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Loyal Friend, Distinguished Scholar, and Devoted Conservationist: The Legacy of Fred Cheever

LOYAL FRIEND, DISTINGUISHED SCHOLAR, AND DEVOTED CONSERVATIONIST: THE LEGACY OF FRED CHEEVER

SUSAN DAGGETT[†] & JUSTIN PIDOT^{††}

When news of Fred Cheever's death spread among his peers in the legal academy, the outpouring of sentiment was swift and sustained. He had a broad reach. He offered himself boundlessly. The stories related by friends and colleagues across the country, both those who had known Fred for years and those who had met him only once, affirm our own experience of Fred. He lived an examined, intentional life. His curiosity knew no limit. He carefully chose the things he valued, and lived those values every day.

Summing up a life as rich and multifaceted as Fred's is impossible. Instead, we offer reflections from the two of us on themes that we saw in our interactions with Fred. These reflections are not all profound; some try to capture Fred's playfulness. Our friendships with Fred differed in duration and context. Yet in talking together about Fred, how he affected us, and how we will try to carry on where he left off, these themes emerged. We offer them here in hopes that they will kindle recollections and reflections among others who were graced by Fred's presence.

Physical Place

JUSTIN. Upon meeting Fred, I could sense his palpable love of the history of the places that were important to him. I first encountered him when I came to Denver to interview for a teaching job. At the conclusion of a day's worth of interviews, Fred was tasked with driving me to and from a dinner with several people who would become my future colleagues. The dinner was pleasant, although because it came at the end of a long day, I don't specifically remember what we talked of. I can't forget, however, the delight Fred took at touring me through downtown Denver on his way to drop me off afterwards. The fifteen-minute drive from Larimer Street to the hotel turned into nearly an hour as we meandered by buildings and public art. I saw the Denver Gas and Electric Building, the giant blue bear peering into the convention center, the alien-like dancing figures on Speer Boulevard, the downtown light rail stations, the Tenth Circuit courthouse, city hall, and the capitol. I'm sure there were more. After each destination, he would exclaim that there was one more sight I just had to see. I particularly remember him describing the manner by which the federal land survey shaped downtown; with development prior to the survey running parallel to the river, and that occurring subsequently

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according to the cardinal directions. I remember Fred commenting that the resulting forty-five-degree shift in perspective running through the city remains a testament to the relationship between early federal efforts to map the West and the built environment.

SUSAN. Fred's love of the West was a defining, and carefully cultivated, aspect of his being. Raised mostly in New York (with a stint at boarding school in New England), he struck out for college in California and never looked back. He adopted the West as his chosen homeland, and loved this place—and particularly its rivers—with a passion. He spent a lifetime studying its history and culture, exploring its remote corners, fighting to protect its precious resources, and teaching others about the laws that govern it. One of the hallmarks of his early career as a public interest litigator for Sierra Club Legal Defense Fund (SCLDF) (later Earthjustice) was his work to protect Western rivers and the ancient desert fish that once thrived there. My earliest memories of him go back almost thirty years to a rafting trip that he helped lead for young law students interning at SCLDF, part of his quest to share the enchantments and lessons of our Western landscapes with other newcomers to the region. It is no surprise that, when planning a celebration of family milestones, he was drawn to the Green River as a place of refuge and inspiration, and that his preferred family vacation involved rafting into the most remote reaches of Colorado. I hope he recognized his own role and enduring legacy in helping to protect that particular place for future generations.

Scholarly Commitment

JUSTIN. There is a tradition among law professors that the first footnote in an article includes a thanks to those who read your work. Other academic disciplines have similar traditions. I routinely thank the handful of people to whom I have sent a working draft. Reflecting upon this practice, I see how thoroughly it undervalues some vital contributions, including those of Fred. Fred received his share of thanks in my footnotes, representing the occasions I sent him my prose and asked him to share his thoughts. But I often didn't avail myself of this opportunity, although I knew he would never have refused to read my work. For every paper I wrote, however, and for many ideas that I have not yet written, at some point I would spring into his office with cluttered thoughts and an inkling of an academic article I might like to pursue, or a case I might like to bring, or something I might like to write for the popular press. And in a calm, supportive, and ever curious fashion, Fred would drop whatever other work he was doing and help me sort myself out. Invariably, I would leave with a list of books or articles to read—and more importantly—Fred would impart to me some of his vast knowledge and wisdom.

