



Jack family donates easement

Chris Moench

"I believe I'm putting this land to its highest and best use—for a century from now."

Rand Jack

Whatcom Land Trust is pleased to announce the donation of a conservation easement on 40 acres of forest land on the western slope of the Van Zandt Dike in the valley of the south fork of the Nooksack River.

The gift, from Rand, Dana, Darby and Kelsey Jack, will ensure that the land will be preserved for wildlife habitat, continued natural forest succession and limited human residential use.

"This land and its wildlife has brought our family joy and contentment for the past 20 years. For that, we owe it some care and protection — nothing could make me feel better," said Dana Jack.

The Jacks have given up many of their private property rights through the gift of the conservation easement, including the ability to log or significantly subdivide the property. However, they have retained the right to live on the land as they always



Rand Jack (left) and his son Darby enjoy a hike near Nuka Bay, Alaska. (Photo by Pat Karlberg.)

have, sell it, or pass it on to their children, Darby and Kelsey.

Under the terms of the easement, the eastern two thirds of the property, which stretches in stately conifer and deciduous forest up the Van Zandt Dike, abuts state forest land. It will be left untouched. The western one third presently contains the Jack residence and the easement allows construction of one additional residence in the event that both Kelsey and Darby wish to live on the property as adults. The option to build the second residence may only be exercised by Darby or Kelsey.

"I believe I'm putting this land to its highest and best use—for a century from now," said Rand Jack, who has been a volunteer board member for the Land Trust almost since its founding in 1984.

Rand and Dana's daughter, Kelsey, the youngest of the family, also reflected on the future.

"Larger pieces of land should stay large to make sure that the city won't spread all the way out here," she said. "Keep the land in a way that no one can ever come in and do condos."

If she or her brother Darby reside on the property and later sell their home, Kelsey said she feels good knowing they won't be giving away responsibility for determining future use to another person.

In accepting the easement, the Land Trust accepts responsibility to enforce its terms.

The Trust is grateful for this gift, a treasure that will truly grow in value for decades to come.



Dana Jack



Kelsey Jack

Inside this issue:

- Land Trust news 2
- What does Whatcom County look like to a "newcomer"? .. 3
- New board members 4
- Special Supplement A special section reviews the film series that we sponsored last March. Be sure to read the varied guest opinions and reflect on these sensitive land issues.

Mountaineers Grant received

Whatcom Land Trust is very pleased to announce the receipt of a \$4,000 grant from the Mountaineers Foundation in Seattle.

This grant will go towards funding our publication of *Whatcom Places*, a high quality, photographic book on Whatcom County designed to increase public awareness of the natural environment and the need for personal stewardship. This book project is being chaired by Board Member Bob Keller and involves an active committee of several local community members.

Have you noticed?

Our name has changed.

At the June meeting, the Board of Directors voted to change the name of our organization to Whatcom Land Trust, (from Whatcom County Land Trust.)

The change was made because the public often confused the Land Trust with a Whatcom County government agency.

County cancels contract

Up until May of this year, the Land Trust contracted with Whatcom County to cultivate voluntary commitments to conservation by private owners of lands identified in the Natural Heritage Plan. Last April, the County cancelled this Natural Heritage Contract.

Under the previous contract, the Land Trust hired Robyn du Pré as our Conservation Coordinator to work with landowners to voluntarily conserve prime open space, wildlife habitat, and agricultural land in all parts of the County. This work was instrumental in securing protection of several important county properties.

Unfortunately, cancelling this contract has meant a loss of funding for Robyn's position at the Land Trust office. Robyn's departure is a great loss to the Land Trust. The Board of Directors expresses its appreciation for her energy and dedication working for the preservation of our natural heritage.

We're redefining our Membership

Thanks to our 1995-96 Wilburforce grant, we have spent much of last year reorganizing to serve you better. One of our next projects will be to carefully redefine our membership.

Over the years, the Land Trust mailing list has grown to over 1,360 names. Because we use a bulk mail permit, we often don't know if all of our mailings actually are "deliverable." We hope reorganizing and creating a more official membership will eliminate this wasteful problem, as well as help us be more efficient.

New board member, Joan Casey, (see page 4) has had extensive experience in this area, having worked with the Sierra Club membership in Northern California. We are glad to have her help with this project.

If you have any questions about membership, please call our office, 650-9470.

Meeting the challenge

Gordon Scott

WLT Board of Directors President

This issue of *The Steward* brings you a special insert of comments from the Land Trust film series, *Public Forum on Land Ethics*. Each of the four films generated lively conversation among the viewers and commentators, with attendance exceeding 100 people over the entire series. The presentation of the *Public Forum on Land Ethics* is an example of the Land Trust's commitment to being a leader in land conservation by offering the community educational events that stimulate one's thinking and challenge our concepts of land use.

