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COVER: Goat atop building at unidentified Pueblo in New Mexico, ca. 1920. Photograph by Jesse L. Nusbaum courtesy of Museum of New Mexico, Santa Fe, negative no. 158098.

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Goats and Rivers Together Again for the First Time!: Shifting Perspectives on Environmental History in the Southwest

ANDREW KIRK

In the 1970s, North America (including the southwestern United States and northern Mexico) experienced an environmental revolution that changed politics and history. Although the rise of environmentalism seemed to happen overnight, it was actually years in the making. Throughout the twentieth century, individuals and organizations worked to save America's natural treasures from the seemingly unstoppable onslaught of industrial capitalism. For most of the century, environmentally minded Americans were outnumbered and outgunned by proponents of development and modernization. Conservationists often found themselves at odds with a society that marched to the drum-beat of progress and perpetual growth. Nevertheless, they were able to slowly build a powerful environmental movement that successfully fought and won crucial battles over the sanctity of national parks and forests in the United States. By the 1960s, proponents of environmental protection succeeded in substantially transforming the ideological orientation of the nation. The culmination of this shift came with the publication of Rachel Carson's path-breaking book *Silent Spring* (1962).¹ Carson's apocalyptic vision of a world struck dumb by human arrogance hit a nerve that awakened the nation to the far-reaching consequences of humanity's impact on the non-human environment. In the wake of *Silent Spring*, the environmental movement in the United States exploded into a powerful force in national politics. Millions of people looked at the world around them and began to recognize the scars of unchecked development, pollution, and waste.²

Andrew Kirk is a western and environmental historian who recently completed his Ph.D at the University of New Mexico. Kirk has edited a volume on the idea of human nature and environmentalism and has also published on the Conservation Library and appropriate technology.

In the wake of this environmental revolution, historians began to study the roots of the environmental movement and the contemporary environmental crisis. These scholars focused not only on changes in societies and institutions over time, but on the shifting interactions between humans and the "natural" and non-human world. In such works, the environment became an actor, not simply a stage for human events. As a result, a new field of environmental history, dedicated to bringing an environmental perspective to historical analysis, began to evolve.³ Although a relatively new enterprise, environmental studies have quickly become an influential genre, particularly for scholars of the southwestern United States, a region where many of the battles of the environmental movement took place.

In this special issue on the environment, essays by Mark W. T. Harvey, Daniel Tyler, and Dan Scurlock reveal aspects of changing political, cultural, and environmental imperatives in the Southwest. From giant reclamation projects that promised economic prosperity at the expense of scenic wonders, to the complicated issues of dividing and allocating the resources of the Colorado River across several states and two nations, to the history of the lowly goat, these authors carefully relate the complex, contingent, and far-reaching outcomes of interactions between human culture and the non-human world. Although eclectic, these essays share the common goal of revealing the unintended consequences of human interaction with land and animals over time.

This issue opens with Dan Scurlock's exploration of a very different aspect of environmental history: the impact of domesticated animals on the environment. This engaging history of the goat in the Southwest does a good job of highlighting the cultural and environmental contingencies that shaped the history of this important regional resource. Scurlock, a free-lance archaeologist, notes that numerous studies of sheep in New Mexico and the Southwest exist in the historiography of the region. Likewise, several books and articles chronicle the history of cattle and cattle ranching in the U.S. Southwest. Goats, on the other hand, have been largely ignored by both regional and environmental historians. This essay provides a welcome corrective to this gap in the literature.

While ignored by most, goats played a crucial role in the conquest and settlement of North America. Goats arrived in the New World with Columbus, and Coronado introduced goats to the region now known as the U.S. Southwest and northern Mexico. Here, goats quickly multiplied and became an important source of wool and protein for Spanish and Native Americans inhabitants of the region. Successful goat husbandry often meant life or death for remote communities in New Mexico and the surrounding area. In many subtle ways, Scurlock argues the introduction of the domesticated goat altered both cultures and environments. Goats transformed local economies by providing ready sup-

plies of meat, wool, and hides. In addition, goats reshaped local environments by over-grazing which resulted in altered vegetation patterns and increased erosion. During the 1930s, the goat population culminated then declined thereafter due to changes in the regional economy and increasing recognition of the environmental consequences of large goat herds.

Water and reclamation are issues that have captivated environmental and western historians and dominated western politics for most of the twentieth century. Daniel Tyler, a historian at Colorado State University, provides a much needed historical perspective of the 1922 meeting of the Colorado River Commission and the negotiations that led to the Colorado River compact by focusing on Colorado commissioner Delphus Emory Carpenter. Fighting over the precious waters of the Colorado, lawyers and politicians have revisited this compact regularly over the years. But few understand the historical roots of this crucial western document and the men who dedicated their professional lives to its construction. Tyler argues that only when we understand the goals of the architects of the compact and especially the central role of Carpenter, can we hope to understand the roots of the contemporary controversy surrounding the Colorado River. Herbert Hoover was the best known member of the 1922 Commission, but Tyler argues that it was Carpenter who really shaped the meeting.

Through his experience as a Colorado water lawyer and water Commissioner Carpenter came to believe that interstate water compacts were the last resort for resolving western water issues over the long term. He became a champion of the idea of state cooperation over outside domination or constant litigation. As an attorney, Carpenter understood the dangers of water litigation, an inherently adversarial and acrimonious process. He argued for the common law doctrine of equitable apportionment. Carpenter was a consummate consensus builder and "broker of ideas" who steadfastly held to his ideals of cooperation in the highly charged political atmosphere of the Colorado River Compact negotiations. In the end, the "miscalculations of the compact commissioners precipitated the very tension and litigation which the Compact was designed to prevent." Nonetheless, Delph E. Carpenter's efforts provide a model for all of those concerned about the steadily dwindling resources of the West's greatest river.

Mark Harvey, a historian at North Dakota State University, also tackles the subject of western water but from a very different angle. Harvey explores the important and often neglected history of Rainbow Bridge National Monument in Utah. Caught between two better-known controversies, the fight to save Echo Park in Dinosaur National Monument and the fight to stop a series of dams that threatened the Grand

Canyon, the crusade to preserve Rainbow Bridge from the encroaching waters of the newly constructed Lake Powell highlighted crucial weaknesses in the nascent environmental movement before the passage of tough national environmental laws in the 1960s.

Reclamation projects had been a dominant factor in the West's economy and politics since the New Deal. Massive federally sponsored dam projects promised work for thousands and power and prosperity for millions more. In the heady days after World War II, most westerners viewed the big water projects as unambiguously good. By the mid-1950s, however, a growing group of concerned citizens and conservationists began to question the logic of constructing giant reservoirs in the desert canyons of the Southwest.

These conflicting perspectives came to a head in a controversy over the construction of a dam in the beautiful and remote Dinosaur National Monument. Conservationists mobilized all of their resources to fight this project using the argument that the dam would destroy a natural wonder and undermine the integrity of the National Park system by setting a precedent for development in protected areas.⁴ In this case, the conservationists' "precedent argument" carried the day. As a result, the Echo Park project fell apart and dramatically increased the power and support base of conservation organizations like the Sierra Club, which helped organize the successful fight.

Southern Utah's Rainbow Bridge became the test-piece for the "precedent" method of political action utilized by conservationists. The argument in this case centered on protecting the beautiful Rainbow Bridge sandstone arch from the waters of Lake Powell. Confident that the strategy that worked so well in Echo Park would also work for Rainbow Bridge, the conservation groups argued that this national monument had to be saved from inundation, or it would threaten the status of the reserve and set a precedent for future violation. This time, however, the conservationists miscalculated. Rainbow Bridge was never in jeopardy of complete submersion, and few outside the conservation community saw a problem with water crossing an imaginary boundary in a remote area. The idea of "precedent" alone was not enough to "stir the public," and the battle to stop the waters ended in failure. Harvey demonstrates that while the early battles over reclamation went far toward establishing a powerful environmental movement in the United States, the tide did not turn until the passage of environmental legislation in the 1960s. The fight over Rainbow Bridge was an important episode that played a key role in shaping the battles over the Colorado River and the better known controversy surrounding the Grand Canyon.

In each essay, Daniel Tyler, Mark Harvey, and Dan Scurlock look beyond the traditional historical emphasis on institutions to provide a richer and more encompassing history of North America. In this region, environmental imperatives often overshadow and overwhelm human ambition. By adding another layer to their analysis, environmental historians provide us with a better understanding of how we shape and are shaped by the world around us. Even seemingly mundane things like rivers, lonely stone arches, and goats are actors along with the rest of us in the unfolding story of North America.

NOTES

1. Rachel Carson, *Silent Spring* (New York: Houghton Mifflin, 1962), and Linda J. Lear, *Rachel Carson: A Witness for Nature* (New York: Henry Holt, 1997).

2. For more on the history of the North American environmental movement, see Roderick Nash, *Wilderness and the American Mind* (New Haven, Connecticut: Yale University Press, 1974); Stephen Fox, *The American Conservation Movement: John Muir and his Legacy* (Madison: University of Wisconsin Press, 1981); Samuel P. Hays, *Beauty, Health, and Permanence: Environmental Politics in the United States, 1955–1985* (Cambridge, England: Cambridge University Press, 1987); Max Oelschlaeger, *The Idea of Wilderness: From Prehistory to the Age of Ecology* (New Haven, Connecticut: Yale University Press, 1991); Kirkpatrick Sale, *The Green Revolution: The American Environmental Movement, 1962–1992* (New York: Hill & Wang, 1993); Robert Gottlieb, *Forcing the Spring: The Transformation of the American Environmental Movement* (Washington, D.C.: Island Press, 1993); and Andrew Kirk, "That Fearful Brightness: The Conservation Library and the American Environmental Movement, 1950–1980" (Ph.D. dissertation, University of New Mexico, 1997).

3. For several very good sources on environmental historiography, see *Pacific Historical Review* (August 1972), special issue on environmental history. Richard White, "American Environmental History: The Development of a New Historical Field," *Pacific Historical Review* 54 (August 1985), 297–335; Kendall E. Bailes, *Environmental History: Critical Issues in Comparative Perspective* (New York: University Press of America, 1985); *Journal of American History* (March 1990), special issue on environmental history; and Carolyn Merchant, *Major Problems in American Environmental History* (Lexington, MA: D.C. Heath & Company, 1993).

4. Mark W. T. Harvey, *A Symbol of Wilderness: Echo Park and the American Conservation Movement* (Albuquerque: University of New Mexico Press, 1994).

Doña Ana County Historical Society's Sesquicentennial Symposium
on
THE TREATY OF GUADALUPE HIDALGO
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Students of Southwestern history and, in particular, the history of the borderlands will value this opportunity to hear the following outstanding speakers:

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- John Grassham (Museum of Albuquerque) - *The Mexican-American Boundary Commission*
- Richard Griswold del Castillo (San Diego State University) - *The Treaty of Guadalupe Hidalgo*
- Mark J. Stegmaier (Cameron University) - *The New Mexico-Texas Boundary: Years of Controversy*
- Josefina Z. Vázquez (El Colegio de México) - *The Significance in Mexican History of the Treaty of Guadalupe Hidalgo*
plus
- Jon Linford (New Mexico State University) - *Music of the Period and Mariachi de Oñate* (Oñate High School)

Josefina Vázquez's presentation is in the evening at New Mexico State University and open to the public. All others are during the day. The price of **registration includes lunch** and music of the period during the day and before the evening program. This Symposium is made possible, in part, by a grant from the New Mexico Endowment for the Humanities.

Registration: Mail registrations to Doña Ana County Historical Society, 500 North Water Street, Las Cruces, NM 88001. \$25.00 if postmarked by February 10th. \$35.00 if postmarked after February 10th. Registration at the door if space is available. Published *Proceedings* of the Symposium will be available at a later date. Call John P. Bloom (505-382-0722) or Janie Matson (505-524-2357)

A Poor Man's Cow: The Goat in New Mexico and the Southwest

DAN SCURLOCK

Various historians have published papers and books on sheep in New Mexico and the Southwest, but only a few investigators have dealt with goats in the region, and only in a limited way. Both animals were well adapted to the semi-arid and arid climates of the Southwest. Almost all Hispanic families had one or more goats. The market for textiles woven with sheep's wool was widespread and strong from the early colonial period to the early part of this century, especially in New Mexico and northern Mexico. Also, mutton was a more important protein source than goat's meat among both the Spanish and Native American populations during this period. These two factors, along with the extensive grasslands and favorable climate of New Mexico, Arizona, Sonora, and Chihuahua, accounted for the predominance of sheep over goats.

This paper deals with the origin of goats in the Old World, their natural history and uses, and introduction to the Southwest in the early colonial period. A general survey of the history and economics of the Spanish goat, and that of its replacement, the Angora, follow. Finally, an overview of the environmental history of goats in the region is presented.

Among the various kinds of livestock animals brought to the New World by the Spanish was the goat. The domestic goat (*Capra hircus*) is thought to have come from the wild bezoar goat (*Capra aegagrus*) stock 10,000 to 12,000 years ago in present-day Iran, Israel, and Jor-

Dan Scurlock is a free-lance environmental historian, archaeologist, and naturalist. His last publication was a paper on the interrelationships of humans with birds in the Southwest. He recently completed a report on the environmental history of the las Huertas Basin.

dan.¹ The earliest known remains of domesticated goats were recovered from an archaeological site near Bethlehem. This resourceful quadruped may have been the second domesticated animal; the dog, a major component in successfully raising goats, was the first species.²

Goat domestication may have unfolded around human campsites in this arid to semi-arid region where these ungulates scavenged plant remains including seed grains from agriculturalists and remains of wild animals that hunters killed and scattered. The next probable evolution was that Middle Easterners intentionally fed these goats and captured the offspring.³ During the period of domestication it was discovered that the milk and meat of goats were both tasty and nourishing, while the tanned skin was useful in making leather clothing, containers, and other manufactured items.

Humans tended the first breeding herds and later employed dogs to assist with herding and to fend off predators. Goats proved relatively easy to care for and would survive well on diverse types of terrain which supported a variety of small trees, shrubs, or grass. These animals were also more hearty and resistant to disease than sheep.⁴

Goats and associated husbandry techniques spread westward around the Mediterranean. Angoras, bred for their milk, originated in Asia Minor, while selectively bred Alpines and Nubians were raised for their long hair which was used in weaving. The Spanish goat also evolved in the region. A healthy goat might yield up to 1,400 pints of easily di-



Figure 1. Spanish goats near Las Vegas, New Mexico, ca. 1880? Photograph by James N. Furlong. Courtesy Museum of New Mexico, Santa Fe, negative no. 138858

gestible milk a year, from which cheese and butter were made. Importantly, these dairy products of the goat did not harbor tubercular infection as did cow's milk.⁵ The Spanish goat, brought to the Americas centuries later, had hides superior to the above mentioned and other domesticated varieties (figure 1).

At some point in the Old World it was also discovered that male goats were more dependable than sheep rams as leaders of sheep flocks. In Texas and northern Mexico these buck goats were called "point goats," or bell leaders, of sheep flocks. The latter name came about because of the necessity of hanging a bell around the goat's neck. The bell's clanging helped the *pastores* (herders) keep track of their animals and allowed the flock to follow the lead goat. Point goats were raised and trained from kidhood and were given a name in most cases.⁶ When predators approached the herds, lead goats would vocalize an alarm sound. These bucks would also respond better to the herder or his dog, and would not try to lead the flock onto perilous landscapes during inclement weather such as rain or fog. Furthermore, billys could mate with fifty or more nannys in a twenty-four-hour period, and nannys also gave birth to twins or even triplets more often than ewes. Nannys would also readily feed orphan lambs.⁷

In the Old, and later in the New World, goats were used to thresh grains and beans, separating the beans from the pods with their hoof action (figure 2). These pods were either fed to the herds or other livestock.⁸ As natural browsers of woody or semi-woody plants, goats were



Figure 2. Threshing wheat with goats, ca. 1905-06, Cordova New Mexico. Photograph by Carter H. Harrison. Courtesy Museum of New Mexico, Santa Fe, negative no. 5125.

sometimes used to remove small trees and shrubs; about four to six goats per acre were utilized for this. Removal of these plants would provide more water for grass and eliminate shade, resulting in the spread and more luxuriant growth of grasses on which other livestock could graze.⁹

In Spain, goats were indeed the "poor man's cow," and their milk, cheese, and meat were commonly consumed by rural Spaniards. *Cabra*, or goat meat, was used to make *caldareta*, a stew which was an indispensable dish at fiestas and rural feasts.¹⁰ The cooked meat of a kid (a goat less than one year old) was called *cabrito*. The herder chose the fattest goat from a herd known as *cabra de pastor*. A goat skin was referred to as *piel de cabra*; the hair was known as *pelote*. A sheltered bedding ground for goats and sheep was called a *majada*. Male goats were called *chivatos*, and herds were referred to as *cabreros*.¹¹

Goat husbandry and associated terms used in ranching came, of course, from the Spanish homeland to the New World. Goats and similar size livestock, such as pigs and sheep, were referred to as *ganado menor*, and these smaller animals were found across Spain. In Spain and in the Southwest goats were commonly herded on lands with poor or little vegetation.¹²

The many useful attributes of goats explain why this hardy, adaptable animal was brought to various islands in the Caribbean in the holds of Columbus' ships on his second voyage.¹³ Subsequent Spanish expeditions to the New World introduced the goat to South America, Central America, Mexico, and eventually to the Southwest.

One source described Spanish goats brought to Texas as "long-legged and small of body" and consisting of three varieties. One "had short, coarse hair which was bright and glossy." A second also had short hair, but it was dark with a combed appearance. The last, said to be descended from the Maltese goat, sported long straight hair up to six inches in length.¹⁴

Coronado brought the first goats and sheep to New Mexico.¹⁵ None of these animals apparently survived, so resident goat herds were not established until the first successful colonists, led by Juan de Oñate, arrived at San Juan Pueblo in 1598. With these Spaniards were some 1,000 head of goats along with 4,000 sheep and smaller numbers of cattle and horses.¹⁶ These were the parent stock for mission, *hacienda*, or *estancia* herds which were established in the upper and middle Rio Grande basins and at western Pueblo villages between 1600 and 1680 (table 1).

In New Mexico a single black goat was placed with every 100 sheep; a number of these same-size flocks comprised a large flock. These dark goats were known as *marcaderos* (markers) which the herder could easily count to determine if the entire flock was present.¹⁷ This technique probably originated in the Old World.

Table 1:
Goat and Sheep Numbers in Spanish New Mexico, 1598–1820s^a

Year	Goats	Sheep	Totals
1598	1,000	4,000	5,000
1694	170	2,100	2,270
1697	—	4,000	4,000
1757	—	112,182 ^b	112,182
1779	—	69,000	69,000
1820s	—	240,000 ^b	240,000

^a Does not include Navaho herds.

^b Includes goats and Hopi stocks.

Source: John O. Baxter, *Las Carnerada: Sheep Trade in New Mexico, 1700-1860* (Albuquerque: University of New Mexico Press, 1987), 4, 14–16, 42, 52, 90.

Native American groups in the Southwest readily accepted Spanish goats as a source of protein (meat, milk, and cheese) and for their pelts. Among the earliest goat remains found in the Southwest were those recovered archaeologically at Awatovi in Hopi country. These skeletal remains were indistinguishable from the scimitar-horned goats belonging to the *Capra hircus* and *aegagrus* goats of Asia.¹⁸ At Awatovi and other mission sites in the region, the Pueblo learned goat husbandry from the Spanish conquerors.

Some goats at Pueblo villages may have survived the period between the Revolt of 1680 and the Spanish reconquest and resettlement of 1692–94 (cover photo). In 1693 more than 4,000 head of livestock, including 170 goats, came back up the Rio Grande with colonists led by don Diego de Vargas. By the middle of the eighteenth century there were more than 135,000 head of livestock in Spanish New Mexico, including the Hopi country; 112,182 were sheep and goats (table 1).¹⁹ Fray Dominguez recorded thirty milk goats at Santa Rosa de Abiquiu mission, ten head at Isleta Pueblo, and an unknown number at San Felipe Pueblo in 1776. He noted that nanny goats in the province were worth two pesos.²⁰

Livestock numbers in New Mexico continued to increase over the last two decades of the eighteenth century and into the early part of the nineteenth. Zebulon Pike recorded “numerous herds of goats, sheep and asses” between Cochiti and Santo Domingo and “large flocks of goats” between the latter pueblo and San Felipe in 1807.²¹ The exact number of goats in the next decade is unknown, but there were about 240,000 sheep and goats in the province by the 1820s.²² Later Anglos in north-

ern and central New Mexico, like Josiah Gregg in the 1830s and Lt. James W. Abert in 1846, found goat herds of varying sizes virtually everywhere in New Mexico. Gregg observed that goat meat, especially cabrito, was generally consumed by the poor.²³

In 1857 U.S. Attorney for New Mexico W. W. H. Davis wrote this about goats in the territory:

Goats are also numerous in the country but they are not raised in such numbers as sheep. Their milk, which is sweeter and richer than that of the cow, is in very common use among the inhabitants. In one respect they are a very desirable domestic animal, inasmuch as they can live upon the most sparse pasture, where a cow could hardly subsist, at least to be worth much. The flesh is also in quite common use; it is cheaper than mutton, but is not so well flavored.²⁴

Another Anglo, Samuel W. Cozzens, observed there were thousands of sheep and goats in the Rio Puerco Valley west of Isleta Pueblo in 1860.²⁵ Vast herds of goats and flocks of sheep were found in the entire reach of this drainage over the remainder of the century. Their numbers peaked across the territory by the end of the century (table 2).²⁶

Mexican emigrants brought more goats to southern New Mexico and Arizona in the 1860s–70s, especially to the Gila River basin. By 1886 herds grew in the region, partly due to the subjugation of the various bands of Chiricahua Apaches.²⁷ Ranchers from west Texas began to move their herds into the Gila country in the early part of this century. By the 1920s–30s there were more than 100,000 goats in the region.²⁸

Table 2:

Livestock Numbers in New Mexico, 1850–1900^a

Year	Sheep ^b	Cattle	Totals
1850	377,000	—	377,000
1860	830,000	—	830,000
1870	619,000	137,314	756,314
1880s	2,000,000 to 5,000,000	400,000	2,400,000 to 5,400,000
1890	4,000,000	210,000	4,210,000
1900	3,500,000	843,000	4,343,000

^a Does not include Navaho flocks.

^b Includes goats.

Sources: Alvar Ward Carlson, "New Mexico's Sheep Industry: Its role in the history of the territory," *New Mexico Historical Review* 44 (January 1969), 25–44; Marc Simmons, "The Rise of New Mexico Cattle Ranching," *El Palacio* 93(3): 4–13.

In the early 1900s J. Frank Dobie recorded centuries-old folklore and herding techniques among pastores along the border. One example was the belief that goats kept in the house would prevent the human occupants from contracting consumption. Another was the belief that coyotes could be repelled if skulls of their departed kind were tied around the necks of goats. One technique used to get a nanny to recognize its new offspring by smell was to tether the kid or kids with a cord tied to a lower leg and the other end of a stake. If this tethering was not carried out, the kids might rub against other newborns, masking their smell, which would preclude the nanny from identifying her offspring.²⁹

In 1920–22 a resident of the middle Puerco River Valley described his responsibilities and herding techniques as a young goat herder:

I took care of a herd of goats. That was my responsibility. Dad had, oh, about eighty, one hundred goats. On a donkey ..., on a donkey saddle ... I'd take off very early in the morning and there I was taking care of the goats....

In the summer that's all I did. Understand that I was small. There I went; I remember I'd go take care of the goats and then my dad would make me a slingshot. I'd spend my time hunting.... There were times that by noon I'd return home, lock up the goats in the corral, like now during the summer when the days are long, eat, rest, and as soon as it was cool, I'd take the goats out again.³⁰

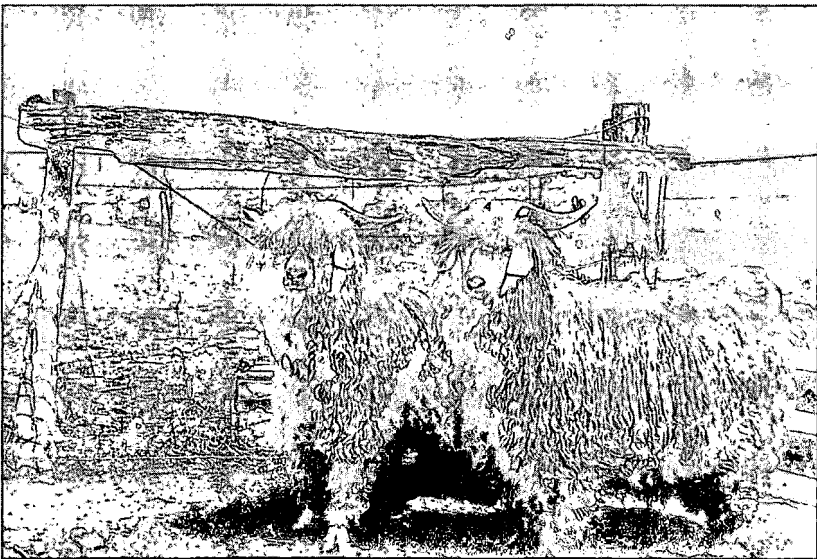


Figure 3. Angora goats owned by Aubrey Grist, 9 May 1925. Photograph by Ralph H. Anderson. Courtesy Museum of New Mexico, Santa Fe, negative no. 129941.

