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The "Wisdom," but Uncertain Future, of the Wise Use Movement

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Introduction

Nearly fifty years ago Aldo Leopold, a University of Wisconsin ecologist, penned what has become a modern classic of land and environmental literature: *A Sand County Almanac* (Leopold 1968 [1949]). In "The Land Ethic," the most well-known and often-cited essay in that book, Leopold bemoaned the state of people-land relations: "There is as yet no ethic dealing with man's relation to land and the animals and plants which grow upon it. Land, like Odysseus' slave-girls, is still property. The land relation is still strictly economic, entailing privileges but not obligations" (*ibid.*, p. 203). He then laid out the need for an alternative relationship, an ethical relationship:

The land ethic . . . enlarges the boundaries of the community to include soils, waters, plants, and animals, or collectively: the land. . . . A land ethic . . . affirms . . . [the] right [of resources] to continued existence, and, at least in spots, their continued existence in a natural state. . . . [A] land ethic changes the role of *Homo Sapiens* from conqueror of the land-community to plain member and citizen of it. (*ibid.*, p. 204)¹

When Leopold wrote this in the late 1940s, his ideas of an ethical relationship between land (environmental) resources and people seemed nothing but a philosopher's dream. Here he was contemplating an alternative relationship as America stood at the edge of its postwar expansion. The baby boom, the building of the interstate highway system, and suburbanization, not an ethical relationship to environmental resources, characterized the

1. For a contemporary, comprehensive examination of the ethical bases of and for land use, see Beatley (1994).

These ideas of an extension of the ethical community to natural objects, and people seeing themselves as embedded within the natural community and but one part of it, are similar those espoused by a group of modern ecophilosophers known as "deep ecologists"; see, for example, Borelli (1988) and Jacobs (1995b).

country in the 1950s and 1960s. If anything, the American relationship to land in this period was even more exploitative than it had been in the decades before the war. Economic and spatial growth equaled a social sense of progress, and the needs of America's urban areas took precedent over its rural and ecological zones (see Jacobs 1989). A cultural predilection toward land exploitation combined with technological means (widespread ownership of automobiles and an inexpensive way to build single-family housing) and fiscal tools (widespread access to housing credit and steadily growing household income) to realize this phenomenon.

If in the late 1940s Leopold's ideas seemed to stand in opposition to the mainstream of American thought and action, within a generation it appeared that his dream was about to become reality. In 1969, twenty years after the publication of *A Sand County Almanac*, Wisconsin's former governor and then U.S. senator helped design a watershed event: Earth Day 1970. Earth Day is broadly recognized as having launched the contemporary environmental movement (Shabecoff 1993). Here seemed evidence that people cared deeply about environmental resources and were willing to demand individual and social action that reflected a new land ethic.

A few years after the first Earth Day, again in Wisconsin, the state supreme court issued a landmark ruling in the case of *Just v. Marinette County* (201 N.W.2d 761 [Wis. 1972]). This ruling turned upside down traditional American notions of private property. The court held that a landowner has no reason to presume use rights to land other than to keep it in its natural state (Large 1973). This ruling embodied a Leopoldian land ethic and became a holy grail to the emerging environmental movement (Stone 1974). Combined with an avalanche of environmentally oriented legislation of the same period, it seemed as if Leopold's land ethic was coming to be.

Now, a generation-plus after the first Earth Day, one of the social values which most characterizes the American people is widespread support for the environment. Public opinion polls consistently show that a significant proportion of the U.S. public identify with environmental values and back public policy action to protect the environment (Dunlap 1991). In fact, almost all politicians, regardless of political party, find it necessary to identify themselves as "environmentalists" of some stripe in order to have the necessary public credibility to run for and remain in office.²

This does not mean that the modern environmental movement has been

2. The Republican Party, which won national power in 1994 in part on a strong anti-environmental platform, used the occasion of the 1996 Earth Day to emphasize its sympathies for environmental values and its commitment to expunge anti-environmental action in its 1996, election-year legislative agenda.

without critics or backlash. On the political right, during the early years of the Reagan presidency, a movement emerged to attack environmentalism and environmentalists as elitist and out of touch with the values of the common person (Dunlap and Mertig 1991). Leopold seemed to have provided warning of this phenomenon. In the closing section of "The Land Ethic," he noted that "conservation is paved with good intentions which prove to be futile, or even dangerous, because they are devoid of critical understanding either of the land, or of economic land use" (1968, p. 225). To Leopold's list needs to be added the cultural meaning of land and its political power in the U.S. context.