If you liked the film series, be sure to attend the next event being sponsored by the Land Trust, a theatrical production by the Foothills Theater Company of the play by Henrik Ibsen, *An Enemy of the People*. (See page 4 for more information.)

Loss of staff challenges us

Land conservation is full of interesting challenges, but the departure of our dedicated Conservation Coordinator Robyn du Pré at the end of May is one challenge that is particularly hard to accept.

The Land Trust was unable to employ Robyn after Whatcom County chose to discontinue the Natural Heritage Contract which provided funding for the position of Conservation Coordinator. The County's concern over the outcome of the Conservation Futures Levy advisory vote this fall was the reason for terminating the contract.

Robyn's departure means more work for Sheri Emerson, our Administrative Assistant, and challenges all the members of the Land Trust Board to volunteer more time to accomplish the important land conservation work ahead of us.

Family decision meets the challenge

One of the Land Trust's own Board members, Rand Jack, recently met the challenge of land conservation when Rand and his family donated a conservation easement over their 40-acre property in the South Fork Nooksack Valley.

The Jack family's decision to protect their land for future generations is the kind of personal commitment towards land conservation that makes Whatcom County a great place to live. Thank you Rand, Dana, Darby and Kelsey.

The Mission of the Whatcom Land Trust is to preserve and protect unique natural, scenic, agricultural and open space land in Whatcom County through acquisition of perpetual conservation easements or other land interest that insure the protection of the resource value.

Whatcom Land Trust is a 501(c)3 nonprofit organization working for voluntary land conservation in Whatcom County. The Steward is published three times each year by the WLT. Your comments are welcomed. Complimentary copies are available by calling the Land Trust office, 650-9470.

Newsletter Committee Chair: Chris Moench

Contributors Chris Moench, Gordon Scott, Sharon Digby, Jayne Cronlund, Pat Karlberg

Desktop Publishing Sheri Emerson

Volunteer compares our conservation opportunities to the Midwest

Jayne Cronlund

I am a newcomer to Whatcom County, having recently moved to Bellingham from Port Townsend. I decided to move to Bellingham because of its scenic beauty, proximity to the mountains, and a personal feeling of the latent potential this area holds.

Bellingham is a city with amazing parks and extensive trail systems. Lake Whatcom adds a pleasant scenic quality in addition to sunsets over Bellingham Bay, and the Cascade Mountains are awe-inspiring. I feel truly fortunate to live amidst nature's glorious benevolence. However, living this close to nature carries a responsibility to ensure that human usage does not destroy the integrity of the land and ecosystems.

After getting settled, I began to travel the varied hiking and biking trail systems and visit the mountains. The scenic beauty of Whatcom County and my sense of responsibility toward the land led me to investigate local conservation efforts. A few phone calls led me to the Whatcom Land Trust office. After meeting with Board members, attending a Land Trust Board meeting, and meeting with Gordon Scott (WLT Board President), I am happily on my way to providing some useful services for the Trust.

I find Whatcom County stimulating simply because of its bounty. The natural resources and scenic beauty which characterize this county seemingly provide excellent opportunities for the Trust. Not every county is home to the trees, mountains, and shorelines that pervade Whatcom county. I view

these habitat and open space opportunities as challenges for all citizens of Whatcom County to control growth and reach sustainability.

This winter I spent some time visiting family in the Midwest, where I was able to volunteer for The Nature Conservancy in Minnesota. The difference in approaches to land conservation is noticeable due to the condition of the land. The Conservancy must play a difficult game of "catchup" by attempting to recreate ecosystems like prairies since very few naturally occurring prairies exist in the Midwest. Of course, TNC also focuses on identifying the extremely limited pristine areas and attempting to preserve them.

Here in Whatcom County, we have the opportunity to preserve critical habitat and open space *before* they are lost. Comparing the Midwest to the Pacific Northwest lends my own personal goals of conservation a sense of urgency. Although I feel the immediacy of the need to preserve important habitat, I understand that many citizens in Whatcom County rely on our natural resources for livelihoods. Living on the Olympic Peninsula and working for Forest Service, I became intimately aware of the complexity of preserving our resources. While I understand the issues are difficult, I believe that land conservation efforts require creative problem solving, not blind devotion to "zero development" nor utter hopelessness. I look forward to working with the Land Trust and the community to meet the coming challenges.

Here in Whatcom County, we have the opportunity to preserve critical habitat and open space before they are lost.

Conservation Futures Levy Advisory vote on fall ballot

Chris Moench

This fall's ballot is the place to cast your vote on the Conservation Futures Levy, (CFL), a source of funding county parks, open space, and wildlife habitat.

