search of Western Lands

william g. robbins

The postponement of outgrowing the romantic metaphor of frontier, of unspoiled mountain backdrop, of rustic cabin in the sun, of being left alone, of feeling like the land will continue to endure our assaults on it, is almost too seductive to resist.

— Eric Torso

If Hollywood wanted to capture the emotional center of Western history,” historian Patricia Nelson Limerick observed, “its movies would be about real estate”—that is, about drawing lines and creating borders. A good contemporary beginning might be the neighborhood of Peace Cove, Oregon, a rural greenscape of nurseries and berry patches along the meandering Willamette River about twenty or so miles upstream from Portland. The neighborhood earned headlines in the Portland Oregonian in early 1997, when Hollywood Video millionaire Mark Wattles asked for a variance from Oregon’s land-use laws to build a fifty-thousand-square-foot home on prime farmland along the river. When Wattles purchased the thirty-plus-acre rhubarb farm two years earlier, the land carried an agricultural exemption that limited property taxes to $545 a year. The title included a farm-management plan, limiting to one acre a potential home and landscaping area. Wattles—who acknowledged, “I have a lot of money. I don’t know what to do with all the money I have”—received a green light from county planners in mid-1996 to build and landscape up to eight acres of the rich farmland along the riverfront.¹

The monster home—which includes an eight-thousand-square-foot basketball court and a four-thousand-square-foot swimming pool—has placed Oregon’s pacesetting land-use planning system at some risk. Gov-
Governor Tom McCall (1967–75), who signed the Oregon plan into law in May 1973, had urged the legislature to put a stop to “the unfettered de-spoiling” of the state. “Sagebrush subdivision, coastal ‘condomania’ and the ravenous rampage of suburbia in the Willamette Valley,” he said, threatened to mock the state’s reputation as an environmental model. The groundbreaking measure required every Oregon city and county to draft comprehensive land-use planning structures that would adhere to certain state-mandated guidelines.2

The Wattles case suggests that land issues in Oregon and elsewhere in the American West continue to resonate with historical questions framed by the tensions between private claims, opportunity, and pursuit of the main chance with concerns for the larger common good. Since the inception of the American republic, the constitutional guarantees to individual liberty and freedom of opportunity have clashed with similar constitutional promises to guarantee the rights of aboriginal people and to promote the general welfare of all citizens. Because much of the territory of the American West was annexed and peopled by the expanding U.S. empire since the mid-nineteenth century, the more significant of those disputes centered in the vast area of the trans-Mississippi West. With its sizable federal lands, the presence of most of the country’s Indian reservations, and its still extensive natural resource base, the American West has been the focus of the more contentious disputes involving private claims and the common good.

The struggle for control over western land has often been violent and tumultuous. The greatest violence, of course, took place between the Euro-American newcomers and indigenous peoples. The Euro-Americans gradually wrested control of the region through a series of military campaigns and forced treaties that often confined native peoples to inferior lands. Although the Indian wars were over by the 1870s, violent clashes over western land continued in the form of range wars between cattle barons (who saw the Great Plains as a vast commons to enter and occupy), and homesteading, fence-building farmers (who wanted exclusive property rights to limited acreages). Because millions of acres of mineral, timber, and grazing lands—as well as appropriation rights to water—are federally owned, the public’s interest and individual property claims have often clashed.3 The Sagebrush Rebellion of the late 1970s and the early 1980s and the Wise-Use movement of more recent years re-
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defined access to public lands as an inherent property right and an expression of individual liberty.\(^4\) By contrast, those who opposed singular claims to public land argued that the invocation of exclusive private rights violated the general belief that the public commons was to be shared equally among all citizens.

Despite the romance that continues to infuse many stories about the American West, the region cannot be reduced to a simple morality tale, an uncomplicated place with a linear narrative about the courage and hard work of pioneering people who made the land hospitable and fruitful. That version of the “settling” of the West is terribly flawed because it refuses to acknowledge the presence of others who already inhabited the region. It fails to recognize that from the Native American perspective, the region’s history is little more than a chronicle of white “settlers” coveting Indian land and their subsequent effort to exterminate, dispossess, and remove the native population.\(^5\) Once the federal government had established control over the region, it pursued policies that progressively limited native sovereignty and opened the former Indian lands to the play of market forces.