At least initially, the response to the Reagan-inspired backlash was a surge of support for environmental organizations, with increases in membership, activism, and influence (Dunlap and Mertig 1991). As the 1980s ended, however, and the runaway economy of the period gave way to global economic recession, environmental values, policies, and programs were once again under attack. This time the attackers belonged to self-proclaimed, self-described "wise use/property rights movement" (Gottlieb 1989; Yandle 1995). According to the environmental community, the wise use movement is really an anti-environmental movement (Deal 1993; Echeverria and Eby 1995; Brick and Cawley 1996).³

The wise use movement is an umbrella for a broad range of groups disaffected with the current power of mainstream environmental activism. The movement's focus is promotion of a wise use alternative to what they characterize as the radical, restrictive focus of mainstream environmental policy. From a wise use perspective, current environmental activism and policy illegitimately fosters an anti-private property and anti-people focus (Minter 1994).

With regard to private property, the movement characterizes environmentalism as seeking to create a form of late twentieth-century feudalism—a set of institutional relations where the individual will hold little freehold property and will instead be dependent on a central authority (government) to dispense use rights as it sees fit (McCloughry 1975; 1976).⁴ Wise use advocates argue that freehold property is inextricably linked to the existence of a modern democratic state and that actions that increase the power of the state over the individual decrease the institution of democracy.

3. I use the phrases "wise use movement," "property rights movement," and "anti-environmental movement" interchangeably throughout this chapter. It should be noted that one component of the movement describes itself as "free market environmentalism" (see, for example, Anderson and Leal 1991).

4. This is precisely the line of argument in the *Just* case that the environmental community found so laudable.

The Beliefs, Structure, and Impact of the Wise Use Movement

The wise use movement emerged from a 1988 conference convened by the Center for the Defense of Free Enterprise. The center is the vehicle for the work of its two key employees: Ron Arnold and Alan Gottlieb. Arnold is the intellectual leader of the wise use movement.⁵ He comes to it as a former Sierra Club member, knowledgeable about the values and strategies of mainstream environmentalism. In the 1970s, a decade before the anti-environmental movement took formal shape, Arnold wrote a series of articles in corporate forestry magazines in which he pointed out the need for an alternative activist movement to counter the political power of environmentalism (O'Callaghan 1992).

The tangible result of the 1988 conference was production of *The Wise Use Agenda* (Gottlieb 1989). The notion of "wise use" came into being as a conscious attempt to echo the early, turn-of-the-century debates within the environmental movement between John Muir, founder of the Sierra Club, and Gifford Pinchot, founder of the national forest service. Muir championed the sanctity of nature and the necessity for preserving natural areas; Pinchot pioneered utilitarian, multiple/wise use resource management (Fox 1985). Through this century their conflict has defined a major axis within the U.S. environmental movement. Reverberating with Pinchot's rhetoric, the preface to the *Agenda* states that humans "must find ways to use the earth wisely and find ways to understand that *the earth can be used wisely*" (Gottlieb 1989, p. xvii; emphasis in original).

The *Agenda* delineates a series of goals, which are tied together by the perspective that public lands are to be used actively for economic development and in economic production, and public actions that impact private property rights must be compensated. Among the top goals of the *Agenda* are opening all public lands to commercial mineral and energy production, allowing commercial clear-cutting of old growth forests on national forest lands, rewriting the Endangered Species Act so as to substantially weaken it as a tool for environmental protection, allowing oil drilling in the Arctic National Wildlife Refuge, promoting commercial development within the national parks, and establishing private property rights in lease-based grazing arrangements on public lands (ibid.).