Whatcom County Council has decided to ask voters whether they want to continue to support this tax for parks and open space. While this ballot will be "advisory" it is likely that a negative vote will lead the Council to renew its attempt to end the CFL. The first move to end the levy was vetoed by County Executive Shirley Van Zanten.

CFL is the only locally collected and controlled source of county funds designated to purchase land for parks and wildlife. Funds from this levy have provided the leverage to negotiate matching federal and state monies, and purchase land at 50% or less than its appraised value.

Since 1993, this levy has enabled the County to acquire natural treasures such as Squire's Lake and portions of Chuckanut Mountain. At 6.25 cents per \$1,000 assessed valuation, (A home valued at \$150,000 pays less than \$10 per year), the levy generates about \$500,000 annually.

CFL tax:

*A home-owner
with a home
valued at \$150,000
pays less than
\$10 per year*

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Phone: 650-9470
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Office Hours:
10:00 am-1:00 pm
Mon.-Thurs.

Land Trust welcomes new board members

Sharon Digby

The Whatcom Land Trust welcomes two new board members this spring, Sean Ebnet and Joan Casey.

Sean and his wife Lisa moved to Bellingham in 1995 when Lisa started a job at Western Washington University. Sean is a certified wildlife biologist with more than eight years experience conducting fish and wildlife studies. He has worked for government agencies and private firms in the Pacific Northwest. Presently he is employed as a wildlife biologist and watershed scientist by Cascades Environmental Services in Bellingham.

Both Sean and Lisa have been white water river guides in the past. Their hobbies include horses and Bernese Mountain dogs, which they raise and show. Sean's wildlife expertise will be a great

addition to the board.

Joan and her husband, John Watts, moved to Bellingham in 1990. She spent 25 years in San Francisco, where she was a computer consultant for 15 years and did computer-related work for 10 years. Her interests include gardening, hiking, and travel. On two separate trips this spring, she has trekked in Nepal and walked with her husband through Scotland. She is a member of the Mountaineers, North Cascades Audubon, and WAKE. She volunteers for the Womenscare Shelter and served on the Chuckanut Mountain Trails Steering Committee.

Joan has had experience with organizing memberships and fund-raising, and is excited about contributing to the Land Trust in these and other areas.

Join us for an evening at the theater

Whatcom Land Trust is the featured organization at the Foothills Theater Company's production of Henrik Ibsen's

"An Enemy of the People"
Friday, October 18, 7:30 p.m.
Echo Glen Community Center
Goodman & South Pass Rd.
(3 miles east of Everson)

Followed by a discussion led by
Frank James, MD, W.C. Health Officer

Tickets are \$5.00 each and available by contacting any board member, or calling our office, 650-9470.



WHATCOM LAND TRUST

P.O. Box 6131 • Bellingham, WA 98227

Address Correction Requested

Community support appreciated

We always try to give credit to the many friends of the Land Trust that lend us a helping hand. Our thanks to:

Dick Cole and the staff at Island Title Company, 1616 Cornwall Ave. Bellingham, for providing us with property profile information. Their services were both quick and efficient!

Kyle Haggith and the crew at Pacific Surveying and Engineering deserve both our thanks and our apology. Their name was inadvertently left off our list of 1995 contributors that was printed in the Spring newsletter. We apologize for our error and note that their name should be included on our list of valued supporters. Thank you, Kyle. Your support is appreciated.

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Community Outreach Program

Land Trust Film Series raises complex land issues

Because we depend upon voluntary actions by private landowners who realize that the Land Trust exists to help them protect natural values of property, the Trust created a community outreach committee this year.

Last March this committee sponsored a film series, *A Public Forum on Land Ethics*. On four evenings we viewed and discussed five movies: *The River*, *The Plow That Broke the Plains*, *The Milagro Beanfield War*, *Heartland*, and *The Field*. Each evening, two guest commentators discussed the film and the audience was invited to share their thoughts and observations. Approximately 200 people attended this series.

In this supplement to *The Steward* we review the dialogue and reactions to the series, a discussion that we hope will inspire all of us to reflect on the complex land issues presently facing society. Personal opinions expressed in this special supplement do not necessarily represent or reflect Land Trust policy. Should you wish to watch the films, *The River* and *The Plow That Broke the Plains* are available from the Land Trust; others are available from local video rentals.

The Film Series in Review

A summary of comments and reflections

March 6

The Plow That Broke the Plains and *The River* (1936, 1937, Pare Lorentz, dir.)

Commentators: Patricia Decker and Barney Goltz.

Patricia Decker spoke on how much, and how little, we had learned since the Great Depression. We now recognize the need for planning and are not so naive about the damage we can cause, but good planning requires citizen effort and participation. We need to anticipate change or we may get what we don't want.

