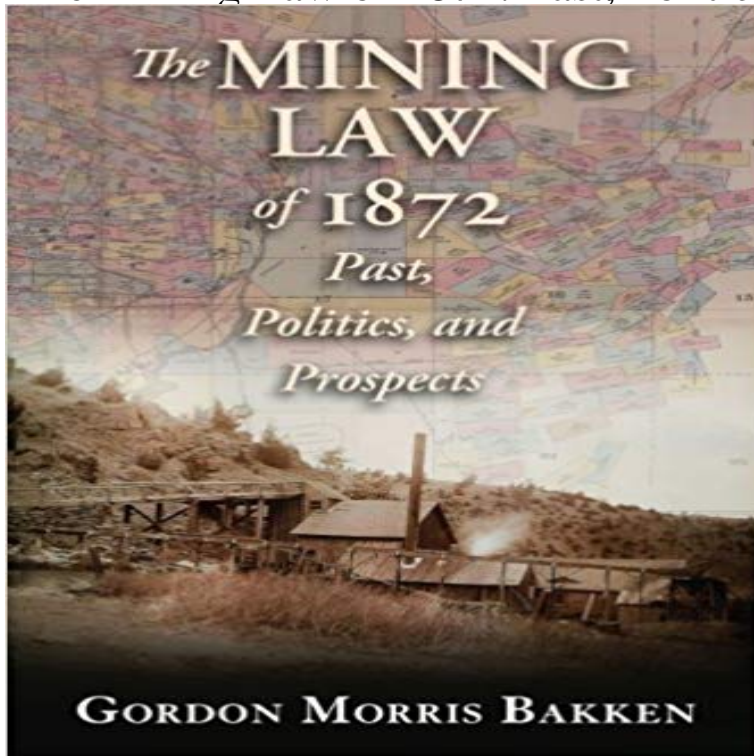


## The Mining Law of 1872: Past, Politics, and Prospects



History has left us a classic image of western mining in the grizzly forty-niner squatting by a clear stream sifting through gravel to reveal gold. What this slice of Western Americana does not reveal, however, is thousands of miners doing the same, their gravel washing downstream, causing the water to grow dark with debris while trout choke to death and wash ashore. Instead of the havoc wreaked upon the western landscape, we are told stories of American enterprise, ingenuity, and fortune. The General Mining Act of 1872, which declared all valuable mineral deposits on public lands to be free and open to exploration and purchase, has had a controversial impact on the western environment as, under the protection of federal law, various twentieth-century entrepreneurs have manipulated it in order to dump waste, cut timber, create resorts, and engage in a host of other activities damaging to the environment. In this in-depth analysis, legal historian Gordon Morris Bakken traces the roots of the mining law and details the way its unintended consequences have shaped western legal thought from Nome to Tombstone and how it has informed much of the lore of the settlement of the West.

**ABOUT THE CONTRIBUTORS**

Gordon Morris Bakken earned B.S., M.S., Ph.D., and J.D. degrees from the University of Wisconsin. He teaches courses on American legal and constitutional history, westward movement, American military heritage, women of the American West, women and American law, as well as historical thinking and historical writing at California State University, Fullerton. He is the author or editor of numerous books including *Icons of the American West: From Cowgirls to Silicon Valley*.

**CLAIM**

The Mining Law of 1872 is a characteristic Gordon Bakken book: no fancy theory, no speculation beyond the evidence, just a

straightforward and thoroughly researched account of an interesting topic in western legal history. -- California Legal HistoryFor readers in a variety of fields, this book will be the place to look for a clear and balanced study of the law and its many ramifications. Bakken combines sparkling expository prose and penetrating insight in a way that enables knowledgeable veterans as well as newcomers to easily understand the complex topic. As a result of his unusual expertise, the author has written a book that will likely stand as the definitive study of the subject for decades to come. For anyone interested in gaining an objective assessment of the environmental and legal aspects of mining, this is the place to begin. -- Western Historical QuarterlyMany readers will rejoice that in this book they have struck a rich vein of information about the environmental impacts of mining and the need for legislative reform. -- Colorado Central MagazineThis book has been needed for a long time. -- New Mexico Historical ReviewThose interested in the ongoing battle over the repeal of the Mining Law of 1872 will find in Bakken's lively discussion a much-needed historical perspective through which to view the often hackneyed rhetoric of partisans...Like all good works of history dealing with politically contentious issues, The Mining Law of 1872 provides both a reliable historical account and a thoughtful discussion of what, beyond the bluster, is actually at stake. -- Montana the Magazine of Western HistoryThose interested specifically in mining, legal, or environmental history will find this compact volume most useful. -- South Dakota HistoryWithout question, this is a high-grade scholarly examination, one that deserves careful attention by a variety of people....Bakken and the University of New Mexico Press are both to be congratulated for this thought-provoking study. -- American Historical Review

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