The wise use movement itself is a coalition of local and regional groups

5. There are other prominent and significant activists and organizations in the wise use/property rights movement. I focus on Ron Arnold and the wise use movement because they serve as a useful lens with which to focus the discussion of the larger movement's intent and structure.

pursuing political action on the individual goals. At one point, wise use leaders claimed an array of five hundred constituent groups (Poole 1992). The influence of large corporate capital within the movement is significant, reflecting the support of mineral extraction, energy, agribusiness, and forestry corporations (Nixon 1992). One example is the funding and leadership of People for the West, a prominent member of the wise use campaign. According to one investigation, 96 percent of its funding came from corporate sources, and twelve of the thirteen members of its board were associated with the mining industry (O'Callaghan 1992). Other examples of this sort abound (Lewis 1992; Deal 1993). The annual meetings of the wise use movement are co-sponsored by groups such as the American Mining Congress, National Cattlemen's Association, Independent Petroleum Association of America, and the American Forest Council (Stapleton 1992).

The actual membership of the movement is hard to quantify. Wise use promoters claim an active membership of 5 million, with a pool of up to 120 million sympathizers; critics suggest these are self-serving, wildly inflated estimates (O'Keefe and Daley 1993). The movement's most sympathetic members come from the western states where the vast majority of public land exists and where some states are dominated by the land-use decisions of federal land agencies. The movement is not restricted to the West, though; significant wise use activities are documented in the northeastern and mid-western parts of the country (Burke 1992; Classen 1996).

Ron Arnold's rhetoric leaves no doubt as to the wise use movement's own sense of the importance of its mission. He has been known to say, for example, "Environmentalism is the new paganism, trees are worshipped and humans are sacrificed at its altar. It is evil. And we intend to destroy it" (Nixon 1992, p. 34). Evil, war, and destruction are consistent themes in his rhetoric about environmentalism and the environmental movement. Why? Because, according to Arnold, mainstream environmentalism has run amuck; it is wrecking America, in part by "trashing the economy" (Arnold and Gottlieb 1993). In fact, "If things continued like the way they were going, the environmentalists were going to destroy all industry and private property within twenty years" (quoted in Lewis 1992, p. 6).

Since its formation, the wise use movement has had formidable success. For example, professional land resource managers in the West have argued for decades about the need to coordinate management of public holdings in the greater Yellowstone ecosystem. Here the federal government owns lands used for parks, forest management, and as wildlife refuges. Even though these lands adjoin each other, planning and management efforts are not undertaken together. What would have been one of the most innovative efforts at integrated ecosystem management was derailed by the successful

lobbying of private property advocates who argued that federal efforts were really intended to “take” private land (Stapleton 1993).⁶

Wise use/private property advocates also were the intellectual leaders behind President Reagan’s Executive Order 12,630 in 1988 (Pollot 1989; Folsom 1993). This order, titled “Government Actions and Interferences with Constitutionally Protected Property Rights,” required, in essence, preparation of a private property rights impact statement on all federal regulatory action. Bills put forth in the U.S. Senate and sponsored by the Bush administration sought to codify this order (Jacobs 1995a). These legislative proposals have continued unabated (Freilich and Doyle 1994; Jacobs and Ohm 1995).

Even under the Democratic Clinton administration, and before the Republican congressional victory in November 1994, the wise use movement had significant influence. Efforts to float grazing fees on federal lands to market levels have been hampered by its lobbying, as have efforts to close more federal lands to off-road vehicle use. Most dramatically, efforts to elevate the Environmental Protection Agency to a cabinet department, a key promise of the 1992 Clinton campaign to the environmental community, were aborted by private property advocates (Cushman 1994).