Barney Goltz reflected on his experience living through the Depression in the upper Midwest; he discussed the origins and problems of the Growth Management Act as an example of anticipating the future.

Audience comments: "People

in the Dust Bowl seemed helpless; can the individual citizen do anything against the politicians and City Hall?" The films show how technological fixes don't always work, how 'progress' can be just the opposite." "Water is crucial to the value of land. Farming is also crucial and should be considered permanent, yet farm land is often prime property for housing." "How can we define the line between private property rights and the common good in such local issues as clear-cut logging, Padden Creek, Chuckanut Ridge, infilling and sprawl?"


March 13

The Milagro Beanfield War (1988, Robert Redford, dir.)

Commentators: Larry Estrada and Mark Asmundson.

Larry Estrada provided cultural, religious and historical context for the film, arguing that land concepts cannot be separated from culture. In New Mexico, land crosses generations and belongs to the past and future as well as the present. The

(Continued on page H)



Special Section

This special supplement will review the March film series sponsored by the Whatcom County Land Trust

Personal opinions expressed in this special supplement do not necessarily represent or reflect Land Trust policy.

Inside:

- Reflections on the film series:
 - Gordon Scott (Land Trust President)
 - Katy & Carl Batchelor
- Guest Commentary:
 - Skip Richards



Who holds the "rights?"

New land use visions challenge our identity

Gordon Scott

Because of the capital and technological power the newcomers controlled, they had significant ability to impose their own particular vision of nature onto a local community.

Our recent Whatcom County Land Trust film series, *Public Forum on Land Ethics*, was an opportunity to stand aside from the nitty-gritty details of current land use struggles festering in our community and think in a broader context about human relationships with this planet. Consequently, I perceived a common theme in each story's particular conflict, and, not surprisingly, a theme articulated by advocates on all sides of land use issues facing our community today.

In each film, the key protagonist driving the tension and turmoil came from outside the established community, bringing powerful technology, organization, and control of capital. Each protagonist carried a new vision of "nature," or how to use land in the best and right way, into a local community. Because of the capital and technological power the newcomers controlled, they had significant ability to impose their own particular vision of nature onto a local community.

Often times newcomers seemed ignorant of local ecological conditions and limitations, but believed that by applying technology and capital they could successfully transfer a pattern (vision) of land use from one environment to another.

Powerful technology results in economic disaster for farmers

In *The Plow That Broke The Plains* the combination of new advances in technology being marketed to farmers and the rapid rise of international demand for wheat in time of war drove American farm families to convert Great Plains grassland soils into intensively cultivated fields. The imposition of traditional American intensive farming, developed in the moist climate of eastern forests, on the arid grasslands of the Great Plains was ecologically unsustainable over the long-term. Applying an untested but powerful new technology of mechanized land tilling over large areas, promoted by farm implement corporations, lead to massive alteration

of sensitive soils.

The economic motive for breaking new ground in the Plains was provided by speculators in commodity future markets, a situation made very explicit and personal in *Heartland*, where remote Wyoming homesteaders suffered the whims of eastern investors. However, when minor climatic variations lead to several dry years while thousands of acres of soil were turned over for crop production, ecological disaster resulted for the grasslands region, an economic disaster for thousands of small farmers, and a social disaster for displaced farmers and for communities where they migrated after abandoning the Dust Bowl.

Defeating development leaves scars

In *The Milagro Beanfield War* the protagonist is a stereotyped modern American land developer who imposes capital, organization, and his own particular vision of the American Dream upon an economically poor and isolated rural community. In response to construction of the "Enchanted Valley" resort community on the outskirts of rural Milagro, townsfolk attempt to organize themselves and draw support from their own outside "forces", a liberal lawyer turned small town newspaper publisher. Eventually the individual bean farmer, with some help from supernatural powers, defeats the development by illegally taking control over the one vital resource in the southwest: water.

We don't know how the victorious townsfolk survive their victory, but their scrape with powerful outside market forces have surely lead to loss of innocence. The scars of the half completed cul-de-sacs in the mountains outside of town changed more than the local topography of Milagro. Each member of the town now knows that their poor, quaint, isolated rural existence is also a powerful "dream" for the urban American Leviathan.

(Continued on next page)

Perseverance and tradition vs. capital and resources

The Field is the dramatic story of a rural Irishman's desperate attachment to a small field, long nurtured with the sweat and blood of his family, challenged by a competing dream of roads and factories visioned by an Irish-American returning to the homeland of his emigrant family, with newfound wealth from the United States. The central question is what constitutes right and correct ownership of the earth? Is it one's ability to persevere on the same land in the face of famine and poverty, manipulating the soil with materials at hand to turn a stony field into a velvet green pasture, or is it the right of another to organize capital, resources, and legal relationships, relying on the authority of the state to support legal title?