SUSAN. Fred's academic scholarship is legendary. He was brilliant. And prolific. And a real leader in thinking about land conservation. For me, however, he was a mentor and teacher, helping me to find my way in

the academic world. We first met when I was a summer intern in the Denver office of SCLDF. A quarter-century later he recruited me to the University of Denver (DU) to run the Rocky Mountain Land Use Institute. More advocate than academic, I needed a lot of guidance in how to think about my new role, how to develop a course curriculum, and how to teach others about land use in the West. He was there for me every step of the way, offering advice when I asked for it and providing a sounding board whenever I needed to brainstorm or think out loud about some (potentially ill-advised) new idea. When I wondered how to handle a particularly vexing problem, I turned to Fred. When I was tempted to dream big about some new project, I turned to Fred. And when I wanted to complain about a disappointment, I turned to Fred. Sometimes we went for coffee. More often than not, he lingered outside my door on his way to or from his office, sometimes multiple times a day. He always had time to listen, he asked the perfect questions to help me find the right decisions for myself, and he offered encouragement and support unconditionally. Although the quintessential scholar himself, one of his real gifts was in cultivating the scholar in others.

Living Sustainability

JUSTIN. Fred's biking outfit was, for me, one of the most visible manifestations of his dedication to sustainability. Most mornings, Fred would arrive at the law school clad in spandex, a biking shirt, and a bit of sweat. Before heading to his office, he would often take a lap around the fourth floor, seeing who was about and greeting those he happened upon with a contagious smile and often an invitation to talk about, well, just about whatever occupied the mind of his conversant. Sometimes these conversations lasted. All the while law students scurried by a bit perplexed by Fred's attire. While I hesitate to imbue this almost-daily ritual with an outsized importance, it reminded me, and I think others too, that the grand ideas we have about sustainability have humbler but equally important counterparts. Fred's view of sustainability was not dogmatic. It allowed both for vegetarianism as a means of reducing our impact on the planet, and an occasional burger. He sought to transform the world, and us, his fellow travelers, through acceptance and compassion, not judgment or shame.

SUSAN. More than just about anyone I know, Fred lived his values. His passion for protecting the West translated into personal routines centered on gardening, cooking, biking, and living lightly on the planet in countless other ways. That passion drove him to advocate relentlessly (some would say) for sustainability at DU. He founded the Sustainability Council a decade ago to serve as a vehicle for students, faculty, and staff to come together and to push the university to embed sustainability into its operations, and he was the Sustainability Council's most ardent member, serving as chair for many years. In that capacity, I watched him use his

advocacy skills to great effect, doggedly pushing the DU Trustees and administration to step up their commitment to sustainable practices. He was charmingly persuasive most of the time, using his winning smile and soft humor to bring others around. However, he didn't hesitate to adopt a sharp tone in his critique, when necessary, and he famously and frequently voiced concerns on behalf of others with less power. His final accomplishment—and one that I'm sure meant the world to him—was getting a commitment from the DU Board of Trustees, the day before he died, to step up DU's efforts on sustainability.

Our lives are richer for knowing Fred. He left us better teachers, scholars, mentors, friends, and citizens of the world. Fred had an unflagging faith that conversation and connection could lead to change. In discussing thorny questions about wilderness areas, and what it means to leave nature untouched in an era where humans have reshaped the natural world, he once wrote that “[f]or years, I have shied away from discussions of the meaning of wilderness. I am not alone in doing this. I feared that the elusiveness of wilderness may lead good-hearted skeptics to conclude that it was an illusion, a sham, a sanctimonious pretext for depriving federal land management agencies of discretion. However, . . . I decided that I have been wrong to avoid the subject. We need to talk about wilderness far more than we have.”¹ Fred had a way with words. He believed in their power. We will keep faith with that vision.

1. Federico Cheever, *Talking About Wilderness*, 76 DENV. U. L. REV. 335, 336–37 (1999).