The rancher (with a few honorable exceptions) is a man who strings barbed wire all over the range; drills wells and bulldozes stock ponds; drives off elk and antelope and bighorn sheep; poisons coyotes and prairie dogs; shoots eagles, bears, and cougars on sight; supplants the native grasses with tumbleweed, snakeweed, povertyweed, cowshit, anthills, mud, dust, and flies. And then leans back and grins at the TV cameras and talks about how much he loves the American West.

—Ed Abbey

The next day while the students finish their oatmeal and morning duties, I draw a grid in the sand about fifteen feet by twenty feet. I divide it into one foot squares and collect some sticks to lay across the grid. I ask the students to gather a pile of small stones. This gets them moving around and sparks their interest. We leave the grid and stones for the time, and we begin a short review of life in the 1860s.

The Colorado gold rush was in full swing and California had been a state for twelve years when Congress passed the General Homestead Act of 1862, which gave one hundred and sixty acres of unclaimed land to any adult white male if he agreed to live there and make improvements. However, redistribution of land required the removal of the indigenous occupants. The Indians were armed and causing trouble. The U.S. had succeeded in wresting the Southwest from Mexico, yet the Mexicans were still a force to be reckoned with. The Canadian border was in dispute, with the British laying claim to much of the Northwest. What better way to claim a region, subdue the natives, and keep out foreigners than to fill it with settlers?

A less cynical view holds that the Homestead Act was the promise of the Jeffersonian ideal of a farmer democracy. Thomas Jefferson believed that “westward expansion would keep Americans in possession of property, agrarian, independent, and responsible,” stated historian Patricia Limerick. She continued: “Power always follows property,” John Adams said bluntly; property, widely distributed among the people would hold the line against
pernicious concentrations of power.” Whatever the intent, thousands of young men, second or third sons with no assets, recent immigrants, and Civil War veterans, flowed west in a steady stream. Land speculation quickly became the real gold rush.

Horace Greeley implored young men to go west and seek their fortune. Railroads shamelessly promoted empty lands, loaded customers by the score, and dropped them off at stations in the middle of nowhere. Throughout the U.S. as well as Europe, railroads sought settlers both to sell some of their land grants to and as customers for freight. They promised immigrants fertile land, access to markets, amenities of nearby towns, and the security of private property. The Homestead Act made people think all they needed was a piece of land in order to make a living.

“So we’ve got all these people living in the East and all this ‘empty’ land sitting over here,” I wave toward the grid.

“Would anybody like some free land?”

Blank faces.

“Doesn’t anybody want any free land?”

“Heck, I do,” says Bobofet, raising his hand.

“Okay, well line up for free land,” I say, picking up the pile of stones and handing each of the students one. “Go and claim your land.”

They run over to the grid and each claims a square.

“Anyone else?”

A moment’s pause and then a few run over for more stones. Soon they claim several squares running back and forth as the others catch on. Patience steadfastly clings to her single square and refuses to take part in the frenzy.

“Didn’t I see you here before?” I ask Bobofet.

“Uh, that was my brother,” he replies and hurries back with another stone.

“You look awfully familiar,” I say to Sage, next in the newly formed line.

“Yeah, but my, uh, Dad sent me over; this is for him,” she improvises.

While the year 1878 saw two and a half million entries under the Homestead Act, by 1900 only four hundred thousand families had actually succeeded in homesteading and retaining their land. Those who survived had staked their homesteads along creeks, or filed dozens of false claims under dead uncles, or paid drunks to file claims and amassed thousands of acres. Wallace Stegner estimated that ninety-five percent of the title claims were fraudulent. Anaconda Copper, for example, gained control of 663,552 acres of federal timber lands through the Homestead Act. One land baron acquired more than a million acres of California’s Central Valley through loopholes and corruption.
Soon all the squares are occupied by stones. I drag my boot along the eastern edge of the grid. “This is the hundredth meridian. East of here more than twenty inches of rain falls per year; west of this line is less than twenty inches. It’s nearly impossible to grow crops without irrigation on less than twenty inches of rain.”

Zebulon Pike’s 1820 report of the Great American desert between the Missouri and the Rockies was readily dismissed by boosters such as Colorado’s territorial governor, William Gilpin, who insisted the climate was so mild that housing was unnecessary, agriculture effortless as land was amply irrigated by underground waters. Even scientists chimed in, proclaiming “rain follows the plow,” that by stirring up the soil the farmer creates dust particles that water adheres to and causes rain in arid regions. Coincidently, the 1870s were abnormally wet years, but then the drought came and within ten years, two-thirds of the homesteaders had given up and returned home.

“So what happens to all you homesteaders?”