This story gains greater poignancy by one man's family staying in Ireland and fighting foreigners and famine, while the other man's family escapes to America in the face of adversity. He now returns flush with money from the New World to buy the green field for a quarry and the waterfall for hydroelectric power.

The victory of one over the other solves little, for each outcome creates untenable results; right of ownership through historical use only leads to anarchy and breakdown in the rule of law. On the other hand, a right to ownership though control of

capital only discourages the value of tradition, rooted to a local, and the special knowledge gained that comes only through living and working in the same place for a generations. This film posed more questions than answers.

Land views are part of our identity

I believe how a social group views land and defines nature, defines the "right way" to use land and natural resources, is a part of their cultural identity, hence part of one's personal identity.

Sudden imposition of new or competing visions of land use and nature, like converting green pasture into neon shopping malls, is a challenge to a person's sense of who they are as an individual, much like imposing a new national political identity upon traditional aboriginal peoples.

Each film poses knotty questions. Does simple legal ownership grant one the right to impose his or her own particular vision of nature, no matter what that vision is, onto the land, water, air, animals and plants?

Given what we know as a culture about ecological relationships, geomorphic process, and climatic changes, what responsibility do we as individual owners of land have to our neighbors, our ancestors, our children?

Or are we responsible only to ourselves?

*What
responsibility
do we as
individual
owners of land
have to our
neighbors, our
ancestors, our
children?*

Thank you

A Public Form on Land Ethics was attended by nearly 200 people. The Land Trust thanks everyone who came, and especially those who served as commentators:

Patricia Decker,
City of Bellingham Planning Director

Barney Goltz,
Planner, Former State Senator

Larry Estrada,
Dir. of American Cultural Studies, WWU
former Mayor of Fort Collins, Colorado

Mark Asmundson,
Mayor of Bellingham

Carl Simpson,
Sociologist, Western Washington University

Barbara Cheatham,
Minister, Bellingham Unitarian Church

Rand Jack,
Attorney,
Land Steward, Rio Condor Project

Skip Richards,
Coalition for Land Use Education

Film Series raises more questions than answers

Katy and Carl Batchelor

People who are interested in land, its ownership, stewardship, conservation, must exchange ideas with others.

Farmers and their friends were prominent among the small group of people who came together in 1983 to form the Whatcom County Land Trust. Although they cared in general about saving the open lands of the county, they were personally concerned with threats to productive agricultural land.

Over the years, as the Land Trust has labored to save natural areas of beauty and ecological significance, it has continued its original interest in preserving "working" lands. The goal remains to preserve them, not *from* use but *for* their traditional use.

Films show land and people are connected

The films in the March series spoke to the Trust's concern with working agricultural lands. Each film viewed land as a place where people work, forcing us to view land not merely as geographic spaces—as mountains, valleys, prairies—but as human places—farms, fields, homes—which people use and which give meaning to their lives. As we viewed each film, the lesson became clearer and clearer: we cannot separate land from the people who live on it and with it.

The first films in the series—*The Plow That Broke the Plains* and *The River*—voiced a drastic but clear message. When people behave with ignorance and arrogance, their interaction with land will be destructive. Nature is an uncompromising and harsh teacher. These New Deal documentaries were equally clear in proposing that government and technology can rectify the damage, yet technology in the service of individualism and the government, as it encouraged people to homestead inappropriate land, to a large measure caused the same destructive agriculture which the films deplored.

As we ponder farmland protection more than a half century after these films, at a time that Congress is again restructuring the government's agricultural policy, we must factor these unpleasant realities into any course of action: our ability to predict and control the course and effects of technology is at best limited, and the realities of power in (political) give-and-take change governmental policies in unintended ways.

Complications posed by our technological and political limitations, however, pale in comparison to the cultural complexities introduced by the

remaining films, where social values and family-community dynamics weaken our ability to draw clear-cut boundaries between right and wrong interactions with the natural world.

In the *Milagro Bean Field War*, a struggle of the individual against outside interests and in support of a local community's heritage irresistibly drew the sympathy of the audience. Yet the film avoided the question of whether or not individual action, despite its cultural value, may be destructive if carried out on a wider scale. Anyone aware of the erosion caused by small scale irrigated agriculture and pastoralism in northern New Mexico realizes that a fragile environment is as susceptible to degradation from an indigenous culture's overuse as it is to the depredations of the small scale capitalism that preceded the Great Plains' dust bowl.

