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All religions are not equal in schools' 'moment of silence'

By O. DOUGLAS SCHWARZ
For the Monitor

The First Amendment to the U.S. Constitution states, in part, that "Congress shall make no law respecting an establishment of religion." At the very least, this passage means that the federal government may not declare any religion to be the "established" or official religion of the United States. Whether it means any more than this — and if so, what more it means — is less clear.

For nearly 40 years, the prevailing legal interpretation of the "establishment clause" has been that set forth in 1947 by the Supreme Court in *Everson vs. Board of Education*. The court wrote that under the First Amendment, "neither a state nor the Federal Government . . . can pass laws which aid one religion, aid all religions, or prefer one religion over another."

Today, however, there are those who insist that this interpretation goes beyond the intent of the authors of the First Amendment, who (it is claimed) sought only to prevent the government from practicing religious discrimination. As constitutional historian Edward S. Corwin writes: "The historical record shows (that) . . . 'an establishment of religion' comprises the idea of preference; and that any act of public authority favorable to religion in general cannot . . . be brought under the ban of that phrase."

This notion that the First Amendment permits government to act in ways that favor religion, so long as they favor *all* religions equally, has gained some powerful proponents. They include prominent members of the Reagan administration, such as Education Secretary William Bennett and Attorney General Edwin Meese, and at least one Supreme Court Justice (William Rehnquist).

I am not a constitutional historian, so I do not intend to enter into the

debate over what the authors of the First Amendment may have intended the establishment clause to mean. I am, however, an historian of religion — and as such I find it hard to imagine a law that would truly favor all religions equally.

If this were indeed the intent of the First Amendment's authors, it can only be because those men had no way of anticipating how well America's experiment in religious pluralism would succeed. In the 1700s, when virtually all American citizens were Protestants of one form or another, it is at least conceivable that laws could have been passed that would have proved equally favorable to all religions then being practiced. To suppose that this is still possible in the 1980s, however, requires a profound ignorance of the diversity of religion in our society.

Perhaps the best example of a modern-day law widely perceived to accommodate religion in general, without favoring any particular religion, is the "moment of silence" statute. This law has found its way onto the books of at least 25 states. The moment of silence is essentially a watered-down version of the various state laws that once required organized prayer in the public schools.

Such prayer laws have been ruled unconstitutional on the grounds that public schools, as instruments of the state, have no business promoting religious observances. These cases seem relatively straightforward, since a spoken prayer is clearly religious, and clearly capable of favoring a particular religious viewpoint.

The "moment of silence" idea, however, is at first glance far more palatable. During such a moment, students may pray or not as they choose — and if they choose to pray, the prayers will obviously be of the students' own devising. Neither the state nor the teacher will be able to impose any particular prayer on any student, nor will any student's prayer impinge on anyone else. Thus



all points of view are seemingly accommodated, and no one of faith (or even of no faith) is put upon. Religion in general is promoted, yet there is an apparent absence of bias toward or against any particular religion.

In fact, however, moment of si-

lence laws are biased. They favor those religious traditions in which it is possible and appropriate to pray for a brief, randomly-chosen period of time, in silence, and without overt physical activity. While these may not seem to be particularly onerous requirements, not all religions can

operate equally well under such restrictions.

A devout Moslem, for example, is required to pray at specific times during the day, and should prostrate him or herself in the direction of Mecca while doing so. How then would a Moslem student be "accommodated" by the provision of a random moment which will probably not fit the required schedule, and during which any overt activity such as prostration must necessarily be prohibited (to avoid the impingement of one student's practices upon the others)?

What of those Eastern faiths and their derivatives whose religious practices consist not of prayer, but of meditation? It might seem that a student could meditate instead of praying during a moment of silence; indeed, some statutes have explicitly stated that this is intended to be so. No form of meditation with which I am familiar, however, can be practiced effectively in the space of a minute or two. The shortest period of time required for meditation seems to be about 20 minutes. The adherents of such traditions are thus not meaningfully accommodated by a moment of silence law.

What if the student is a Sioux who practices the traditional religion, in which prayer is accompanied by smoking a pipe while facing the Four Directions, Earth and Sky in turn? How can such practices possibly be accommodated?