“Isn’t this a river?” asks Patience, pointing to the line of sticks.

“Yes, and if you’re over here away from the river . . .” I put my hand on Seaweed’s shoulder, “you go back east.”

“And if all you have is one hundred and sixty acres, you find that just isn’t enough to make a living on, and so you go back east.” I wave at Patience.

One by one I eliminate seventy percent of the students.

“So what are you going to do with these abandoned homesteads?” I ask.

“More rocks!” Bobofet demands, claiming those nearby squares.

Soon those remaining have consolidated their holdings.

The Act made no provisions for abandoned claims to revert to the federal government; instead the land went to banks and the open market for speculation. “In the end, the Homestead Act stimulated the monopolizing of land that its advocates had intended to prevent,” wrote Wallace Stegner.

What was envisioned as the most ambitious land redistribution attempt in world history became a fraudulent land grab, solidifying land in the hands of a few wealthy individuals and corporations.

“A hundred and sixty acres of arid range land could not provide forage for enough stock to support a family. Hence two kinds of land fraud, on a large scale by wealthy or corporate stockgrowers to acquire big ranges, on a small scale by poor individuals trying to acquire the self-supporting homesteads that they could not get legally. . . . To irrigate so large a tract would usually cost more than an individual owner could afford, and the farming made possible by irrigation would mostly be so intensive that so big a farm could not be worked by a single family,” wrote Bernard DeVoto.

The reality was that while one hundred and sixty acres was more than adequate for a subsistence farm in the East, cattle ranching was the only
viable agriculture in the arid West and one hundred and sixty acres was simply too little.

Coincident with the land rush was the cattle rush. By 1870 there were more than five million head of cattle, peaking in 1884 at thirty-five to forty million. The range became so depleted that cattle starved to death and the terrible winter of 1886–87 killed more than ten million cows. Many range-lands still haven't recovered.

“Now the river. Who got here first?” I ask.

Bobofet raises his hand.

“Okay, so according to western water law, you can claim as much water out of this river as you need, and you have to use it or lose it. So let’s say you claim fifty percent of the average flow, and then the next person who shows up is Mud and she claims thirty percent, and the next person is Sage and she claims twenty percent. Although she is upstream, she has to let seventy percent go downstream because your water rights precede hers in time. This is called “prior appropriation.” Now let’s say there’s a dry year and the river only has fifty percent of its normal flow, what happens?”

“We split it proportionately,” Sage ventures.

“You’d think, but prior appropriation says that Bobofet gets his full fifty percent before anyone else gets any.”

“What about the fish?” Sage asks.

“That’s an interesting question. We now have what’s called “instream flow,” which means that the river itself has water rights. Unfortunately, those are usually junior to other uses, and so in a dry year the instream flow may not receive anything.”

“Does that mean the river dries up?” asks Mud.

“In a dry year, yes. By the time the Colorado reaches the Gulf of California, it is little more than a trickle.”

After the lesson, we pack up and hike downstream. We decide to camp at the mouth of a small side canyon. The Summerville formation comprises the upstream wall. Spiderwebbed with gypsum, it looks like chocolate layer cake. Gypsum, formed by mineral-laden sea water, flowed through the cracks in the mud and evaporated, bequeathing a soft crystalline rock. Usually opaque, gypsum can sometimes be quite clear, resembling a quartz crystal, other times we find gypsum that has been stained by a trace mineral, such as iron, leaving it pink. Given time and slope, gypsum flows like thick syrup and distorts the layered rocks so that the chocolate cake looks like someone sat on it. The wind and water have carved the soft rock into strange shapes.

A flaky, pale green rock, the beginning of the Curtis formation, erodes out from the base of the cliff. Glauconite, an iron-potassium silicate mineral,
gives the Curtis its green hue and forms only in shallow marine environments. Marine fossils also indicate that this formation was a shallow sea that once flooded the region and relinquished to the mud flats of the Summerville. On the opposite cliff, the Curtis sits at the top and under it lies another red sandstone, the Entrada formation. I can only speculate that this little canyon follows a fault line, and possibly during the uplift one section rose higher than its neighbor.

After setting up camp, a few of us grab our sleeping pads and walk off to find a place to do yoga just as a cowboy rides up. He’s as surprised to see us as we are to see him, probably more so. Not many folks camp along this section of Muddy Creek.

“What are you all doin’?” he asks, not in a confrontational way but out of bewilderment.

“You all are walkin’? Man, I don’t walk unless I have to,” he says when we tell him.

Brian says he’s worked as a cowboy in Colorado, Wyoming, and New Mexico, as well as Utah. Today he’s coming through to mop up the few remaining strays that they missed last week when they had to pull the cows off this range and bring them up to the mountains for calving and branding.