Heartland and The Field, compelled us to acknowledge that people as well as the land will suffer when we try to force the natural world to conform to and satisfy human expectations. In *Heartland* a woman dreams of an independent life, free from servitude. When this noble dream clashes with limits of the land, she and the people she loves pay a terrible toll while the land endures. *The Field* was excruciating in driving home the human cost of trying to force land to carry the weight of complex human needs and values. A beneficial stewardship created a fertile field, but also instilled in the steward a belief that he alone had the right to ownership and control. When this concept of ownership, rooted in local custom and beneficial use, clashed with ownership conferred through law and economics, every "owner" was destroyed. The fate of the land remained uncertain.

The opinions expressed by the commentators in the discussions that followed carried a value beyond the messages of the films themselves. A diversity of opinion was expressed, ranging from moderate to extreme; from personal to global. People who are interested in land, its ownership, stewardship, and conservation must exchange ideas with others. Although more questions were raised than answered, the film series stimulated meaningful thought and discussion about our land issues.

We are all one ... and each is accountable

Skip Richards

The *Field* portrays a conflict in 1930s Ireland between a tenant farmer, his landlady who decides to sell the land he loves and has devoted his life to, and an American who wants to buy the land to develop it.

The movie is not about land ethics. It is about a failure of human ethics on every level: governmental, social, familial and personal. The central character, Bull McCabe, is at odds with everyone; his actions result in the death of his own son and the destruction of his life's work.

The Field is thus not about humanity's — or one man's — relationship with the land, but about one man's fatally flawed relationships with everyone with whom he comes in contact. Good steward of the land he might be, but Bull McCabe fails as a husband, father, neighbor, and ultimately as a human being, which in turn renders his land stewardship unsustainable.

Government imposed land ethics are First Amendment violation

As for a land ethic, I assume that the Trust had in mind the ethic described by Aldo Leopold: "A thing is right when it tends to preserve the integrity, stability, and beauty of the biotic community. It is wrong when it tends otherwise." There are two comments I can make about that sort of ethic.

First, if there are objective criteria by which we can determine integrity and stability of the biotic system, those who tend to preserve it will live long and prosper; those who do not, will not. Nature always bats last; there are physical constraints upon our behavior toward land which we can only ignore at great cost. Thus, such an ethic is to some extent a matter of enlightened self-interest.

Second, the foundation of one's ethics springs from religious or spiritual beliefs, or lack thereof. The founders of this nation realized that religious freedom was the only way to avoid the continuous religious wars that devastated the Europe from which they fled. So while Leopold's land ethic may appeal to many, they should practice it on their own land, exercising their private property rights, and, if they wish, attempt to persuade others to join them. They can certainly advocate similar policies on public lands, but it is a violation of First

Amendment rights to attempt to impose any particular land ethic as a governmental policy which all must obey on private land.

As to who should own the land, I sensed that most of the film audience believed that the best stewards of the land should "own" it. McCabe, for instance, should not have faced challenges to his control of the field. Any system of "ownership" based upon how well one takes care of land must include how we establish the criteria for best land stewardship, and who controls that process. There is no way to avoid a subjective element in that determination. Centralized planning schemes to implement such a system have been miserable failures throughout history, the Soviet "experiment" being one example. I know of no equitable and sustainable way to allocate land based upon how well someone takes care of it. I challenge anyone to propose such a system.

Unless we find that utopia, the modern system of definable, secure, and transferable private property rights, in the free market, with all its imperfections, is by far the best system available to insure that those best able to take care of land own most of it.

Systems are no better than the humans who employ them, of course; that land is held by those without a sustainable land ethic reflects maladaptive cultural elements, the vestiges of the feudal hierarchy, and common human foibles, which our many thousands of years of civilized history have failed to eradicate, and which utopian schemes such as socialism only made worse.

Private rights and the free market enable the swiftest cultural evolution. In the last 40 years, the appreciation of environmental concerns has grown exponentially in the western capitalist democracies, but the land use policies of centrally planned states continued on unchecked because those societies contained no feedback mechanisms provided by market pricing in response to supply and demand; as well, regimes based upon centralized planning have systematically ignored consumer preferences and suppressed citizen dissent by force.

*The movie
(The Field)
is not about
land ethics.
It is about a
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on every
level.*

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We are all one

(Continued from page E)

The modern system of definable, secure, and transferable private property rights, in the free market... is by far the best system available to insure that those best able to take care of land own most of it.

Private interest, public interest, and private rights

Should the private sector be allowed to do whatever it wants? No. There must be a clear hierarchy established with private interests (what each individual wants or expects from land he owns) at the bottom, the public interest (as determined by the representative democratic process) in the middle, and private rights (which are inalienable, and, with respect to government, absolute, but with respect to other persons, relative) at the top. Under the last two clauses of the Fifth Amendment to the US Constitution, the public interest is allowed to take precedence over private interests, but not at the expense of private rights. Thus, government is allowed to take private property (public interest supersedes private interests) but not without just compensation (private rights are supreme over both public and private interests).