Even some members of the Judeo-Christian tradition might find themselves restricted by the requirements of a moment of silence law. Suppose that a Pentecostal student is moved by the Spirit to begin speaking in tongues? Such actions are theoretically involuntary; merely telling the students that they are not to do such things may have little effect. Should the teacher try to stop the student from speaking? Should the student be excluded from the observation of the moment of silence?

Two years ago, the Supreme Court ruled the State of Alabama's moment of silence statute — the first such law to reach the nation's highest court — unconstitutional (*Wallace vs. Jaffree*, 1985). The ruling was based, however, upon the fairly narrow grounds that the Alabama law explicitly stated that prayer was one of the purposes for which the moment of silence was intended.

The court is now considering a New Jersey case (*Karcher vs. May*) in which the law in question mandates a moment of silence "to be used solely at the discretion of the individual student" — deliberately avoiding any suggestion of what use the student might make of it. Lower courts have already struck down this statute, arguing in part that while it professes neutrality, the law actually has the effect of forcing all students "to assume a posture suggestive of particular forms of prayer which are responsive to particular beliefs about ultimate reality."

One may reasonably hope that the Supreme Court will affirm the lower court's judgment that, despite surface appearances to the contrary, moment of silence laws are inherently discriminatory. It is probably too much to hope that the court would go further and declare the whole notion of unbiased governmental accommodation of all religions to be untenable.

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"Indian Rights and Environmental Ethics: Changing Perspectives, and a Modest Proposal." Environmental Ethics 9:4 (Winter 1987, in press).

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Convener of Comparative Religions Section, Collegium: An Association for Liberal Religious Scholarship, Annual Meeting, 1984.

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INDIAN RIGHTS AND ENVIRONMENTAL ETHICS:

CHANGING PERSPECTIVES, AND A MODEST PROPOSAL

O. Douglas Schwarz

Idolization of the American Indian is a recurrent theme in the American environmental movement. Indians are widely perceived to have lived in harmony with nature prior to the European invasion of the continent. Many environmentalists believe that there are important ecological lessons to be learned from studying the traditional lifestyles of the Indian peoples. Perhaps more importantly, the philosophies/religions of the American Indians have long been looked upon as models of thought which industrialized societies might do well to emulate. Of the innumerable examples that might be cited, I offer a single statement from Douglas Strong's book, The Conservationists.

The continent's original inhabitants, the Indians, had used the land far differently [than the European invaders]. They held it in reverence, believing that they and all other living plants and animals were part of nature. . . . To abuse [the land], or to exploit it for selfish personal gain, or in any way disturb the

basic harmony between themselves and their environment, would have violated their most fundamental beliefs. So they "walked lightly on the land," and their tenure left few scars.[1]

This sort of American Indian worldview has been compared favorably with Aldo Leopold's "Land Ethic,"[2] perhaps the highest compliment possible from the environmentalist perspective.

In the past few years, however, there has developed a small but significant counter-current to this view. In certain environmentalist circles it appears to have become almost fashionable to repudiate the high regard for American Indians which has been so characteristic of the movement in the past. Indeed, some writers have gone so far as to castigate Indians for their apparent lack of environmental awareness.

I first became aware of this development through my subscription to Audubon magazine, which has published at least two articles critical of Indians (and/or of environmentalists who admire Indians) during the past two years. The first was a Peter Steinhart essay, sarcastically entitled "Ecological Saints." Citing examples of Indian abuse of natural resources on reservation lands, Steinhart argues that Indian traditions have lost much of their value--even for Indians--in the modern, industrialized world. But even granting that some value may

remain, Steinhart believes that for non-Indians there can be little practical use in the study of Indian traditions. We may wish we could enter into the spirit of Indian ways, "but spirit does not ride a borrowed religion."^[3]

A more recent (and far more caustic) Audubon article by Ted Williams deals with one aspect of a long-standing problem in Indian/White relations: the freedom of most Indians from the restrictions of most federal and state game laws. There has always been a certain amount of animosity toward Indians from non-Indian sportsmen, because of the "favoritism" which allows Indians to ignore hunting seasons, bag limits, and other regulations which hamper non-Indian hunters and fisherfolk. In more recent times, some Indian communities have expanded what were once subsistence hunting and fishing activities into commercial enterprises, giving rise to charges of unfair competition from non-Indian commercial interests. And when Indian hunting practices threaten endangered species--as with Inuit hunting of the bowhead whale--increasing numbers of mainstream environmentalists naturally become concerned.

