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## 35th NRJ Anniversary

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# COMMENTS

The following comments were made at the celebration dinner honoring the 35th Anniversary of the Natural Resources Journal and the 25th Anniversary of the New Mexico Law Review on February 16, 1996.

*Remarks by Helen Ingram, University of Arizona, Associate Editor for Political Science and Administration for the Natural Resources Journal.*

I am serving tonight as a representative of what I will, for the purpose of this talk, call the outside constituencies of the New Mexico Law Review and the Natural Resources Journal. Of course, journals also serve those inside. The publication of first-rate journals like the New Mexico Law Review and the Natural Resources Journal contribute importantly to the role of the university which hosts them. Good journals bring prominence to the school that publishes them. Journals help to build the reputations of the faculty who edit them and therefore university stature. Journals can be important parts of the educational process when there are student helpers, research assistants, or editors. This is particularly the case with a law journal such as the New Mexico Law Review. It is the outside world, however, that is mainly served by journals, and these outside constituencies cannot be present on an occasion such as this to say thanks. I have appointed myself their emissary.

First, I would like to thank the journals on behalf of the authors who have published with them. This is easy for me since I have published eight articles in the Natural Resources Journal. The most important article was the first. I was a struggling assistant professor in Political Science in 1971. I was lured into research in water resources by the federally funded research grant program run through the water center at New Mexico State. I credit Al Utton's membership on the review board of the grant program for getting the money, but even after I got the money and wrote up the research I was enormously concerned about who would publish it. Political Science journals were interested only in process, not subject matter, and water journals were not likely to publish political science. Without the NRJ which has always been open to cross disciplinary submissions, what I sometimes think of as my best work, would never have seen the light or print. Further, since my tenure decision was based on a record in which three of my first eight articles were NRJ publications, without the NRJ, my academic record might have been very short indeed. To broaden the point, lots of people talk about the need for different disciplines to speak to each other and the need for multidisciplinary teams to tackle important and complex subjects like

water. Such talk does little to lessen the disciplinary restraints that keep scholars on the straight and narrow disciplinary track. The NRJ has actually done something to support the careers of cross disciplinary scholars by publishing their work.

Second, I would like to thank the journals on behalf of their readers, especially students. The journals are a superb source of reading for researchers. Consider the Natural Resources Journal issue in the winter of 1989 in which Derrick Sewell and Philip Reardon authored a symposium of the topic of wilderness, always a subject covered in environmental classes and of great interest to students. The symposium contained articles about the historical roots of the wilderness concept and how the vision has changed over time. It also gave a status report of wilderness internationally. For the student at the advanced undergraduate or graduate level who is performing research, something like the "International Law of Natural Resources and the Environment: A Selected Bibliography," to take an example from the 30th anniversary issue, is like manna from heaven.

As a teacher for many years of a natural resources class, I can say that reading material that has a sound technical content but is accessible to the non-specialist is often hard to find. I am grateful that the NRJ publishes the wide-ranging work it does because it serves informed readers extremely well. Readers also appreciate the book review section of the NRJ. Many professional journals that cater to the readers of articles do not recognize the importance of extended treatment in books and help the reader by critically reviewing what is available in a timely fashion.

Third, I would like to thank the Natural Resources Journal and the New Mexico Law Review for their service to practitioners. While no one in their right mind would try to speak for the bar, in my opinion they should be grateful for the help provided to them by these journals. The notes and comments section of the NRJ, for example, can bring one up to speed on such matters as county subdivision land use regulation in New Mexico; or the law of contributory negligence as it applies to the failure to use automatic seat belts; or the extent to which federal natural gas law has preempted state regulation as applied by the Supreme Court to a Michigan case. In 1994, the Natural Resources Journal published an entire volume on estimating CERCLA damages. Such tools are enormously helpful in providing practitioners the resources they need to do their work.

Fourth, I would like to thank the journals on behalf of citizens. Taking the example of NRJ again as the journal I know best, it has served to give legitimacy to and to archive visionary ideas whose time may not have yet come. Public policy generally moves incrementally in fits and starts, one small step at a time. A visionary goal such as this can be provided by a think piece or an idealized model can sometimes give the

incremental process a measuring rod of progress. In rare circumstance it is enormously important to have a thought-through policy proposal at hand. In its history, the NRJ has sometimes provided this service.

Take for example, the thorough coverage by the Natural Resources Journal of transboundary natural resources, focusing especially on water on the North American Continent. There has been a continual flow of articles and analysis on this subject, punctuated with whole issues, sometimes double issues on this subject. For instance, in 1985 the NRJ put out two issues, one on U.S.-Canada Transboundary Resources issues and the other on U.S.-Mexico Transboundary issues. Again in 1991, there was a two-part volume on Managing the North American Continent. In 1993 further work appeared. In addition, from time to time, the NRJ has published the evolving text of a model transboundary natural resources treaty that combines and synthesizes the visionary hopes of the best scholars in this field.

