BOOK REVIEWS

AFTER THE GRIZZLY: Endangered Species and the Politics of Place in California

PETER S. ALAGONA

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Professor Alagona sets the endangered species debate in California in a broad context fleshed out with specific reference to the California Condor, the San Joaquin Kit Fox, the Mojave Desert Tortoise and the Delta Smelt. He persuasively argues that endangered species debates transcend conservation biology and focus on governmental intervention in our market economy, issues of federalism, the role of science in public policy development, and the political economy of regionalism. In the historic process of discourse, habitat was the connective tissue between endangered species and contested places. Habitat was a key concept in conservation biology, law, and politics. In terms of federalism, endangered species illustrated the

expansion of federal governmental intrusion into the wildlife business of the states.

Professor Alagona contextualizes his analysis with the grizzly bear and its demise as well as the rise of conservation biology at the University of California, Berkeley under Joseph Grinnell. Grinnell's Berkeley circle did much to create the profession of wildlife management and the science of conservation biology. Science and policy worked to improve habitat and species preservation until the Endangered Species Act of 1973. Habitat was a means to conservation until environmental activists turned it on its head via litigation. In the hands of the Clinton Administration, "a new model of flexible, collaborative, and proactive management focused on the conservation of ecosystems and habitats." Then, "environmental organizations launched hundreds of lawsuits to force more aggressive implementation." These "lawsuits were beginning to drive natural resources management policy, and endangered species debates that once seemed contained had begun to proliferate and reverberate around the country" (p. 106). One example was the Defenders of Wildlife, Natural Resources Defense Council and the Environmental Defense Fund petition to the U.S. Fish and Wildlife Service to list the desert tortoise as endangered, albeit none of the organizations had participated in The Bureau of Land Management study of the tortoise (p. 162).

Beyond the California endangered species, the listing and delisting process has made national news. The U.S. Fish and Wildlife Service may take steps to remove a species from the list with standards and procedures akin to the listing process. Such actions are fraught with politics, much like the listing process. Most recently, the Rocky Mountain grey wolf was a contested delisting.

Professor Alagona does not explore the reasons for such intervention. They were free riders on the tortoise as were many green organizations on wolves. Many were anxious to cash in on Environmental Species Act litigation under the Equal Access to Justice Act, part of the litigation matrix left unexplored.

Why do lawsuits proliferate? Lowell Baier, President of the Boone and Crockett Club, explained to Wayne van Zwoll, one of America's most visible hunter-conservation advocates, that the Equal Access to Justice Act of 1980 has made it possible for "wealthy nonprofit groups to file round-robin

lawsuits against natural-resource agencies, impeding their work. A dozen such groups have filed more than 3,300 lawsuits in the last decade and recovered over $37 million in litigation costs." Who pays? "The awards come directly from agency budgets. Litigants and their attorneys profit, perpetuating the cycle." Wayne van Zwoll correctly concluded, "Keeping the wolf in court enriches the people responsible for increased wolf predation of big game."[1]

Clearly, litigation had impact beyond the courts and the administrative agencies. Although wolves were not part of Professor Alagona's study, their fate helps explain the mass of litigation in California. For example, the Natural Resources Defense Council, using Earthjustice attorneys, collected $1,906,500 in attorney fees in the delta smelt cases.[2]

Given California's record, Professor Alagona concludes with the prescient wisdom of Aldo Leopold, the wildlife conservation biologist of the University of Wisconsin. Leopold believed "that it takes entire land communities, working together, to achieve a just, prosperous, and sustainable future" (p. 231). California needs "to move beyond the preservation of lands in protected areas to the integration of habitats in shared land communities" (p. 232). This book is a substantial contribution to our understanding of endangered species politics and forms a foundation for future research beyond the state's boundaries.

— *Gordon Morris Bakken*
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[1] Wayne van Zwoll, "Wolf War III: Issue is Cash Cow for Enviros," *Petersen's Hunting* 39:5 (August 2011), 13–15, 15. Bills to change the matrix are already in the congressional hopper. Representative Cynthia Lummis introduced The Government Litigation Savings Act or H. R. 1996 and Senator John Barasso introduced S. 1061 to get the legislative process started in July 2011.

[2] Lowell E. Baier, "Reforming the Equal Access to Justice Act," 38 University of Notre Dame *Journal of Legislation* 1, 44 (2012).

FREEDOM'S FRONTIER: California and the Struggle over Unfree Labor, Emancipation, and Reconstruction

STACEY L. SMITH

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In 1850, as California was being compromised into the Union as a "free" state, the California Legislature passed an Act for the Government and Protection of Indians. The act created a system for indenturing Indian children within the state to white families, compromising California's status as a "free" state. Over the subsequent decade, Californians created a variety of race- and gender-based unfree labor relations. Stacey Smith examines this "history of the unfree West" involving African-American, American Indian, Latin American, and Chinese laborers. In doing so, she challenges many prevailing interpretations of both California and the West in the Civil War era.

California's gold rush turned the state into "an international labor borderlands" (p. 16). Laborers from all over the world migrated to California to mine the potential rewards from California's veins. But the need for labor along with the ease of desertion from employers led to the emergence of a multitude of bound labor systems. Debt servitude, indentured labor, tenant labor, concubinage, and apprentice systems were some of the various forms of unfree labor in California. There was even a brief effort to bring Black slavery to California in the 1850s. California experimented with a fugitive slave law that allowed slaves brought to California before statehood to be taken back to the South. The rise of the California Republican Party by the end of the decade, though, ultimately halted the entrenchment of slavery in the state.

Other forms of unfree labor posed greater problems, both politically and ideologically. Mexican "peones" and Chinese "coolies" were particularly troubling. Largely imagined categories, they "became vehicles through which white Californians interrogated the troubling inequities of

the emerging capitalist economy and the unfreedoms of wage labor." Not only did they represent what wage work could become, but by working for low wages, they could undermine the "rough economic democracy" of white miners (p. 81).

The domestic labor provided by women and children tended to escape the notice of free labor ideology. But Californians attempted to meet the demand for domestic labor in a variety of ways, including capturing, kidnapping, indenturing, and apprenticing Black, Indian, and Chinese children and women. As captured and apprenticed women and children were brought within the household, their exploitation was subsumed under "family relations" instead of labor relations, where male authority was at its apex under law.

Reconstruction affected these relationships in disparate ways. Slavery, of course, was ended with the Reconstruction Amendments. Indian apprenticeship was ended in 1863, although vagrants and convicts remained subject to forced labor regimes. The impact on the Chinese was more ambiguous. Chinese exclusion emerged out of California's Reconstruction experience. Both the Page Act of 1875 and the Chinese Exclusion Act of 1882 grew out of antislavery ideology as they sought to exclude degraded forms of labor like prostitution and "coolieism," which "helps explain how the Republican Party, ostensibly dedicated to equality before the law, could become a major force for Chinese restriction" (p. 229).

Smith's study challenges the portrayal of the American West as a "free-labor landscape" (p. 3), and in doing so makes California's history central to the story of emancipation. California's diversity in the nineteenth century is what the rest of the nation would become in the twentieth, and its experiences a proving ground. One of the forms of labor left out of her story, though, is worth pursuing in more detail: exploration labor. Explorers in the West used a variety of militaristic labor forms, largely for security purposes. Given the inchoate nature of its government, and its official connections to railroads, agriculture, and slavery, the control of labor would seem to have been central to California's state-building process.

— Roman J. Hoyos
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