Williams' Audubon article--"A Harvest of Eagles"--focusses on what seems to be one of the hottest such issues at present: Indian killings of bald eagles, presumably to obtain feathers for use in religious rituals. Williams points out that a Federal repository has been established to stockpile feathers from bald eagle carcasses collected by the U.S. Fish and

Wildlife Service, for the express purpose of making them available to Indians for ceremonial purposes. Thus, he believes, it should not be necessary for Indians to kill their own eagles. (He does not mention--and may well be unaware--that the repository has a two-year waiting list.[4]) He also cites evidence that the feathers of some eagles taken by Indians under the guise of religion are in fact used for the manufacture of commercial curios. Williams makes it quite clear, however, that he has scant respect even for legitimately religious practices involving the use of bald eagle feathers. If Indian traditions were "serious religions," he suggests, they would be less concerned with the mere "artifacts" of worship, and willing to make do with artificial feathers.[5]

What is going on here? Why has the American environmental movement, which has long venerated Indians as the "first ecologists," suddenly developed a noticeable undercurrent of anti-Indian sentiment? I suspect that there are at least two reasons for the emergence of these feelings at this particular point in history. One has to do with a certain scholar's deliberate attempt to promote precisely such ideas among environmentalists. The other has to do with a trend in contemporary Indian societies that has left some environmentalists feeling--however unjustly--betrayed.

Calvin Martin

One of the past decade's most influential books on American Indian traditions is Calvin Martin's Keepers of the Game, which investigates the reasons for the apparent respect for nature found in the traditional Eastern Algonkian culture. His conclusion is that contrary to popular opinion, these people did not respect nature because of some sort of environmental ethic inherent in their traditions. Rather, they were motivated primarily by the fear that nature (particularly the game animals) would literally strike back at them if they did not show the proper respect.[6]

Martin's fellow historians have criticized this thesis sharply.[7] But from the perspective of the environmentalist who would admire Indians, this is not the most damaging aspect of Martin's work. In the epilogue to his book, Martin launches a gratuitous broadside against those who look to American Indians for inspiration in matters of environmental ethics. Even if there were ethical principles underlying some American Indians' respect for nature, he insists, those principles could have no meaning for the contemporary environmental movement, since they would be utterly alien to contemporary modes of thought. Thus

the Indian still remains a misfit guru. Even if he were capable of leading us, we could never follow him. The Indian's was a profoundly different cosmic vision

when it came to interpreting Nature--a vision Western man would never adjust to. There can therefore be no salvation in the Indian's traditional conception of Nature for the troubled environmentalist.[8]

Though this argument has virtually nothing to do with Martin's data on the Eastern Algonkians, one has the impression that this is what the book is really all about. Certainly it is this aspect of his work that Martin has chosen to emphasize elsewhere, as in his article, "The American Indian as Miscast Ecologist," where he baldly states, "To suggest that we might adopt . . . an Indian world view is preposterous."[9]

Martin's colleagues in the field of history have seldom addressed themselves to this aspect of his work[10], though there has been some response from scholars in other disciplines.[11] In the meantime, however, it is clear that Martin's arguments have swayed some members of the environmental movement, just as he obviously hoped they would do.

Animal rights philosopher Tom Regan devotes a chapter of his book All That Dwell Therein to what he calls the "ambiguity" of the American Indian's relationship with nature, concluding that there is no clear evidence for the existence of an Indian environmental ethic. His views are heavily influenced by Martin's work, as he himself freely acknowledges.[12] The aforementioned Audubon essay by Peter Steinhart also quotes

liberally from Keepers of the Game. Steinhart's declaration that environmentalists can learn nothing from Indian traditions, even if those traditions have something of value left to teach ("spirit cannot ride a borrowed religion"), echoes the epilogue of Martin's book precisely.