Brian says three permittees jointly hold this 190,000 acre allotment. To put that in perspective, 190,000 acres are roughly 300 square miles. (For comparison Capitol Reef National Park encompasses 242,000 acres.) Federal grazing allotments range from 40 acres to more than a million, with the average at 8,500 acres.

This is public land we are hiking through, owned by every citizen of the U.S. and managed by the BLM (Bureau of Land Management), sometimes jokingly referred to as the Bureau of Large Mistakes or the Bureau of Livestock and Mining since the historical emphasis of the BLM has been to provide and manage rangeland. The BLM is also the federal agency responsible for issuing mineral leases under all federal lands regardless of the surface occupant.

The BLM was cobbled out of the U.S. Grazing Service and General Land Office in 1946 and put in charge of all the land that wasn’t claimed under the Homestead Act, allocated to individual states or the U.S. Forest Service, or parceled into Indian reservations. Twelve years earlier, the Taylor Grazing Act enabled the federal government to issue grazing leases and put an end to the open range era, when ranchers simply turned out their cows in the spring and gathered them up in the fall. Concerned over nomadic sheep-herders, cattlemen supported the Taylor Grazing Act, which created allotments similar to those that the Forest Service had in effect since 1905. The act also stipulated that only those with nearby base properties were eligible
for leases, renewed every ten years. In effect the allotments soon became property rights worth thousands of dollars and bought and sold with a ranch, rather than privileges. This stipulation was reversed under a Supreme Court ruling in the spring of 2000, which stated that a base property owner had no inherent right to renewing his lease.

This may force ranchers to better manage their allotments out of fear of losing them because of abusive overgrazing. It also worries many small ranchers who depend on their lease as bank collateral and would go out of business should they lose it to someone else.

The BLM charges a fee for each AUM or Animal Unit Month (one cow and her calf, one horse, or five sheep or goats). The fee varies based upon a complex formula but it is currently around $1.65. In other words a rancher must pay $1.65 for each cow and calf per month. Proponents of grazing reform have criticized the fee as ridiculously low, in essence a subsidy for public land ranchers. States charge about $5 to $8 per AUM to graze on state owned land while private land goes for $9 to $12 per AUM. However, the BLM land is the least desirable because it typically has less forage and water, which some argue is a case for eliminating public land grazing altogether.

On private land in Iowa you need only one acre per year to feed a cow, while in southern Utah it takes well more than two hundred acres of federal land. Yet more acres in the eleven western states are devoted to livestock grazing than any other land use.

Economics is often the driving force of land use. Ranchers argue that raising fees will put them out of business and hurt rural communities. They maintain that corporate ranches will take over or developers will buy and subdivide the land. Cattle prices have dropped significantly due to corporate control of the beef industry, and ranchers now receive about the same price per pound they did in 1960. Low beef prices combined with rising land prices as well as changes in generations are driving small ranchers out. Indeed, forty percent of federal leases go to only three percent of permittees, and less than fifteen percent of the original grazing permits remain with the family to whom they were issued. Like everything else, the beef industry has gone corporate, and the family ranch is following the family farm into history. Why should ranchers work their tails off, never knowing if they will make it through the year, when they can sell the ranch for several million and retire to Hawaii?

Ultimately, the land suffers. In debt, many ranchers squeeze as many cows as possible onto an allotment year after year. The impact exacerbates the land’s decline, leading to less grass, poorer range conditions, and failed, unregenerative ecosystems. Ultimately the land supports fewer cattle. The
BLM itself recognizes that more than seventy percent of its rangelands are in unsatisfactory condition, and it may take three hundred years under optimum management for overgrazed land to recover. More than twenty years ago, the BLM admitted that one hundred and thirty-five million acres of one hundred and seventy million acres were in fair condition or worse and recommended a sharp reduction in cattle numbers, but little has changed.

Under pressure from the livestock industry, Congress has deliberately kept the BLM short of staff and funds. Perhaps the agency has suffered from an insecurity complex as a result. More so than any other federal agency, the BLM is susceptible to local politics. Most of the staff of BLM district offices are from the community or have ties to the area and are thus more inclined to favor ranchers over wildlife or other land uses. Admittedly it would be difficult for a range manager to tell his neighbor or high school buddy that he had to cut back on his stock’s grazing, knowing that he would suffer financial repercussions. Instead of regions, the BLM is divided into state offices, and politicians can exert undue influence on BLM managers. With this structure and history, the BLM is the most recalcitrant of any land use agency.

Three different ranches run their cows on the allotment we are crossing, which may explain why it is so hammered. The tragedy of the commons. Is it the fault of the ranchers for putting too many cows here, or the fault of the BLM for allowing it, or the fault of Congress for refusing to reform an unviable system?