By the late nineteenth century the Angora (figure 3) began to replace the Spanish goat. Its hair was longer and more easily processed and woven than the hair of the Spanish goat. Lucien Maxwell may have brought the first Angoras to New Mexico in 1872. As the Santa Fe Railroad was expanded in 1879–81, opening new rail markets with midwestern and eastern U.S. markets, the Angora spread across the New Mexico Territory. By the early 1900s some 30,000 Angoras were in New Mexico; in west Texas and Arizona, the first Angoras arrived in 1882–85.³¹ Some Anglos and a few Hispanos, as well as Navajos, began to raise these goats as their pelts brought higher prices and their hair could be used in rugs for which there was an expanding market in the remaining years of the nineteenth century.³²

One such Anglo operation, the Onderdonck Livestock Company, a ranch located near Lamy, New Mexico, was switching from “common goats” to Angoras in 1902. At the time, this operation included 3,000 to 4,000 of the first breed and 650 Angoras. These were driven into corals every night near the adobe ranch headquarters. The ranch also included a two-story storehouse containing goat pelts, breeding pens, stables, and supplies and groceries for the herders. Windmills pumped water into tanks scattered around the ranch and into troughs in the corals.³³

During this period of railroad expansion, various mercantile businesses purchased goat and sheep hides from ranchers in northern New Mexico and the surrounding region. Two of the best known stores were the Gross and Blackwell Company at Las Vegas, New Mexico, and the Gross, Kelly, and Company in Trinidad, Colorado. In the late 1800s, business in hides, mohair, and wool was brisk. Some of these products were brought from relatively great distances to the mercantile establishments. For example, a rancher from Chihuahua, Mexico, brought an ox-train carrying goat skins, wool, and sheep pelts over the old Chihuahua Trail to the Las Vegas store. Here and at Trinidad “green hides were salted and cured” and placed in packs; dried skins were trimmed and baled. Goat hides were purchased for as little as two cents a pound in the late 1800s and as high as \$1.25 a pound in the early 1900s. Some skins were sold to drum makers in the region.³⁴

The shearing of mohair goats was done in a way similar to that of sheep, except that they were sheared in both the spring and the fall. One technique, employed to protect the animal in winter weather, involved leaving an unshorn strip of hair three to four inches wide, running along the goat’s back. The long hair of this “cape,” as it was called, afforded some protection against cold weather. Other ranchers used raised combs in shearing, and this left about a quarter-inch of hair on the goat’s body.³⁵

Table 3:
Goats on the Navaho Reservation, 1868–1959

Y e a r	N u m b e r
1 8 6 8	9 4 0
1 8 7 0	2 , 3 0 0
1 8 8 1	2 0 0 , 0 0 0
1 8 8 6	3 0 0 , 0 0 0
1 8 9 0	2 0 0 , 0 0 0
1 8 9 4	2 5 0 , 0 0 0
1 9 0 2	6 7 , 0 0 0
1 9 0 3	6 0 , 0 0 0
1 9 0 4	1 0 8 , 0 0 0
1 9 1 3	2 5 5 , 4 5 5
1 9 3 1	3 9 3 , 8 8 5
1 9 3 2	3 4 7 , 1 6 9
1 9 3 3	3 2 9 , 9 9 4
1 9 3 4	2 9 4 , 8 5 1
1 9 3 5	1 4 5 , 8 2 3
1 9 3 6	6 6 , 0 0 0
1 9 3 7	5 5 , 0 0 0
1 9 4 0	5 7 , 0 0 0
1 9 4 5	3 2 , 5 0 0
1 9 5 1	3 9 , 0 1 4
1 9 5 9	8 0 , 5 5 7

Source: Garrick and Roberta Glen Bailey, *A History of the Navahos: The Reservation Years* (Santa Fe: New Mexico: School of American Research Press, 1986), 299–302.

By the early to mid 1700s the Navajo in northwestern New Mexico and northeastern Arizona had adopted “Spanish goats” and sheep and raising techniques from Pueblo refugees of the Vargas reconquest. By the 1850s, herds and flocks grew to about 500,000; a number of these were taken in raids of ranch and settlement goats and sheep. During the wars with the U.S. military from 1850 until their defeat in 1862–63, the Navajo lost their goat herds.³⁶

Reestablished on their new reservation in 1868, the Navajos received 940 goats and 14,000 sheep to begin rebuilding their herds (table 3). Goats were a basic part of their diet, supplying meat, milk, and cheese (figure 4). They were also desired for their propensity to give birth to twins. By the turn of this century, all Navajo families had goats and sheep, and their numbers quickly grew to more than 1.5 million head.³⁷ In the late 1880s Navajos sold or traded 80,000 to 100,000 goat skins, some to the Gross mercantile stores and to early traders like Lorenzo



Figure 4. Navaho woman and child with goat herd. Note denuded ground. Photograph by Burton Frasher. Courtesy Museum of New Mexico, Santa Fe, negative no. 74995.

Hubbell at Ganado Lake and Pueblo Colorado Wash posts in Arizona, Stokes Carson at Gallegos Wash in northwestern New Mexico, Richard Heller and John Pflueger at Cabezón posts, and Andrew Vanderwagen at Zuni Pueblo.³⁸

During the early 1900s Navajos began to cross-breed their "Spanish goats" with Angoras as mohair prices rose. The use of mohair as plush in railroad car seats in the 1920s spurred the growing market. This market resulted in increases in goat herds in the region until the demand dropped in the early 1930s. Following this downturn was a sharp reduction in the numbers of herds and flocks due not only to market loss but to overgrazing of ranges and subsequent erosion on the reservation. In early 1934 the Indian Service Plan, under the direction of Commissioner John Collier, induced the tribe to reduce their goat herds by 150,000 head. The actual decrease was 148,000 animals, leaving about 165,000 head. By 1936 further reduction lowered the total to 73,600. By 1945 the flocks and herds were reduced even more (table 3).³⁹

Although Angoras are still relatively common on the reservation today, these and other breeds are no longer very important as meat in Navajo diets. Goats are generally considered difficult to butcher, and the lean meat is no longer a preferred food.⁴⁰ Goat hides and sheep skins sometimes are still used for bedding as they were commonly used in

Table 4:
Livestock Numbers on New Mexico National Forests, 1909–58

Year	Sheep and Goats	Cattle and Horses	Totals
1909	569,841	131,621	701,462
1914	444,222	98,758	542,980
1919	479,353	180,288	659,641
1924	263,875	107,766	371,641
1929	254,936	84,425	339,361
1934	208,238	94,471	302,709
1939	173,199	91,148	264,347
1944	158,590	90,904	249,494
1949	107,431	76,529	183,960
1958	66,559	78,166	144,725

Source: Robert D. Baker, Robert S. Maxwell, Victor H. Treat, and Henry C. Dethloff, *Timeless Heritage: A History of the Forest Service in the Southwest* (Washington, D.C.: USDA Forest Service, 1988), 98.

the historic period. Mohair yarns were often used in making blankets, sometimes combined with wool or cotton warps. Caps, decorated with eagle or wild turkey feathers, were made of goat skin and worn in the 1800s.⁴¹ And finally, Navajos used skins as drum heads.

In the early 1900s livestock overgrazing was also an increasing concern on public lands in New Mexico and Arizona, especially on the forest reserves, which were later designated national forests. Virtually all of these forested lands in the mountains of northern and central New Mexico were *ejidos* (communal land) created from Spanish land grants. These common-use lands were not only used for grazing, but for wood collecting, plant gathering, and hunting. Some had been heavily grazed, especially the older grants with relatively large village populations or those grants near population centers off the grant.⁴² Early on, Forest Service officials considered goats and sheep as having a severe impact on grasslands and open woodlands or forests.⁴³

In 1909 there were 569,841 goats and sheep on forest lands in New Mexico, but the agency reduced the total to 444,222 head in 1914 (table 4). An increase of some 35,000 animals over the next few years, due largely to demand for hides, wool, meat, and milk during World War I, led to a study of their impact on forest rangelands. Based on the findings of this four-year study, as well as the implementation of grazing fees, the Forest Service recommended that residents near the forests who were primarily Hispanic reduce their goats and sheep and replace

Table 5:
Goats and Sheep in the Tewa Basin and Adjacent Areas, 1935

Village	Numbers
Nambe	“Several small herds”
San Ildelfonso	“Few Goats”
Cupadero–En Medio	“Few Goats”
Cuarteles–Puebla	(goats and sheep) 75
Chimayo	500
Cundiyo	3
Cordova	102
Truchas	1,100
El Guache	33
El Rito	(1family) 300
Vallecito–Rio Oso	326
Velarde	70
Dixon	(goats and sheep) 78
Cienega	(goats and sheep) 70
Rinconada	(goats and sheep) 7
Ojo Sarco	(goats and sheep) 362
Trampas	(goats and sheep) 80

Source: Marta Weigle, ed., *Hispanic Villages of Northern New Mexico: A Reprint of Volume II of the 1935 Tewa Basin Study, with Supplemental Materials* (Santa Fe, New Mexico: Lightning Tree Press, 1975), 43, 60, 67, 84, 96, 103, 109, 116, 137, 150, 163, 183, 194, 200.

them with cattle. This recommendation caused protest and resistance among land grant heirs, but to no avail as goat numbers were reduced to 263,875 by 1924. Further reductions over subsequent years reduced the populations to 158,590 in 1944 and 66,559 in 1958 (table 4).⁴⁴

During the 1930s both Hispanos and Pueblos in northern New Mexico kept a few head of goats in or around their villages as they had done for centuries. These varied in number from five or six at San Ildelfonso and Chupadero to just over 1,000 head at Truchas (table 5).⁴⁵ Here goats were used traditionally, not only for food and milk, but to

thresh grain seeds or beans on circular, packed, adobe surfaces called threshing floors. The use of goat hides for the heads of drums continued as well, and rams were still used to lead flocks of sheep.⁴⁶ After World War II, these uses declined due to replacement technology and improved availability and cheapness of bottled cow's milk and processed cheese for human consumption.

From 1925 to the mid-1940s, Hispanics owned 90 percent of the permitted goats and sheep on U.S. Forest lands in northern New Mexico. Between 1945 and 1954, Hispanics also owned 70 percent of the flocks grazing in the forests. In the mid-1950s this agency began a program of non-renewal of goat and sheep permits; sheep grazing ended in the Santa Fe National Forest in 1972.⁴⁷

Long-term browsing-grazing of goats and sheep, as well as other livestock, in Mexico, New Mexico, and across the Southwest has reshaped much of the region's indigenous vegetation. The old practice of transhumance, or herding goats, sheep, and cattle in the lowlands in late fall to early spring, and in the uplands in late spring to early fall, meant virtually all rangelands were impacted annually. Goat and sheep browsing-grazing caused damage to vegetation, which became an environmental issue in recent decades, not only among government agencies which administer public lands in the region, but by an increasing number of conservationists as well. Studies at various areas dating from the Spanish colonial period and the early territorial statehood period have documented the early environmental degradation these animals can cause.⁴⁸ In some instances, these early impacts are still reflected in the sheet erosion and gulying of soils, and the composition, distribution, and abundance of native plants.⁴⁹ Intensive browsing-grazing has also led to the spread of various noxious, either indigenous or introduced, plants such as sagebrush, creosote bush, prickly pear, broomweed, Russian thistle, tamarisk, and Kentucky bluegrass.⁵⁰

Regionally and around the world, feral goats have been particularly destructive to plants and ground dwelling mammals and birds.⁵¹ Like other livestock in the Southwest, the cabra is attracted to stream-sides or springs and associated vegetation. In addition to impacting the flora at these locations, these animals can contaminate the water and cause bank erosion.

The Sandia Mountain range near Albuquerque provides an example where goats have impacted and changed the native plant communities and composition of species.⁵² Goats and sheep were browsing-grazing the west and north slopes of these mountains probably by the mid-1600s. Following a hiatus due to the Pueblo Revolt and Spanish reconquest (1680-96), goats were again browsing trees, shrubs, and forbs on slopes of the Sandias, especially after the founding of Bernalillo (1695), Albuquerque (1706), Alameda (1710), and the Elena Gallegos Grant

(1716).⁵³ Later settlements such as San Miguel, or Carnue (1763), San Antonio (1819) on the Carnue grant, and San Jose de las Huertas on the San Antonio de las Huertas grant (1768) ran their goats in this mountain range.⁵⁴ Goats from San Jose especially brought change to the rugged north slopes of the Sandias.⁵⁵ Stock from Sandia and Santa Ana pueblos were also herded on mountain slopes in the area.⁵⁶

In addition to intensive goat herding, combined with the widespread cutting of trees and large shrubs for use as construction materials and fuelwood, the suppressing of wild fires has also contributed to this environmental degradation of the Sandias after 1880.⁵⁷ Where ponderosa pine with an understory of grass and scattered, small shrubs was generally found at the 7,200–8,800 feet level in the early historic period, Gambel oak, piñón, and juniper replaced this taller pine-dominated community. On the lower slopes, relatively dense, native “scrub” oaks, mountain mahogany, walkingstick cholla, prickly pear, and undesirable (for livestock) patchy bunch grasses replaced grasslands with scattered shrubs and native bunch grasses desirable to livestock.⁵⁸ Today these plant zones, now in the Cibola National Forest, are slowly recovering. Above the lower zone, the oak–piñón–juniper community still persists.

Of course, not all of the goat’s historical legacy in New Mexico and the Southwest is negative. There are fifty–nine English place names in the state originating from locations where goats were lost, found, killed, or rescued. The Spanish name *cabra* is associated with thirteen places, and *chivato* with at least one.⁵⁹ As a reminder of the Old World origin of the domesticated goat, the New Mexico Game and Fish Department released the wild bezoar goat into the Florida, Tres Hermanas, West Potrillo, Alamo Hueco, Doña Ana, and Mimbres mountains in the 1960s–70s. Filling ecological niches left vacant by the extirpation of the native bighorn sheep in the late 1800s, herds of this wild ancestor of New Mexico’s domestic goats have proliferated in these mountain ranges.⁶⁰

Because of modern environmental regulations and the disappearance of traditional lifeways, goats in New Mexico and across the Southwest will never number in the many thousands as they did in the latter half of the nineteenth century. But they have made somewhat of a comeback in the last twenty years as providers of milk and cheese, and they are sold commercially as pets. The Sierra Goat Farms located on the west side of the Manzano Mountains is one example which has been a successful operation over the last eleven years and now boasts seventy–eight Nubian and Alpine milk goats with an expansion planned in the near future (as of October 1996).⁶¹ Some Southwest borderland restau-

rants serve cabrito with various sauces; following tradition, it is also cooked in its own blood. Also, Navajo rug makers and some Hispanic weavers continue to use Angora hair in the upper and middle Rio Grande Valley.

NOTES

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2. Moscow, *Domestic Descendants*, 11, 46.
3. *Ibid.*, 11–12.
4. Diana Hadley, Peter Warshall, and Don Butkin, "Environmental Change in Aravaipa, 1870–1970;" An Ethnoecological Survey, Bureau of Land Management Cultural Resource Series Monograph No. 7 (Phoenix, Arizona: BLM State Office, 1991), 182. This environmental history of an area in southeast Arizona contains specific references to goats, grazing-browsing strategy, as well as environmental impacts.
5. Moscow, *Domestic Descendants*, 46, 52. Larousse Bertin, *Larousse Encyclopedia*, 609.
6. Bertin, *Larousse Encyclopedia*, 1906, 609; Charles S. Plumb, *Types and Breeds of Farm Animals* (Boston, Massachusetts: Ginn and Company), 666, 673; Charles Wayland Towne and Edward Norris Wentworth, *Shepherd's Empire* (Norman: University of Oklahoma Press, 1945), 276. This classic study of sheep in the western U.S. contains some data on goats.
7. Towne and Wentworth, *Shepherd's Empire*, 276.
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14. Paul Howard Carlson, *Texas Woolly Backs: The Range Sheep and Goat Industry* (College Station: Texas A&M University Press, 1982), 10–11.
15. Cosby, *The Columbian Exchange*, 93.
16. John O. Baxter, *Las Carneradas: Sheep Trade in New Mexico, 1700–1860* (Albuquerque: University of New Mexico Press, 1987), 3–4.

17. Marc Simmons, *Coronado's Land: Essays on Daily Life in Colonial New Mexico* (Albuquerque: University of New Mexico Press, 1991), 94. This book contains a brief, but informative chapter on sheep and goats. Simmons has published several papers and articles on livestock in New Mexico, as well as one on Spanish irrigation farming.

18. Stanley J. Olsen, "Bones from Awatovi, Northeastern Arizona," *Report of the Awatovi Expedition* No. 11 (Cambridge, Massachusetts: Museum of Archaeology and Ethnology, Harvard University, 1978), 28. Olsen is an expert on the identification of domesticated animal bones and has worked with faunal remains from archaeological sites in the Southwest for several decades.

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40. Kee Lee and Alvin Rafelito, eds., “Traditional Navajo Foods and Cooking,” *Tsa’ Aszi’* 3(4)–4(1), 1979, 6.

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The Silver Fox of the Rockies: Delphus Emory Carpenter and the Colorado River Compact

DANIEL TYLER

Nearly seventy five years ago Colorado's Delph Carpenter joined representatives of the seven Colorado River basin states and their advisors, and Secretary of Commerce Herbert Hoover to negotiate the Colorado River Compact. They met in the bridal suite of Bishop's Lodge located outside of Santa Fe, New Mexico. Compared to the married honeymooners who had previously consummated their vows in that room, the commissioners and their entourage had somewhat different expectations from each other. Instead of celebrating a marriage already performed in the public eye, they hoped to achieve a kind of prenuptial agreement mitigating against future conflict. While less amorous, intimate, and sentimental than newlyweds, these men were equally passionate and equally committed to the consummation of their own goal. As with the Colorado River itself, discussions were "swift and direct at points; tortuous and meandering at others; dangerous and unpredictable."¹ All of them had a sense of history in the making, and they hoped fervently that the knot tied formally at the Palace of the Governors in Santa Fe, New Mexico on 24 November 1922 would be acceptable to Congress and would allow an agreement between seven disparate states to endure for many years to come.

The Colorado River Compact's commissioners believed that the river carried sufficient water for the present and future needs of seven southwestern states and Mexico. Data from experts were convincing. But the commissioners were wrong. Even with the population growth they had

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seen in California and the Denver metropolitan area between 1900 and 1920, none of them anticipated the exponential development of industry and recreation, the growth of cities in the Colorado River basin, or the problems associated with irrigated agriculture in heavily salinated soils.² What the representatives truly concluded to be sufficient water in the Colorado River for all needs for all time, based on the extensive studies of Colorado's R. I. Meeker and the Bureau of Reclamation's Arthur P. Davis, soon became a shortage. The seeds of controversy for the Colorado River Compact were sown.

The miscalculations of the Colorado River Compact commissioners precipitated the very tension and litigation that the Compact was designed to prevent. The future of upper and lower basins of the Colorado River hung in the balance. To address a deterioration in relations among them, colleagues in the legal profession have recently suggested revisiting the Santa Fe negotiations to determine with greater clarity the meaning and intent of Compact articles.³ This recommendation merits the fullest consideration of the many entities interested in the future of the Colorado River. Time tends to distort the past and when the essence, emotions, and good will associated with the accomplishment of great events become disassociated from the deeds themselves, the works of men become trivialized; confusion, pettiness, and misinterpretation result; personal and financial costs take their toll.

It makes sense, therefore, to recreate the mood and spirit of the Santa Fe negotiations as they evolved at Bishop's Lodge seventy five years ago. Doing this through the eyes of Delph Carpenter, duly appointed commissioner from Colorado, is possible because of the extensive records he maintained. His patience, passion, professionalism, perseverance, and political skills earned accolades from each of his counterparts. Focusing on Carpenter is not meant to slight in any way the significant contributions of Herbert Hoover, chairman of the Colorado River Commission, or the other six commissioners.⁴ All of them played a unique role in working out Compact details. But when all is said and done, it was Carpenter to whom they paid tribute for his steady hand in 1922 and for his encouragement and optimism during the debates leading up to passage of the Boulder Canyon Project Act. W. F. McClure, Commissioner from California wrote in 1923:

permit me to express the opinion that Colorado was indeed fortunate in securing the services of one D.E. Carpenter. . . . My compliments to you for your unfailing courtesy and my expression of appreciation for the ability with which you met the issues.⁵

W. S. Norviel, Commissioner from Arizona (1923, 1924) added:

Mr. Carpenter, "You got me in an awful fix, and purposely, I guess." [But] ". . . no man in the West, or the whole United States has had more experience or is as well posted on water rights . . . especially in the adjustment of such matters through the treaty making channels of the states and diplomacy as yourself."⁶

G. H. Dern, Governor of Utah (1927, 1928, 1929): "I regard you as the oracle on these matters," and

[I wish to express] to the "Sage of Greeley" my very highest appreciation and admiration of your services in connection with the interstate problems of the Colorado River. . . . [Y]ou have been without a rival. . . . [We] salute you as the Father of the Colorado River Compact.⁷

Edwin L. Mechem, Governor of New Mexico in the 1950s (1943):

I don't know which I admire most—Carpenter's ability or his courage. I'll never forget him when we were having our meetings in '29 and he was there when 999 men out of a thousand in his condition would have been in bed with a corps of doctors and trained nurses. . . . He certainly made Colorado water conscious.⁸

Sims Ely, Secretary of the Arizona Resources Board (1920, 1944) wrote:

I shall never forget the prophetic look that came over your face, nor the clarity of your reasoning as you pointed out to me [in 1920] why that allocation [referring to one-half of the total flow of the Colorado River to the Upper Basin States] would be demanded by you when the time should come to frame the treaty. . . . "You and I will not live to see it," you said, "but within the next one hundred years, perhaps within fifty years, water for irrigation will have become so valuable that the easterly side of the Rockies will be pierced by a tunnel or tunnels, and water will thus be conveyed to the Plains below." It was then that you became the prophet of great things to come.⁹

In addition to these letters, dozens of others also attest to the high regard in which Carpenter was held by the professional men with whom he negotiated the Compact. Appreciation of his talents and sacrifices was sometimes delayed by jealousy, fear of the unknown, and an adherence to traditional posturing. But no one who worked with "The Silver Fox" failed to admire the originality of his thinking, the exhaustive nature of his research, the courage of his convictions, and his insistence on what he called "comity," the need for courtesy and respect when negotiating among equals. He was no saint. He had his human weaknesses. But in terms of interstate water law, he was a pioneer, and in the later years of his life he looked back on Compact negotiations as his *magnum opus*. To Arizona's W. S. Norviel he declared that the Compact "probably represents the greatest event of our rather obscure lives."¹⁰

Who was this man? Where did he come from? What events molded his thinking? And what were the principles he espoused in Santa Fe seventy five years ago?

Growing up on his parents' farm in Greeley, Colorado, Carpenter expressed an early interest in irrigation law. His father told him he would have to write his own books.¹¹ Already known for his interest in history and oratory at Greeley High School, he entered the University of Denver, graduating from the School of Law in 1899 with an L.L.B. degree. At the age of twenty two, he was admitted to the Colorado Bar.

For ten years Carpenter tried to develop a practice in Greeley, gravitating more and more towards water law disputes. Although he gained experience, this specialty did not pay well. With a family to feed and a desire to make something of himself, he accepted the Republican party's invitation to run for state Senate in 1908. Carpenter became the first native-born citizen of Colorado to be elected to that body and the youngest member of the Senate when he took the oath of office.

Known as "Give-a-Damn Carpenter" and described as clean-shaven and slender with "determined lips and purposeful nose," Carpenter's motto was, "I will."¹² He was highly motivated to succeed, refusing to become excited over trifles and unwilling to retaliate when colleagues criticized him for some fancied wrong. "I make it a rule," he said, "never to wreak vengeance on an enemy. I try to give others a square deal, but I demand a square deal myself."¹³

Politically conservative, Carpenter opposed "revolutionary measures" designed to weaken the agricultural community. He decried the evils of the recently approved populist measure known as initiative and referendum, fearing that the spirit of democracy would be violated by giving populous Denver the power to trample the rights of rural Colorado. "The people in my portion of the state," he noted, "have two don't's—Don't fool with our water right laws or the state constitution."¹⁴

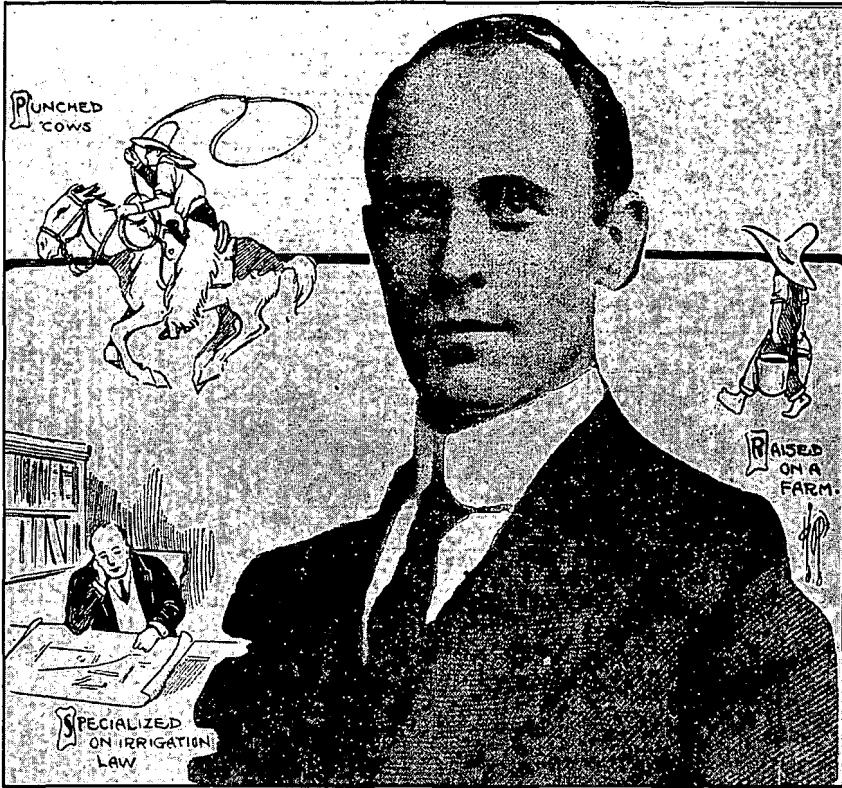


Figure 1: Delph Carpenter. Photograph from Daily News, 2\13\11, box no. 17, Delph E. Carpenter Papers, Northern Colorado Water Conservancy District.