Some environmentalists, then, have accepted Martin's view of Indian attitudes toward nature: that they probably do not constitute an environmental ethic, and that even if they do, it is not an ethic which can be meaningful to the contemporary environmentalist. Thus Martin's work seems clearly to be one of the roots of the environmental movement's current disaffection for American Indians. It is probable, however, that Martin's ideas would not have taken hold to the extent that they have, if relatively recent developments in the Indian communities had not "primed" the environmental movement for something like Martin's work.

American Indians and Environmental Issues

An insightful 1984 issue of the Sierra Club Legal Defense Fund's quarterly newsletter offers a summary of recent cases in which the Fund has found itself engaged in conflicts involving Indian Americans.[13] As the newsletter emphasizes, the Sierra Club and the Indians have not always been on the same side of the issues in question. A striking example is the case of the

proposed New Mexico Generating Station, a 2000-megawatt coal-fired power plant to have been built on Navaho land with the blessings of the Tribal Council. (Due partly to a change in the makeup of the Council, the status of this proposal is now uncertain.) A better-known example discussed in the newsletter is the Admiralty Island controversy, in which some members of the Alaskan Tlingit people sought to protect their island home from a logging company owned and operated by other Tlingits. (The company was ultimately persuaded to do its logging elsewhere.)

It is only in fairly recent times that many American Indian communities have become both aware of the economic potentials inherent in their lands, and sufficiently schooled in the ways of business and the law to take advantage of those potentials. (The Navaho, for example, leased mining rights on their reservation for a fraction of their real value until very recently.) One can hardly blame these people--whose communities, with few exceptions, are among the poorest in the nation--from seeking to profit from one of the few resources they possess.

Yet Indians themselves are often divided on the issue of how best to use their lands (as both the New Mexico Generating Station and Admiralty Island issues illustrate). Many Indian communities are now split more-or-less sharply between those who would continue to adhere as much as possible to traditional ways (and who tend to favor preservation of natural resources), and those who see adaptation to the ways of the dominant White

culture as the only road to survival (and who tend to favor development).

Some thoughts expressed in the Sierra Club newsletter are worth quoting in detail.

. . . in such a situation it is unreasonable to expect an identity of views between native groups and conservationists . . . Until recently it has been natural that conservationists, who tend to regard native Americans as innate environmentalists and also deplore their historic treatment by the surrounding society, would uncritically support American Indian proposals for development. As Admiralty and the New Mexico Generating Station situations illustrate, however, one cannot be a good conservationist simply by being "on the side of the angels" when the angels themselves are divided.[14]

Environmentalists and American Indians, then, have recently come to a practical parting of the ways--or at least to a point at which the ways of the two groups may no longer be blithely assumed to coincide. Indians, like other people, are proving capable of placing their own considerable needs above those values with which the environmentalist is most concerned.[15] It is natural that the environmentalist should be

disappointed at this turn of events. But the reactions of some environmentalists seem to go beyond disappointment toward the sort of hostility usually reserved for the likes of Peabody Coal and Hooker Chemical.

Environmentalists and American Indians

Neal Singer, writing about the eagle feather controversy in the Indian publication Americans Before Columbus, points out that there are any number of factors contributing to bald eagle mortality which are far more significant than predation by Indian Americans. The drastic decline of the bald eagle population in the twentieth century was due, as most environmentalists are well aware, to DDT contamination. Now that this threat has been more-or-less removed, the principle problem for eagles--as for most endangered species--is habitat loss. More direct causes of mortality include lead poisoning (from lead ingested when the eagle consumes game birds wounded by lead shot), and flights into powerlines. Referring to a series of recent court cases, to a federal "sting" operation, and to the proposed Breaux Amendment to the Endangered Species Act (specifically applying the provisions of the act to Indians hunting on reservation land), Singer wonders, reasonably enough, ". . . why such an effort is being made to restrict . . . one of the most minor causes of bald eagle death?"[16]