That process of subjugating and removing Native Americans was apparent throughout the American West after the Civil War, when the region became strategically important to the nation’s rapidly industrializing economy. To the dramatically expanding productive power of the United States, the West provided an investment arena for surplus capital, a source of raw materials for the industrial sectors, and a seemingly vast vacant lot to enter and occupy. Railroad building, the introduction of large livestock herds, mining activity, bonanza farming enterprises, and speculation in town sites attracted both the shrewd and the gullible from the eastern United States and from across the ocean. French political scientist Emile Boutmy remarked that the most “striking and peculiar characteristic” of late-nineteenth-century American society was its commercial character: “It is not so much a democracy as a huge commercial company for the discovery, cultivation, and capitalization of its enormous territory.”\(^6\)

As such, the American West held material attractions that awakened interest, especially among British and European investors looking for potentially lucrative arenas for their surplus capital. Often invested in railroad construction or other infrastructure improvements, transatlantic
financing provided the critical opening wedge for further economic expansion.\textsuperscript{7} Capital invested in internal improvements thus provided the necessary infrastructure that made possible the later expansion of the western economy. Investments in the first rail lines to extend beyond the Mississippi coincided with the effort to control and confine Native Americans of the Plains, effectively ending their pastoral and communitarian mode of existence and opening millions of acres of grazing land to the livestock industry.\textsuperscript{8}

The federal government heavily subsidized the newly emerging property relations in the West through a series of costly military garrisons to ensure that the recently “pacified” tribes remained confined to reservations. The government further served as the interlocutor in ascribing legal attachments to western lands recently freed to market forces, and the government administered and distributed land as private property in the form of enormous grants to railroads, in low-cost leases to mining companies, and in individual claims to settlers.\textsuperscript{9} The work of distributing land was an additional expense, borne by the national treasury, but with the principal end of placing land at market and transferring legal title to the private sector. There is little doubt about the ultimate objective and purpose of the federal government’s disposal of the public domain (at least until the late nineteenth century). The Land Ordinance of 1785 clearly stated that lands ceded by the original states to the federal government and those purchased from Indian tribes “shall be disposed of.”\textsuperscript{10}

Historian John Opie has observed that the great land ordinances of the 1780s “put sovereign territory on the market”—a principle that was later confirmed under the Constitution through the recognition of private property. Writer James Oliver Robertson has contended that “land meant agriculture, crops, surpluses, rents, food in the belly, and riches; it meant place and position, status and power, security and continuity.” Although the desire to acquire land may have involved all social classes, in the long run the larger capital enterprises were better equipped to buy out or push aside small holders when such actions were critical to their interests. Those enterprises were the primary forces in directing the course of capitalist development in the West. The realities of the “opening of the West” to the yeoman ideal thus took an ironic turn: in Alan Trachtenberg’s words, “Incorporation took swift possession of the garden, mocking those who lived by the hopes of cultural myth.”\textsuperscript{11}
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The western territorial and state land office business—much of it rife with charges of misconduct—was a significant service provided largely free of charge to the expanding network of capitalist legal relations. Federal and state officials charged with overseeing the process were important links in carrying out land policy. Beyond the world of government agencies, investors organized a variety of land-stock companies and fueled a series of land-speculation frenzies. The federal government, as Malcolm J. Rohrbough has shown, substantially aided the transfer (both legal and illegal) of public lands to the private sector. "The management of the public domain," he points out, "lay at the center of life on the frontier." Until late in the nineteenth century, therefore, the function of federal land policy was the orderly distribution of public lands to private ownership. Land, after all, was the great temptation to those who conceived of property, security, and status in terms of landed real estate.¹²