Around the riparian legal principle of prior appropriation he determined to do battle. Believing that it was both “unconstitutional and unconscionable to permit the water supply of an expensive reservoir system to be taken away without compensation and given to a subsequent, junior and cheap and wasteful ditch system,” he introduced legislation allowing reservoirs to hold priority rights on an equal basis with ditch companies.¹⁵ Using its newly won right to submit statutes to a referendum of the people, the Direct Election League of Denver successfully challenged the Carpenter Reservoir Bill, but the State Supreme Court upheld the statute. “Give-a-Damn Carpenter” had begun to make his mark.

As chairman of the Senate Committee on Agriculture and Irrigation and “accredited Republican leader in 1910,” Carpenter was charged with preparing a special report on the condition of Colorado’s streams and watersheds.¹⁶ The paper he submitted concluded that priority of appropriation and beneficial use should remain the fundamental criteria for acquiring title to water rights. Additionally, it urged the state to appropriate sufficient funds to fight off encroachments by the federal

government.¹⁷ To Carpenter, the intervention of the Reclamation Service in *Kansas v. Colorado* (206 U.S. 1907) was like a firebell in the night. Even though the Supreme Court ultimately decided in 1907 that each state had full jurisdiction over the waters of its streams, the federal government appeared increasingly disposed to build its projects with scant attention to the statutes and judicial decisions of sovereign states. Development in the San Luis Valley, for example, had already come to a halt because of the Department of the Interior's embargo on the Colorado portion of the Rio Grande, pending completion and operation of Elephant Butte Reservoir in New Mexico. In Wyoming, along the upper reaches of the North Platte River, economic progress was curtailed due to the construction of Pathfinder Reservoir. Carpenter believed that Colorado could expect further attacks on its water. Its geographical location on the Continental Divide made this inevitable. Such attacks had to be met by an aggressive defense of state sovereignty or abandoned to the grasping hands of the federal agencies. The idea of interstate compacts began to take root in Carpenter's mind as a superior alternative to outside domination or litigation.

In 1911, Carpenter was appointed directing counsel in *Wyoming v. Colorado* (259 U.S. 1922). The suit focused on Colorado's plans to take water out of the basin of the Laramie River for use in the Cache la Poudre Valley just west of Ft. Collins. Wyoming claimed priority. Colorado argued its right to the water as a sovereign state of origin. While Carpenter believed that the Court's decision in *Kansas v. Colorado* was correct and that the principle of equitable apportionment prevailed over the rule of priority on interstate streams,¹⁸ he quickly sought international examples of basin-of-origin nations claiming absolute right to water originating within their boundaries.¹⁹ He did not have much luck, but the brief he presented to the United States Supreme Court contained arguments in support of Colorado's alleged superior right as a basin-of-origin state and the better use which Colorado could make of Laramie River water.²⁰

When the Supreme Court announced its decision in 1922, Colorado River Compact negotiations had already begun. Initially, Carpenter was angry; he had anticipated the verdict and was already negotiating with Nebraska (South Platte River) and New Mexico (La Plata River) in quest of interstate compacts.²¹ Furthermore, he focused on the fact that Colorado had been given the right to divert a small quantity of water out of the Laramie River basin into the Cache la Poudre basin. Wyoming could not claim absolute priority across state lines. Wyoming would receive only what the court viewed as an equitable apportionment. As a result

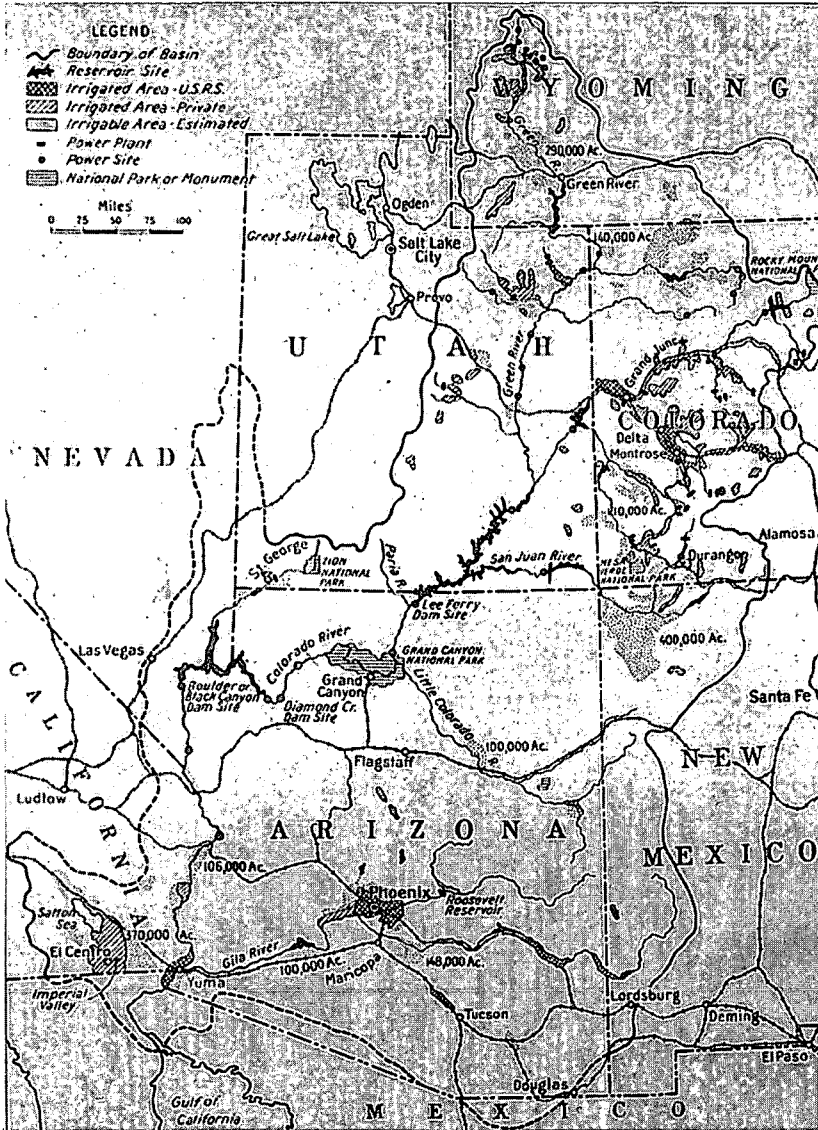


Figure 2: Map used by Colorado River Commission in 1922. Photograph courtesy of Northern Colorado Water Conservancy District, Delph Carpenter Papers.

of the court's 1911 decision California now had the legal right to divert an equitable amount of water from the Colorado River to the Salton Sea basin.²² But agreements on quantity needed to be worked out. A compact would be necessary.

What Carpenter learned from the *Wyoming v. Colorado* (1911) experience was that litigation of this nature would be lengthy and costly; that basin-of-origin states could no longer successfully claim they owned all of their water; that the U.S. Reclamation Service would continue to claim jurisdiction over western waters; that an equitable amount of transmountain diversion was acceptable to the Court; and, that if states failed to negotiate compacts the Court would determine how water on interstate streams was to be appropriated. He also realized that eleven years on the case had almost broken him. The strain was overwhelming. "About one-third" of his enormous brief had to be written in long-hand because his partner's work was unreliable and his stenographer was unable to keep up with him. On 1 December 1918 he wrote in his diary:

This brief has made a nervous wreck of me—I have given it my very life, realizing how desperately vital it is, but [I] have done my very best. My stenographer took ill with the Spanish influenza and I typed the last of the brief myself. I have worked it out all alone, no help from anyone.²³

Shortly thereafter, Carpenter fell ill probably due to a combination of the flu and exhaustion. He developed a palsy visible in his signature, an achiness in his bones that caused a craving for heat in warm places, and a burning sensation in his vocal chords that restricted his voice and sometimes prevented speech altogether. But his most demanding task still lay ahead. In August 1920, while still awaiting the outcome of the Wyoming case, a meeting of the governors of the Colorado River states took place in Denver to discuss how the Colorado River basin might be developed and protected for future generations. It was a propitious moment for Mr. Carpenter.

Participants in the meeting belonged to the League of the Southwest, a non-political alliance of the Colorado River states which had formed in California during World War I to discuss ways of bringing prosperity to the Southwest. Moving its headquarters from San Diego to Salt Lake City at the end of the war, the League met on several occasions to discuss the government's plan to locate war veterans in the Colorado River basin. Of special concern was how the states might secure drought relief and what could be done to diminish the threat of floods to the Imperial Valley because of weakening Colorado River levees. The League wanted government surveys on the river so that

storage areas and power sites might be identified.²⁴ The members had already passed a resolution in Salt Lake City in 1919, assuring the government of their willingness to cooperate in the construction of reservoirs and irrigation works, and they had also urged the Department of the Interior to consider the river as a whole and to proceed in conformity with state laws.²⁵ The Denver meeting was called so that governors and state engineers could meet with representatives of the U.S. Reclamation Service to work out the details of construction.

Arthur Powell Davis, director of the U.S. Reclamation Service, confidently told the delegates that the Colorado River basin contained sufficient water to supply present and future needs of the seven states and that construction of reservoirs on the lower river would in no way interfere with future development in the upper basin. Carpenter could not be convinced that government involvement in construction of works would be benign for Colorado, Wyoming, Utah, and New Mexico. The Rio Grande and North Platte experiences were indelible memories contradicting Davis' optimism. The only basis for amicable negotiations, Davis felt, was an interstate compact with participation by the United States government. Because he had been asked by Colorado Governor Oliver H. Shoup to act as legal advisor to the Resolutions Committee of the Colorado River Compact Commission, and to come up with a plan that would protect origin states in their goal of future development, Carpenter decided to present his plan to that group in the hopes that a resolution would ensue. The committee accepted his compact idea unanimously and wrote it into their report to the entire conference. Approved by all League members, it stated in part:

That it is the sense of this conference that the present and future rights of the several States whose territory is in whole or in part included within the drainage area of the Colorado River, and the rights of the United States to the use and benefit of the waters of said stream and its tributaries, should be settled and determined by compact or agreement between said States and the United States, with consent of Congress, and that the legislatures of said States be requested to authorize the appointment of commissioners . . . for the purpose of entering into such compact . . . for subsequent ratification and approval by the legislatures of each of said States and the Congress of the United States.²⁶

For the first time in the nation's history, states had agreed to use their power under the commerce clause of the Constitution to draw up a treaty regulating an interstate river, a compact that they would submit to Congress and the state legislatures for ratification. But the press

hardly noticed. The *Denver Post* commented that Californians wanted Colorado River development placed in the hands of the Reclamation Service, but that a motion to this effect was defeated in the Resolutions Committee.²⁷ Director Davis asked Carpenter for further edification. Carpenter then prepared language for a bill that authorized the selection of commissioners from each state to participate in a future meeting of a Colorado River Commission.

The first meeting took place in Washington, D.C. on 26 January 1922. Carpenter had already urged President Warren G. Harding to appoint a federal representative with international experience and national stature. Compact negotiations would fail, Carpenter believed, if the man representing the United States was a bureaucrat and not a statesman.²⁸ Carpenter feared that Harding might allow the Reclamation Service to choose one of their own people, but the president surprised him by selecting Herbert Hoover, Secretary of Commerce, whose international reputation was already well established. Hoover called for a meeting in Washington, D.C. on 10 January 1922. Although Carpenter found the atmosphere in Washington completely changed from the previous Democratic administration, manifesting an "air of freedom and action,"²⁹ he was disturbed by Hoover's imperious tone.³⁰ "Colorado law under which I was appointed," he wired Hoover, "provides that the Governor of Arizona [Thomas E. Campbell, President of the League of the Southwest] call [the] first meeting of [the] interstate commission and commissioners of seven states [who] recently agreed upon [a] tentative date for call as of Phoenix [in the] latter part of January."³¹ But Carpenter's petulance evaporated when he met Hoover in person a few days before the first meeting.³¹ By the time all the commissioners were assembled in Washington, Carpenter had successfully advocated Hoover's election as chairman, and Hoover returned the favor by recognizing Carpenter's role in founding the Commission and persuading the President and Congress to approve authorizing legislation.³²

Harmony on the Commission did not prevail for long. In a preliminary attempt to divide up the Colorado River on the basis of potentially (practically) irrigable acreage, each commissioner, including Carpenter, exaggerated the amount of land that would be irrigated in the future.³³ On the basis of these estimates, the river would be bankrupt in short order. Hoover failed to achieve agreement. Existing data were inadequate; mistrust and suspicion proliferated. While California Congressman Phil Swing challenged the commissioners to move forward "systematically and scientifically" with the construction of dams and reservoirs as if the river's development were another Panama Canal, representatives from the Upper Basin demanded assurance that construction of a dam in Boulder Canyon would not jeopardize future rights of the origin states.³⁴

Carpenter extended this demand even further. Convinced that the four "states of origin [would] never be able to beneficially use even an equitable part of the waters rising and flowing within the respective territories of each," he asked the commissioners to consider a compact in which the Upper States list had no limitations placed on them, and the Lower States list could claim no preferred right of title to the use of Colorado River water following the building of dams and reservoirs on the lower river. Voting on a subsequent motion by Commissioner Norviel, it became apparent that the Upper Basin's urgent need for protection was opposed by the Lower Basin's need for rapid construction. Hoover wondered if the two groups were too far apart for further deliberations.

Others echoed his fears, but Carpenter refused to throw in the towel. "We are here with a pretty sacred trust," he asserted,

and it should not be treated lightly . . . in the months and weeks to come many small matters of difference can be argued out. . . this to me has been a very profitable conference and there is more nearly an approach to a common accord than I [had] expected when I arrived in Washington . . . it would be the height of crime to the people who sent us here to adjourn permanently now.³⁵

Somewhat reluctantly, Hoover agreed. He suggested meeting later in the spring, somewhere in the Southwest. The commissioners settled on Phoenix as the place to begin a series of informational hearings. Others were held at Los Angeles, Salt Lake City, Grand Junction, Denver, and Cheyenne. The hearings lasted from 15 March to 2 April 1922. What Hoover hoped for was the emergence of a leader who could present a plan enabling the seven states to abandon their defensive attitude.³⁶ By the close of the Cheyenne hearing, it was obvious that Carpenter was his man.³⁷ Shortly after the Supreme Court announced its decision in *Wyoming v. Colorado* (5 June 1922), Hoover asked Carpenter to prepare a compact based on a fifty-fifty allocation of the water supply in the Colorado River.³⁸

Although he was extremely pressured by ongoing negotiations with New Mexico regarding the La Plata River and with Nebraska involving the South Platte River, Carpenter managed to send off a compact draft to Hoover in August 1922. Whether he believed it or not, Carpenter later told California's McClure that the *Wyoming v. Colorado* verdict made his work on the Colorado River much easier. "[T]he decision stands," he told McClure, "as a precedent for the principle of fixing the future rights of the states by allocation of the water supply of the stream between them. . . . I feel greatly relieved and my work much light-

ened."³⁹ What Carpenter actually meant was that a permanent compact based on equitable apportionment would contribute more to harmony in the Colorado River basin than a court-mandated settlement based on priorities.

The cover letter on the Compact draft Carpenter sent to Hoover was most revealing. Carpenter's letter explained that the fifty-fifty approach was the best plan for avoiding future litigation for the following reasons: it adhered to the natural division of the basin; guaranteed a "perpetual minimum average flow at Lee's Ferry" for the Lower Basin, leaving the Mexican situation for the future; and it protected the Upper Basin's right to divert water out of the basin and develop at their own pace. As the letter demonstrates, Carpenter opened himself to Hoover, revealing his confidence and burgeoning friendship with the secretary :

I am forwarding this to you confidentially and purely as a personal matter and I take the liberty of saying that I am prompted so to do out of a feeling of the deepest personal regard. I am keenly appreciative of that underlying spirit of broad-minded fair play which you have exhibited. The sphere of my personal endeavors during the past fifteen years has in a large measure isolated me in my own profession and has frequently provoked a feeling of extreme loneliness which at times has been almost overwhelming, and as our hearings have proceeded your presence has prompted within me a sense of comradeship which now impels me to forward [to] you the enclosed draft in the hope that you may give it your most rigid scrutiny, mature thought, and unstinted criticism.⁴⁰

Hoover's response is unknown, but it is clear from related correspondence that he was gaining confidence in Carpenter and that both men were anxious to sign an agreement at the November 1922 meeting of the Colorado River Commission in Santa Fe. As Carpenter said to Wyoming's Frank Emerson, "we simply use every endeavor to bring about the conclusion of a compact at the next meeting . . . otherwise, we are badly exposed and may never again have a like opportunity. We have no assurance that the Legislatures of the lower states will ever authorize another commission."⁴¹

In addition to the pressure of work, there were physical problems associated with meeting in Santa Fe. The Bishop's Lodge's proprietor had overbooked by about 50 percent. Commuting from town presented a real challenge. The road between Santa Fe and the Lodge was described as a "switch-back roller coaster" making an automobile cling "so precariously to the steep sides of the landscape that the passage of

a vehicle makes you think of a fly crawling over an eyebrow.”⁴² Heat was not readily available, and everyone felt uncomfortable with a general lack of privacy. Hoover refused to accept the status quo. He ordered the frustrated innkeeper to improve the conditions or he would move the commissioners to another hotel. Meanwhile, he ordered the Commission’s secretary, Clarence Stetson, to thin the ranks. Stetson picked mostly on the Californians. They had not complained about the conditions, but he ordered seven of them to leave. Three decided to commute, the other four returned home in a cloud of bitterness. Ironically, Stetson’s biggest fear about the Commission meeting at Bishop’s Lodge was that the commissioners would be “so comfortable that they [would] want to sit their [sic] indefinitely and [would] use this as an excuse for not coming to a speedy agreement.”⁴³

Meetings were held in what Carpenter referred to as “semi-executive sessions.” Each commissioner was entitled to a legal or engineering advisor as part of his state’s team. At no time did the commissioners meet in isolation. Special guests were in attendance as well as the governors of all seven states, six of whom were newly elected. This meant that six of the seven commissioners had been appointed by lame duck governors. It took Hoover considerable time on the telephone, but he succeeded in persuading the newly elected heads of state to honor the credentials which had been issued by their predecessors.⁴⁴

The seventeen Santa Fe meetings began on 9 November and ended on 24 November, and Carpenter’s views were incorporated in some form or other, either in the writing or the spirit of the Colorado River Compact. Paramount in his thinking was the principle of equity. Carpenter was committed to the common law doctrine of equitable apportionment as defined by the Court in *Kansas v. Colorado*. Much like the Hispanic system of water law, Carpenter’s expectations were based on evaluating the unique circumstances on the entire Colorado River in such a way that an agreement would result, guaranteeing each state some part of what it wanted. But in addition to the legal parameters of equitable apportionment, Carpenter believed that permanent agreements could be attained only by treating one’s fellow commissioners equitably. For him, diplomacy, patience, and tact were the *sine qua non* of successful negotiations. When Phil Swing and Hiram Johnson introduced legislation for “immediate construction” of a dam at Boulder Canyon three months before the Santa Fe meeting, Carpenter expressed disappointment not at the bills but at their lack of courtesy.⁴⁵

This equity to which he aspired could not be achieved without the collection of accurate data and “complete consideration of all the facts and conditions of each particular case.”⁴⁶ Compact negotiations were doomed to failure if they began without ample information or if commissioners felt they were being rushed. Patience would produce trust.

Any desire for speed could "cloud or encumber the real progress to be made."⁴⁷ Similarly, time was needed to allow the states to ratify the Compact once it was signed. When Arizona's legislature stalled, and the other states wanted to take Arizona to court to force ratification of the Compact, it was Carpenter who expressed tolerance for the political storms sweeping the state. On Arizona's behalf, he argued that ten to fifteen years might be necessary to complete a seven-state agreement.⁴⁸ He wasn't off by much!

Time was especially important to Carpenter in another sense. He wanted a compact that would allow the Upper Basin a sufficient interval to match the more rapid growth in the Lower Basin. He estimated that it would take from fifty to two hundred years for the Upper States to fully develop.⁴⁹ It was a theme he repeated frequently because he did not want a compact that would require reapportionment of "surplus" water before the Upper Basin had a chance to fully mature economically.

As much as he supported California's request for a dam at Boulder Canyon, he was sure that the opportunity to develop and prosper would never come to the Upper Basin if construction were to begin prior to signing a compact. Because of its permanence, a compact would provide assurance to private developers. Without a compact, development would proceed at the behest of the U.S. Reclamation Service and the Federal Power Commission, both of which were already planning projects on the Lower Colorado "without awaiting an orderly settlement of rights by the states."⁵⁰ If works on the lower Colorado were built prior to a Compact, the Upper Basin states would face a servitude, an undefined and illegitimate obligation to deliver water to the Lower Basin, because of priority rights established by use. Nations went to war over illegal servitudes. States in the United States initiated the equivalent of war in the Supreme Court. The prime objective of the Colorado River Commission was "to settle in advance those matters which would otherwise be brought into Court."⁵¹

The fact that Mexico was a legitimate user of Colorado River water complicated matters. According to what Carpenter perceived as international law in 1922, the United States had a right to divert all the water originating within its boundaries regardless of the priorities or necessities of downstream Mexico. The commissioners decided to leave Mexico's claims completely out of Compact negotiations and agreed to expunge from the record any debate on this subject. At the same time, however, Carpenter felt that he could not consistently argue the doctrine of equitable apportionment for part of the river without applying the same principles to the entire basin. In the six months prior to the Santa Fe gathering, Carpenter had studied a treaty between Egypt and the Sudan, and he had interviewed the United States' representative to

the international commission on the Nile River looking for situations that paralleled the relationship between Mexico and the United States. What he learned specifically is unclear, but his emphasis on viewing the Colorado River as a whole and administering it with due regard to generations unborn suggest that he was influenced by these studies.⁵²

Throughout the debates over the Colorado River Compact, Carpenter held a fanatical bias against federal intervention in areas of states' rights. Experience on the Rio Grande and North Platte rivers had led him to believe that the U.S. Reclamation Service was violating its charge in the 1902 Newlands Act to work under state law and to protect state autonomy. "The breach of this pledge has been the root of great evil," he wrote.⁵³ The "unrighteous doctrine" of federal usurpation of state jurisdiction, manifested by the government's claim to ownership of unappropriated western water, was "shocking," and it made the Reclamation Service appear "childish and despotic."⁵⁴ In addition to defining the respective jurisdictions of the states within the United States, assuring peace and future prosperity of an immense part of the nation's territory, and avoiding litigation, a Colorado River Compact would have to have as one of its major functions the preservation of state autonomy.⁵⁵

As a negotiator, Carpenter was adamant, unreasonable, and sometimes even paranoid about the empire building of federal agencies. These were times when his colleagues found him most difficult to deal with. On other occasions, he could be stubborn, inflexible in his opinions, and suspicious regarding "secret plans" of the Reclamation Service—especially their attorneys. Some of his critics saw him on occasion as a "bitter-ender," willing to let the ship of principle sink, rather than change course slightly to reflect changing circumstances. There was some arrogance in his discourse born of the fact that he was a consummate student of constitutional law and interstate water rights. As he once admitted to fellow Coloradan L. Ward Bannister, he was born to work, and he expected others to match his pace and meet his standards.