An exchange that took place in Science magazine in 1984 may offer some insight into the average environmentalist's reaction to issues such as these. An article published in October of that year called attention to the actions of James Billie, a Seminole Indian then on trial for killing an endangered Florida panther for what he claimed were religious reasons. The article was on the whole sympathetic to Billie's position, describing the long history of the ritual use of panther parts in Seminole tradition, and pointing out that passing automobiles represent a much greater danger to the panther than do Indian hunters. (At the time of the article, four panthers had been killed by cars during a six year period.)[17]

A letter sent to the magazine in response to the article, however, expressed outrage at Billie's actions, and especially at his claim to religious motivations. While claiming not to question Seminole beliefs and traditions, the author wondered at "the logic behind the killing of a sacred symbol." Further, the author argued that any claim Billie might have had to religious motivations for his act was undercut by the fact that he did not kill the panther with "a traditional hunting weapon such as a lance or bow and arrow," but with a "very untraditional" shotgun. Under these circumstances, the author felt, Billie's attempt to pass off his action as a religious rite was "an insult."[18]

One may ask, an insult to whom? To other Seminoles,

perhaps, if Billie's actions and claims were indeed a perversion of the traditional religion--but this does not seem to be what the letter's author (who was clearly not a Seminole) meant. Rather he perceived what Billie had done to be an insult to himself. Apparently unaware that the killing of sacred animals is not at all unusual in hunting societies, he was personally affronted at the notion that American Indians might consider such an act to be sanctified, particularly when performed with an "untraditional" weapon.

The notion that Indians exercising their unique hunting rights ought to do so only with "traditional" weapons seems to be gaining credibility among environmentalists. In Wisconsin, for example--where federal treaties grant the Ojibwa Indians virtually unlimited hunting and fishing rights in the northern portion of the state--local game authorities claim that Indian hunting (especially for commercial purposes) poses a significant threat to wildlife populations. Non-Indian sportsmen in the region have suggested that the Ojibwa should in fairness be restricted to using only those hunting and fishing technologies which were available to them in the nineteenth century, when the treaties in question were signed.[19]

Sioux author Vine Deloria, Jr. maintains that Americans who profess admiration and sympathy for Indians are generally interested only in the Indians of the imagined past--a supposedly idyllic era before the coming of the White man, when

the Red people lived in harmony with their world. "Indians are unable to get non-Indians to accept them as contemporary beings," he complains. "Non-Indians either cannot or will not respond to the problems of contemporary Indians. They insist on remaining in the last century . . . reciting a past that is basically mythological, thrilling, and comforting." [20]

Some environmentalists, I suspect, are now falling victim to precisely this sort of myopia. We admire Indians, so long as they appear to remain what we imagine and desire them to be: ecologically-Noble Savages symbolizing a better way of life than we ourselves find it practical to live. We respect their traditions, so long as they fit our preconceived notions of what those traditions should be. Let their ways cross purposes with ours, however, and we not only cease to admire them (which in some cases might be justifiable), but begin to actively resent them for not living up to our ideals. If a White hunter shoots an eagle we are angry. But if an Indian shoots an eagle we are outraged; an Indian should know better!

A Modest Proposal

I am the last person to condone the killing of an endangered animal for any reason. Yet I do not see how a sensitive person could fail to sympathize with the Indians in these situations. Their ancestors' land was invaded and

conquered by a people having superior numbers and technology--a people who then systematically sought the destruction of the Indians' traditional lifestyles (admittedly with the best of intentions, in some cases). At the same time, the conquerors so disrupted the ecosystems of North America as to make the traditional lifestyles virtually impossible to maintain in any case. Yet today's Indians, who are in no significant way responsible for that disruption, are being told by the conquerors' descendants that in order to preserve what little is left of the ecosystem, the Indians must now abandon what little is left of their own traditions. People for whom a sacred relationship with all the living world was once the sine qua non of existence must now get their eagle feathers as handouts from the government, or even (should Ted Williams have his way) make do with artificial feathers. Small wonder that Indians regard such suggestions with deep suspicion and cynicism.