During 1993, the wise use movement targeted its national efforts upon the legislation to create a National Biological Survey and amendments to the Endangered Species Act. In each case, they attempted to insert a takings amendment that would ensure financial reimbursement to affected landowners for any federal regulatory action that substantially decreased property value (Adler 1994). In 1994, the 103rd Congress took up 22 separate pieces of legislation that were introduced to offer some level of protection to private property rights (Meltz 1994). Perhaps more significantly, the movement has been associated with efforts to get similar pieces of legislation passed by the states (Lund 1994; Marzulla 1995). In 1995, 101 takings bills were offered in thirty-nine states; in thirteen states these bills became law. Since 1991, 25 states have enacted laws for the protection of private property rights (Emerson and Wise 1997; Jacobs 1995a; Jacobs and Ohm 1995; Thomas 1996).⁷

But the wise use movement is not just focused on federal and state-level policy issues. This is a broad-based anti-environmental movement. One

6. See the preface of this volume for a discussion of takings. The specific social debate around takings has to do with the extent of regulatory action that may occur absent compensation. The more general social debate centers around the necessary integrity of landownership to the existence of a democratic society (Ely 1992).

7. The number of bills and the number of states in which they are being put forth has increased each year.

component, for example, is known as the county movement. Drawing upon a local experiment in New Mexico, members of the county movement are promulgating land-use plans for adoption in rural counties throughout the United States. These plans assert the private property rights of individual landowners as part of the normal culture and custom of the area and then direct local officials (such as the county sheriff) to undertake official action against any party (including federal officials) that seeks to commence action in violation of these county plans. In part, these plans are promoted based on provisions of federal environmental laws that direct federal agencies to take local plans into account in their own planning (Arrandale 1994; Jacobs and Ohm 1995). At least forty counties have adopted these plans, and upwards of three hundred (10 percent of U.S. counties) have shown interest in doing so. This is in spite of an explicit, well-publicized legal decision against the legitimacy of these plans.⁸

A common presumption is that the wise use movement is a 1990s version of the Sagebrush Rebellion—the antifederal public lands movement of the early Reagan years (Popper 1984). However, observers suggest that, while many of the underlying corporate-capital interests are the same, there is a qualitative difference (Stapleton 1992; Lewis 1992). The Sagebrush Rebellion was a blatant and disorganized effort by corporate interests and state legislatures to seek privatization of western public lands. The wise use movement is highly organized. Having learned strategy from environmental activism, the wise use movement’s interests are now clothed in the guise of grassroots, populist citizen action, and its agenda is broader, speaking to a larger segment of the American people (Yandle 1995; Minter 1994; Stapleton 1992; Lewis 1992; Baum 1991).

The grassroots authenticity of the wise use movement is challenged, however, by the actions of Alan Gottlieb, the other half of the Arnold-Gottlieb team. He is in the direct mail business and has long been associated with fund-raising for conservative causes. In a *New York Times* interview in 1991 he spoke about the need, from a business point of view, to create a new “evil empire” to replace communism (Egan 1991). His publishing firm, which distributes wise use books, also sells volumes on gun rights and the illegitimacy of the federal income tax system. Gottlieb acknowledges the movement’s congruence with the broader agenda of the radical and racist right (O’Keefe and Daley 1993). Because of this, some citizen activists from groups that the wise use movement believe should be under its umbrella have refused recognition by or connection with the wise use coalition (O’Callaghan 1992).

8. *Boundary Backpackers et al. v. Boundary County, et al.* 913 P. 2d 1141.

Social Conflict over Private Property Rights

The wise use movement raises a set of genuine and important issues, both activist and theoretical. Wise users have an impact upon policy formation, an impact drawn from their theoretical presentation. Wise users are not wholly wrong when they suggest that contemporary environmentalism is premised on an evolution of private property rights.

One way to understand the contemporary (post-1970) environmental movement is to see it as a movement that has argued the social dysfunctionality of private property rights. From the point of view of environmentalists, land-use and environmental problems arise precisely because property rights are privately held and managed. As a result, individuals make land-use management decisions that do not take into account the broader public interest and a more expansive economic calculus. A litany of common land-use and environmental issues—farmland depletion at the urban fringe, wetland loss, suburban sprawl, downtown deterioration, etc.—have all been depicted as issues that arise from a version of “the tragedy of the commons” (Hardin 1968). In these instances, the tragedy is that individual land-owners make decisions that are economically and socially sensible to them but are not judged to be as sensible to the broader public. From the environmentalist’s perspective, the traditional solution to this situation is to take property rights from the private bundle and shift them to the public bundle—to “public-ize” previously held private property rights. The rationale is that by doing this, better land use and environmental decisions will result.