For most of the time the Natural Resources Journal was publishing in this field, policy innovation was widely believed to be essentially hopeless. Relations with our neighbors to the north and south were governed by powerful political forces including bureaucratic and state interests that were unlikely to tolerate the serious consideration of any meaningful change. All of this material provided background and ideas for the environmental side agreements to the North American Free Trade Agreement when the politics suddenly shifted in 1995 and commitment to trade was challenged by activists. Many of them were motivated and informed by the concerns the NRJ had been raising for years. The design of the newly established Border Environmental Cooperation Commission reflects ideas either directly from the NRJ or from authors informed by the NRJ. Policy windows such as the ratification of the Free Trade Agreement open only occasionally and briefly. Unless there are ideas around that political actors can access easily, prospects for positive change are simply lost. Citizens are better off because the NRJ recorded and kept alive the evolving ideas for better transboundary resource institutions.

The innovative ideas of the Natural Resources Journal do not always fall on fertile ground. In 1961 the NRJ published an article from an anonymous author who argued that a number of functions spread around many federal agencies in Interior, Agriculture, Defense, Health Education and Welfare, and the Federal Power Commission should be unified into a comprehensive Federal Department of Natural Resources. Natural resources would have greater stature and appropriate trade offs could be made within a department without the characteristics interdepartmental conflict that has plagued the field. Government failed to take this advice, and instead of consolidating, proliferated fragmentation by establishing the Environmental Protection Agency in

1970. Issues of governmental organization are never permanently settled, however, and when the issue comes up again there will still be the intelligence and knowledge encompassed in the NRJ to inform the debate.

*Remarks by Thomas W. Christopher, Dean, UNM School of Law  
1965-71.*

The University of New Mexico Law School is still young—about half a century in age. It has the energy and fresh view of youth. The school has always reached for excellence in all of its endeavors. It has been a leader in looking forward to sight new needs and opportunities as it serves the students, the faculty, the Bar and the nation.

Examples of the leadership are the two journals.

It is common-place now, but 40 years ago, few in the law or educational worlds gave much thought to the problems and needs in natural resources, minerals, water, the water table, soil for crops, forage for animals and birds, coal, iron, aluminum, phosphate, fish in the sea. Pretty much all of this was taken for granted.

In the early 1960s, I did a talk in Alabama, before a group of professional and business people. One of my points in the speech was, though Alabama had good rainfall, over 40 inches a year, it was already time for Alabama and the South generally to get serious about water and the water table—concerns about the quantity and the quality of the water.

The audience let my warning pass without comment. But last year, 30-odd years later, the former editor and publisher of the leading farm magazine in the South, whom I had not seen in 20 years, came over to me at a Hall of Fame-type meeting in Birmingham and reminded me of that speech—saying that that was the first time he'd heard warning about water and the water table in Alabama.

Only a few "experts" then were really concerned in the matter. But today, the subject of natural resources is almost a fad. Law journals, specialty journals, technical journals, books, TV programs, conferences—the subject is alive and booming.

And this school's Natural Resources Journal was on the leading edge, pointing the way in focusing law school attention on the needs and pressing opportunities. I should add that his vision and faithful labors for this journal are merely one of the many contributions that Professor Albert Utton has made to the school, the university, the Bar, and the nation.

On the subject of natural resources, there are two other names from this university that come to mind. They are Professor Robert E. Clark, formerly here, and Bill Ellis, both of whom are nationally known for their work in the field.

Of course, this pioneering law journal is just one of the hat-full of examples of the progressive, forward-looking leadership by this great institution.

Starting in the mid-1960s, the school's work with and for the American Indian has been a real success. There has been, as a result, a geometric increase in the number of Indian lawyers; and its work with the Indian Law Center, established also in the late 1960s, is a story book of service for a crying need. The over-all work here for the Indian people deserves a Nobel Prize!

Another innovative and very successful new program has been the establishment of its legal bureau—for service to the public and to the government. A gigantic, rewarding step for the school, the state, and a map light on the path for other law schools.

The law school buildings are an example of the school's understanding of and devotion to the in-depth culture of this region. At the time of planning for the 1968 law building, there was much pressure from some faculty and from the architect himself for the building to be very modern, modernistic, way out—with tons of glass and silo cement. One of my proudest achievements was in playing a forceful, stubborn part in seeing that these buildings, the furnishings, and decorations represent and portray the unique three cultures of this area. Law is a part of culture, and a law school and its buildings would do well by representing, and indeed by promoting the full course of a community's culture.

The New Mexico Law Review was a splendid addition to the offerings of the law school. It increases the opportunities for the brighter-every-year gang of law students, and it provides an additional avenue for service to the Bar and the state. I am glad to see that it also seeks the high levels of excellence that we all expect in this institution.

I am proud of these journals and I compliment the faculty, the editors, and the students who have carried them forward. When you have labored for a school as I did here some 26 years ago, and when you love the school as I do, it is a rewarding feeling to see this kind of ongoing service and excellence. I have said that this law school is God's Little Acre. That is now more true than ever, and these two journals occupy a spot in that acre.