Public rights are not provided for in the Declaration, or the federal or state Constitutions because such a concept would directly contravene the essence of a democratic society. Public rights would legalize tyranny of the majority: individual civil rights to free speech, assembly, etc. — let alone property rights — could be suspended by an act of the majority at any time, leaving the individual no recourse.

I note, with interest, that the Land Trust's efforts would be without lasting effect absent a system of definable, secure, and transferable property rights.

A member of the film audience quoted Einstein as saying we are all a part of nature and of each other, so the idea of individual separateness is a fallacy, and, the speaker seemed to suggest, so is the system of individual rights.

The first claim is correct, the second is not. Larry Dossey, M.D., in *Space, Time, and Medicine*, relying on the work of modern physicists, including Einstein associate David Bohm (*Wholeness and Implicate Order*) addresses the first part:

All mental images of human beings as isolated, fundamental, clinical units are bound to be as wrong as the notions of subatomic particles as spatially separated particulate bits. ... human

beings are essentially dynamic processes and patterns that are fundamentally not analyzable into separate parts — either within or between each other. ... they are spread through space and time, and it is their interrelatedness and oneness, not their isolation and separation, which is most important.

Thus, human beings are “dynamic processes and patterns” linked to all other such patterns by multi-dimensional and multi-modal connections of varying strength. These patterns, however, possess free will and moral responsibility, something that cosmic dust, chairs, rocks and other beings of the universe do not. The human being is the logical unit of accountability for decision making because he possesses willpower, an ability to act, and feelings which react to both his actions and the actions of others. Human collectives, even blood families, do not exhibit any characteristics beyond those of the humans which inhabit them. While human relationships not only impact, but to a certain extent define, the people who participate in them, only the individual human being can take action and therefore be responsible for that action. Collective responsibility is a contradiction in terms.

Property rights involve personal relationships

Like *The Field*, property rights are about our relations with one another, not relationships between people and land. By holding title to property its owner engages in a complex set of relationships involving his heirs, sellers, neighbors, government, real estate agents, title companies, guests, potential trespassers, and so on.

As Wendell Berry has pointed out, the only true basis for a human economy is affection. People like Bull McCabe will always be poverty stricken, no matter how much land they own or how well they take care of it, because without healthy human relationships, life isn't worth much.

I hope this long passage by Berry (*see page G*) can give us a common starting place for further discussion.

Private Property and the Common Wealth

Wendell Berry

In my own politics and economics I am a Jeffersonian — or, I might more accurately say, I am a democrat and an agrarian. I believe that land that is to be used should be divided into small parcels among a lot of small owners; I believe therefore in the right of private property. I believe that, given our history and tradition, a large population of small property holders offers the best available chance for local cultural adaptation and good stewardship of the land — provided that the property holders are secure, legally and economically, in their properties. There is also, I believe, an ecological justification [for such a system of private property]. If landed properties are democratically divided and properly scaled, and if family security in these properties can be preserved over a number of generations, then we will greatly increase the possibility of authentic cultural adaptation to local homelands.

Not only will we make more apparent to successive generations the necessary identity between the health of human communities and the health of local ecosystems but we will also give people the best motives for caretaking and we will call into service the necessary local intelligence and imagination. Such an arrangement would give us the fullest possible assurance that our forests and farmlands would be used by people who know them best and care the most about them.

Our history, obviously, gives us no hope that, in our present lack of a general culture of land stewardship, the weaknesses in our idea of private property can be corrected by the idea of public property. To insist that our public forests should be cared for and used as a commonwealth already strains belief, for it raises immediately the question of where we are to find the people who know how and are adequately motivated to care for it.

Our history could not produce an adequate number of people adequately pre-

pared to be good stewards of the public lands any more than of lands “privately” owned.

If in order to protect our forest land we designate it a commons separate from private ownership, then who will care for it? The absentee timber companies who see no reason to care about local consequences? The same government agencies and agents who are failing at present to take good care of our public forests? Is it credible that people inadequately skilled and inadequately motivated to care well for the land can be made to care well for it by public insistence that they do so?

The answer is obvious: you cannot get good care in the use of the land by demanding it from public officials. That you have the legal right to demand it does not at all improve the case. If one out of every two of us should become a public official, we would be no nearer to good land stewardship than we are now. The idea that a displaced people might take appropriate care of places is merely absurd; there is no sense in it and no hope. Our present ideas of conservation and of public stewardship are not enough. Duty is not enough. Sentiment is not enough. No mere law, divine or human, could conceivably be enough to protect the land while we are using it.

If we want the land to be cared for, then we must have people living on and from the land who are able and willing to care for it. If landowners and land users are accountable to their fellow citizens for their work, their products, and their stewardship, then these landowners and land users must be granted an equitable membership in the economy.