As ranchers seek to cut costs, employees are the first to go. Corporate ranches now hire managers, not cowboys. Brian is one of the last. He wears Wranglers and a very worn and shapeless black hat, with a cord that descends into a long horsetail braid. No sunglasses. He has a plain blue button-down cowboy shirt with a pen and can of chew in the breast pocket. Silver designs are embedded into his worn boots. A lariat dangles from the saddle horn and a six-shooter from his hip. He is dressed for work.

His weatherbeaten face sports a moustache that droops down to his chin. He pulls a silver pocket watch from his vest, looks at it, and puts it back. I expect him to say he should be going, but he doesn’t and answers thoughtfully and slowly as we pelt him with questions.

Brian says he’s been doing this all his life. “It sure ain’t for the money. Maybe I’m just too stupid to do anything else.”

“So why do you do it?” asks Patience.

“Peace,” he replies without hesitation.

“Never seen anyone down here before,” he says in a quiet tone that suggests he views us as harbingers of a future fraught with uncertainty and as inevitable as a new Walmart on the edge of town. Just as he gazes across the
cultural divide at the tenuous future, we stare back with romantic longing at the solid and defined past that never was.

Self-proclaimed social philosophers would call this a meeting between the Old West and the New West. However, the history of the West is far too complex to be divided into such simplistic temporal designations. On the surface, Brian would surely serve as much as a symbol of the Old West as I would the New. Yet when you start looking, you find the differences dissolve, and the divide between the Old West and New crumbles. When does one start and the other begin?

My family has inhabited the Colorado Plateau for more than seventy years and maintains a deep connection that spans generations, from crossing the desert for the California gold fields in 1850 to mountain biking in Moab. Yet for the one hundred and fifty years spent in the West, we never farmed, mined, nor ranched. My mother came from a family of western doctors. My father’s people were Jewish merchants, who since 1900 supplied western clothing to those coveting that mystique. Even in the 1880s people longed for the good old days, and by 1910 Buffalo Bill’s Wild West Show mythologized an Old West that lay in the nostalgic past.

The stated purpose of the Lewis and Clark expedition was to expand possibilities of commerce. The fur trapping that followed was not a romantic activity but a form of economic extraction. Yellowstone became a tourist destination twenty years after the Civil War. Many ranches in the late nineteenth century started as dude ranches catering to those who longed for the Old West. The Interior West has always been a source of economic extraction whether that industry is mining, logging, or tourism. Did the California gold rush differ fundamentally from the uranium boom? Do today’s corporate ranches differ from the cattle barons of the past? The New West is as much a fanciful idealization of the complexity of real people and their relationship to the land as the idea of the Old West. If the Old/New West is useless as a temporal distinction, does it have any value as a cultural one?

Where do you place the third generation rancher who produces organic beef, drives a Subaru, and keeps track of her stock on a laptop? Where do you place the retired logger who appeals timber sales? Where do you place the Native American lawyer who lives in a condo in Salt Lake City?

The implication that there is something “new” about the West severs our responsibility by isolating us from historical context. What is happening in the West is an extension of Manifest Destiny, which itself is an expression of European colonialism. Conditions are constantly changing, perhaps now more than ever. But changes don’t occur without antecedents. Consigning antecedents to the Old West, not only trivializes them but implies that things have fundamentally changed. When the indigenous
hunter-gatherers were overrun by genocidal technocrats, things fundamen-
tally changed. However, the difference between nineteenth century land
speculation and ranchettes is not a fundamental shift. The difference
between corporate domination by Anaconda Copper is not fundamentally
different than corporate domination by ConAgra. I fail to see any difference
between exploiting Chinese laborers to build railroads and exploiting
Mexican workers to make hotel beds in Vail.

We construct and inhabit our mythologies out of a need for psychic com-
fort. We become uncomfortable when we slice through our delusions; it’s far
easier to hold on to false views. Brian and I avoid controversial subjects and
instead focus our discussion on the place. Ultimately it is the land itself that
binds us together. I wonder, if we could step out of our respective uniforms,
how close our views might actually be.

After talking with Brian, I had to reconsider the virulence of the letter to
the BLM about grazing that I’d been composing in my head as I dodged
cowpies. I thought about Brian, his way of life; he wasn’t out here to abuse the
land. I thought about how authenticity carries a dignity and value of its own.
Two different avenues found us both in the same place for the same reasons.

“Peace.” The way he said it echoed in my head.

Later, I walk up canyon for an evening stroll and encounter two wild
horses standing in the shade of a red-stained cliff. They shake their heads and
stomp at me, their long untamed forelocks dangling defiantly over their faces.