Yet the individualist social myth represented by private property rights resonates strongly with many Americans. The United States was settled by Europeans searching for religious and political freedom and the access to freehold land unavailable in Europe (Ely 1992). The cultural myth of freehold private property—the open spaces of the American West, the attitude of “it’s my land and I can do what I want with it!”—define the American character as much as any characteristic. To be an American is to own and control private property. So, while public opinion polls show that environmental protection is supported by most Americans, many of these same citizens can be deeply disturbed by the public regulatory programs developed to achieve this goal.

That there should be social conflict over property rights is not surprising. Given the historical role of private property in U.S. social history and cultural myths, actions to establish a strong public regulatory presence are bound to meet resistance (*ibid.*). What is significant is the apparent strength and organization of the wise use movement as a counterforce to the environmental community. From a legal-historical perspective, though, there is a

strong basis for suggesting that the wise use movement is on shaky ground. Much of its public policy thrust attempts to enshrine a particular concept of private property. It is a concept that sees private property as foundational to American democracy, where the individual’s bundle of sticks should be kept as intact as is feasible, absent a compelling public need. This perspective is not without historical and theoretical support (McCloughry 1975; 1976).

There were intensive debates among the country’s founders about the relationship of private property to citizenship and democratic structure (Ely 1992). Drawing from the writings of John Locke, the founders saw that one of the principle functions of forming a government was protection of property. As James Madison wrote in the *Federalist* no. 54, “Government is instituted no less for the protection of property than of the persons of individuals.” Others, including Alexander Hamilton and John Adams, concurred. Adams (1851 [1790], p. 280) noted, “Property must be secured or liberty cannot exist. The moment the idea is admitted into society that property is not as sacred as the laws of God, and that there is not a force of law and public justice to protect it, anarchy and tyranny commence.”

But this view of the relationship of property to democracy, and the assertion of property’s primacy, was not monolithic. Also drawing from Locke, others saw the need for private property ownership to bow to social needs. Locke (1952 [1690], pp. 68–69) wrote:

For it would be a direct contradiction for any one to enter into society with others for the securing and regulating of property, and yet to suppose his land, whose property is to be regulated by the laws of the society, should be exempt from the jurisdiction of that government to which he himself, the proprietor of the land, is a subject.

Echoing these sentiments were Thomas Jefferson, Benjamin Franklin, and others. As Franklin (1967 [1789], p. 59) noted with force, “Private property . . . is a creature of society, and is subject to the calls of that society whenever its necessities shall require it, even to its last farthing.”

The history of public imposition on private property rights seems, ultimately, to come down in favor of the position taken by those who see private property as necessarily secondary to social needs. In multiple instances, society has re-formed the concept of private property reflective of new social relations and new technology. So, for example, southern slave owners were not compensated when their “property” (the slaves) was taken through emancipation, even though some sued for such compensation after the Civil War. During the 1960s, owners of commercial establishments lost their private property right to choose whom they would serve, once more reflecting changing social attitudes on race and human relations; again they were not compensated (Hecht 1964). And early in the twentieth century, when the

airplane was invented, landowners lost their airspace for the greater public good of creating a navigable airway (Jacobs 1995a).

Bromley (1993) seeks to demonstrate how it is that the very nature of property originates with society and how society is never illegitimate in its action toward private property. Drawing from Kant, Bromley (*ibid.*, p. 653) argues that the reality of private property is that "What I own is a function of what the members of the polity say I own—not what I say I own." When society's actions appear to represent a departure from a prior set of rules governing individual-social interaction, society is just articulating new rules, reflective of new social circumstances and necessities. Society is never obligated to any a priori rule structure. As Bromley presents it, property is a completely moldable social construct, established by society to fulfill social needs, and thus changeable as social circumstances require it.