Perhaps the greatest service to would-be financiers and investors in western land enterprises was the U.S. Army reconnaissance and exploring expeditions of the Corps of Topographical Engineers, including the great railroad surveys of the 1850s. The engineers engaged in several fact-finding expeditions, the best known of which were those led by John C. Fremont. According to William H. Goetzmann, Fremont's travels through the Rocky Mountains and the Far West between 1841 and 1845 "helped point out the value of Oregon and California to Congress." The later boundary and reconnaissance surveys in the northern and southern West during and after the war with Mexico provided an "incalculable service to the nation as it acted as a vanguard of settlement, . . . clearing away the Indian barrier and laying out the lines of communication." Those federally funded undertakings provided the first reputable scientific geographic knowledge of the West: its complex systems of rivers, valleys, and mountains and its expansive and awe-inspiring basins and plateaus.¹³

These explorations provided real and practical information to an expanding U.S. empire, to potential investors in western land, and to those parties interested in the prospects for actual settlement. The completion of the first transcontinental railroad in 1869—brought into being with a sizable federal land grant and with an infusion of federally guaranteed bonds—closed time and space across North America's western interior.¹⁴ That extraordinary technological boost to land travel vastly extended the geographic reach of investment capital and further boosted speculation in
western lands, town sites, and additional interior railroad networks. As such, western lands became qualitatively more valuable by virtue of their relative proximity to markets. In brief, through its federal surveys and its policies of disposal and management, the federal government was the great facilitator of western growth. Its work in exploring and mapping, preserving public order, and selling and leasing land directed the course of change in the West.

With extensive land, mineral, and timber resources in the continent's vast interior, the United States had at hand the material requirements for unparalleled growth in productive power. As the United States moved toward core status among the world's industrial nations, it stood at an auspicious moment in modern history: the onset of an era that Henry R. Luce would later call "The American Century." Indeed, its wealth of natural resources made the country almost an empire in itself. That natural abundance, geographer John Agnew has argued, was enormous—large quantities of all of the major minerals required for industrialization, vast acreages of rich agricultural soils extending across the central and western portions of the continent, and immense stands of timber to provide a broad range of wood products. To unleash those tremendous productive forces, a consensus of sorts emerged among the nation's economic and political elites that promoted close ties between the requirements of the private sector and the articulation of those circumstances in public policy.

The effects of that expansive, relatively unrestrained, and innovative capitalism were especially apparent in the American West, where special opportunities for capital abounded. Because of its vast wealth in geographic space and natural resources, there were few structural and institutional restraints to slow the pace of the region's integration into national and international economic relationships. Restrained only by distance, a sometimes spare labor force, and a still developing transportation infrastructure, there were few restrictions to market forces in the West. Before even minimal regulations came to the western ranges, cattlemen and shepherders grazed their animals at will on public, territorial, and Indian lands, treating those classes of land as vast, free spaces, as an opportunity that promised profits to those willing to take the chance.

Of course, the play of the market on the western ranges ultimately proved to be an economic and environmental disaster, when too many operators with too many animals overgrazed too many ranges. Disaster
struck during the winter storms of 1886-87, the infamous “big die-up,” when the great blizzard devastated western herds. In the following years, the cattle industry went through a restructuring because of market conditions and legal challenges to the unlimited and free use of the public domain. The latter represented a more aggressive invocation of the principles of republican landownership and, in effect, changes in capitalist property relations. The new age of the ranch-cattle business represented the end of the grand pastoral style of the range-cattle industry and the assertion of exclusive ownership of specific parcels of land. This restructuring also paralleled the onset of a frenzied scramble by settler-farmers to take up land in much of the old cattle kingdom and a continuation of market-induced disruptions that persist to the present.\textsuperscript{18}

Writer Kevin Starr once remarked that the American West has been the “testing ground for the national experience,” a region of metaphor and symbol, the place that provided rationale and definition for a larger sense of national purpose.\textsuperscript{19} The special attributes of that mythical West were possibility and opportunity, a place where human perseverance and effort could effect the good society, where the promise of freedom and abundance burned bright with hope. Wallace Stegner captured that mythical geography of the mind in a “vagrant’s vision of beatitude,” a cryptic paraphrasing of Harry McClintock’s 1928 hobo ballad: “a place where the bulldogs have rubber teeth and the cinder dicks are blind and policemen have to tip their hats, where there’s a lake of stew and whiskey too, where the handouts grow on bushes and the hens lay soft-boiled eggs.”\textsuperscript{20}