The notion that Indians should be permitted to hunt only with "traditional" weapons, despite a surface appearance of plausibility, is scarcely less condescending. In effect, it denies to Indian societies the right to change and evolve. If they do so (at least in ways of which we do not approve), we threaten to no longer recognize them as legitimately Indian, and to deny members of such societies rights to which they would otherwise be entitled. But by what right do non-Indians take it upon themselves to decide which practices are legitimately

"Indian" and which are not? Surely this is for the Indians themselves to decide.

What is particularly pernicious about such suggestions is that the rights in question--hunting and fishing rights, primarily--are guaranteed to the Indians by federal treaties. Since the treaties make no mention of restricting the Indians to the use of "traditional" weapons and technologies, imposing such restrictions at this late date would constitute a violation of the treaties. It may be argued that the treaties were written at a time when no one could have foreseen the social and ecological conditions that prevail today, so that some of their provisions are hopelessly out of step with modern realities. This may well be true . . . but the appropriate solution to that problem would be the renegotiation of the treaties in question (or at least of portions thereof), allowing Indians the opportunity to gain something in return for giving up rights they previously had. This, however, is not at all the way the problem is being approached; their rights are simply being taken from them.

The Supreme Court recently ruled that in passing the Endangered Species Act (even in the absence of a statement such as the proposed Breaux Amendment explicitly applying the Act to Indians), Congress partially abrogated any number of century-old treaties granting Indians unrestricted hunting rights on their own reservations. The Act is nonetheless legal, since it is within Congress' power to abrogate such treaties.[21] Thus, many

Indians have lost a right "guaranteed" to them by treaty, without so much as receiving clear notice that this was being done, to say nothing of having input into the process. They have lost something of at least symbolic value to them, and have been offered nothing in return. Who can blame Neal Singer for the bitterness with which he writes that in spite of the professed admiration of environmentalists for Indians, Indian rights "mean nothing to these Indian friends if it means an Indian might kill a bald eagle." [22]

If American environmentalists hope for cooperation from American Indian communities in such matters as the preservation of endangered species, then they must become more sensitive to the concerns of Indians. Ideally, some of what remains of the environmental movement's high regard for Indian peoples should be translated into support for programs aimed at meeting those peoples' considerable needs--and particularly the needs of the remaining traditionalists, who are the environmental movement's most likely allies.

In this context, I am reminded that some of the earliest leaders of the American environmental movement--Thoreau and George Catlin among them--envisioned wilderness parks which would preserve all aspects of the primitive North American ecology, including Indians living according to their traditional ways. At first blush such an idea seems painfully patronizing; one imagines tourists at Yellowstone treating Indians with no more

respect than the bears. Deloria would no doubt view such proposals as one more attempt by the White majority to force Indians to remain a sort of antique curiosity, rather than "contemporary beings," and to some extent he would be right.

Yet the idea is not wholly without merit. To date, much of this country's Indian policy has been aimed at turning Indians into "contemporary beings" (according to White notions of what such beings should be) with little or no regard for the wishes of the Indians themselves. Indians have been literally forced (or, in more recent times, strongly encouraged) to abandon traditional lifestyles, languages, religions, and cultures, and become assimilated into America's much-celebrated melting pot. Surely this policy--which has made great progress in destroying traditional cultures, yet generally failed to integrate Indians into mainstream society--is as patronizing in its own way as are the suggestions of Thoreau and Catlin.

Perhaps it is time for a policy which provides at least as much encouragement and opportunity for Indians to live the traditional lifestyles as it does for those who wish to enter the mainstream of American life. One facet of such a policy would have to be the provision of sufficient land in a relatively untrammeled state to allow the practice of traditional ways. It is not difficult to imagine (however difficult it might be in practice) changing the definition of "multiple use" in such a way as to allow the National Forests, for example, to support such

lifestyles.

The National Forests are available to both Indians and non-Indians for limited hunting and fishing activities even now. What I am envisioning, however, is opening the Forests to those Indians who might wish to literally live upon the land, establishing settled or nomadic communities in accordance with their various traditions--an option now available to Indians only on a few of the largest reservations. The presence of such communities would of course take a toll upon the Forests . . . but far less so, I suspect, than some currently accepted practices such as logging and cattle grazing, which ideally one might hope to see reduced as part of the "package".