But Delph Carpenter merits praise. He was essentially an optimist, an "I will" type of person, keenly sensitive to the political winds that swirled around him and quite aware of the fact that he had the power to make history. In negotiation, he was a consensus builder, a broker of ideas. The qualities he admired in others—fair play, courtesy, and the respect between gentlemen—were the qualities he himself showed off best under pressure. He knew that successful negotiation required sensitivity to the "human equation," that lawyers tended to be "parochial with narrow prejudices," and that patience and honesty would bring men closer to agreement than haste and deception. With these insights, he encouraged the Colorado River Compact commissioners to compromise, and he earned their respect. As Bannister told his widow, "more

than anyone else [Delph Carpenter] engineered the division of waters of the Colorado between the Upper and Lower Basin and played a leading part in putting through the ratification of the Compact by Congress."⁵⁶

When one considers Delph Carpenter's weakened physical condition at Santa Fe, the fact that he had to guide his own shaking hand when signing the Compact, it is even more surprising that he was able to play such a strong leadership role during the negotiations. But he was a courageous man, and even Herbert Hoover recognized his exceptional talents. A few months after the Compact had been signed, Hoover praised Carpenter for a "fine battle effectually won under your leadership."⁵⁷ During his first year in the Oval Office, when it was all he could do to keep up with his job, President Hoover made light of his own troubles and seized the opportunity to express his feelings to Carpenter about the Compact. "That compact was your conception," he wrote, "and your creation, and it was due to your tenacity and intelligence that it succeeded. I want to be able to say this and say it emphatically to the people of the West."⁵⁸ In 1933, after Governor Ed Johnson of Colorado had removed Carpenter as Interstate Streams Commissioner, Hoover asked Carpenter to write up the history of the Compact. "I want to see that your name is properly handed down in history," Hoover said, "for a really very great accomplishment to the West."⁵⁹ The "Silver Fox of the Rockies" could not have asked for a more fitting tribute to the labors he guided at Bishop's Lodge seventy five years ago. His legacy is worthy of emulation by a future "I will" leader determined to keep peace on the Colorado River.

NOTES

1. John U. Carlson and Alan E. Boles, Jr., "Contrary Views of the Law of the Colorado River: An Examination of the Rivalries Between Upper and Lower Basins," in *Rocky Mountain Law Institute Proceedings of the Annual Institute* (New York: M. Bender, 1986), 1-68.

2. Robert L. Duffus, *The New Republic*, 1 April 1925, 147-49. Duffus stated that Los Angeles' population grew from 100,000 in 1900 to 572,000 in 1920. Census records in the Colorado State Archives indicate that Denver's population had increased in the same period from 113,000 to 256,000. At the Grand Junction Hearings of the Colorado River Commission, W.F.R. Mills, General Manager of the Board of Water Commissioners for the City and County of Denver, stated that Denver's population in March 1922 was 275,000 and this total would increase to 500,000 "within the span of the present generation." See Colorado River Commission Hearings (FF21), Grand Junction, 29 March 1922, Colorado State Archives.

3. John U. Carlson and Alan E. Boles Jr., "Contrary Views of the Law of the Colorado River," 1-68.

4. W.S. Norviel, AZ; W.F. McClure, CA; J.G. Scrugham, NV; Stephen B. Davis, Jr., NM; R.E. Caldwell, UT; Frank C. Emerson, WY.

5. McClure to Delph Carpenter, 9 July 1923, box 44, folder 6.2, Carpenter Papers, belonging to the Carpenter family, temporarily archived at the Northern Colorado Water Conservancy District, Loveland, Colorado (here after referred to as the Carpenter Papers, NCWCD).

6. Norviel to Carpenter, 7 September 1923, box 44, folder 6.2 and 21 October 1924, box 48, folder 14, Carpenter Papers, NCWCD.

7. George H. Dern to Carpenter, 1 February 1927, box 7 and 1 April 1929, box 37, Carpenter Papers, NCWCD. The "Sage of Greeley" quote can be found in a letter from Dern to Carpenter, 1 April 1928, Dern Papers, Utah State Archives.

8. Edwin Mechem to Carpenter, 10 November 1943, box 50, Carpenter Papers, NCWCD.

9. Sims Ely to Carpenter, 18 April 1944, box 37, Carpenter Papers, NCWCD.

10. Carpenter to Judge W.S. Norviel, 26 February 1931.

11. Sarah Thompson, interview with author, Sacramento, California, 11 February 1994.

12. *Denver Daily News*, 13 February 1911.

13. *Ibid.*

14. *Greeley Republican*, 10 September 1911.

15. Carpenter to Colorado State Engineer M. C. Hinderlider, 14 January 1932, courtesy of William D. Farr, Greeley, Colorado. Under a 1901 law, reservoirs were restrained from storing water when it was needed for actual irrigation in "senior" or "junior" ditches. Carpenter's 1911 bill, S. 134, made priority of appropriation the test as to ownership between ditches and reservoirs.

16. Carpenter manuscript ca.1918, reviewing the major events in his life to that time, box 78, Carpenter Papers, NCWCD.

17. *Report of Committee on Irrigation Investigations of the Senate By Authority of S. R. 16*, 17th General Assembly, 31 January 1911. The committee was composed of Delph Carpenter as chairman, J. H. Crowley, and George E. West. Carpenter Papers, NCWCD.

18. For a further discussion of this issue, see Daniel Tyler, "Delph E. Carpenter and the Doctrine of Equitable Apportionment," *Western Legal History* 9 (Winter/Spring 1996), 35-53.

19. Delph Carpenter to the United States Consulate, Paris, France, 8 December 1913. In correspondence, Carpenter states that he had been informed of a controversy between Switzerland and some other nation and that his informant was "under the impression that the settlement of the controversy gave the first use of the water of the stream to the country of origin, in that case being Switzerland." A similar letter was written to the American Minister, Berne, Switzerland, 13 January 1914, box 26, Carpenter Papers, NCWCD.

20. Carpenter was one of the attorneys for the Greeley-Poudre Irrigation District which was hoping to bring Laramie River water to 125,000 acres of new land northeast of Greeley. It was this plan which brought on the *Wyoming v. Colorado* suit in 1911.

21. Carpenter to Senator Lawrence C. Phipps, 11 July 1922, box 7, Carpenter Papers, NCWCD.

22. Carpenter, memorandum on the draft of Colorado River Compact, n.d., box 1, folder 3, Carpenter papers, NCWCD.

23. Carpenter, diary 1918, box 78, Carpenter Papers, NCWCD.

24. *The Irrigation Age* 33 (June 1918). Several editorials by Arnold Kruckman state the objectives of the League. *The Irrigation Age* was the official voice of the League after it moved to Salt Lake City in 1919.

25. "Resolution Adopted at Conference of Southwestern States Held at Salt Lake City," 18 January 1919, box 0033, Emmet D. Boyle Papers, Nevada State Archives, Carson City.

26. Carpenter, draft of essay entitled, "Sketch of Events and Causes Leading to Creation of the Colorado River Commission," p. 34, box 37, Carpenter Papers, NCWCD.

27. *Denver Post*, 27 August 1920.

28. Carpenter made this point frequently. See his speech to the Colorado Bar Association in Colorado Springs, 29 January 1921, Colorado Bar Association, *Proceedings* 24 (1921), reprinted in *Colorado Water Conservation Board, Interstate Compacts*, 4 vols. (Denver, Colorado: n.p., 1944), 1:136-37. See also *Harvard Law Review* 35 (1921-1922), 322-326. Testifying before Congress on 4 June 1921, Carpenter stated that "if I were selecting the commissioner . . . on behalf of the United States, the nearer I could approach getting a man capable of sitting on the Hague Tribunal, the better I would be pleased if I were the President, because he would be in a position not only to protect the United States in its interests, but primarily to assist the States in entering into a compact that would put at rest all future contentions upon that river, and, second, would stabilize the water titles . . . within the United States so that the USRS, in building further projects, would know where they stand." *Hearing Before the Committee on the Judiciary, House of Representatives, 67th cong., 1st sess., on H. R. 6821* (Washington, D.C.: GPO, 1921).

29. Quote from Greeley in *Tribune Republican*, 13 June 1921. As the federal representative, Carpenter would have preferred James Brown Scott of the Carnegie Endowment for International Peace or someone "as near the type of Elihu Root as it might be possible to obtain." Carpenter to J. G. Scrugham, 15 August 1921, RCC no. 20559, folder 6, Colorado River Commission Records, Colorado State Archives (hereafter CSA).

30. Telegram, Carpenter to Hoover, 24 December 1921, RCC No. 20559, folder 8, CSA.

31. Telegram, Carpenter to Norviel, 20 January 1922, RCC No. 20559, folder 8, CSA.

32. Minutes of the first meeting, 26 January 1922, Colorado River Commission, Washington, D. C., Colorado River Commission, Colorado River Project File, Hoover Presidential Library, West Branch, Iowa (hereafter Hoover Library).

33. Carpenter insisted that in addition to agricultural expansion on Colorado's West Slope, at least 310,000 acre feet of water would be required for additional irrigated agriculture in the South Platte valley. In arguing this point, he was anticipating construction of the Colorado-Big Thompson Project of 1937. Minutes of the sixth meeting, Hoover Library.

34. Minutes of the second meeting. Minutes of the seventh meeting, Hoover Library.

35. *Ibid.*

36. Minutes, Hearings, Phoenix, Arizona, Colorado River Commission, Colorado River Commission Executive Hearings, Hoover Library.

37. At the ninth meeting of the Colorado River Commission in Denver, 1 April 1922, it was agreed that prior to the next meeting somewhere in the Southwest, "commissioners shall submit to the Secretary of the Commission suggested forms of a compact for the disposition and apportionment of the waters of the Colorado River and its tributaries." It appears that everyone understood this to mean that Carpenter should flesh out his ideas in the form of a draft compact. Minutes, ninth meeting of the Colorado River Commission, box 7, Carpenter Papers, NCWCD.

38. Carpenter to Clarence Stetson, 7 July 1922, box 48, folder 13, Carpenter Papers, NCWCD.

39. Carpenter to W. F. McClure, 1 November 1922, box 48, folder 16, Carpenter Papers, NCWCD.

40. Carpenter to Hoover, 25 August 1922, box 20, folder 8, Carpenter Papers, NCWCD.

41. Carpenter to Frank C. Emerson, 7 September 1922, State Engineer, RG 0037, Colorado River Compact Commission, box 1, June-December, 1922 Correspondence, Wyoming State Archives, Cheyenne.

42. Arnold Kruckman, "Inside Story of River Conference," *Saturday Night* III (18 November 1922), 5, as quoted in Norris Hundley, Jr., *Water and the West: The Colorado River Compact and the Politics of Water in the American West* (Berkeley: University of California Press, 1975), 188.

43. *United States Senate Colorado River Basin Hearings before the Committee on Irrigation and Reclamation, 69th congress, 1st sess., pursuant to S. Res. 320, October 26 to December 22, 1925* (Washington, D.C.: GPO, 1927). Quote from Stetson to J. G. Scrugham, 18 April 1922, Colorado River Commission, Colorado River Project File, Carpenter Papers, Hoover Library.

44. Northcutt Ely, *Herbert Hoover and the Colorado River*, unpublished essay in general accession 646, Carpenter Papers, Hoover Library.

45. Carpenter to E. O. Leatherwood, box 48, folder 16, Carpenter Papers, NCWCD.

46. Carpenter, "Interstate Compacts Respecting Western Rivers," p. 23, n.d., unpublished essay, in box 37, Carpenter Papers, NCWCD.

47. Carpenter to Clarence Stetson, 7 April 1922, box 5, folder 5, Carpenter papers, NCWCD.

48. Carpenter to Reuel L. Olson, 14 February 1925, box 6, folder 6, Carpenter Papers, NCWCD.

49. In Washington at the seventh meeting of the Colorado River Commission in January 1922, Carpenter stated that the Upper Basin would need "50 or 100 years" for development. See minutes, Colorado River Commission, Carpenter Papers, Hoover Library. In October 1925 during testimony before the Senate Committee on Irrigation and Reclamation, Carpenter increased his estimate of time needed for development to 150 years, and, when Senator Hiram Johnson asked him if that estimate might reach two hundred years, he responded that it would depend on "the press of population and the improvement of transportation." See "*United States Senate Colorado River Basin Hearings Before the Committee on Irrigation and Reclamation, Pursuant to S. Res. 320, October 26 to December 22, 1925, 69th Congress, 1st sess.*" (Washington, D.C.: GPO, 1927), 706.

50. Carpenter, draft of speech, "Application of the Reserve Treaty Powers of the States to Interstate Water Controversies," n.d., box 6, folder 6, Carpenter Papers, NCWCD.

51. Minutes, first meeting of the Colorado River Commission, Washington D.C., 26 January 1922, Washington, D. C., Colorado River Commission, Colorado River Project File, Hoover Library.

52. Northcutt Ely to Ray Lyman Wilbur, 29 March 1947, Post-Presidential Papers, Individuals File Series, container 254, folder Ray Lyman Wilbur Correspondence, 1946-47, Hoover Library. "The Struggle for the Nile," unpublished manuscript by H.T. Cory, United States nominee to the Nile River Commission, 30 December 1920, box 1, folder 4, Carpenter Papers, NCWCD.

53. Carpenter's statement for Upper Colorado River states regarding bill for Boulder Canyon Dam before the Committee on Irrigation and Reclamation of the House of Representatives, 1926, box 81, folder 1, Carpenter Papers, NCWCD.

54. Carpenter to J. O. Seth, 29 September 1924, box 52, folder 5, Carpenter Papers, NCWCD. See also *Denver Post*, 11 October 1925.

55. Carpenter's statement for Upper Colorado River states regarding bill for Boulder Canyon Dam before the Committee on Irrigation and Reclamation of the House of Representatives, 1926, box 81, folder 1, Carpenter Papers, NCWCD.

56. L. Ward Bannister to Mrs. Delph Carpenter, 2 March 1951, box 48, folder 6, Carpenter Papers, NCWCD.

57. Telegram, Hoover to Carpenter, 3 April 1923, box 7, Carpenter Papers, NCWCD

58. Hoover to Carpenter, 29 June 1929, box 20, folder 8, Carpenter Papers, NCWCD.

59. Hoover to Carpenter, 15 December 1933, box 37, Carpenter Papers, NCWCD.

**SYMPOSIUM ON THE TREATY OF GUADALUPE 150TH ANNIVERSARY
(SESQUICENTENARIO DEL TRATADO DE GUADALUPE HIDALGO)
SANTA FE, NEW MEXICO, FEBRUARY 13-15, 1998**

Schedule of Events

FRIDAY, FEBRUARY 13, 1998

- 1:00 Dedication of Federico Virgil's Treaty of Guadalupe Hidalgo Fresco.
Proclamations from County and the City. (Santa Fe County Court House)
Keynote, Dr. Josefa Zoriada Vasquez, El Colegio De México
- 3:00 I. Background: The Mexican American War
A. Manifest Destiny: Paul Hutton
B. Mexican Views: Oscar J. Martinez; Josefa Zoriada Vasquez; Joe Sanchez
- Evening Reception/Música Traditional (Sweeney Convention Center)

SATURDAY, FEBRUARY 14, 1998 Sweeney Convention Center

- (Proclamation by Mayor Jaramillo)
- 9:00-12:00 II. New Mexico and the Mexican-American War
A. U.S. Military Occupation: Neil Mangum
B. Revolt of 1847: Anselmo Arellano; Robert J. Torrez;
Jose de la Cruz Pacheco Rojas
- 1:00-4:00 III. The Treaty of Guadalupe Hidalgo
Richard Griswold Del Castillo; George Baker;
Robert Himmerich y Valencia; Linda Hall
- 6:00-9:00 IV. Legacy of the Treaty
A. The Aftermath of the War and the Treaty
Anselmo Arellano; Adrian Bustamante; Maria Cristina Lopez;
Lucy Vigil; Diana Rebolledo; Kathleen Jimenez; Armando Rendon

SUNDAY, FEBRUARY 15, 1998 Santa Fe County Court House

- 9:00-12:00 V. The Law & The Treaty
Malcom Ebright; Em Hall; Teresa Leger; Roberto Sena;
Justice Cruz Reynoso; Judge Petra Maes
- 1:00-4:00 VI. Native American Perspective
Various representatives of local native tribes will present the
Native American view of the Treaty.
- 6:00-8:00 VII. The People & The Land Grants
Roberto Mondragón; Pedro Arechuleta, Ike de Vargas,
Jaun Sanchez, Moises Morales, Lauro Silva, Dino Roybal,
Pedro Ribera-Ortega
- 8:00-10:00 **CLOSING**

Defending the Park System: The Controversy Over Rainbow Bridge

MARK W. T. HARVEY

In the 1950s and 1960s the Colorado River entered the spotlight of the United States' environmental movement. Beginning in the early 1950s, with the proposed Echo Park dam in Dinosaur National Monument, conservationists from throughout the country fought against dams and reservoirs that threatened protected areas along the Colorado River and its tributaries. Conservationists' success in stopping Echo Park dam and later Marble and Bridge Canyon dams in the Grand Canyon proved to be key episodes in the rise of the modern wilderness movement, marking the emergence of such groups as the Sierra Club, the National Parks Association, and the Wilderness Society onto the national environmental scene.¹

During each of these struggles, wilderness advocates called on the public to be vigilant in safeguarding areas in the national park system. They argued that Echo Park dam threatened Dinosaur National Monument, that Glen Canyon dam and Lake Powell threatened Rainbow Bridge National Monument, and that Marble and Bridge Canyon dams would alter the flow of the Colorado River through the Grand Canyon. The activists also insisted that the waters would inundate portions of the national park and monument. Conservationists contested these dams and reservoirs by warning that a cherished institution, the national park system, hung in the balance, and that a critical issue was at stake: the integrity of the national park system.

Mark Harvey is associate professor of history at North Dakota State University, Fargo. He is the author of *A Symbol of Wilderness: Echo Park and the American Conservation Movement* (Albuquerque: University of New Mexico Press, 1994). He is now writing a biography of Howard Zahniser, executive director of the Wilderness Society from 1945 to 1964 and a leading figure in the post-World War II wilderness movement.

This appeal to save the park system proved highly effective in galvanizing the public. At a time when legal means to oppose dams and other development projects did not exist, conservationists relied on rhetoric to win public support for protected areas and to solidify the nation's commitment to preserving them. They lacked the legal weapons, such as the National Environmental Policy Act (implemented in 1970) mandating environmental impact statements, that were later used with great success to delay or block many projects. Consequently, defenders of wilderness sought to raise public awareness of threatened areas through their publications and public appearances, and by warning that a dangerous "precedent" could be set if a given dam and reservoir were built inside a national park.

This notion of a precedent was a rhetorical strategy that served a number of purposes to those defending the national park system from threatened intrusions. First, it drew attention to the perils facing some of the grandest, most picturesque scenery protected within the United States' national park system and warned the public of its imminent destruction. Permit any of these dams to invade parks or monuments, they cautioned, and intrusions into other protected areas would quickly follow. It was the "domino theory" of environmental protection, and boundary lines were critical to the rhetoric: compromise a park's boundaries just once, and it could never be restored. Moreover, any dent in a single national park or monument would weaken the entire national park system and undermine all efforts to protect wild lands. As Howard Zahniser, an activist in the Echo Park controversy noted, "the sanctity of dedicated areas" lay at the heart of wilderness preservationists' concerns.² In addition, such rhetoric bound together a sometimes fragmented conservation movement. Whether concerned with birds, fish, large mammals, or particular locales, all conservationists could rally behind protecting the national park system.

Warnings of a precedent had succeeded in defending Echo Park and Dinosaur National Monument from a proposed dam during the 1950s. In passing the Colorado River Storage Project (CRSP) Act of 1956, Congress rejected the Echo Park dam and provided that "no dam or reservoir shall be within any national park or monument." Encouraged by this victory, a coalition including the Wilderness Society, National Parks Association, and Sierra Club, felt confident in protecting the Colorado and other rivers from future projects that might threaten areas in the park system. Their warnings of a "precedent" had saved Echo Park.³

Soon after the Echo Park controversy, the precedent strategy was tested again, this time by the imminent intrusion of Lake Powell into Rainbow Bridge National Monument in southern Utah. The Rainbow Bridge battle, caught between the more famous controversies concerning Echo Park and the Grand Canyon dams, has gone relatively unnoticed by historians. In the early 1960s, Rainbow Bridge stood at the center of a rancorous debate that pitted numerous environmental organizations against the Bureau of Reclamation and the upper Colorado basin states.⁴ This time, all warnings to protect an imperiled national park system failed; after more than a decade of disputes, the waters of Lake Powell crossed into Rainbow Bridge National Monument. The precedent strategy that had seemed invincible to its advocates after Echo Park foundered badly in this case, partly because the likely effects of a reservoir on the bridge were far less certain than the dramatic impact that Echo Park dam and reservoir would have had on the canyons of Dinosaur National Monument. Moreover, possible solutions for protecting the bridge appeared to introduce additional threats to the very region that environmentalists sought to protect. Therefore, the Rainbow Bridge controversy contributes two important points to the environmental history of the Colorado River. It reveals the weak position of conservationists operating in the early 1960s, prior to tough environmental laws. The battle's outcome further explains how and why the Bureau of Reclamation continued to advocate dams in or near portions of the national park system along the Colorado River in the years that followed.

Rainbow Bridge, a spectacular stone arch with a height of 309 feet and a span of 278 feet, lies in a small canyon in southern Utah, a few miles north of the Arizona line. Located on the Navajo Reservation, the bridge has been known to the Navajo, Paiute, and other Native Americans for centuries. The Navajo consider the bridge sacred, referring to it as *nonnezoshi* or "great stone arch." Despite Indians' knowledge of the bridge and possible sightings by gold miners in Glen Canyon during the 1880s, credit for its "discovery" has traditionally gone to Byron Cummings, an academic dean at the University of Utah. On 14 August 1909, two Paiute men named Nasja Begay and Jim Mike, who knew the location of the bridge (at that time located on Paiute lands), escorted Cummings to the area. Impressed by the spectacular sight, Cummings published an article on his find in a 1910 issue of *National Geographic*. On 30 May of that year, President William Howard Taft established Rainbow Bridge National Monument under the Antiquities Act.⁵ The tiny national monument of 160 acres was but a dot on the map of south-

ern Utah. For years afterward, the bridge only received a few hundred visitors per year, primarily due to its extremely remote location and rugged terrain. Before the presence of Lake Powell, visitors had to hike seven miles from the Colorado River to reach the bridge.

In the 1950s, Rainbow Bridge entered the public spotlight during Congressional hearings over the Colorado River Storage Project (CRSP). This project originally called for the construction of several dams in the upper Colorado basin, including two giant dams at Echo Park inside of Dinosaur National Monument and at Glen Canyon near the Arizona-Utah border. Organizations led by the Wilderness Society, Sierra Club, and National Parks Association quickly challenged the Echo Park dam, which they maintained would set a precedent to invade other areas in the park system. They supported an alternative design of the CRSP that would eliminate Echo Park dam by means of a higher Glen Canyon dam, thus enlarging Lake Powell and making up for lost storage at Echo Park. In 1954 and early 1955, David Brower of the Sierra Club was among those advocating a "high" Glen Canyon dam in order to save Echo Park.⁶

Yet the Bureau of Reclamation and its supporters resisted the alternate proposal for they were determined to include Echo Park dam in the project. They wanted a large storage reservoir in the northern end of the upper basin, and they also wished to generate a substantial supply of hydropower close to rapidly growing Salt Lake City and the Wasatch Front. For their part, Utah ranchers wanted a dam below the junction of the Green and Yampa rivers in order to capitalize on Utah's Yampa River rights.⁷ Because the specific locale of Echo Park was critical to various interests, the bureau stoutly resisted a "high" Glen Canyon dam and clung to its preferred combination of "low" Glen Canyon and Echo Park dams. Yet the bureau was not entirely forthcoming about its rationale, which rested on political as well as technical considerations. Instead, it countered the suggestion for a "high" Glen Canyon dam with claims that too much water would evaporate from such a reservoir. When David Brower and Richard Bradley demonstrated those claims to be in error by revealing miscalculations in the bureau's computations, the bureau shifted tactics and argued that the site's geologic structure might not hold a high dam. Bureau officials insisted, too, that placing the reservoir behind a high dam would increase the level of Lake Powell and threaten Rainbow Bridge, located in a small canyon adjoining Glen Canyon.⁸

With the bureau making clear that a second dam and reservoir of the CRSP threatened another national monument, conservationists now sought also to protect Rainbow Bridge. Pressed on how this might be done, bureau officials indicated in a 1955 Congressional hearing that for relatively little cost—perhaps \$3 million—a small barrier dam could

be constructed in the canyon below the bridge to prevent Lake Powell from crossing into the monument or coming near the bridge.⁹ Eager to guarantee such protection, Zahniser of the Wilderness Society, who led the final negotiations to settle the Echo Park controversy, demanded from lawmakers an appropriate provision in the final CRSP bill.¹⁰

By the end of 1955, it was clear that opponents of an Echo Park dam would soon triumph, and that the dam would be eliminated from the legislation expected to pass Congress in early 1956. Accordingly, the bureau felt that a high Glen Canyon dam must be constructed to make up for storage and power unavailable from Echo Park. The final agreement soon fell into place. In exchange for conservationists' support for a high dam at Glen Canyon, upper basin lawmakers included provisions in the bill that no dam within the CRSP would intrude into the national park system and that "as part of the Glen Canyon Unit the Secretary of the Interior shall take adequate protective measures to preclude impairment of the Rainbow Bridge National Monument."¹¹

These provisos capped a seven-year campaign to safeguard the national park system from Colorado River dams. For conservationists the outcome had been a triumph for all concerned. The bureau obtained its high dam with substantially greater storage and power capacity to help fund the CRSP, while national park defenders gained recognition of the principle that national park system boundaries must be inviolable. When President Dwight Eisenhower signed the CRSP into law in April 1956, park defenders rejoiced that they had thwarted the precedent of a dam intruding into a national monument and strengthened the entire park system.¹² With the boundaries of two national monuments safeguarded in the 1956 act, they felt confident that threats to the parks could always be met with the precedent argument. Their confidence would prove to be misplaced.