One can read earlier expressions of those sentiments in Richard Henry Dana’s assessment of his visit to coastal California in 1835: “In the hands of an enterprising people, what a country this might be.” But reality in nineteenth-century California, especially for common people, proved to be quite different from McClintock’s hobo vision. If an argument can be made for a feudal landed tradition in the United States, it rests with the great Mexican land-grant system that remained largely intact (although under different ownership) after the conquest of 1848. What is fascinating about California is the manner in which those inherited land grants became the social and economic base for the new power structure that emerged in later decades. Book dealer and publisher Hubert Howe Bancroft pointed to the inequitable distribution of the old Mexican grants as
the state's particular evil. Although the Southern Pacific Railroad held great influence in California, "more formidable," Bancroft contended, "is land monopoly."  

As the American population pressed westward in the second half of the nineteenth century, the federal government's land policy played a significant part in shaping the social matrix of the emerging agricultural communities. "To a greater or lesser extent," Carey McWilliams has argued in *California, The Great Exception*, every western state "experienced the leavening effect" of the government's "free or 'cheap' land policy... that is, every state except California." The state's finest agricultural lands, including properties deeded by Mexico to a few hundred owners, experienced a period of frenzied speculation after the conquest. The enormous holdings eventually fell into the hands of San Francisco and Sacramento capitalists who had successfully manipulated state and federal laws to their advantage. California's large agribusiness ownership patterns of today, therefore, mirror the past—a consequence of the early landed estates that date to the Mexican period.

The business activities of Henry Miller, an immigrant butcher who came to San Francisco in 1850, provides an appropriate case study of California's newly emerging landownership pattern. After forming a partnership with Charles Lux, Miller took advantage of distressed owners of Mexican land grants and began piecing together an enormous land and cattle empire. Miller and Lux were equally adept at finding loopholes in American land law, including the use of dummy entrymen, which provided easy and cheap access to land. The firm ultimately acquired nearly one million acres and controlled at least ten times that amount. "Many of these holdings," historian M. Catherine Miller has observed, "survived intact into the twentieth century" and became California's massive corporate farms. As late as the 1970s, the firm of Miller & Lux still ranked among the top twenty-five largest landowners in California.

The capitalist mode of agricultural production came to California in a series of waves: the hide and tallow trade of the Spanish and Mexican period; the great livestock boom from the conquest of 1848 to 1870; the growth and domination of bonanza wheat farming into the 1890s; and finally the growing speculation in potentially irrigable land and greater diversification in crop production. But through all of those shifts one transcendent reality remained: monopolization in landownership. As
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early as 1871, Henry George referred to California as “a country of plantations and estates.” Twentieth-century writers see little in the state’s landownership patterns to alter that judgment. According to McWilliams, California never experienced the small family-farm tradition. More recently, Donald Pisani has observed that California has been “the great exception” in American agriculture, characterized by “wealthy, nonresident land barons and migratory farm laborers or tenants.”

Similar conditions prevailed elsewhere in the former Spanish/Mexican empire. Anglo capitalists who came to New Mexico with the arrival of the railroad during the 1880s saw the territory’s vast open spaces as opportunity, the chance to turn what they considered unoccupied land to profitable advantage. Aided by the U.S. Congress, which declared most of the old Hispanic land grants part of the public domain, Anglo homesteaders, railroad companies, and the federal government turned the Hispanic villagers’ common land into private ownerships. The result was an enormous Hispanics loss of land, severe constraints on their access to formerly common land, and continued friction to the present day. Writer John Nichols brilliantly illustrates the struggle for access to those former communally shared places in his 1987 novel The Milagro Beanfield War. In the end, with their assumptions of communal use and sharing, the Spanish/Mexican grants prove ill-suited to the ruthless and competitive rigors of the new order.

