

Denver Law Review

Volume 74
Issue 3 *Symposium - The National Park System*

Article 2

January 2021

Editor's Note

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Recommended Citation

S. Tarek Younes, Editor's Note, 74 Denv. U. L. Rev. 567 (1997).

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EDITOR'S NOTE

We are pleased to present our special Symposium Issue on the National Parks. This issue features contributions by some of the foremost experts in the fields of Park Service history, Park Service management, and natural resources and environmental law. The issues facing the Park Service are examined from many varied viewpoints: the law professor, the historian, the political scientist, and the federal agency employee all offer their perspectives and solutions.

In the lead article of this issue, Robin Winks examines the National Park Service Act of 1916, and the contradiction inherent in the Service's dual mandate: both to conserve, and to provide for the present enjoyment of, the national park lands. The tension between these goals is most apparent in conflicting management policies and is reflected, in varying degrees, in each of the articles in this issue.

Federico Cheever examines the consequences of the mandates given to the Park Service and Forest Service, and their role in the decline of agency discretion. Professor Cheever describes the effect of these contradictions on both internal agency function and the perceptions of lobbying groups, the courts, and other government agencies.

The articles that follow each discuss a different challenge to the Park Service as it enters its ninth decade. John Freemuth discusses the development of the ecosystem management paradigm and the difficulties surrounding its implementation as the policy of the Park Service. George Cameron Coggins and Robert Glicksman have produced the definitive work on national parks concessions law, tracking the development of the Park Service's policy toward concessionaires, and thoroughly examining the criticisms of, and proposed changes to, that policy.

Robert Fischman opens his article with the trenchant observation that the "bright fame" of the Organic Act's preamble "has blinded many scholars to several hundred sections that follow it in Title 16."¹ His thoughtful analysis of the level of statutory detail in those succeeding sections, as it relates to pollution control law, follows.

Eric Freyfogle argues that both the scientific and legal means exist to improve the condition of national parks waters. The primary obstacle to effecting this "repair," he argues, is the lack of a unifying, long-term strategic goal for these efforts. In the next article, Jan G. Laitos notes the emergence of recreation as the dominant use of the national parks.

We are fortunate to be able to close our Symposium Issue with perspectives from two people intimately familiar with the issues raised by these articles. Deborah Williams, Special Assistant to the Secretary for Interior for Alaska, offers an informative look at the special challenges facing the Park Service's largest holdings. Finally, Gina Guy, Regional Solicitor for the Department of the Interior, shares her views on lawyering for the Park Service.

We are deeply indebted to Professor Jan G. Laitos for planning this Symposium Issue. The *Denver University Law Review* would also like to thank Judge John Kane, former Editor-in-Chief of the *Review*, for his advice; as well as Kent Holsinger, Chad Cummings, Chad Henderson, Gregoria Frangas, Alan Garber, and Professor Fred Cheever. Finally, this issue would not have been possible without the commitment and effort of distinguished contributors.

S. Tarek Younes, Editor-in-Chief

¹Robert L. Fischman, *The Problem of Statutory Detail in National Park Establishment Legislation and Its Relationship to Pollution Control Law*, 74 DENV. U. L. REV. 779 (1997).

