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Introduction

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INTRODUCING PAIRS

The Legal Realists, who emerged from the Yale Law School in the 1930s, delighted in saying that legal principles came in pairs. By that quip they meant that for every immutable truth there was an equal and opposite truth. The *Natural Resources Journal* never explicitly subscribed to the truth of this assertion, but our policy has always stressed balance in all things and we do try to give both sides to a story. For the last four years we have opened with an essay that is informed by eloquent point of view. For the first time, we open this issue with a pair of essays, expressing equal and opposite viewpoints.

From one side there's Ed Marston, the former publisher of the *High Country News*, pleading for a less polarized, more mediated, view for the resources of the western United States in general and its dams in particular. When we called Marston and asked if the *Journal* could pair his essay with an equally eloquent anti-dam piece, he gave his permission, laughed, and wondered at the curiosity of a world that would place him, as one time editor of a magazine hardly on the conservative side of things, on the conservative side of the dam issue. Indeed, the deep humanity of Marston's plea escapes such easy categorization.

The same spirit pervades Peter Lavigne's critique of the extensive system of dams on the Columbia River. Lavigne is a Portland, Oregon, academic and president of an anti-dam NGO that would prefer freer flowing rivers. He certainly doesn't yearn for Marston's inclusion of dams as a part of a shared new vision for the West.

So in these two essays you have the polar principles the Legal Realists thought present in all debates. But these opening essays also showcase two writers passionately and articulately involved in natural resource issues critical to the West. What the pair offer in opposite policy perspectives, they share in passion for the issues and the region.

The balance of this issue's articles share the same breadth of common wisdom. They run the gamut from chainsaws in Ghana to nuclear dumps in Washington state, from international law's different consideration of two similar resources to FERC's assessment of market power in setting inter-state natural gas rates. We were particularly taken with Montana forestry professor Martin Nie's take on the roadless battle now raging across the West. Here is a pair of principles at war with each other—to build or not to build additional access roads—but Nie rises far enough above the fray to re-cast the debate as one involving process rather than result and suggests that the real issue is how we manage public lands that we all care deeply about in very different ways.

Finally, there's the ultimate pair in the life of any journal, the publication and its readers. Last month we received a letter from one graduate student reader questioning the accuracy of a couple of *Journal* footnotes. A little checking revealed that some references had gotten

confused in the final editing process. The little damage that was done was easily corrected, but the exchange reminded us of two principles critical to the *Journal*: absolute accuracy and constant check on ideological bias. We try to watch both of these principles all of the time. In the end and on both scores we have to depend on our readers. Keep the letters coming.