But according to Devon G. Pena, a protest leader among Hispanic farmers in Colorado’s San Luis Valley, the real war continues. The farmers, longtime residents of the area, are locked in a dispute with Zachary Taylor, a North Carolina timber baron and descendant of the Mexican War general of the same name. Taylor, who owns 121 square miles of the Sangre de Cristo Mountains above the valley, is liquidating his high-altitude timber estate, much to the chagrin of Hispanic valley farmers, who value the mountains because of the moisture they store for summer irrigation. For more than a century the Hispanics have used the present “Taylor Ranch” as a commons for hunting, grazing, and a place to gather firewood. Although many of the farmers can trace their residence in the valley to seven generations, they are pessimistic about the future: “Without the uplands, the lowlands can’t exist,” said local resident Maria Montdragon Valdez in a recent New York Times article. The ownership of most of the Sangre de Cristo chain by outside millionaires, such as Taylor and
media magnate Ted Turner, presents a direct threat to their livelihoods.\(^\text{26}\)

It is nearly impossible to understand the politics of early U.S. history without the ownership of land as a primary part of that narrative. For more than a century the nation's land policy was singularly obsessed with transferring ownership to private hands. Opie has asserted that for much of its existence, the federal government's General Land Office "stood as the nation's long-term direct promoter of privatization"—that is, until market forces of a different kind redirected federal land policy from disposal to permanent management in the late nineteenth century. Although the new program was to be carried out "in the people's interests," Patricia Nelson Limerick has asked, "Which people? Which interest?"

Historical questions about property and ownership, she observes, were wrapped around some unwieldy objects: (1) pelts, hides, and wildlife in general; (2) rights to valuable minerals; (3) grazing rights and "property" in grass; (4) access to timber (and not necessarily the land itself) and transportation routes, especially railroads; and (5) control of water or "owning" priority to a certain amount of water.\(^\text{27}\)

Nowhere have those political questions and struggles created more controversy than on the public lands. Because the U.S. government failed to transfer all of the region's public lands to the private sector, the western states hold an anomalous relationship to federal authority in comparison with their eastern counterparts. Excluding Hawaii, the federal government controls more than 50 percent of the twelve states from the Rocky Mountains westward; in some states the federal presence is huge. Alaska leads the list of those states in which federal, state, and native lands make up most of the state. Among the political units in the lower forty-eight states, Nevada ranks at the top, with the federal government controlling approximately 86 percent of the state; Idaho (64 percent), Utah (62 percent), Wyoming (51 percent), and Oregon (50 percent) follow. In these and other public-land states in the American West, the Forest Service, the Bureau of Land Management, the National Park Service, and to a lesser degree the Army Corps of Engineers and the Bureau of Reclamation touch every facet of western life.\(^\text{28}\)

The role of the federal government has washed across almost every aspect of western life and continues to do so. When Nye County, Nevada, commissioner Dick Carver climbed aboard his D-7 Caterpillar bulldozer on July 4, 1994, to reopen a closed national forest road, he rekindled long-
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standing historical questions involving federal lands in the West: (1) who has access; (2) who determines how the land should be used; (3) what are the proper boundaries between the public and private sectors; and (4) what are the constitutional issues at stake. For Carver and other supporters of the county-supremacy movement, Nye County resistance represented an effort to assert the county's ownership over federal lands within its jurisdiction and to reclaim what the county deemed as a loss of sovereignty over land-use decision making.29

But the county-supremacy movement represents much more. As powerful new social forces have been brought to bear on federal lands in the past two decades, the region's long-standing industries—mining, grazing, and timber extraction—have come under increasing attack. That changing social context has blurred the old distinctions between public and private and the ready access of the latter to the former. New federal legislation—such as the Endangered Species Act and the Clean Water Acts and other measures to protect land, water, and air—have increasingly limited extractive activity and challenged the prerogatives of the region's formerly dominant productive forces. But the environmental costs of sacrificing federal lands in the name of economic development have become an issue for public debate in the late twentieth century only with the emergence of growing national awareness of the amenity values of public lands.30