While the CRSP act mandated that measures be taken to protect Rainbow Bridge, no one knew exactly how this was to be accomplished. When bureau officials first mentioned options during a Congressional hearing in 1955, they assumed that a barrier dam could be built at relatively little cost and funded within the construction budget for Glen Canyon dam.¹³ At the time, however, the bureau had undertaken only preliminary field studies. As construction of Glen Canyon dam progressed in 1957, questions mounted about the location, cost, and potential effects of a barrier dam on the landscape near the bridge. One critical issue was how much the reservoir would threaten the bridge without a barrier dam. Would the water level eventually be high enough to submerge the bridge abutments and eventually erode them? Without a barrier dam, would the bridge collapse after Lake Powell reached capacity?¹⁴

In 1959, two government reports provided answers to these questions that pleased both the bureau and its proponents. In August, the bureau's regional office in Salt Lake City issued a study stating that even at its highest level Lake Powell would not reach the bridge abutments and that no barrier dam was needed.¹⁵ In addition, the bureau preferred not to build a barrier dam, for doing so would delay construction of its showcase project, Glen Canyon dam. Earlier, the National Park Service (NPS) had predicted that the bureau might reach such a conclusion and had requested an independent study from the U.S. Geological Survey (USGS). Geologist Wallace R. Hansen, author of the report appearing in 1959, stated that

there appears to be no valid geologic reason to fear structural damage to Rainbow Bridge as a result of possible repeated incursions and withdrawals of reservoir waters to and from the inner gorge of Bridge Creek beneath the bridge . . . it is thus clear that any possible impairment to the bridge from fluctuating standing water beneath it would be esthetic rather than geologic or structural.¹⁶

Although Hansen's report pleased the bureau, it further dismayed the Park Service and many conservationists. In the months that followed, the Sierra Club and its friends cast doubts on Hansen's conclusions and called for additional studies of the potential effect of the reservoir on the bridge abutments. Yet to everyone else concerned with the problem, Hansen's report, along with the bureau's study, ended the controversy. Together, the two studies eliminated all concerns about Lake Powell threatening the bridge abutments and proved that no barrier dam was needed. Conservationists now faced a daunting challenge; they needed to persuade Congress to uphold the 1956 law by appropriating funds for protective structures. So long as the bridge itself faced no danger from Lake Powell, protecting it appeared to be a waste of taxpayer dollars.

Defenders of the national park system insisted that, although the threat to the bridge might not exist, intrusion of the reservoir into the monument was the critical issue. While the bureau and some members of Congress repeatedly said that only a small sliver of water would enter the monument and downplayed any adverse precedent, conservationists contended that allowing *any* water to cross the monument boundary would violate a principle they had fought valiantly to win during Echo Park.¹⁷ "By allowing Rainbow Bridge National Monument to remain unprotected, the way may be open for similar invasion of other Park Service areas," wrote Devereux Butcher, editor of *National*

Wildland News.¹⁸ In a letter to Arizona Senator Carl Hayden, Butcher exclaimed "that a violation of principle in one area opens the door to violation in any and all areas."¹⁹ In short, the boundary had to be protected or a dangerous precedent would be set for subsequent cases.

Conservationists' commitment to avoid any such precedent not only grew out of their triumph at Echo Park, but it also reflected their continued anxiety that the threat to Echo Park had not disappeared.²⁰ Some residents of Utah, Colorado, and Wyoming had never given up on the dam, despite years of bitter controversy and the 1956 law that many believed had permanently settled the issue. While Senator Gordon Allott of Colorado supported legislation to convert Dinosaur from a national monument into a national park, his bill permitted the Secretary of the Interior to survey the new park for dam sites. Regarding this as a scheme to revive the Echo Park dam project, many conservationists refused to support the Allott bill and remained wary of any attempt to ignore the protective measures in the CRSP law.²¹

Their fears escalated when Utah Senator Frank Moss sought to change the law. Beginning in 1960, Moss repeatedly tried to amend the 1956 act to "remove the provisions" intended to protect the bridge. He believed that those provisions would effectively delay Glen Canyon dam since the bureau would have to spend valuable time and money building a barrier dam to protect Rainbow Bridge. Moss spoke on behalf of the bureau as well as water and power consumers in the upper basin states, all of whom were intolerant of any delay in Glen Canyon dam. When he denounced the 1956 provision before the Senate, Moss argued that they had emerged "during what amounted to hysteria on the part of extremist outdoor groups who saw in every man-made pool in a national monument the impending destruction of the entire national park system." He accepted the conclusions of the bureau and USGS that even at its highest level Lake Powell would not touch the bridge abutments, and therefore he rejected calls for a barrier dam as "a nonsensical and indefensible waste of the taxpayers' money." In addition, the senator sneered at conservationists who argued that the entire national park system would be jeopardized by water crossing the monument's boundary.²²

The National Parks Association, Sierra Club, and other groups reacted to Moss' proposed amendment. To them the attempt to alter the 1956 law not only threatened to scuttle an agreement they had worked hard to achieve, but proved that hopes to build Echo Park dam had not disappeared, and demonstrated that the sanctity of national park boundaries remained in question.²³ To conservationists, Moss' tampering with the 1956 law revived the basic issue contested during Echo Park: were the national parks safe from all intrusions? The victory won at Echo

Park "is in grave danger," proclaimed the Sierra Club's *Outdoor Newsletter* in May 1960. "'Break the agreement and invade the National Park System at Rainbow,' the thinking seems to run, 'and we can do the same to Echo Park.'"²⁴

The battle for Rainbow Bridge now became entangled with the 1956 law and its proviso requiring protection of the arch. Secretary of the Interior Fred Seaton soon became a focal point in the controversy because he was legally responsible for the law's enforcement. Throughout 1959 the Sierra Club, Wilderness Society, and National Parks Association urged him to ensure that Lake Powell pose no threat to the bridge or the monument. In September 1960, the Sierra Club board of directors asked for Seaton's guarantee that the high water mark of Lake Powell would be kept below the proposed "site C" for a barrier dam, while the operation of Glen Canyon dam would not violate the proviso.²⁵ Seaton eventually opposed Moss' bill, effectively killing its chances in Congress, and said that the lawmakers had a responsibility to fulfill the obligations of the 1956 act.²⁶ He also included \$3.5 million in the department's 1961 budget for protecting the bridge. Seaton then assured David Brower of the Sierra Club that if Congress authorized funds the protective dam could be built without disrupting construction of Glen Canyon dam. His moves left conservationists with hope.²⁷

Seaton's efforts to uphold the 1956 proviso effectively forced the bureau to proceed with plans for a barrier dam. Although its own study had cast doubts on the need for a dam, as long as the 1956 law remained in effect the bureau had no choice but to study the feasibility of various sites. Eventually several options came forward; each of them scrutinized carefully by conservationists, the upper basin states, and members of Congress. The first proposition called for the construction of an earthen dam along Aztec Creek about three miles below the monument at so-called site "C" to prevent Lake Powell from crossing the monument boundary. A second option called for two dams, one at site "A" or "B" downstream from the monument (each closer to the monument than "C"), and a second dam above the monument to keep water from pouring down upper Bridge Creek into the monument, which otherwise would accumulate and form a reservoir of its own behind the lower barrier dam. Excess water and rubble at the upper dam would be pumped and carried away through a tunnel into Lake Powell.²⁸ A third strategy proposed only an upstream dam and tunnel, while a fourth suggested the elimination of barrier dams altogether. Of course, this last possibility could not be exercised unless Congress changed the 1956 law. Conservationists felt confident that Congress would not overturn its previous decision because Moss' effort to change it had already failed.

These options generated intense debate among the bureau, upper basin states, and defenders of Rainbow Bridge. Most conservationists supported a barrier dam at site "C." In an unusual burst of pro-dam rhetoric, the Sierra Club called the proposed site and its dam a "brilliant blend of engineering and scenic-resource planning that warrants giving the Bureau highest praise."²⁹ The Sierra Club applauded site "C" partly because it wanted construction of the barrier dam to begin as early as possible and within the construction schedule of Glen Canyon dam. By January 1960, bridge defenders knew that unless the protective work at site "C" got underway soon, it would be too late to build it at all, for the site quickly would be inundated once Glen Canyon dam was completed.³⁰

Opposition to the barrier dams, however, continued to emerge. Angus Woodbury, a biology professor at the University of Utah, added his arguments to those made by the bureau and USGS. In a 1960 issue of *Science* magazine, Woodbury analyzed the various options for protecting the bridge before concluding that "this is a case which calls for conservationists to do a little soul searching."³¹ Woodbury noted that Lake Powell would be full approximately 13 percent of the time and that at its highest level the water would stand 40–50 feet below the bridge abutments. He dismissed site "C" as too expensive and favored site "B." But Woodbury primarily questioned the need for any barrier because he thought that the structure would be more damaging to the area than reservoir water. Construction of barrier dams required roads, camp sites, and rock excavation, provoking Woodbury to ask: "Should the present law be enforced and adjacent scenic features be permanently scarred and injured in order to protect one small but important sector of the over-all scenic features?"³²

Conservationists deeply resented Woodbury's argument, in part because they remembered that a few years earlier Woodbury had defended Echo Park dam in a *Science* piece while "referring to national monuments as 'minor matters.'"³³ Then, too, Woodbury had stolen some of their own rhetoric by building his case on the damage to nature that would occur if barrier dams were constructed. Herein lies one of the great ironies of the battle. Preservationists, ordinarily of a mind to keep "wild" nature pure, demanded barrier dams to safeguard the national monument, despite their awareness of the effects of such dams on the lands around the bridge. Supporters of the bureau, usually dubious of esthetic arguments, denounced all efforts for barrier dams because of how they would disrupt a beautiful landscape.

Brower later referred to Woodbury's 1960 article as "the initial sin," while Devereux Butcher, editor of *National Wildland News*, wrote that it presented "an incomplete picture of the problem" and that Woodbury ignored "the precedent involved." Butcher insisted that site "C" re-

mained the best choice because it would nullify the need for a diversion dam and tunnel above the monument and minimize "the impact of any protective works on the canyons themselves."³⁴ In 1961, William Halliday of Seattle published an extensive rebuttal of Woodbury's piece in *Science*. He repeated the familiar arguments of the monument's defenders, raised doubts about the studies of the bureau and USGS, suggested that the bridge might collapse without a barrier dam, favored site "C," and emphasized the precedent at stake.³⁵

Despite such efforts the case for the barrier dams continued to founder. Three different studies of the problem (including Woodbury's) had concluded that the reservoir posed no threat to the bridge abutments and that barrier dams were not needed. This had raised substantial doubts in Congress about spending millions of dollars unnecessarily. Meanwhile, the bureau continued to balk at building barrier dams because the cost of such structures had risen tremendously since the middle 1950s. The bureau had initially estimated a single barrier dam at about \$3 million, a contingency cost in building Glen Canyon dam. Subsequent studies of the terrain near the bridge and the engineering and construction design of such a dam elevated the cost to between \$20 and \$25 million, "much greater expenditures of money than were contemplated [in 1956]."³⁶

The higher estimates had proven decisive with members of Congress. In May 1960, the House Committee on Appropriations rejected the Interior Department's request for \$3.5 million of initial funds to start the protective dam.³⁷ In its report, the Committee stated that it "sees no purpose in undertaking an additional expenditure in the vicinity of \$20 million in order to build the complicated structures necessary to provide the protection contemplated."³⁸

Most conservationists doubted the new estimates and believed that the bureau had deliberately elevated the cost in order to convince Congress that a barrier dam was too expensive, thereby renegeing on an agreement that it had never intended to keep. Many felt that the bureau had no desire to divert workers and funds from its showcase dam at Glen Canyon, and that it had worked assiduously behind the scenes at Interior to scrap the 1956 proviso.³⁹ They also believed that even at \$20 or \$25 million, the cost of a barrier dam was "insignificant," as Anthony Wayne Smith of the National Parks Association put it, especially considering the much greater "capital value" of a high Glen Canyon dam in terms of hydropower and storage capacity. In addition, as Smith reminded Pennsylvania Congressman John Saylor, it was the conservationists' acceptance of the high dam in return for the bureau's pledge to protect Rainbow Bridge that had helped to increase the dam's value.⁴⁰

But there was little they could do except continue to pressure the Secretary of the Interior to uphold the law and protect the bridge, while trying to persuade the House Appropriations committee to approve funding of a barrier dam.

The latter promised to be difficult. The committee chairman, Colorado's Wayne Aspinall, had little sympathy for wilderness defenders and those who spoke of a precedent against the park system. Certainly he had done little to preserve Echo Park. In 1960, as Aspinall was being badgered by Secretary Seaton for funds to protect the bridge, he decided that the controversy called for an inspection of the place at the center of the debate. He supported a trip to the bridge by two committee members, Congressmen Saylor of Pennsylvania and Stewart Udall of Arizona. Their journey to Rainbow Bridge in August 1960 proved decisive.⁴¹

While Saylor viewed the barrier dam sites from a helicopter, Udall traveled by boat from Hite, Utah downstream to the mouth of Forbidding Canyon, then hiked seven miles up to the bridge. Udall spent three hours around the bridge, becoming acquainted with the great span of rock and its magnificent setting. He climbed to the top of the bridge to survey the situation from the best vantage point; after descending, he hiked about one mile up Bridge Canyon to inspect the terrain and watercourse.⁴² This Arizona Congressman, who became a key figure in the controversy, was awed by the canyon country of southern Utah. In Russell Martin's words, he became mesmerized "by the whole wild wonder of the place."⁴³ In his summary letter to Aspinall, Udall outlined three options for protecting the bridge, the first two of which included barrier dams above and below the bridge. Udall, however, favored a third option: "to do nothing—to suffer the intrusion of the lake as the lesser of evils."⁴⁴ Udall knew the argument of keeping the reservoir out of the monument, but like Woodbury he could not escape the conclusion that barrier dams would scar the landscape with roads, trails, and construction sites. "It is plain," he wrote Aspinall, "that thrusting a road into the wild canyons which surround the Monument would change the primitive status of Rainbow."⁴⁵ Employing a phrase commonly used throughout the controversy, the "cure" of a barrier dam would be worse than the "disease" of the lake crossing the monument boundary.⁴⁶

Udall's letter did not appear in a public forum, but, by reaching the other members of Aspinall's committee, it effectively put the nail in the coffin of the barrier dams. Saylor continued to press for funds for an upstream diversion dam, but Udall's opinion carried greater weight with many on the committee. Most committee members were already inclined not to appropriate funds for the protective dams.⁴⁷ The weight of opinion in the House Committee had shifted decidedly in fa-

vor of scrapping the barrier dams and saving public funds. It now seemed indisputable that even a full Lake Powell would not threaten the bridge abutments and that any protective works and the roads required to build them would mar the surrounding area far more "than would ever be done by a finger of water creeping up beneath the bridge at certain periods of the year."⁴⁸ Members of the House and Senate appropriations committees now translated these tenets as gospel: the bridge was not threatened and a barrier dam was not needed. Arizona Senator Barry Goldwater, who had been a partner in Rainbow Lodge located at the trail head to the bridge, insisted that nature itself would protect the arch after Glen Canyon dam was finished; he asserted that silt accumulation in the canyon downstream from the bridge (evident in many side canyons near Lake Mead) would prevent Lake Powell from passing under the bridge.⁴⁹

That Udall had taken a decisive role in the controversy soon became more than a little ironic. In 1961, Udall became John F. Kennedy's new Secretary of the Interior. Suddenly Udall found himself in charge of the Bureau of Reclamation and National Park Service and poised at the center of the Rainbow Bridge conflict. Only six months earlier he had recommended against the construction of barrier dams; as Secretary, he now faced significant pressure from preservationists to obtain funds from Congress and see that the dams be built. Personally convinced that they were unnecessary and would do more harm than good, Udall had to weigh his own convictions as well as pressure from the bureau and its constituents against mounting demands from defenders of the park system, all while adjusting to the daunting job of Secretary of the Interior. It was no easy task.

As a representative from Arizona, Udall had always appreciated the role of water in general and the Colorado River in particular in the West's economic growth. He had backed the Echo Park dam and the Bureau of Reclamation enthusiastically, and he had looked fondly on those projects that provided water and power to Arizona and the Southwest. On the other hand, he appreciated parks and wilderness areas, and he later came to respect leading preservationists such as Brower and Zahniser. As one scholar has observed, Udall assumed his position at a time when conservation was "a movement in flux," when traditional resource management agencies like the bureau held great importance politically and economically at the same time that preservationism and "environmentalism" were emerging into the political arena as never before.⁵⁰

That larger context made itself felt in the Rainbow Bridge dispute. In January 1961, Udall called a special evening meeting at the Interior Department office in Washington, D.C., to spotlight the importance of the controversy. In attendance were NPS Director Conrad Wirth, Bu-

reau Commissioner Floyd Dominy, Assistant Secretary for Water and Power Kenneth Holum, and Interior Department Solicitor Frank Barry. Aware of the powerful pressures from both sides, Udall said that the problem of the bridge raised "very serious questions of conservation policy."⁵¹ While the meeting did not produce a settlement, Udall did suggest what seemed to him an excellent solution: to enlarge the monument's boundaries by means of a land exchange with the Navajo tribe, with hopes of then persuading Congress to transform it into a national park encompassing at least 200 square miles of land east of the Colorado River in southern Utah. "As I see it," Udall told the gathering, "this bridge sets [sic] in a marvelous setting, with Navajo Mountain, the sacred mountain of the Navajos, as a back drop [sic], with some wonderful rugged country on all sides. And it seems to me that the real park is not the square box-like 160 acres. It is the whole area."⁵² His idea was to appease conservationists by recognizing their adoration of the canyon country, while gaining from them a promise not to push for the barrier dams. Udall also believed that, because the lands surrounding the bridge had little or no grazing potential, the Navajo might be interested in obtaining more economically promising lands in exchange.⁵³ Pending the outcome of that effort, everyone realized that political pressures would determine the outcome of the battle.

Certainly Udall could not ignore the bureau and upper basin states who eagerly anticipated completion of Glen Canyon dam and all that it promised for recreation, hydropower, and storage of Colorado River water. By 1961 the dam was rising as a massive construction project in northern Arizona, with more than 2,000 men working on it in three shifts a day. Every hour workers poured 300 cubic yards of concrete, building the dam that ultimately would contain ten million tons of concrete. By the summer of 1961, the structure reached 250 feet above bedrock. The major contractor, Merritt-Chapman & Scott, was scheduled to complete the dam by the spring of 1964 at a cost of \$107 million. Meanwhile, the new town of Page near the dam hummed with activity, swarming with construction workers, contractors, and federal employees, and filling up with new stores and homes.⁵⁴

Wanting to leave no doubt in Udall's mind about the importance of the dam's swift completion, bureau commissioner Dominy reminded Udall that Lake Powell must be full for proper financing of the CRSP since power revenues from Glen Canyon dam would pay for many other projects. "The entire economic feasibility of the billion dollar Colorado River Storage Project," Dominy wrote, "depends upon storing sufficient water in Glen Canyon Reservoir to permit power operations at the earliest possible date."⁵⁵

Udall's background and sympathy for water development made most conservationists skeptical of his commitment to protecting the parks from intrusions, and some doubted that he had sufficient backbone to stand up to the bureau.⁵⁶ His rejection of a barrier dam from his own reconnaissance added to their fear that he would simply go along with the bureau's plans. Nevertheless, as Interior Secretary, he had a legal obligation to carry out the protective tenets of the 1956 law, and they badgered him repeatedly to do so.⁵⁷ Rapid construction of Glen Canyon dam made them increasingly anxious about Rainbow Bridge, and they looked to Udall to confront the bureau and carry out the 1956 agreement.⁵⁸

In February 1961, representatives of a dozen major groups, including the National Parks Association, Wilderness Society, Izaak Walton League, and Wildlife Management Institute, called on Secretary Udall. They reminded him of the 1956 proviso and warned that allowing water to cross the boundary would be "a fundamental violation of the law and the spirit [underlying] the National Park System."⁵⁹ They urged him to include in his budget proposal to Congress a request for the barrier dam and insisted that such a dam must be constructed regardless of cost, even if it meant that power consumers would pay higher rates. In December 1961, Brower implored Udall to uphold the law:

Rainbow is a tough one but we are counting on you to put in for the appropriation so the conservationists can fight for it. Fred Seaton tried once but didn't get the bureaus (NPS and Reclamation) to support him. You tried once—but this only 'evened up' you might say, for your earlier view expressed in the letter to Wayne. Stew, I don't think you have any choice but to do your damndest to carry out the law and the agreement. Your fondest hopes will fade and your just place in history will vanish if you stop fighting for this one. I think there are a lot of eyes watching this one⁶⁰

Brower hoped that "a lot of eyes" were watching the situation in Washington, D.C. because the Sierra Club and other wilderness watchdogs had their eyes fixed on Glen Canyon, and they wanted to draw public attention to what they considered to be a tragedy in the making. By the early 1960s, the Sierra Club and its allies had come to regret that Glen Canyon dam was rising out of the bedrock of the Colorado River. While they had not opposed the dam during the 1950s because Glen Canyon was not within the national park system, many began to realize the stunning beauty soon to be lost beneath Lake Powell. Sierra Club river trips into Glen Canyon in the late 1950s had raised awareness of its magnificence and caused many to regret that more had not been done to fight

the dam. In 1963, the Sierra Club published *The Place No One Knew*, a coffee-table book filled with photographs of Glen Canyon which became a memorial to the canyon.⁶¹ Conservationists' anguish over the loss of Glen Canyon was compounded by their conviction that the dam was not needed for storage or power and was merely a technical means to fulfill provisions of the Colorado River Compact. "The unnecessary loss of Glen Canyon," Brower wrote Udall in 1963, "is an epitome of what man is doing in many places . . . [a sign of] the increasing load man is placing upon his environment to produce transitory benefit to the market economy."⁶²

Their sorrow over Glen Canyon sparked a vigorous defense of the dam by Commissioner Dominy. In a colorful pamphlet published by the Department of the Interior shortly after the dam's completion, Dominy claimed that the dam and reservoir had opened a remote and inaccessible desert wilderness for all to see. "Sired by the muddy Colorado in magnificent canyon country, a great blue lake has been born in the West," he proclaimed. "It is called Lake Powell."⁶³

The debate concerning Lake Powell contributed to the discussion about the beauty and accessibility of Rainbow Bridge. Opponents of the barrier dams made much of its remoteness. On this point conservationists were highly vulnerable, for access to the bridge had long been limited by its location, which required a twenty-four-mile ride by mule or a fourteen-mile round trip hike. But the picturesque arch would soon be accessible to thousands who could boat along Lake Powell and reach the bridge in less than one mile's walk, assuming no barrier dams were constructed. Indeed, opposition to the barrier dams played into an argument for helping people see the bridge. Lake Powell would not "affect the majesty of the bridge," several Congressmen intoned in letters to their constituents. "In fact, the presence of the lake will make it possible for a larger number of Americans to see one of their natural wonders."⁶⁴ In 1963 Wayne Aspinall's letter to the editor (ghost written by Dominy) appeared in the *Rocky Mountain News*: "[Perhaps] the encroachment of part of the lake under the bridge or on the monument area [means that] a policy has been violated to a certain extent, nevertheless, this wonderful and famous cultural monument will now be more readily accessible to the millions, rather than the hundreds, who have been privileged to enjoy its grandeur up to the present time."⁶⁵

This notion dovetailed nicely with the tenet that the distinctive beauty of the bridge would actually be improved by a sliver of reservoir beneath it. How better to flatter a great stone arch than to provide it with its own reflective pool? To improve on nature's own beauty by means of an artificial lake had a tradition of its own. During the debate

over Hetch Hetchy in the early twentieth century, supporters of the dam proclaimed that a lake would add luster and beauty to an already sublime scene. In 1913, Harvard historian Albert Bushnell Hart recalled his visit to the Yosemite Valley the previous year:

the one thing which seemed to be necessary to make the scenery perfect was a lake on the bottoms I have not been in the Hetch Hetchy Valley, but if it is at all like the Yosemite I should like to join some society the purpose of which was to have a dam built, so that the water might be set back to form a beautiful lake; and strange as it may seem, a reservoir may be as beautiful as a natural lake.⁶⁶

Similar rhetoric had emerged during Echo Park and appeared again in the Rainbow Bridge debate. Utah Senator Frank Moss maintained that “a sliver of water backing up into [the monument] would add greatly to its scenic lure,” and make the remote bridge more accessible to boaters. Commissioner Dominy was quoted by one reporter as saying “in my opinion, the water up under the bridge would make it a more beautiful sight.” If the lake would enable more people to see the bridge and add to the scenery, then it seemed important that it should cross the monument boundary.⁶⁷

These arguments about improving nature’s own beauty and making the bridge accessible reflected the weakness of the conservationists’ precedent case. That Congress had not been persuaded by that argument only encouraged opponents of the barrier dams to proclaim the benefits of Lake Powell to the bridge. Yet the question remains why Congress had not been persuaded by warnings of an adverse precedent in the case of Rainbow Bridge when that very same tactic had succeeded in preserving Echo Park.