As one example of this, Bromley notes the widespread acceptance of public actions that prevent a landowner from cultivating marijuana or running a house of prostitution. He ponders why this is socially acceptable but regulatory action to protect wetlands or farmlands is not. More precisely, he wonders why one action is not considered a violation of private property rights under the provisions of the Fifth Amendment to the U.S. Constitution while the other is (*ibid.*). Other scholars have noted that restrictions on private property are broad and long-standing, reaching back to the country's founding (Ely 1992).

Anticipating the sentiments that underlie the wise use movement, Bromley summarizes his position by acknowledging that "land use and environmental policy is contentious precisely because it joins claims of individual freedom and private property rights." He then reflects the environmentalist response by talking about the "myth of the overarching sanctity of private property" and by arguing that "the public cannot continue to be held hostage to the extortion that emanates from this view." He concludes that this myth and this view have "no basis . . . in economics, in philosophy, or in the law" (1993, p. 682).

Ultimately, the anti-environmental wise use movement presents a paradox. It is decidedly out of step with legislative and judicial trends throughout this century (Bosselman, Callies, and Banta 1973). In general, these trends have allowed for increasingly broad governmental reshaping of private property rights so as to achieve an ever-evolving and expanding definition of the public interest—a Leopoldian land ethic (Jacobs and Ohm 1995; Freilich and Doyle 1994). Legal and philosophical analyses supporting these trends emphasize the social basis and construction of private property.

But the "truth" of a legal/philosophical/political-economic analysis doesn't take away from the emotional power of private property in the

United States as a cultural symbol. It is this cultural symbol that is the driving force behind the wise use movement at all levels.

An Uncertain Future

What is the likely future of the wise use movement? Informed speculation on this matter can be drawn from several sources. One is the experience of a social movement with seemingly opposite goals—the European green parties, especially the one in Germany. The German Greens came together in 1979 from disparate, pre-existing social movements—the peace, feminist, and environmental being the most prominent (Boggs 1986). These movements set aside their differences for the advantage that a coalition offered them.⁹ Much to their own surprise, they achieved rapid and significant success in the early 1980s and sustained this success throughout the decade (Hulsberg 1988). With success, however, came serious internal tensions about priorities. As Greens moved from the position of being critics outside the system to players inside the system who had to propose solutions and be part of governance, the party's coalition structure began to fracture. By the late 1980s, the party began to come apart and reform itself as several smaller parties (Doherty 1992). Like the Greens, the wise use/property rights movement is a coalition movement. It appears that what draws members of the coalition together is stronger than that which might drive them apart; yet, as with the Greens, the umbrella the movement has opened is so wide that tensions are bound to develop. Some already have.

Another basis for speculating about the future of the wise use movement arises out of the object of its activism. At the federal level, the movement has targeted the national laws that protect endangered species and wetlands. Often, the basis for these attacks are stories showing the burden these laws can cause to ordinary citizens. This effort, however, has proved less successful than anticipated. While the American public does not like unfair burden, polling data suggest that in considerable numbers they continue to support environmental policies and programs.

Thus, the thrust of the movement seems to have shifted to state legislatures. Here the movement has a different problem. To assail the legitimacy of government regulation is to assault the very fabric of state and local governmental activity. The object of the movement's ire often becomes zoning

9. In Germany, groups that organize as political parties and then receive more than 5 percent of the vote in elections become a formal part of the legislative body. Party status also provides access to federal funds, given in proportion to vote totals, and the credibility of presenting a public position under the auspices of a national political party (Schmid 1987).

regulations—that simplest but most widespread and long-standing of tools used by state and local governments to manage conflicting land-use relationships. The problem with attacking zoning is that property rights proponents forget that zoning was an invention of conservative private property rights forces in the early part of the century (Babcock 1966; Haar and Kayden 1989). Zoning was developed to protect threats to private property rights and property values from competing, nonregulated market forces, and it was defended before the U.S. Supreme Court as a reasonable exercise of governmental authority because it served the private property rights interests of landowners.¹⁰

Environmental proponents dub property rights bills “the pornography shop owner’s Bill of Rights.” Their point being that, without government regulation of property, land-use relationships would be subject only to market forces, and those forces would select land uses based on their highest and best use from a solely economic point of view. In the two instances where property rights bills have been put to public referendum, in Arizona in 1994 and in Washington in 1995, voters soundly defeated them by 60 percent to 40 percent margins in both states (Kriz 1996).