In his effort to assert a private right to public lands, commissioner Carver is a throwback to the early days of federal stewardship, when the development of western resources was the highest priority of public land managers, a time when federal bureaucrats worked closely with extractive corporations in formulating policy. The objective of Progressive Era management of public lands was the efficient and scientific development of timber, mineral, and water resources.31 But in the decades after World War II, the growing prosperity of metropolitan areas in the West ushered in a new era of contested politics centered on public lands. Greater numbers of urban residents began to appreciate the federal estate for values other than resource extraction, hence the showdown with Carver and others who feel that traditional rights to the public domain are being sharply circumscribed.32

The Sagebrush Rebellion of the late 1970s and early 1980s, the more recent Wise-Use movement, and the county-supremacy phenomenon
represent little more than new lyrics to a very old tune. Frustrated with
the federal government’s increasing air, water, and land regulations since
the 1970s, and the growing influence of urban-based environmental or-
ganizations in shaping federal policy, longtime residents of the rural West
have protested to sustain the health of their communities and to protect
their jobs. They believe their future livelihoods will be secured if the fed-
eral government were to cede public lands to the states. Although there
are powerful corporate players involved in these disputes, working ranch-
ers and blue-collar loggers have captured most of the public’s attention.
Questions regarding access to public lands, historian Richard White has
argued, “were but part of a much larger and more complicated struggle be-
tween an ascendant metropolitan West and a declining rural West.”
Under those contentious circumstances, workers in rural communities
have often served as pawns for distant investors seeking legitimacy
through the support of local constituents.

Nowhere has that encounter been waged with more bitterness and
legal conflict than in the forests of the Pacific Northwest. Three decades
ago the region’s public and private forests were valued chiefly for their
production of wood fiber, the vital resource that drove so much of the
Northwest’s economy. Today timber companies and the U.S. Forest Ser-
vice still treasure the public forests for their material resources. On the
one hand, private landowners believe that they hold rights to their own
forest lands and should be excluded from any form of regulation. On the
other hand, environmental organizations insist that the larger citizenry
has a vested public interest in the management of private timberlands. Bi-
ologist Daniel B. Botkin suggests that the controversy over Pacific North-
west timberlands raises basic questions about the public’s interest in
sustaining the ecological health of the region’s forests.

Because of the controversies over public and private lands in the
United States, environmental historian Donald Worster believes that the
nation is moving by fits and starts through a second conservation revolu-
tion. The first revolution led to the establishment of the great public
reserves—the “inventing of the American commons.” The second revo-
lution, according to Worster, is the “ecologizing” of both public and pri-
ivate land use in the United States. The public is increasingly looking at
land “as an interconnected, interdependent community of living organ-
isms.” Nancy Langston’s study of the Blue Mountains in northeastern
Oregon uses historical examples to underscore Worster's argument. Langston points to the difficulties of imposing different sets of land-use practices where federal and private lands are intimately connected. In the Blue Mountains private landowners and federal managers have found that activities on one ownership affect adjacent ownerships. "One piece of land," she observes, "is never separate from another."35

Even if there is a growing cultural preference to treat landscapes as interdependent living organisms, powerful forces are at work in the rural West that threaten all land-use practices. Changing demographic patterns in almost every western state during the past decade are intensifying land-use and property-rights issues. The thirteen westernmost states (including Alaska and Hawaii) grew at a faster rate (9.1 percent) than any other region in the country between 1990 and 1995. Equally important, U.S. Census Bureau estimates show that most rural counties in the West during this period grew in population after years of steady decline. This dramatic reversal in the rural West can be attributed to a variety of social factors: (1) "white flight" from perceived urban problems; (2) retirees seeking the quiet of low-tax rural environments; and (3) footloose "telecommuters" desiring immediate access to skiing, hiking, and the great outdoors.36 Rising land values and property taxes, clashes between traditional rural practices and the lifestyles of the newcomers, and increased tensions over environmental issues have accompanied those changes.