Rainbow Bridge presented a very different situation from that of Echo Park. Most importantly, the likely effect of Echo Park dam on the scenic character of Dinosaur National Monument had been clear. The monument’s reservoir would have inundated two-thirds of the 800-foot-high Steamboat Rock in Echo Park, and would have reached another forty to sixty miles upstream through the Lodore and Yampa river canyons. Conservationists repeatedly brought to light this proposed massive alteration of nature in articles and photographs in the *Sierra Club Bulletin*, *Living Wilderness*, *National Parks Magazine*, and other publications.⁶⁸ In doing so, they appealed to what historian Alfred Runte has called “the nation’s historical prejudice for monumental scenery.”⁶⁹ By contrast, several studies demonstrated that Lake Powell posed no

threat to Rainbow Bridge (though some conservationists doubted those studies). Since the scenic heart of the monument would be untouched, the precedent argument carried little weight. Only if a dramatic alteration of nature were likely to occur could that rhetoric take hold.

With the arch being the sole scenic spectacle inside the monument, this left the boundary as the primary point of contention. In the past conservationists had protected park and monument boundaries successfully by warning that lines on the map designating such areas must not be crossed; this simple doctrine had been effective in rallying the public. Yet the boundary line surrounding Rainbow Bridge did not seem to matter much to anyone except the conservationists, for as Udall and Woodbury recognized Rainbow Bridge was a tiny dot on the map in a vast landscape of slickrock, a speck amidst a huge wilderness of red rock desert. As Udall put it in his letter to Aspinall, "the natural setting of Rainbow embraces a much larger area than the box-like artificial 'monument'."⁷⁰

This topographical reality made the conservationists' focus on the monument's boundaries appear misguided. They seemed to imply that "pristine nature" resided only inside those boundaries while the landscape beyond them was not worth protecting. Passionate about protecting the 160-acre monument, its defenders would sanction roads, trails, and a tunnel on the stunning landscape around it, "hardly in keeping with the wilderness concept," as a *Salt Lake Tribune* editorial put it.⁷¹ Politically, their case was weak. Once the threat to the bridge abutments had been settled, the crossing of the boundary by Lake Powell seemed less a violation of principle than a trivial point. If the bridge was not threatened, why worry about a sliver of water crossing the boundary line? Most members of the House Committee did not worry about that prospect and portrayed themselves as fiscally responsible and mindful of taxpayers' money.⁷²

Here, then, was the situation facing Secretary Udall as the bridge controversy crested in 1962 and 1963. Ever since his own visit to the bridge, Udall firmly believed that barrier dams should be avoided. Further, he had hoped to turn attention away from them with his proposal of enlarging Rainbow Bridge National Monument and converting it into a spectacular new park. This plan, however, soon foundered, for the Navajo had refused to surrender their land surrounding the bridge. They resisted in part because Navajo Mountain was a sacred place to them, and because Norman Littell, a legal adviser of the tribe in Washington, D.C. and a nemesis of Udall, advised against the secretary's proposed land exchange. His park idea going nowhere, and criticism from conservationists mounting, from 1961 to 1963 Udall requested funds from Congress for barrier dams in the Interior budgets.⁷³

The secretary acted knowing that Congress would refuse the request, just as it had done in 1960. He knew the sentiments of the House Appropriations Committee, having recently been a member, and he knew of both Aspinall's and Senate chairman Carl Hayden's determination to turn such requests down.⁷⁴ As he predicted, Congress said, "no." In 1961 and 1962 Congressional committees from both the House and Senate wrote their own provisions in the Interior budget bills, specifically stating that no money appropriated for the CRSP could be used to build dams to protect Rainbow Bridge.⁷⁵ The committees opposed such spending because of the higher estimated costs of barrier dams, and because members believed that additional roads and dams would mar a remote and spectacular place. Predictably, conservationists responded that "it appears inconsistent for the Congress on one hand to direct initiation of a program but, on the other hand, to deny the funds necessary to implement it. Failure to provide the protective measures abrogates the law and the agreement which conservationists accepted in good faith."⁷⁶

Conservationists' only hope now rested on an important legal question: could Congress renege on the 1956 law simply by denying the appropriations? In 1963, Frank J. Barry, Solicitor of the Department of the Interior, ruled that such a legal precedent did exist, that Congress could and had done so, and that Secretary Udall need not feel compelled to protect the bridge.⁷⁷ "Under the present state of the law applicable to Glen Canyon," Barry wrote in a memorandum to Udall, "it is the intention of the Congress that construction and filling of the Reservoir should proceed on schedule without awaiting the construction of barrier dams at Rainbow Bridge."⁷⁸ The Sierra Club and other groups quickly denounced Barry's ruling. David Brower consulted several attorneys who rejected Barry's argument that Congress could nullify a law simply by denying appropriations.⁷⁹ Meanwhile, the Sierra Club, Federation of Western Outdoor Clubs, and National Parks Association filed suit in federal district court to require Secretary Udall to keep the diversion tunnels at Glen Canyon dam open until protective measures for Rainbow Bridge were built.⁸⁰

In a ruling that revealed the weakness of the conservation lobby in the early 1960s, the court held that the plaintiffs had no legal standing to bring suit. The court also ruled that the 1956 law remained in effect and that the Secretary of the Interior was responsible for deciding whether or not to uphold it. Udall, mindful of Barry's ruling as well as the powerful pressures to finish Glen Canyon dam, decided not to.

The bridge controversy continued to play out in the legal system into the early 1970s. In 1972, Brower, then president of Friends of the Earth, filed a federal suit against the bureau and Secretary of the Interior in federal court to enforce the 1956 proviso. This time, Judge Willis

Ritter ruled from a federal court in Utah that the 1956 act must be upheld—that the Department of the Interior must operate Glen Canyon dam so as to keep Lake Powell sufficiently low to prevent damage to Rainbow Bridge or build a protective dam to keep water from entering under the bridge.⁸¹ But a U.S. Court of Appeals later overturned Ritter's decision by ruling that the 1956 proviso had been effectively nullified because Congress had refused to appropriate funds for protecting the bridge for sixteen years. Richard Leonard, an attorney and Sierra Club leader, disagreed with the appellate court ruling and remained hopeful that the Supreme Court would reverse that ruling and protect the bridge in the end. Leonard's hopes had been raised by another suit brought by the Wilderness Society against the Alaska Pipeline in which a court had said that "repeal of a clear act of Congress could not be accomplished by implication." However, in 1974 the Supreme Court declined to review the appellate decision.⁸² In the end, Lake Powell lapped beneath the great bridge without touching the abutments.

The story of the Rainbow Bridge controversy is significant in a number of ways. Perhaps most importantly, it reveals the weakness of the conservation lobby prior to the legal revolution in environmental affairs instigated by the National Environmental Policy Act of 1970. Without sufficient legal means to protect the bridge, defenders of the park system could only fall back on a rhetorical strategy that proved ineffective in a situation much different than Echo Park. They discovered that a precedent against the national park system could not stir the public as easily as they had assumed.

By contrast, the Bureau of Reclamation and the hydropower lobby had considerably more influence in Congress and along the Colorado River. From the bureau's vantage point, the controversy had a positive outcome. As a result of conservationists' failure to protect the bridge with a barrier dam, the bureau realized that the precedent argument could fail when the perceived effects of a dam or reservoir were not dramatic. The bureau now understood that the argument's strength depended upon the degree of impact of the dam and reservoir in question, not on conservationists' legal protests. Confident that the precedent argument could be overcome, the bureau in the early 1960s proposed two more dams inside the Grand Canyon; this time at Marble and Bridge Canyons. Neither dam would be placed inside Grand Canyon National Park or Monument but just outside their boundaries, and thus neither could be considered an intrusion within a protected area. While their effects on changing the flow of the Colorado River might well be questioned, conservationists carried the responsibility of determining whether such alterations could pose a precedent against the national park system. Their eventual decision that it could leads into another story. In revealing the weakness of the precedent strategy, the outcome at Rainbow Bridge

strengthened the bureau's influence on the Colorado River and helped spark the ensuing controversy over the Grand Canyon dams. The battle for Rainbow Bridge was thus a key episode in the history of the Colorado River, an essential link between the more famous controversies over Echo Park and the Grand Canyon.

NOTES

1. For general accounts see Roderick Nash, *Wilderness and the American Mind*, 3d ed. (New Haven, Connecticut: Yale University Press, 1982); Phillip Fradkin, *A River No More: The Colorado River and the West* (1981; Berkeley: University of California Press, 1996); Marc Reisner, *Cadillac Desert: The American West and Its Disappearing Water* (New York: Viking Penguin, Inc., 1986); Russell Martin, *A Story That Stands Like A Dam: Glen Canyon and the Struggle for the Soul of the West* (New York: Henry Holt and Company, 1989); Mark W. T. Harvey, *A Symbol of Wilderness: Echo Park and the American Conservation Movement* (Albuquerque: University of New Mexico Press, 1994); Alfred Runte, *National Parks: The American Experience*, 2d ed. (Lincoln: University of Nebraska Press, 1987); Michael Cohen, *The History of the Sierra Club, 1892-1970* (San Francisco, California: Sierra Club Books, 1988); see also Byron E. Pearson, "Salvation for Grand Canyon: Congress, the Sierra Club, and the Dam Controversy of 1966-1968," *Journal of the Southwest* 36 (Summer 1994), 159-75.

2. Howard Zahniser's comment appears in Wilderness Society Council, minutes, 1956 meeting, Ranier, Minnesota, box 18, Wilderness Society Papers, Western History Department, Denver Public Library (hereafter referred to as Wilderness Society Papers).

3. I do not mean to imply that their victory solely depended on rhetoric. Conservationists also relied on a powerful political coalition of California water and power interests, Midwest farm states, and other opponents of the multi-million dollar Colorado River Storage Project (CRSP); see Harvey, *A Symbol of Wilderness*, 213-18, 283.

4. For a general account of the battle, see John C. Miles, *Guardians of the Parks: A History of the National Parks and Conservation Association* (Washington, D.C.: Taylor & Francis, 1995), 223-26.

5. Gregory C. Crampton, *Standing Up Country: The Canyon Lands of Utah and Arizona* (New York: Alfred A. Knopf, Salt Lake City: University of Utah Press, in Association with Amon Carter Museum of Western History, 1964), 154. For further information on the discovery, also see Neil M. Judd, "Rainbow Trail to Nonnezoshe," *National Parks and Conservation Magazine* 47 (November 1973), 4-8; Gary Topping, *Glen Canyon and the San Juan Country* (Moscow: University of Idaho Press, 1997), 108-110.

6. Harvey, *A Symbol of Wilderness*, 222-23; see also Harvey, "Echo Park, Glen Canyon, and the Postwar Wilderness Movement," *Pacific Historical Review* 60 (February 1991), 43-67.

7. Harvey, *A Symbol of Wilderness*, 35-45.

8. *Ibid.*, 193-203, 222-26.

9. House of Representatives, Committee on Interior and Insular Affairs, *Hearings Before the Subcommittee on Irrigation and Reclamation on H.R. 270, H.R. 2836 et. al.*, 9-10 March, 18-22 April 1955, 304-08, 374-75.

10. Zahniser to Stewart Udall, 23 May 1961, box 20, Wilderness Society Papers.

11. Quoted in *ibid.*; Anthony Wayne Smith to John Saylor, 7 September 1961, box 37, John P. Saylor Papers, Special Collections and Archives, Indiana University of Pennsylvania, Indiana, Pennsylvania (hereafter referred to as Saylor Papers).

12. "Echo Park Controversy Resolved," *Living Wilderness* 20 (Winter-Spring 1955-1956), 23-43; Harvey, *A Symbol of Wilderness*, 288-89.

13. Committee on Interior and Insular Affairs, *Hearings on H.R. 270 et. al.*, March and April 1955, 304-08.

14. Bruce R. Kilgore, "The Rainbow Bridge Debate," *Deseret News*, 8 November 1958.

15. The bureau's report is in box 22, Floyd Dominy Papers, American Heritage Center, University of Wyoming, Laramie, Wyoming (hereafter referred to as Dominy Papers); see also "Rainbow Bridge Boondoggle Has \$25 Million Price Tab," *Grand Junction Daily Sentinel*, 23 February 1960.

16. Hansen's full report is in box 22, Dominy Papers; see also "Summary of Cooperative Studies by Reclamation and Park Service on Measures to Preclude Impairment of the Rainbow Bridge National Monument Glen Canyon Unit, Colorado River Storage Project," n.d., box 19, Dominy Papers.

17. Miles, *Guardians of the Parks*, 224.

18. "Remember Rainbow Bridge," *National Wildland News* 3 (February 1962), 4; Editorial, "Let's Look Beyond the Rainbow," *National Wildland News* 1 (April 1960), 2; Devereux Butcher to Carl Hayden, 1 June 1960, and A.W. Smith to Fred Seaton, 28 September 1960, box 2, Devereux Butcher Papers, American Heritage Center, University of Wyoming (hereafter referred to as Butcher Papers); *National Parks Magazine* 34 (February 1960).

19. Butcher to Hayden, 1 June 1960, box 2, Butcher Papers.

20. *Sierra Club Bulletin* (June 1961); Miles, *Guardians of the Parks*, 224.

21. Editorial, "At Rainbow Bridge and Elsewhere Precedent Is Important," *National Parks Magazine* 34 (February 1960), 2.

22. Moss's remarks appear in the *Congressional Record*, 11 March 1960, 4841-43.

23. See J. F. Carithers to Udall, 15 March 1960, box 2, Butcher Papers.

24. Vol. 1 (31 May 1960), n.p., box 2, Butcher Papers.

25. David Brower to Seaton, 15 September 1960; A.W. Smith to Seaton, 28 September 1960, box 2, Butcher Papers.

26. "Conference on Rainbow Bridge National Monument," Department of the Interior, Washington, D.C., 30 January 1961, box 22, Dominy Papers.

27. Seaton to William Halliday, 21 July 1960, box 2, Butcher Papers; Department of the Interior Press Release, 19 February 1960, box 22, Dominy Papers.

28. Miles, *Guardians of the Parks*, 225.

29. Brower to Seaton, 18 January 1960, box 2, Butcher Papers; *Sierra Club Outdoor Newsletter*, 31 May 1960.

30. A.W. Smith to Seaton, 19 January 1960, copy in box 37, Saylor Papers.

31. "Protecting Rainbow Bridge," *Science* 132 (26 August 1960), 528; "Ecologist Rips Rainbow Dam Plan, Cites Alternate," *Salt Lake Tribune*, 30 August 1960.

32. "Protecting Rainbow Bridge," 528.

33. Halliday to Saylor, 14 October 1960, box 37, Saylor Papers.

34. Brower wrote "the initial sin" on his copy of Woodbury's article. Box 81, Sierra Club Records, Bancroft Library, University of California, Berkeley (hereafter referred to as Sierra Club Records); Butcher to Edward Danson, 24 October 1960, box 2, Butcher Papers.

35. Halliday, "Protection of Rainbow Bridge National Monument," *Science* 133 (19 May 1961), 1572-79.

36. Udall made this comment at the "Conference on Rainbow Bridge National Monument," 30 January 1961, box 22, Dominy Papers; on the expense of the barrier dam, see also Dominy to Wallace Bennett, 19 July 1961, folder 12, box 253, Carl Hayden Papers, Department of Archives and Manuscripts, Arizona State University, Tempe, Arizona (hereafter referred to as Hayden Papers).

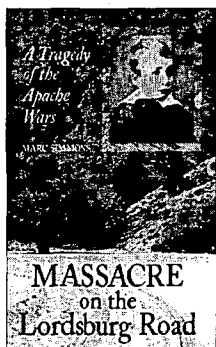
37. "Conservation Report," National Wildlife Federation, box 19, Dominy Papers.

38. Quoted in C. R. Gutermuth to Natural Resources Council of America, 27 May 1960, box 2, Butcher Papers.

39. See, for example, Brower, "Wilderness River Betrayal," *Sierra Club Bulletin* 46 (October 1961), 19-20.
40. A.W. Smith to Saylor, 7 September 1961, box 37, Saylor Papers.
41. Martin, *Story That Stands Like A Dam*, 215-20.
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53. Udall, interview with author, 10 January 1997.
54. Martin, *Story That Stands Like A Dam*, 96, 191; Martin also provides extensive coverage of Page throughout the book.
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59. Secretary of the Interior memorandum to Conrad Wirth and Dominy, 15 February 1961, box 22, Dominy Papers; "Conservation Leaders Discuss Problems With Secretary," *National Parks Magazine* 35 (April 1961), 15.
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61. Eliot Porter, *The Place No One Knew: Glen Canyon on the Colorado* (San Francisco, California: Sierra Club Books, 1963).
62. The quote is in Brower to Udall, 24 June 1963, box 20, Wilderness Society Papers; Martin, *Story That Stands Like A Dam*, 244-46; Brower, *For Earth's Sake: The Life and Times of David Brower* (Salt Lake City, Utah: Peregrine Smith Books, 1990), 341-52.
63. *Lake Powell: Jewel of the Colorado* (Washington, D.C.: U.S. Department of the Interior, 1965), 15.
64. Kenneth B. Keating to Butcher, 6 February 1962, box 2, Butcher Papers; Hayden to James Jones, 16 March 1962, box 253, Hayden Papers.
65. Dominy's words appeared in a letter to the editor which he wrote on behalf of Colorado Congressman Aspinall. The letter, with Aspinall's name, appeared in *Rocky Mountain News*, 7 August 1963.
66. Albert Bushnell Hart to "Dear Sir," 10 November 1913, box 3, Robert Underwood Johnson Papers, Bancroft Library, University of California.
67. Moss' quote in *Congressional Record*, 11 March 1960, 4842; Dominy's quote in "Touring Lawmakers Split On Rainbow Bridge Plans," *National Parks Magazine* 34 (February 1960), 19.
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Wars for the West

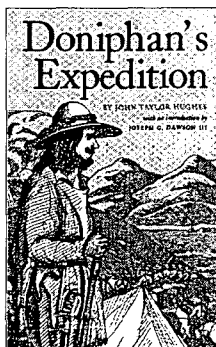


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In Passing: Calvin P. Horn

DAVID V. HOLTBY

“I have come amongst you with two objects in view: namely, to employ my time honorably to myself, and usefully to the people of the Territory.” With these words New Mexico’s second territorial governor, William Carr Lane (1852–53), introduced himself in his inaugural address. Lane’s statement, recorded in Calvin Horn’s 1963 study, *New Mexico’s Troubled Years: The Story of the Early Territorial Governors*, also serves as a summary of Calvin’s life: he spent his time in honorable pursuits and in service to his state. He died in Albuquerque on 18 December 1996. Throughout his life he distinguished himself as a businessman, public servant, publisher, author, and philanthropist.¹

Born on 30 October 1918 in Kentucky, Calvin Horn came with his family to New Mexico at the age of three in the hope that his mother would recover from tuberculosis. By the time Calvin was fifteen, both of his parents had died. He never dwelt on his childhood hardships; instead, he and his older brother H. B. pooled their money from work as *Albuquerque Journal* paperboys and, in Calvin’s senior year at the University of New Mexico in 1939, founded Horn Oil Company. Building on his accomplishments, during World War II Calvin rose to the rank of Captain while serving in photo intelligence assignments with the Eighth Air Force in England.

Following the war, both Calvin and H. B. steadily expanded their oil business in New Mexico to twenty-six filling stations before leasing them to Plateau, Inc. in the mid-1970s. In addition, the Horns anticipated Albuquerque’s growth on the East Mesa. Throughout the 1950s and 1960s, they purchased and later developed large tracts of land as the Northeast Heights grew toward the Sandía Mountains.

David V. Holtby is an editor at the University of New Mexico Press.



Mr. and Mrs. Calvin P. Horn, ca. 1979–80. Photograph courtesy of University Archives, University of New Mexico, Albuquerque.

Calvin Horn's public service began when he entered New Mexico politics in the late 1940s, serving six years in the state House of Representatives, including one term as speaker in 1951, and four years in the state Senate. In May 1960, Calvin ran unsuccessfully in the primary

for the statewide congressional seat held by a first-term incumbent Democrat. He also ran third in a field of five Democrats in the August 1968 gubernatorial primary, garnering just 282 fewer votes than second-place finisher Bruce King.

In the fall of 1970, Governor-elect Bruce King appointed Horn to the Board of Regents of the University of New Mexico (UNM). Horn served as president of the Board his entire first term (1971-77) and was secretary-treasurer for much of his second term (1977-82). While still a regent, Horn self-published *University in Turmoil and Transition: Crisis Decades at the University of New Mexico*, his account of UNM under presidents Tom Popejoy, Ferrel Heady, and William E. "Bud" Davis.²

In addition to his service as a politician and university regent, Calvin also served on the boards of two banks as well as the boards of civic groups, charitable organizations, and private schools. From the late 1970s until his death, Calvin devoted much of his time and talents to establishing and permanently endowing Noon Day Ministry, a nationally recognized multi-service facility aiding the homeless in Albuquerque. In 1993, Calvin and his brother H.B. were awarded the New Mexico Outstanding Philanthropist Award.

As a publisher and writer, Calvin focused on New Mexico and Southwestern history. In 1959, he and his friend William S. Wallace, the librarian at New Mexico Highlands University, became co-principals in Horn & Wallace Publishers. Both men were active in and officers of the Historical Society of New Mexico during much of the time they were publishers. Among the fifty-plus books Horn & Wallace issued were reprints of such classics of Southwestern history as the abridged two-volume reissue of Ralph Emerson Twitchell's 1914 *The Leading Facts of New Mexico History*, 5 vols. (1963), a facsimile of the 1889 edition of Hubert Howe Bancroft's *History of Arizona and New Mexico* (1962), and George Sánchez's classic 1940 study of the Chicano experience, *Forgotten People* (1967). Original titles also appeared on their list, including Calvin's own *New Mexico's Troubled Years* (1963), the eighth title in the Horn & Wallace imprint. The chapters of this book first appeared in *New Mexico Magazine* between June 1957 and October 1963. The magazine's long-time editor, George Fitzpatrick, also collected popular articles into an anthology (*This is New Mexico* [1962]) and the first book-length photographic study of New Mexico landscapes in color (*Profile of a State: New Mexico* [1965]). Evidence of the lasting appeal of some of the books is found in the University of New Mexico Press' reissue of several Horn & Wallace reprints: including, the Sánchez volume (1996) and Lydia Spencer Lane's *I Married a Soldier* (1987). Following Wallace's death, Calvin issued books briefly under his own imprint.³

In the fall of 1982 Professor Richard Etulain of UNM's history department suggested that I ask Calvin to support a lecture series in Western history. About the same time, however, Calvin was deeply involved in stewardship to Noon Day Ministry, so he asked that we postpone the discussion for a year or two. Early in 1984 Calvin was again ready to talk about our idea for a lecture series. He, Richard Etulain, and I sealed the agreement with nothing more than the classic western gesture—a handshake. Calvin set up a ten-year financial structure for the lecture series and the books that would result, but he stepped back from its management. That was a considerable act of forbearance on his part since no sooner had we created the Calvin P. Horn Lectures in Western history and culture than the field of Western history underwent a so-called revisionist revolution. The very type of history Calvin most valued—a powerful narrative of frontier times—was deemed passé. But Calvin took genuine pride that academic historians recognized his series as the premier lectureship in Western history, that five of the nine books since published have won awards, and that all the titles published have been widely read by students.

Calvin's love of history was matched by a desire to share its appeal. Indeed, the material collected in *New Mexico's Troubled Years* had its origins in his search for captivating stories to tell at public and civic gatherings and in his community college courses. And the proceeds from the sales of the book endowed a fellowship in history at UNM that has benefited graduate students for over thirty years, including one graduate who returned to deliver the 1987 Horn Lectures in Western History and Culture: Professor David J. Weber of Southern Methodist University.

In spite of Calvin Horn's tremendous public service to the people of New Mexico, what mattered most to him was family and faith, and his love for sharing stories about both. An accomplished raconteur, Calvin could recall just the right detail and mimic both voice and mannerism. For all of his own accomplishments and his interest in the past, Calvin focused his conversations and attention almost solely on the present and future. New Mexico is the better for his life.

NOTES

1. Calvin P. Horn, *New Mexico's Troubled Years: The Story of the Early Territorial Governors* (Albuquerque, New Mexico: Horn & Wallace, 1963).

2. Calvin P. Horn, *University in Turmoil and Transition: Crisis Decades at the University of New Mexico* (Albuquerque, New Mexico: Rocky Mountain Publishing Company, 1981).

3. Ralph Emerson Twitchell, *The Leading Facts of New Mexico History*, 5 vols. (1889; Albuquerque, New Mexico: Horn & Wallace, 1963); Hubert Howe Bancroft, *History of Arizona and New Mexico* (Albuquerque, New Mexico: Horn & Wallace, 1962); George Sánchez, *Forgotten People* (1940; Albuquerque, New Mexico: Calvin Horn Publishers, 1967); George Fitzpatrick, *This Is New Mexico* (1948; Santa Fe, New Mexico: Rydal Press, 1962); George Fitzpatrick, *Profile of a State: New Mexico* (Albuquerque, New Mexico: Horn & Wallace, 1964), and Lydia Spencer Lane, *I Married a Soldier* (1893; Albuquerque: University of New Mexico Press, 1987).