This proposal is not without precedent. The Alaska National Interest Lands Conservation Act (ANILCA) provides for the continued practice of subsistence lifestyles by Alaskan Indians on the Arctic National Wildlife Refuge and other federally-protected lands. If American environmentalists offered to work for similar programs in the lower forty-eight states, in exchange for agreements from the various tribes to forego certain aspects of their hunting rights, perhaps they would find Indians more inclined to be cooperative. Suggestions that Indians should refrain from hunting endangered species, and perhaps exercise their unique hunting and fishing rights only with "traditional" technologies and not for commercial purposes, are not in-and-of-themselves unreasonable. It is unreasonable only to

expect Indians to submit weekly to such restrictions while gaining nothing in return.

Closing Thoughts

I do not generally have much trouble weighing the rights of the natural world--and especially of endangered species--against the interests of human beings. But I confess to having difficulty when the rights of even endangered species come into conflict with the rights of endangered cultures. Granted, the loss of selected hunting rights will not, in and of itself, spell the doom of any Indian society. But those societies have been so beleagured for so long that it is a wonder they survive at all. Any further erosion of the right or ability to practice what is left of the old traditions must, in my view, be regarded as little short of catastrophic.

This problem is by no means limited to North America. It is arguably even more important in many Third World countries, where indigenous societies still exist in relatively unaltered and theoretically viable forms. A recent paper by religious ethicist J. Ronald Engel argues, for example, that any adequate ethical treatment of the problem of the destruction of the South American rainforests must also address the concerns of the indigenous peoples of the regions in question.[23] The issue has also arisen in Africa, where wildlife reserves in some nations do

attempt to provide for the practice of traditional lifestyles by indigenous peoples. The continuing need to balance environmental values with the interests of Indian peoples throughout the world is a little-developed aspect of environmental ethics that deserves further scholarly attention.

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AMERICAN JEWISH ARCHIVES

In the summer of 1985, I paid a visit to Franconia Notch State Park, the most heavily-used protected land in my home state of New Hampshire, and perhaps in all of New England. The trail I took to view a locally famous waterfall known as the Flume had been widened to the size of a one-lane road, and beaten hard as concrete, by the passage of many feet. At regular intervals along this path, signs implored hikers to keep to the trail, so as to cause the least additional damage to the living communities just beyond.

Nonetheless, while crossing a bridge that spanned a small stream, I spotted a young man who had apparently waded up the waterway and seated himself upon a large, moss-covered rock in an attitude that seemed vaguely meditational. For a moment I was angry--and then I realized that the perpetrator of this crime was (to all appearances at least) an American Indian. For me, that fact changed everything. Far from being upset at his disregard for the laws designed to protect what was left of the natural

environment in that place, I was glad that he had chosen to excercise what seemed to me his more fundamental (though not legally sanctioned) right not to be barred from the land his ancestors had once roamed freely. To my mind, at least, he belonged in that place, and I hastened to leave him to it, undisturbed.



FOOTNOTES

1. Douglas H. Strong, The Conservationists (Menlo Park, CA: Addison-Wesley, 1971), pp. 7-8.
2. J. Baird Callicott, "Traditional American Indian and Western European Attitudes Toward Nature: An Overview", Environmental Ethics 4 (1982): 313-314.
3. Peter Steinhart, "Ecological Saints", Audubon 86, no. 4 (July 1984): 9.
4. Neal Singer, "The Last American Eagle", Americans Before Columbus 13, no. 3 (1985): 8.
5. Ted Williams, "A Harvest of Eagles", Audubon 88, no. 5 (Sept 1986): 54.
6. Calvin Martin, Keepers of the Game: Indian-Animal Relationships and the Fur Trade (Berkeley: University of California Press, 1978), p. 18.
7. For a compendium of such criticism see Shepard Krech III, ed, Indians, Animals, and the Fur Trade: A Critique of "Keepers of the Game" (Athens: University of Georgia Press, 1981).
8. Calvin Martin, Keepers of the Game: Indian-Animal Relationships and the Fur Trade (Berkeley: University of California Press, 1978), p. 188.
9. Calvin Martin, "The American Indian as Mischast Ecologist". In Ecological Consciousness: Essays from the Earthday X Colloquium, University of Denver, April 21-24, 1980,

eds. J. Donald Hughes and Robert C. Schultz (Washington, D.C.: University Press of America, 1981), p. 145.