For example, seventy-one-year-old Lamar Crandall knew the Old West had died when he needed a police escort to herd his cattle to summer pasture. The Springville, Utah, native and his sons Craig and Calvin run Crandall Farms, Inc., a cattle and grain business with access to 14,200 acres of private land and leases to another 12,000 acres of state and federal lands. The Crandall operation is running up against the West’s booming high-tech, service, and tourist industries—interest groups that place a very different value on mountains, forests, and open spaces. The Crandall ranch, at the edge of busy Interstate 15 and a few miles south of Provo, is slowly being ringed by subdivisions, as Springville’s orchards and fields give way to houses and pavement. The Crandall’s greatest concern, however, is maintaining access to the land they have used (but do not own) for generations. With a growing number of outdoor enthusiasts clamoring for more room to recreate on federal lands, the Crandall’s have found their
traditional grazing rights on public lands increasingly restricted.

Terry DeFreese, a new resident of a Springville subdivision and a computer programmer who uses his three weeks of vacation to camp, hunt, and fish, has compassion for his neighbors, the Crandalls. He understands why ranchers, loggers, and miners are opposed to locking up the entire state in wilderness, but DeFreese points to a new reality: "We're the majority. It's not fair, but we are the majority." In Utah's prime agricultural areas like Springville, DeFreese and his fellow newcomers have consumed nearly one million acres of the state's twelve million acres of choice farmland in the last two decades. Booth Walentine, director of the Utah Farm Bureau, laments the situation and predicts rising food prices in local supermarkets. But he opposes government intrusion in the way of land-use restrictions and state programs to purchase development rights to farmland: "The only way transferable property rights will work is if someone can get a direct line to Solomon. We believe very strongly that despite the disruptive problems it creates, the market system is still the best allocator of resources."

Therein rests the dilemma and the centerpiece to the great contemporary debate about land in the American West: the historical and persisting tension between private claims and the common good. Issues involving property rights on both public and private lands have become increasingly complex as the new millennium approaches. Livability, urban encroachment on farm and forest lands, grazing rights on state and public lands, deteriorating habitat for spawning salmon, and the appropriate management of the national forests are issues that resonate with historical antecedents. Those who promote property rights and argue that the uninhibited play of the market can resolve these questions do not have history on their side. Private ownership, unrestricted use of land, and the unregulated market have been disastrous for many communities. Those circumstances have also had severe environmental implications.

One must remember that property rights restrictions and market regulations are not recent, secretly hatched government conspiracies; rather, they were developed over time as fairly popular actions in the public's interest.

"We do not need to deconstruct regulation," economist William Ashworth has contended, "but to reconstruct it. We need a new regulatory paradigm." The free-market approach to private and public lands— as a
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viable mechanism to serve the common good—provides an intriguing model in theory, but in practice the strategy is terribly flawed. Clear water, unpolluted air, viable ecosystems, and free access to majestic scenery require collective public initiative and should not be left to individual choice. The sprawling subdivisions around Springville, Utah, and Mark Wattles’s efforts to buy his way around Oregon’s land-use regulations are only two examples of the play of private money on the western landscape. Both public and private lands in the American West are contested terrain. In the interests of the greater common good, ways to protect the public’s stake in the future should be sought.

The words of Montana writer William Kittredge provide an appropriate closing to this introduction: “Don’t get me wrong. The West is big enough to hold a lot more people. But they can live sweet lives only if Westerners are willing to control the ways we grow and to stop regarding urban planners as fascists or socialists or both.”

notes


3. I am indebted to my colleagues James Foster and Kathleen Dean Moore for this discussion.


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15. Trachtenberg, Incorporation of America, 20; and John A. Agnew, The
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16. A gnw, United States in the World Economy, 49.


27. Opie, Law of the Land, 21, 57, 60; and Limerick, Legacy of Conquest, 70-72.
32. See Cawley, Federal Land, Western Anger, 18.
33. White, “It's Your Misfortune and None of My Own,” 571.
36. Oregonian, June 29, 1996.
37. Gazette-Times (Corvallis), June 30, 1996.
39. See, for example, the discussion in Worster, Wealth of Nature, 57-59.