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Book Reviews

Phoenix Indian School: The Second Half-Century. By Dorothy R. Parker. (Tucson: University of Arizona Press, 1996. xi + 96 pp. Illustrations, appendixes, notes, bibliography. \$14.95 paper.)

In recent years historians of Indian-white relations have devoted increased attention to the subject of Indian education, a good deal of this attention focusing on the role and impact of boarding schools during the crucial period between the 1880s and 1930s. Clearly of one the finest case studies in this regard is *Phoenix Indian School: Forced Assimilation in Arizona, 1891-1935*, by Robert Trennert, Jr. In the slim volume under review, Dorothy R. Parker attempts to bring the story of this fascinating institution to completion.

In chapter one, Parker analyzes the impact of the so-called "Indian New Deal" when the Bureau of Indian Affairs, under the direction of John Collier, shifted its emphasis from assimilation to pluralism. Some of the familiar elements of the old order remained: the general regimentation of institutional life; the academic-vocational split of the curriculum; the separation of the sexes; and the "outing" system which gave adolescent males and females employment experience in the local community. Still, the Collier years brought changes. Policy makers' new found conviction that younger children should be educated closer to home meant that in the future the Phoenix Indian School would enroll mostly older students; the worst features of military discipline were relaxed; and experiments in bicultural education slowly altered the assimilationist thrust of the curriculum. Parker's discussion of the origins of the bilingual *Little Herder* series, while all too brief, is especially interesting.

Chapter two traces developments between World War II and 1965, years in which the school both adjusted to new policy directions out of Washington—relocation and termination—and evolved into a modern educational institution. Phoenix Indian School was given the objective of integrating Indian youth into the postwar economy. Thus in 1947, Phoenix played a noteworthy role in implementing a Special Navajo Program emphasizing vo-

cational and English language skills. By the late 1950s much greater attention was paid to academic subjects, and in 1960 it was accredited as a full-fledged high school.

If there is one theme that dominates the final chapter, it is that of an institution struggling to survive in the face of momentous social changes and altered conceptions of Indian education. Whereas the school's mission once called for the assimilation of Indian youth, by the 1970s student activism, partly fueled by the Red Power movement, resulted in enhanced opportunities for the exploration of Indian identity and traditions. Meanwhile, the self-determination movement and expansion of secondary Indian schools on reservations led to a drastic reduction in the school's enrollment. This resulted in a greater proportion of Phoenix's enrollment consisting of students with disabilities and serious behavioral problems. By the 1980s the escalating problems of vandalism, absenteeism, and substance abuse, combined with scathing press accounts of ineffective administration, added to the growing sentiment that the school had outlived its usefulness. Not an insignificant factor in Phoenix's demise was that the school grounds, now engulfed by a booming city, were simply too valuable to be devoted to the cause of Indian education. In 1990 the school was closed.

In several respects this is a disappointing book. Parker's narrative is so brief that significant developments are given only cursory attention. The one exception, and clearly the best section of the book, is the discussion of the events leading to the school's closing. The book also suffers from a serious lack of documentation. The few endnotes provide the reader with only the barest of information on the author's sources. Finally, this account is almost completely devoid of student voices and leaves the reader with almost no idea what students were experiencing, or how they responded to the continuing shifts in institutional policies. Still, Parker's account has some merit because so little has been written on the last years of an approach to Indian education that once dominated policy maker's thinking on how best to solve the "Indian problem."

David W. Adams
Cleveland State University

Murder & Justice in Frontier New Mexico, 1821-1846. By Jill Mocho. (Albuquerque: University of New Mexico Press, 1997. xiv + 245 pp. Illustrations, maps, notes, bibliography, index. \$50.00 cloth, \$19.95 paper.)

The manuscript record of homicide and the legal system during the Mexican period in New Mexico is fragmentary. Despite the paucity of official documents, Jill Mocho exhumed eleven homicides, tracked down the historical culprits, deciphered the legal system, and solved crimes of passion, culture, and greed. In the process, she found that not a single confessed murderer suffered the death penalty, and, for all of the incarcerated, freedom

was less than six years away. But process rather than penalty was significant. Hispanic players in the justice system took their duties seriously. American concerns about speedy trials were not part of Mexican jurisprudence.

The criminal justice system followed Mexican forms, but the local officials did not have the authority to pass final judgment in serious crimes. *Alcaldes* (mayors) and *jueces de paz* (justices of the peace) were knowledgeable of legal procedure, prominent men of their community, and respected for their wisdom. When a community member brought a crime to their attention, they acted with dispatch. Members of the community were brought to the crime scene to investigate and report on the homicide, and a medical examination sought the cause of death. Evidence exhibiting adherence to Spanish values, community traditions, and a clear sense of right and wrong was set to paper. Suspects gave statements as well as confessions, and legal procedure wound its way to judgment, but judgment as serious as the death penalty required a legal confirmation by a lawyer in far off Chihuahua. Months became years as local justice waited for official action. No action resulting in execution was confirmed, and culprits languished in jail until released or set free on bail. They did the crime, and they did the time, but all walked.

When American justice came to New Mexico, there would be sixty-two official executions plus untold numbers of popular hempen cravats applied to enemy deviants. Times clearly changed.

Jill Mocho has provided us with a clear and concise evaluation of the justice system's handling of homicide in Mexican New Mexico. It is an important story, well told, and very much worth reading.

Gordon Morris Bakken
California State University, Fullerton

Cowboys & Cave Dweller: Basketmaker Archaeology in Utah's Grand Gulch Area. By Fred M. Blackburn and Ray A. Williamson. (Santa Fe, New Mexico: School of American Research Press, 1997. 188 pp. Illustrations, maps, tables, notes, bibliography, index. \$25.00 paper, \$50.00 cloth.)

In *Cowboys and Cave Dwellers*, Fred M. Blackburn and Ray A. Williamson intertwine fascinating stories of the early archaeological expeditions in Utah's Grand Gulch area and the Wetherill-Grand Gulch Research Project. Not only does the book chronicle the early expeditions by cowboy-archaeologists, but it also details the gradual recognition of Basketmaker culture and the economic forces that stimulated the creation and fragmentation of artifact collections from these ruins. In addition, it records the rediscovery of these artifact collections by a group of dedicated amateur scholars through a process termed "reverse archaeology," and the group's symbolic return of the artifacts to their homeland. It also pitches a plea for the importance of continued education concerning these artifacts and sites.

Grand Gulch, a seventy-five mile serpentine slice of arroyos, draws and canyons, was the home of sundry civilizations during the past several millenniums. In the late nineteenth century, European-Americans discovered Grand Gulch often inadvertently while chasing cattle. Richard Wetherill popularized the area's ruins and first remarked on the differences between Basketmaker and Pueblo cultures and on the antiquity of the Basketmakers because of its greater depth. Although an amateur, Wetherill eagerly adopted such new techniques as the use of the trowel. He, like his contemporaries, sold collections of these artifacts, which sometimes included mummies. Eventually Pueblo and Basketmaker artifacts made their way to Chicago's Field Museum, the Museum of Natural History in New York, the University of Pennsylvania, as well as to Europe.

The Wetherill-Grand Gulch Project was formed in part to link archaeological sites with museum artifacts. The group coined the term "reverse archaeology" to define the process by which these volunteers not only located and studied historic signatures in the Gulch but also old photographs, notes, collection catalogues, journals and diaries. Among other feats, the Wetherill-Grand Gulch team reunited the Lang Collection in Colorado's Turner Museum with its catalogue, thus establishing its provenance. They also definitively identified the site of Cave 7 where Richard Wetherill first claimed the discovery of the Basketmakers.

Using historical accounts and authoritative biographies, the authors, one a key member of the project, present a lively, readable, and clear summary of the history of archaeology in the area. Although the book looks like something for the coffee table with its wonderful and numerous photographs and well-illustrated tables, it is one any scholar of the Southwest would appreciate.

Stefanie Beninato
College of Santa Fe

Selected Letters of Bret Harte. Edited by Gary Scharnhorst. (Norman: University of Oklahoma Press, 1997. xv + 464 pp. Illustrations, notes, index. \$34.95.)

America's first major writer of the Pacific West, Bret Harte, fell on hard times in his later years and never recovered. As Gary Scharnhorst notes, twentieth-century scholars and critics have largely ignored Harte, despite the style of his early work and his mentoring of "an entire generation of western American writers," including Mark Twain, Joaquin Miller, and Ambrose Bierce (p. 3). Scharnhorst has spent much of the last decade seeking to resurrect Harte's name. He wrote Harte's biography (1992), compiled *Bret Harte: A Bibliography* (1995), and collected and edited *Bret Harte's California: Letters to the Springfield Republican and Christian Register, 1866-67* (1990).

Scharnhorst's superb new collection of 259 letters primarily exhibits Harte in descent after he left California for the last time in 1871. Harte spent most of the 1870s in Boston and New York and lived abroad from 1878 until his death in 1902. These letters, along with Scharnhorst's exemplary footnotes (which follow each letter), tell Harte's later biography in miniature: feuds with other American authors and critics (notably Twain); personal and professional difficulties as American consul at Crefeld and Glasgow; and especially life as a creature of the literary market, churning out formulaic stories to pay the bills after his early promise had faded. Chosen from "over two thousand letters . . . known to survive," nearly a third of the selections here are addressed to Harte's wife Anna, whom he left in the United States and did not see for two decades (p. 13). Other frequent correspondents include Twain, William Dean Howells, publisher James R. Osgood, and diplomat John Hay. Single letters to Longfellow, Whitman, and Browning show Harte's connections to leading literary figures of his day. Scharnhorst's editorial work is meticulous and illuminating. His introduction sketches Harte's life and reputation, and his copious footnotes (often longer than the letters they annotate) identify correspondents, introduce material from other correspondence and reviews, and flesh out incidents described or implied in the letters.

Because this volume (which inaugurates a series called *Literature of the American West*) focuses on the years after Harte left California, it leads one to consider exactly how "Western" Harte was. Although Harte wrote Western-themed stories and plays until he died, he clearly wanted to join the Eastern literary world. Western tales got him into the *Atlantic Monthly*, but he disparaged California readers to his Eastern publishers and associates. On a lecture tour in the South, he asked, "How could I expect to interest a people who were infinitely quainter[,] more original, more pathetic, more ludicrous than the life I had to talk about[?]"—that is, life in the West (p. 102). This northeastern, metropolitan perspective envisioned Southerners and Westerners alike as "regional," quaint, and thus unlikely to interest each other. Only in England, where Harte denigrated American tourists for trying to imitate British gentility, did he long for "a breath of Western slang" (p. 267). For Bret Harte, regional identity could be a different matter in personal life than in published work, especially since his literary marketplace lay far outside the West.

Scott E. Casper
University of Nevada, Reno

A Harvest of Reluctant Souls: The Memorial of Fray Alonso de Benavides, 1630. Edited by Baker H. Morrow. (Niwot: University Press of Colorado, 1996. xxviii + 111 pp. Illustrations, map, notes, bibliography, index. \$22.95.)

Fray Alonso de Benavides is a well known figure to students of New Mexican and Southwestern history. The Portuguese-born Franciscan worked in New Mexico a little less than five years. His memorial, first written for King Felipe IV of Spain, and then revised for presentation to Pope Urban VIII, has been published many times. In addition, both versions of the memorial have been out of print for several years.

Fray Benavides traveled to New Mexico as the Father Custodian, the head Franciscan for the area. While in New Mexico, fray Alonso visited the numerous missions already established among the Pueblo Indian villages and collected information about the progress of the colony, which was then reaching its third decade of existence. In 1629 he left New Mexico to go to Spain to petition for more missionaries to work in distant New Mexico. A second, less obvious reason for his extensive reports, according to the editor of this current publication, was his un-Franciscan-like desire to be named a bishop.

The 1630 edition was quickly translated and published in French, German, Latin, and Dutch. Indeed, Benavides received some early notoriety that has survived through the centuries. *A Harvest of Reluctant Soul* now receiving its third publication in English translation.

As a document, the first *Memorial* is worthy of its fame and surely is "one of the great early works of southwestern American history and narrative literature" (p. xi). That alone speaks to the value of this publication. All the previous English translations are rare and so a new edition is welcome. Another generation of southwestern bibliophiles and collectors of first-hand accounts now can include the *Memorial* in their libraries—and they should.

One word of caution. Do not expect heavy annotation. Perhaps because the early editions are full of large, well done explanatory citations, the editor of this current edition did not feel the need to repeat the effort. Nevertheless, having Benavides' 1630 *Memorial* in print and available is laudatory enough.

Thomas E. Chávez
Palace of the Governors, Santa Fe

Reuben Snake, Your Humble Serpent: Indian Visionary and Activist. As told to Jay C. Fikes. (Santa Fe, New Mexico: Clear Light Publishers, 1996. 287 pp. Illustrations, notes, bibliography, index. \$24.95.)

In 1993, Jay C. Fikes, the anthropologist-trained president of the Institute for Investigation of Inter-Cultural Issues based in Carlsbad, California, recorded the autobiography of Indian activist Reuben A. Snake, Jr. Snake served as tribal chair of the Nebraska Winnebagos, chair of such diverse organizations as the American Indian Movement and the National Congress of American Indians, and Roadman of the Native American Church of North America (NAC). On 28 June 1993, just months after Fikes' timely interview, Snake passed into the spirit world after suffering several heart attacks.

Born on 12 January 1937 in Winnebago, Nebraska, Snake was given his name by a NAC Roadman in honor of the Snake Clan. In Winnebago, his name, "Kikawa Unga," meant "to rise up" as a serpent elevates his head in self-defense (p. 25). The Roadman said that the name Kikawa Unga symbolized both the resurrection of Christ and his people's struggle for justice in the United States. Snake's name came to have greater significance in his life than he or anyone else realized.

Snake thought of his experiences as reflecting what Winnebago elders called the "four hills of life" (p. 191). Reuben explained that the first "hill" represented the stage of individual exploration and personal growth followed by three more phases: commitment to marriage and family, raising grandchildren, and becoming a great-grandparent. Snake recounted many experiences, including his education in a United Church of Christ mission school and at Haskell Institute; service in the U.S. Army Special Forces; living on the streets of Kansas City and Cleveland; alcohol abuse; efforts to convert to Mormonism; advocacy for the rights of indigenous people worldwide; efforts to educate non-Indians about Indian religious beliefs in general; and respect for the spiritual power of peyote. Snake faced obstacles repeatedly yet always emphasized the positive aspects of his experiences.

While the first fourteen chapters provide a chronological overview of Snake's life, the last four chapters focus on his spirituality, the syncretism of Winnebago and Judeo-Christian beliefs, and his service as a NAC Roadman. These chapters benefit enormously from Fikes' inclusion of an interview between Snake and journalist Peter Canby. Snake explained how NAC practices and beliefs share similarities and differences among tribes and non-Indians, and how NAC beliefs have evolved since the 1930s. Being respectful of local and tribal beliefs and making sacrifices for the greater good, Snake taught and encouraged support for Indian sovereignty and independence.

Fikes is to be commended for presenting Reuben Snake's autobiography in such a clear and concise fashion. By bringing together his own commendable research with the insights of contributors James Botsford and Walter Echo-Hawk, Fikes has placed Snake's life into a broader historical context that will make this book valuable to a wide variety of groups.

Jerry A. Davis

University of New Mexico

A History of the Timucua Indians and Missions. By John H. Hann. (Gainesville: University Press of Florida, 1996. xvi + 399 pp. Maps, tables, notes, bibliography, index. \$49.95.)

As with the Apalachees and the Calusas, John Hann, historian at the San Luis Archaeological and Historic Site of Tallahassee, Florida, has written the most comprehensive historical and archaeological study of the Timucua Indians who once inhabited northern Florida and southern Georgia. Even more, it is an archaeological history of the Spanish missions that converted them.

Despite a population numbering in the hundreds of thousands, the agricultural Timucuas were militarily defeated by the Spanish in the late-1500s. The Timucuas quickly, and apparently willingly, accepted Spanish authority and acculturation. At the insistence of the Spanish, the Timucuas relocated to the missions set up by the Franciscans, provided the Spanish with labor and food, and served as military allies against non-missionized Indians and other rebellious Timucuas. They only asked that the Spanish respect their right to choose their own chiefs and recognize chiefly privileges. In the end, they became more Spanish than Timucua as they converted to Christianity, took Spanish names, and adopted Spanish customs. Timucua women married Spanish soldiers and insisted on being recognized as Spaniards. Even the Timucua revolt of 1656 was not intended to throw off the Spanish yoke, but more a fit of pique instigated by a few leading men angered over the Spanish governor's insistence that chiefs carry their own food during a military expedition rather than having it carried for them by their attendants. Still, Timucua conversion could not save them as disease and attacks by the English and their Indian allies in the early eighteenth century decimated their population. The end of the Timucuas in Florida came in 1763 when the Spanish removed the last ninety-five of them to Cuba after ceding Florida to the English.

Hann has done an incredible job of research, relying heavily upon archaeological site reports as well as a plethora of Spanish language primary sources, mainly from the Archivo General de India in Seville, Spain. The tremendous research and thoroughness with which Hann details the Timucua political and social systems, lifeways, material culture, language, cosmology, and how these changed under the Spanish make this a scholar's book.

Still, the book suffers from almost too much detail. Hann has an archaeologist's tendency toward the minutiae, and every bit of information about the nearly dozen missions and chiefdoms that existed at one time or another during the 200 years of Spanish rule gets recorded: each location; each relocation, even if only a few yards away; each disappearance or reappearance; every census. Rather than a narrative interpretation, Hann "writes up" his sources; and each primary source itself is examined. Sometimes the Timucuas get lost in this forest of information. Readers may also be jarred by Hann's use of "heathen" when referring to non-missionized Indians and "natives" when referring to Indians in general. Why are French peasants or Russian serfs never "natives," while only dark-skinned, scantily clothed Indians or Africans are?

Still, this should not detract from Hann's excellent scholarship. Any future work on the Timucuas will have to go through this book.

David La Vere
University of North Carolina at Wilmington

Game Without End: State Terror and the Politics of Justice. By Jaime Malamud-Goti. (The University of Oklahoma Press, 1996. xviii + 235 pp. Notes, bibliography, index. \$24.95 cloth.)

In 1985 the government of President Raul Alfonsín put on trial the ex-commanders of the Argentine military for abuses against human rights committed during the 1970s "Dirty War." Jaime Malamud-Goti was one of the architects of these trials. Now, in *Game Without End*, he repents the proceedings and his role in them. Why? Looking at Argentina in the 1990s, Malamud-Goti finds that not only did the trials fail to provide a basis for rights-based democracy, but they aggravated an Argentine penchant to accept violence and authoritarian solutions. What went wrong?

Recent political violence in Argentina had its origins in the conflicts that attended the revival of Peronism in the early 1970s. By 1975 the military moved to monopolize violence in the name of national security and unleashed terror on the general population. This terror fragmented society, taught people to blame the victim, undercut the idea that citizens have rights, and divided the world into "us" and "them." The military always operated with the support, or at least acquiescence, of many civilians, but the trials had the effect of exonerating these by making the military alone guilty. This infuriated the military, which rejected the proceedings as "political." Moral responsibility was never fixed much less accepted. Today, in Argentina the police routinely torture suspects, and openly authoritarian candidates find electoral success. Few dissent. Argentines, the author suggests, still harbor

an almost irresistible urge to raise up a “savior,” a strong man or institution, that will guarantee stability and “property,” even at the cost of individual rights and the rule of law.

The arguments of *Game Without End*, and they are much more nuanced and complex than can be summarized here, are powerful, but it is difficult to agree with the author that a better solution might have been not to try the military. This does not seem to have worked better in other post-military proto-democracies. Rather, construction of democracy probably is a complex, long-term process with repeated relapses. Perhaps Malamud-Goti expected too much of the trials, and of himself.

David McCreery
Georgia State University

James J. Hill: Empire Builder of the Northwest. By Michael P. Malone. (Norman: University of Oklahoma Press, 1996. xiv + 306 pp. Illustrations, maps, notes, bibliography, index. \$14.95 paper.)

The Amtrak passenger train that follows the former Great Northern Railway route across the northern West is my preferred mode of transportation between Portland's Union Station and its counterparts in the upper Midwest. The train that presently traverses the region is named the “Empire Builder,” a celebratory reference to James J. Hill, the railroad titan whose “historical presence,” Michael Malone tells us, “looms heavily even into our own time” (p. 3). Depending upon one's perspective, Hill was either a ruthless exploiter and villainous speculator, or an “industrial statesman” and builder of commercial empires who left a wonderful legacy of philanthropy to future generations. This concise and well-written biography provides a balanced view of one of America's most prominent entrepreneurs; a person who was both loyal and compassionate to his close associates, but, if it were to his advantage, equally cold-hearted and callous to competitors and his own work force. Hill's genius lay in his command of immediate details and in his great vision and ability to anticipate the future.

James J. Hill quickly rose from humble beginnings to an ever-watchful frontier merchant whose command of the inside world of freighting and transportation in the upper Midwest provided him with advantages over virtually all of his regional rivals. Aligning himself with financiers in Canada and New York City (George Stephen and John S. Kennedy) during the late 1870s, Hill pieced together the Saint Paul, Minneapolis, and Manitoba Railway Company. The “Manitoba Road” was the immediate predecessor to the Great Northern Railway, a transcontinental line widely respected as “one of the best constructed and most profitable of the world's major railroads” (p. 102). The success of the Great Northern, the author makes clear, was vested in excellent construction, gentle grades and curves, and the early use of steel in building trestles. Hill also took great care to assure that the line was

strategically positioned to carry freight. Moreover, unlike many of his contemporaries, Hill was no reckless speculator in the financial underpinnings of the Great Northern. Rather, he and his partners plowed large percentages of their profits into improving and upgrading their rail properties. Hill was also at the center of efforts to extinguish Indian land rights in the Dakotas and in Montana, and he was equally ruthless in making certain that labor bore the brunt of the Panic of 1893. The truth about Jim Hill, Michael Malone concludes, "must be viewed in multiple contexts, with varying and even contradictory conclusions" (p. 274).

William G. Robbins
Oregon State University

Seven Trails West. By Arthur King Peters. (New York: Abbeville Publishers, 1996. 252 pp. Illustrations, maps, notes, index. \$39.95.)

Stepping outside his usual field of modern French literature, Peters offers a celebration of explorers, settlers, and entrepreneurs, and the trails they built across the American West. It is the familiar story of westward expansion in the first seven decades of the nineteenth century. The Lewis and Clark expedition mapped a trail which opened the continent to discovery. Fur traders and trappers "unlocked the secret paths of the American wilderness for others to follow" (p. 53). The Santa Fe Trail opened the Southwest to commerce. Mass migration along the Oregon-California and Mormon trails claimed the Far West for the United States, while the Pony Express, transcontinental telegraph, and railroad bound East and West together "by an armature of communications and transportation that eclipsed any previously known on earth" (p. 231).

The story is conventional, its main theme the relentless march of Anglo-Americans and progress across empty, untamed wilderness. Native Americans figure generally only as part of the backdrop, while earlier settlers, notably the Southwest's Hispanic population, are virtually invisible. There is little in the content that specialists or well-read history buffs would find new. While the concept of frontier history as a succession of trails needs to be more fully developed, it does allow the author to do some interesting things. The Pony Express acquires significance beyond a simple romantic adventure story, and the transcontinental telegraph, "the first American industry based on electricity," receives more attention than a brief synthesis might normally accord it (p. 192). Unfortunately, in discussing the role of technology in the conquest of the West, the author does little more than state the obvious.

Still, it would be hard to dismiss Peters' work as merely another coffee-table book. The text is sophisticated and engaging, though the author is usually telling familiar stories about a very predictable set of personalities and events. Peters' keen sense of drama and of the humanity of his charac-

ters infuse his writing with a compelling freshness. His words breathe of the grandeur of the western landscape, a sense heightened by the photographs that lavishly illustrate the text. He has drawn on a wide array of source material from primary sources—some well-known, others obscure—to recent scholarship. Such details as his discussion of the Steamship Arabia, or the discoveries of other American women who preceded Susan Shelby Magoffin—the traditional “first white woman,” down the Santa Fe Trail—demonstrate Peters’ familiarity with a broad range of recent work in Western studies. The many illustrations of people, places, and events enrich the text. The general reader wishing a brief, well-written synthesis full of drama and human interest that summarizes the story of Anglo-Americans’ conquest of the Far West will find this book an enjoyable and satisfying adventure.

Mary Ellen Rowe

Central Missouri State University

The Matachines Dance: Ritual Symbolism and Interethnic Relations in the Upper Rio Grande Valley. By Sylvia Rodriguez. (Albuquerque: University of New Mexico Press, 1996. xvi + 193 pp. Illustrations, maps, chart, notes, bibliography index. \$45.00 cloth, \$25.00 paper.)