From *Another Turn of the Crank* by Wendell Berry. Reprinted with permission from Counterpoint. For more information, please write Counterpoint, P.O. Box 65793, Washington, D.C. 20035-5793, or call 202-887-0363.

Summary

(Continued from front page)

“Rapid changes in Bellingham are altering our personal relations with land; there is less and less sense that land is shared and part of our community. We should begin asking if new land uses add anything to the quality of life here.”

Mark Asmundson
March 13, 1996

community “owns” land, which is the provider and people are stewards. Corporations, federal and state agencies have now upset that balance. Land is also religious: *milagro* means miracle, blessing, spring (rebirth) in Spanish. In Hispanic culture, land and spirituality are not separate.

Mark Asmundson outlined the Anglo Saxon tradition of private property, how it was adapted to North America, and how population growth and limited land make this tradition increasingly dated and difficult to administer. Rapid changes in Bellingham are altering our personal relations with land; there is less and less sense that land is shared and part of our community. We should begin asking if new land uses *add* anything to the quality of life here. Do we really *need* one more retail center? who benefits? at what cost?

Audience comments: “We need to recognize the importance of trees and plants to our well-being.” . . . “What is the nature of community, and why is community important?” . . . “Relations with land are ultimately spiritual. We need to seek native voices and ancient land wisdom.” . . . “Indians are not perfect but can make mistakes too, witness Alaska.” . . . “I am upset by the use of guns in the movies.” . . . Response: “Urban liberals need to understand rural cultures and those who hunt.” . . . “Parallels between the Milagro community and the current militia.” . . . Quoted from film: “I just don’t know if the world really needs another golf course.” . . . “Is civil disobedience ever justified?” . . . “Water is crucial.” . . . “We are determined by our consumer economy.” . . . “Tax structures determine our relationship to land.” . . . Joe in the film: “My father always used to take us kids up in the hills to pick berries. How come I’m always too tired, too busy, or too broke to do that with my kids?”

March 20

Heartland (1979, Richard Pearce, dir.)

Commentators: Barbara Cheatham and Carl Simpson.

Barbara Cheatham said the film shows bonding with land, an intimacy in which land affects people more than v.v. If we have little direct interaction with land, it will have little meaning for us. The high plains are bleak and hard, symbolized by the lack of trees: here the land owns people instead of people owning land, and it is unforgiving— “don’t get hurt in winter.”

Carl Simpson reflected on the great changes in agriculture and our relationship to food. The movie promotes the old myth that the West, “a land of milk and honey,” was “conquered” by human effort, a dangerous delusion. In Bellingham we take a gentle

and benign land for granted, forgetting it, paving it over, or building on rich, valuable soil.

Audience comments: “Alaska is much like this film—people adjust to hardship.” . . . “The local power was not with the western farmer, but with the eastern commodity markets.” . . . “The Homestead Act assumed that one’s life and labor established true title to land, not cash.” . . . “What does it mean to *own* land.” Who owned this land? “My babies are buried here.” . . . \$12 for 240 acres in 1910!! . . . “Water is crucial.” . . . “How did women get land title?” Marriages of convenience. Why did women want to own land? . . . Recommended reading: *The Meadow* (re. Colorado) and *A Place of Her Own* (re. Dakota women homesteaders.)

March 27

The Field (1990, Jim Sheridan, dir.)

Commentators: Skip Richards and Rand Jack.

(See **Skip Richards’** comments, page 5 of this supplement.)

Rand Jack remarked that the film powerfully demonstrates how complex the idea of private property can become once we move beyond slogans. It raises dilemmas for the myth that landowners possess absolute rights in land and instead asks who really “owns” what? How? Why? Where do our “rights” stop? overlap? Is the basis for such rights in human legislation or, as Bull McCabe insisted, in natural law? Or in the hands of those who are in the best position to exercise stewardship? How should we resolve such clashes over property and its care? Whose interests do we uphold: the community, the legal owner, a developer, the laborer, our future? By what criteria? If we demand absolute, either-or answers, we may end up, like the film, with disaster.

Audience comments: “Criteria? How about the social good? Are there biological criteria that should govern? the relation of parts to the whole?” . . . “How should we react to outsiders?” . . . “Real problem not addressed in the movie was deforestation of Ireland long before. That denuded landscape was not natural.” . . . “External forces control local communities: the church, the British, the wealthy American.” . . . “The Custer rezone victory shows the importance of community organization and struggle, of not giving up.” . . . “Obsession with land, McCabe’s greed, can be as fatal as an obsession with money.” . . . “Environmentalists, in trying to oppose irresistible forces of history, eventually go insane.”