Finally, the movement’s efforts to build support for its core issues suffered from the militia-linked terrorist bombing of the federal building in Oklahoma City in 1995. This tragic event brought the citizen-militia phenomenon to the eyes of the public. Stories appeared in national news weeklies about the network of radical antigovernmental forces in the United States. The wise use/property rights movement was listed as one of the affiliated activities. Clearly, this is painting the movement with too broad a brush. There are many dedicated activists within the movement with very legitimate concerns, grounded in sound theory, history, and abusive administrative practices. Yet, it is also true that there are elements of the movement that ally themselves with the agenda of the radical and racist right in the United States (Helvarg 1994; Dees and Corcoran 1996).

There can be no foregone conclusions about the future of the wise use/property rights movement in the United States. The Greens in Germany have not been destroyed by their internal debates and difficulties; in fact, throughout Europe and the world, green politics is growing. Likewise with the wise use movement. Regardless of its affiliations, the corporate influence on its agenda, and even the forthright cynicism of one of its co-founders, the movement exists and has influence precisely because its message strikes a chord with the American citizenry.

Wise use is not a question of law or philosophy, it is a question of cul-

10. Zoning was found constitutional by the U.S. Supreme Court in 1926. In the prior decade, it had already spread throughout the country, and the decision only reinforced this trend (Haar and Kayden 1989).

tural myth and politics. The wise use movement taps into and exploits a cultural myth about private property that runs deep with the American people. With the birth of the wise use movement, the politics of environmental policy in the United States have become more sharp, more contentious, and more dimensional. The wise use movement offers a serious challenge to the realization of Leopold’s land ethic. At least for the near future, this movement’s influence is likely to grow, not weaken.

The prognosis for the long-term future is different, however. Long-term trend analysis suggests that while the movement is giving voice to an important component of Americans’ myth about themselves as freehold property owners, ultimately the element of American culture that requires private property to be subjugated to social needs will prevail. While it is not clear when and if Americans will ever fully embrace Leopold’s land ethic, in its fragmented, incremental way, the U.S. public sphere, at the local, state, and national levels, with the support of the American people, is likely to keep asserting socially based environmental concerns over those of private property.

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Private Property Rights with Responsibilities: What Would Thomas Jefferson Say about the "Wise Use" Movement?

Donald Last

Introduction

Environmentalists support restrictions on uses of land that might adversely affect people or natural resources. Leaders of the "wise use" movement, however, contend that government land use controls are destroying America (Jacobs 1995). Accordingly, these leaders have urged a return to the views on private property that they say guided the actions of the founding fathers. Wise use advocates maintain that the nation's leaders of two centuries ago, including Thomas Jefferson, believed that social progress was dependent on "free enterprise" and that democracy could not prosper if economic freedom was restrained by government. They assert that the function of government, then and now, is to ensure citizens' rights to property as well as to life and liberty.

Jefferson, more than any other eighteenth-century American, has been identified as the father of democracy. He certainly was a champion of human rights and an advocate of government by the people. If he were alive today, what would he say about the wise use movement? It could be argued that he would be sympathetic to some of the views expressed by the movement's leaders, but it is debatable whether he would have agreed with all their dogma.

The Meaning of the Land Rights Advocacy Movement

Rarely do proponents of the wise use movement and federal resource managers find common ground regarding the common lands of the western United States (e.g., northern spotted owl v. old growth forests). East of the Mississippi, the debate between the protectors of private property rights