It is pleasing to read a book written by a person who has lived the subject the writer is describing. Often we read New Mexico books written by a weekend visitor and their impressions. Usually this kind of writer does not capture the soul of the subject. The one problem I encountered immediately was that it was not written for the average reader. It must have been written as a requirement for her dissertation. Or it must have been written to impress her peers, the other Ph.Ds. As I did, the average reader needs a dictionary to read the Preface and the Introduction, which she titled “The Beautiful Dance of Subjugation.” I disagreed with her explanation of the Matachine Dance as she titled it. To me it is a dance of syncretism, to use one of her words. The dictionary defines this as an attempt at reconciliation or union of different or opposing principles, values, philosophy, or religion. To me, Governor Diego de Vargas already made his tour of subjugation when he came in 1692 with his party of soldiers and Indian allies. No researcher has ever recorded when the Matachine Dance was first performed by the Spanish settlers. It is written that Juan de Oñate’s settlers performed the *Los Moros y Christianos* (the Moors and the Christians) at San Juan Pueblo in 1598.

The author must have had volumes of notes which led to some confusion. She wrote that San Juan Pueblo was ten miles north of Española and Alcalde three miles north of San Juan. She then adds that Alcalde was seven miles north of Española. So is Alcalde seven miles or ten miles north of Española? Also, Jemez Pueblo is not forty-five miles from Santa Fe, Bernalillo is. Jemez is another twenty-nine miles from Bemalillo. Jemez is also forty-five miles from Albuquerque, not thirty-five.

The new violinist at Jemez Pueblo is Brenda Romero. I believe she is from Lyden which is north of San Juan and not near Jemez. In the past she performed with a guitarist from Jemez but the man died. Recently she has played with a young man from Albuquerque. A new young violinist from Jemez, Kathleen Gachupin has relieved Brenda for a few dances. The Indian version of the dance at Jemez came from Santo Domingo Pueblo sometime in the 1920s. So the songs in the dance are all in the Keresan language. And, as the writer described the dance at Jemez, it is the most spirited and lively of all the Matachine Dances in New Mexico. The Mexican-style dance at Jemez is performed first at the village church and not at the mission church, which is west of the Pueblo.

As the writer states, the dance is an Iberian-Moorish legacy, though some writers have described it as a New World dance which later went to Europe. There are many versions to its beginning. The closest to what I have read was explained by the *Abuelo* at El Rancho. He stated that the arrival of Cortes in Mexico and his conversion of Malinche to Christianity is the theme of the dance. What is written is that prior to Cortes' arrival an exploring party shipwrecked nearby. The survivors included a Friar who taught Malinche the Spanish language and named her Marina. Malinche was her Nahuatl name. When Cortes arrived, Marina led the Spanish troops to the homes of the various Indian leaders who were arrested. Thus, when the invasion took place, the citizen-soldiers had no leaders, and Cortes had an easy time. Consequently, Marina became the heroine to the Spaniards and a traitor to the Indians. So, in the dance the heroine is used as a metaphor for purity and innocence, while the *Toro* (bull) represents the opposite, evil.

The Pueblo Indians continue to perform the dance as they witnessed the settlers perform the dance in their areas. As a result, the dance at Taos and Picuris are different from the ones further south. They may have added what the writer called the May pole dance, which the Indians call the belt dance. Another good explanation of the beginning of the dance is told on page fifty two.

Over all, the story of the Matachine Dance as performed in New Mexico perhaps is a self-conscious sense or realization of a cultural heritage and continuity by the descendants of the settlers and original natives. It reminds the citizens of New Mexico of our cultural mosaic.

Joe S. Sando

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Woven by the Grandmothers: Nineteenth-Century Navajo Textiles from the National Museum of the American Indian. Edited by Eulalie H. Bonar. (Washington, D.C.: Smithsonian Institution Press, 1996. xv + 214 pp. Illustrations, notes, bibliography, index. \$24.95 paper.)

This book is an exuberant celebration of collaborative research at its best. It simultaneously documents the National Museum of the American Indians (NMAI) collection of nineteenth-century Navajo blankets and the development of an important exhibit. The viewpoints of Navajo and non-Navajo weavers, textile specialists, anthropologists, and museum professionals converge in this work to produce a cacophony of diverse voices. It calls into question many common assumptions about Navajo weavings and brings Navajo voices to the analytic and interpretive dialogue on textiles and weaving. It is the latter that makes this work stand out as an exceptional piece of scholarship.

Curator Eulalie Bonar provides a concise overview of the scope of the NMAI collection and her working relations with exhibition collaborators. To enhance understanding of the textiles, NMAI staff took twenty-four specimens to the Ned A. Hatathli Museum at Diné College (formerly Navajo Community College) for a "hands-on" display and workshop. During this event, Navajo participants from across the reservation offered personal anecdotes about weaving and told traditional stories associated with the garments.

D.Y. Begay and Kalley Kearns contribute heartfelt essays on subjects ranging from memories of a first rug or communal weaving efforts to painful recollections of boarding school experiences. Harry Walters offers thoughts on Navajo conceptions of art, including the need to respect one's artistic abilities. Wesley Thomas opens a dialogue about Navajo views on the personification of textiles and issues surrounding the separation of artist from product. Several common themes bind all Navajo accounts together including: the role of weaving as an integral aspect of daily life; closeness to the land; emphasis on process over product; importance of livestock; continuity between past and contemporary textile arts; the focus on family and community ties; and the significance of prayers, songs, ceremonies, and stories throughout all aspects of weaving.

After providing an overview of Navajo history, Ann Hedlund compares the lives and values of nineteenth- and twentieth-century weavers. Joe Ben Wheat documents the evidence available to establish provenience and age on the basis of designs, materials, and techniques. These essays are followed by: photographs of a representative sampling of the NMAI wearing blankets with accompanying commentary by Navajo collaborators in Navajo and English; biographical information on collectors; and a catalogue of the collection. Throughout his distanced narrative, Wheat directly references textiles illustrated in the plates. This creates an awkward juxtaposition, for when a reader turns to the mentioned plates she is confronted with the

personal and often humorous comments by Navajo experts, which contrast markedly with Wheat's tone. Here, and elsewhere, better integration of these divergent voices would strengthen the presentation.

The book is handsomely produced and affordably priced in the paperback edition. It is lavishly illustrated with various black and white historic photographs and color images of the NMAI textiles and Navajo consultants. Although co-curators determined that blankets should be exhibited as worn, in the book they are only illustrated as they were woven. And, why are no illustrations of the actual installations at NMAI included? Consultants are identified by name, but neither clan affiliations nor birthplaces are included, rendering the identification eurocentric and incomplete. The photo on page seventy-eight, and others in the U.S. Signal Corps series, are now attributed to J. G. Gaige who photographed at Fort Sumner in 1866, two years prior to the Navajo release (see *Navajo and Photography* by James Faris, 1996). Unusual spellings of Navajo words abound without reference to a specific orthographic system. The text entries for endnotes twenty-one and twenty-two in Thomas' chapter are reversed. Despite these various problems, one comes away from this volume with a deep sense of the continuity of Navajo weaving traditions through time and a renewed respect for the "grandmothers."

Maureen Trudelle Schwarz
University of Washington

Images of an American Land: Vernacular Architecture in the Western United States. Edited by Thomas Carter. (Albuquerque: University of New Mexico Press, 1997. xvi + 337 pp. Illustrations, maps, notes, index. \$50.00 cloth, \$29.95 paper.)

Images of an American Land: Vernacular Architecture in the Western United States, edited by Thomas Carter, signals a new approach to interpreting Western history. Beautifully laid out, these essays give visibility to scholars who have built a particularly western frame-of-reference for architectural studies. As an overview, this collection portends imminent larger works on these or closely related subjects. There are equal measures of reprinted articles from out-of-print or narrowly circulated sources and unpublished articles solicited for this collection. Readers new to vernacular architecture studies will be pleasantly surprised that theory explains behavior, rather than anecdotes of behavior illustrating theory.

Each article here stands well alone, but Thomas Carter's "theory for western vernacular" is best read first in order to place this collection in a perspective. One goal in collecting these articles is to achieve an encompassing, overarching connection to this collection of spaces. Fortunately, the methodology of vernacular architecture is not subsumed to deep embracing conclusions, but lies tangled in the historic particularities of materi-

als, time, and space. Carter validates western studies as central to the study of American history, while inserting vernacular architecture studies within the methodologies of historical analysis that have significance for the region. Carter does not synthesize the collected articles (which is impossible), but finds through the theoretical works of Donald W. Meinig and Donald Worster a model of regionalism through which each article can be reflected. Vernacular architecture as used here is an approach to the study of buildings emphasizing the regional character of decisions whether in design, construction, or significance.

There is no single theory of vernacular architecture; rather, theories are appropriated and tested for fit with the historical development of the material world in the West. Broadly, there are two models at work in these articles, one expressly vernacular and the other more coincidentally focused on a subject worthy of a vernacular treatment. The first model seeks to explain the forms of local architecture as a local manifestation of nationally important trends wrought different by the geographic and social peculiarities. These span the range from Blanton Owen's careful contemporary description of the architecture of ranching in "Dry Creek: Central Nevada's Damele Ranch" to the sophisticated social history of suburbanization of Los Angeles in Richard Longstreth's "Innovation without Paradigm: The many creators of the Drive-in Market." The second model illustrates national trends through examples of local western architecture. Articles, such as Richard Guy Wilson's "American Modernism in the West: Hoover Dam" and, to a lesser degree, Fredric L. Quivik's "The Historic Industrial Landscape of Butte and Anaconda, Montana," are less convincingly vernacular studies but are important western studies of architectural and engineering forms.

The immense distances in time, space, and society that these articles span leaves little overlap. The ethnic diversity of the western United States is touched in every article but becomes a key element in articles describing the experience of the Aleuts of the Pribilof Islands, the Chinese of the Central Valley in California, and the Hispanics of Las Vegas, New Mexico. The assimilation of fashionable ideas from the East into a viable local architectural tradition centers the discussion of Tom Carter's article on Utah domestic architecture, Philip Dole's description of an Oregon farmstead, Kingston Heath's study of commercial architecture in frontier Bannack, Montana, and Margaret Purser's contribution on domestic architecture of Paradise Valley, Nevada. Anne Bloomfield recreates the market's impact on housing in the hectic developments in San Francisco of the 1870s.

Although Carter's introduction speaks strongly to the sense of belonging to this place that many of these writers' have with their subjects, the greatest debt acknowledged here must be to the preservation movement and specifically the various state preservation offices that funded the research for the majority of these articles. Individually and collectively these articles rewrite the historical tableau of western America. They develop crucial new

information located within the architectural enterprise of all kinds of western economies from villages and small towns to emerging metropolitan centers. These new approaches do not reverse contemporary historical interpretation, but they do readjust the measure of local forces and show them to be equally as potent as the mass cultural imprint of fashion and new technologies.

As a classroom text, this collection provides the details to enable students to see the working West freed from the caricature of mass media visions of cowboys, tycoons, movie stars, and gold diggers. The collection is a starting point for scholars and citizens of the West to take stock and take pride in the diverse human accomplishments present in the western landscape. For all, this book is a vision of how future writings will expand and sustain a new vigorous interpretation of Western history as uniquely western and consummately American.

Gary Stanton

Mary Washington College

Apache Days and Tombstone Nights: John Clum's Autobiography, 1877-1887. Edited by Neil B. Carmony. (Silver City, New Mexico: High-Lonesome Books, 1997. 185 pp. Illustrations, maps, notes, bibliography, index. \$21.95 cloth, \$12.95 paper.)

It's a safe bet that John Clum will never attain the celebrity of his notable contemporaries Geronimo and Wyatt Earp, but he was so versatile and was such an influential presence in Arizona and the Southwest that his exploits deserve attention. Editor Neil Carmony focuses on a particular ten-year period, and takes the information about it directly from Clum's unpublished autobiography. Of special interest to me was Indian Agent Clum's long rendition of his 1877 "capture" of Geronimo and other Chiricahua Apaches at the Warm Springs Agency in New Mexico and their subsequent trek to the San Carlos Apache Reservation. Most historians believe Geronimo was shackled only once in his life by Clum and his Apache police. Reading again how it happened, but now in Clum's own words, is an exciting experience. Three years later, Clum had been off the reservation for a while and was in Tombstone where he founded one of the American West's most famous newspapers, the *Tombstone Epitaph*. From his perch, Clum was in an enviable position to observe and record most of the events and people of Tombstone. The shoot-out at the OK Corral, mining booms and the limiting effect of underground water, the devastating fire in May 1882, diseases, the cost of real estate—it is all here, and it all happened during the decade that spawned many legends about "the town too tough to die." Here, too, are Clum's personal tragedies: his first wife died in December 1880, and their infant daughter died seven months later. Thanks to Carmony for maintaining the soundness of Clum's perspective, although the editor's frequent inser-

tions of details and explanations into the text in italics is often disconcerting. Perhaps this information could have been placed in the endnotes. Still, this is a fine piece of work, bringing Geronimo and his people and the events and characters of old Tombstone to life once again.

H. Henrietta Stockel
University of New Mexico

Religion in Modern New Mexico. Edited by Ferenc Szasz and Richard W. Etulain. (Albuquerque: University of New Mexico Press in cooperation with the University of New Mexico Center for the American West, 1997. ix + 217 pp. Charts, tables, notes, bibliography, index. \$60.00 cloth, \$19.95 paper.)

Much of the historical literature on religion in New Mexico focuses on an earlier time period, but as the essays in this volume suggest the state remains, even in our time, a place of religious contest and experimentation—a frontier in the American religious experience. The eight essays in this volume survey a variety of different kinds of religious activity in this century, from the dominant Roman Catholicism, mainstream Protestantism, emergent Judaism, Native American religious practices, the conversion efforts of Mormons and evangelical Protestants, and the more recent evolution of alternative spiritual communities. A final essay puts these New Mexican experiences in a comparative context. Readers should note that this volume is an introduction to the topic (an annotated bibliography is provided for those who wish to do more reading). More knowledgeable readers will find most of these essays cover familiar territory.

What distinguishes New Mexico from most other states is that Roman Catholicism has dominated, maintaining its position by adapting to the changing needs and demands of followers and allowing for “syncretic” practices. Apart from Native Americans’ religious practices (which pre-date Roman Catholicism), all other groups are relative newcomers. The growth of the other religious traditions discussed in this volume—from Protestantism, to Judaism, to the “new” (new to the United States) religions like Buddhism and Islam—has been a function of the migration of a greater number of “Anglos” into the state. Protestants historically “contested” the hegemony of Catholics, but what these essays suggest is that in this century different religious groups and practices have proliferated. Divisions and differences exist but largely within traditions. Among the major groups, ecumenism seems the rule, as they have attempted to work together to address social issues and problems in the state.

Most of the essays focus on the changing demographics of different religious groups. They provide a brief overview of the institutions, the growth of the tradition in New Mexico, and how each group has responded to the social issues. Only two essays focus on the particularities of religious prac-

tice in New Mexico. Kathleen Egan Chamberlain highlights the precariousness of religious freedom as she chronicles the attempts of New Mexican Native Americans to regain their sacred lands. Indians have had to rally political will and support to regain important sacred lands; they have marshaled the power of the word. Janice Schuetz's article on Protestant evangelical rhetoric focuses on the importance of the word in Protestant tradition, suggesting that in New Mexico preaching was perforce modified by the context—by vast distances, isolation, and a diverse ethnic population. In both these cases, each group found they had to modify tradition to continue to practice their religion.

Ferenc Szasz argues in the final essay that from the 1960s onward, New Mexico has acted as a "spiritual magnet." These essays suggest that this has always been true. Whether it is the land (the powers of which Anglos have been hesitant to recognize) or the challenge of a frontier, believers have always been drawn to this place, and they have been changed.

Susan M. Yohn
Hofstra University

My History, Not Yours: The Formation of Mexican American Biography. By Genaro M. Padilla (Madison: University of Wisconsin Press, 1993. xiv + 280 pp. Illustrations, notes, bibliography, index. \$40.00 cloth, \$17.95 paper.)

The subtitle of this book redeems interest in the collection of autobiography from the period of the U.S. conquest of northern Mexico. Without emphasizing this period, one would assume that all Mexicans wanted to be Americans. Attention to how people felt while being dispossessed of land, language, and culture is the greatest contribution of the book. Insight into stereotypes could be strengthened by a much stronger theoretical analysis of war: one that stresses that the winners wrote the history books in order to glorify their actions, dictate what is true, and conquer the Mexican American voice. Padilla proceeds to place his subjects within the social historical context, but does not inform the reader that *this is what he is doing*, thus losing a fine opportunity to inform the reader about Chicano Studies methodology.

Excerpts from original records are well placed, as is focus on nostalgia for an earlier world and how it produced "an oppositional response to displacement." Padilla's detail of multiple registers and the double messages behind them can be found today as a coping or survival strategy among Mexican Americans. This communication toward "intent" and "discrete" audiences, to which different messages are projected, is often interpreted as cowardly. The skill of the multiple register approach does not draw such distinct lines, as the author uses multiple registers to communicate with his diverse audience: radical Chicanos, Mexican American academicians, His-

panics, and Anglos. This rhetorical design makes it difficult to give strong criticism of the text. While the writer may appear weak, the critic seems unfocused—leaving the critic wondering if the author is a radical scholar, a conformist, or simply trying to find a safe space in the often vicious world of the university.

This chameleon-like strategy is not apparent in the description of some of the male subjects, especially Juan Seguin. Seguin neither believed in American democratic ideals nor was he ambivalent or caught up in a form of personal and cultural schizophrenia. He is a splendid example of a rich man who tried to retain his resources and took too long to gain consciousness about the racial crisis resulting from the U.S. war with Mexico. Focus on the “contradictions” endured by males ignores that *ricos* (rich folk) had first loyalty to protecting their own interests, and believed that class interests consistent with Anglo interests would insure them against the conquest.

In authorship, Padilla takes part in the life-extending activity he documents. At times the book is dry and muddled by the author’s lack of vocabulary, but it is salvaged by well-paced quotations, which save the book from being too difficult for the casual reader to embrace. Nonetheless, the book is recommended for both the casual reader and those with more analytical goals.

Irene I. Blea
California State University, Los Angeles

Book Notes

History of the Lincoln County War. Edited by Robert N. Mullin. (Tucson: University of Arizona Press, 1997. 433 pp. Illustrations, maps, index. \$19.95 paper.) Reprint of the 1968 edition.

The Architecture of the Southwest. By Trent Elwood Sanford. (Tucson: University of Arizona Press, 1997. xii + 312 pp. Illustrations, maps, appendix, index. \$24.95 paper.) Reprint of the 1950 edition.

New Mexico Rockhounding: A Guide to Minerals, Gemstones, and Fossils. By Stephen M. Voynick. (Missoula, Montana: Mountain Press Publishing Company, 1997. vii + 309 pp. Illustrations, maps, notes, index. \$20.00 paper.)

Bad Medicine & Good: Tales of the Kiowas. By Wilbur Sturtevant Nye. (Norman: University of Oklahoma Press, 1997. xxiv + 291 pp. Maps, index. \$15.95 paper.) Reprint of the 1962 edition with a foreword by John R. Wunder.

Tombstone's Epitaph. By Douglas D. Martin. (Norman: University of Oklahoma Press, 1997. 287 pp. Illustrations, maps, notes. \$16.95 paper.) Reprint of the 1951 edition with a foreword by Casey Tefertiller.

Aymond. A novel by A.G. Burkhart, Jr. (Santa Fe, New Mexico: Sunstone Press, 1997. 159 pp. \$14.95 paper.)

The Trust Factor: The Art of Doing Business in the 21st Century. By Cheryl A. Chatfield. (Santa Fe, New Mexico: Sunstone Press, 1997. 157 pp. Notes, index. \$16.95 paper.)

On Rims & Ridges: The Los Alamos Area Since 1880. By Hal K. Rothman. (Lincoln: University of Nebraska Press, 1997. xiii + 384 pp. Illustrations, maps, notes, index. \$17.95 paper.) Reprint of the 1992 edition.

A Brotherhood of Arms: Brazil–United States Military Relations, 1945–1977. By Sonny B. Davis. (Niwot: University Press of Colorado, 1996. xviii + 256 pp. Appendixes, notes, bibliography, index. \$39.95.)

The Iroquois Restoration: Iroquois Diplomacy on the Colonial Frontier, 1701–1754. By Richard Aquila. (Lincoln: University of Nebraska Press, 1997. 285 pp. Illustrations, maps, notes, bibliography, index. \$15.00 paper.) Reprint of the 1983 edition with a new introduction by the author.

Such Men as Billy the Kid: The Lincoln County War Reconsidered. By Joel Jacobsen. (Lincoln: University of Nebraska Press, 1994. xv + 300 pp. Illustrations, notes, index. \$15.00 paper.)

Shades of Blue and Gray: An Introductory Military History of the Civil War. By Herman Hattaway. (Columbia: University of Missouri Press, 1997. xii + 281 pp. Illustrations, maps, bibliographies, index. \$29.95.)

Gila Monsters and Red-Eyed Rattlesnakes: Don Maguire's Arizona Trading Expeditions, 1876–1879. Edited by Gary Topping. (Salt Lake City: University of Utah Press, 1997. xviii + 245 pp. Illustrations, maps, notes, bibliography, index. \$34.95.)

The Origins of Mexican National Politics, 1808–1847. Edited by Jaime E. Rodríguez O. (Wilmington, Delaware: Scholarly Resources, Inc., 1997. xi + 127 pp. Illustration, notes, bibliography, index. \$16.95 paper.) Reprint of the 1993 edition with a new preface by the author.

The Human Tradition in Modern Latin America. Edited by William H. Beezley and Judith Ewell. (Wilmington, Delaware: Scholarly Resources, Inc., 1997. xxxii + 277 pp. Notes, index. \$50.00 cloth, \$18.95 paper.)

Based on a True Story: Latin American History at the Movies. Edited by Donald F. Stevens. (Wilmington, Delaware: Scholarly Resources, Inc., 1997. xii + 243 pp. Illustrations, notes. \$50.00.)

Above a Common Soldier: Frank and Mary Clarke in the American West and Civil War. Edited by Darlis A. Miller. (Albuquerque: University of New Mexico Press, 1997. xvii + 222 pp. Illustrations, notes, bibliography, index. \$55.00.) Revised reprint of the 1941 edition.

News Notes

The Amon Carter Museum will offer several exciting exhibitions and lectures over the next several months. *A Passion for Birds: Elliot Porter's Photography* will run until 18 January 1998. *Imagining the Open Range: Erwin Smith, Cowboy Photography* will open 24 January 1998 and show until 10 May 1998. From 14 February to 7 June 1998, *Masterworks of the Photography Collection: Transforming Nature* will exhibit the works of Carleton Warkins, Dorothea Lange, William Garnett, Carlotta Corpron, and Jeannette Klute, to name a few. The Amon Carter also aquired a collection of over 220 twentieth-century prints from the Philadelphia Museum of Art. The acquisitions includes major works by American printmakers John Sloan, Rockwell Kent, Benton Spruance, Howard Cook, and Mabel Dwight. Richard R. Brettel continues as the fourteenth distinguished scholar to participate in the Anne Burnett Tandy Lecture in American Civilization through 19 February 1998. For more information about these exhibitions, aquisitions, and lecture series, please contact the Amon Carter Museum/3501 Camp Bowie Boulevard/Fort Worth, Texas 76107-2695/(817) 738-1933.

CALL FOR PAPERS. Papers and panel presentations for the Second Los Alamos International History Conference on The Cold War and Its Implications will be accepted from the fields of political, econmic, social, military, scientific, and international history. The conference will be held from 9-12 August 1998 at the University of New Mexico-Los Alamos Campus. The deadline for abstracts is 30 January 1998. For more information, please contact Majorie Bell Chambers/Conference Chair/336 Andanada/Los Alamos, NM 87544/(505) 662-7481/bellchambers@compuserve.com.

The Center for the American West at the University of New Mexico announces the release of *Billy the Kid and the Lincoln County War: A Bibliography* compiled by Kathleen Chamberlain. The work lists more than 900 books and essays on this topic. To order copies, please send \$15.00 (check or money order) to the Center for the American West/ Department of History/ University of New Mexico/Albuquerque, NM 87131.

The Library of Congress announces the release of *The Russian Orthodox Church of Alaska and the Aleutian Islands and Its Relation to Native American Traditions—An Attempt at a Multicultural Society, 1794–1912*. The publication is based on an exhibition at the Library of Congress that celebrated the 200th anniversary of the Russian Orthodox Church in Alaska. Copies are available for \$4.25 from the U.S. Government Printing Office/Superintendent of Documents/P.O. Box 371954/ Pittsburgh, PA 15250–7954. When ordering, cite the stock number 03–001–00167–9. Credit card orders are taken at (202) 512–1800 and fax orders at (202) 512–2250.

On 1 April 1997, a fire at the Shakespeare Ghost Town destroyed the Blacksmith Shop, General Merchandise Store, and adjacent stables that dated back one hundred years. A rebuilding fund has been established at Western Bank in Playas and Lordsburg, New Mexico. For more information, please contact Shakespeare Ghost Town, Inc./Box 253/Lordsburg, NM 88045 or <http://www.gilanet.com/swnmonline/shakes.html>. Shakespeare is a registered non-profit organization.