10. An exception is Christopher Vecsey, "American Indian Environmental Religions". In American Indian Environments: Ecological Issues in Native American History, Christopher Vecsey and Robert W. Venables, eds. (Syracuse University Press, 1980). Also J. Donald Hughes, American Indian Ecology (El Paso: Texas Western Press, 1983), while it does not directly criticize Martin's work, comes to conclusions diametrically opposed to Martin's.

11. J. Baird Callicott, "American Indian Land Wisdom? -- Sorting Out the Issues"; O. Douglas Schwarz, "Plains Indian Influence on the American Environmental Movement: Ernest Thompson Seton and Ohiyesa". Both in Humankind on the Move: Indigenous People, Semi-Arid Environments, and the European Encounter (tentative title), ed. Paul Olson (Lincoln: University of Nebraska Press, in production).

12. Tom Regan, "Environmental Ethics and the Ambiguity of the Native American Relationship with Nature". In Tom Regan, All That Dwell Therein: Animal Rights and Environmental Ethics (Berkeley: University of California Press, 1982), p. 238, note 23.

13. Sierra Club Legal Defense Fund, "American Indians and Conservationists: An Uncertain, Complex Alliance", In Brief: A Quarterly Newsletter on Environmental Law (November 1984).

14. Ibid., p. 3.

15. Though I state that the interests of American Indians do not always coincide with those of environmentalists, I am by no means in agreement with Calvin Martin's claim that there are no legitimate "environmental ethics" to be found in Indian traditions. Not all Indians are guided by those traditions however, any more than all Christians are guided by the ethics of the Christian tradition. This is hardly surprising in the case of the Indians, whose traditions have been under such such concerted attack for so long that their continued survival even in fragmentary form is little short of miraculous.

16. Neal Singer, "The Last American Eagle", Americans Before Columbus 13, no. 3 (1985): 8.

17. "Take Two Panther Claws . . .", Science84 (October 1984): 82.

18. Science84 (December 1984). Letters column.

19. J. Baird Callicott, personal communication.

20. Vine Deloria, Jr, God Is Red (New York: Dell, 1973), p. 56.

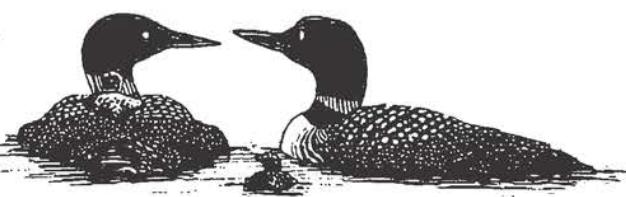
21. United States Supreme Court, United States v Dwight Dion, Sr., 476 US --, 90 L Ed 2d 767, 106 S Ct -- [No. 85-246].

22. Neal Singer, "The Last American Eagle", Americans Before Columbus 13, no. 3 (1985): 6.

22. J. Ronald Engel, "Ecology and Social Justice: The Search for a Public Environmental Ethic". In Introduction to Religious

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NEW HAMPSHIRE AUDUBON

VOL. 22

JANUARY-FEBRUARY 1986

NO. 1

WINTER TALES

*How shall I begin my song
In the blue night that is settling?
I will sit here and begin my song.*

Papago



NATIVE AMERICAN TALES OF NATURE

by O. Douglas Schwarz

Since long before the coming of the White Man, Winter has been the storytelling season among the aboriginal peoples of North America. In ancient times, as Winter set in across the continent, the People gathered — in the Longhouses of the Iroquois, the wigwams of the Algonquin, the tepees of the Plains, the hogans of the Navaho, the kivas of the Pueblos, the igloos of the Inuit — to hear the ancient tales retold. Even today, such gatherings occur, though now they must often take place in less exotic (and often poorer) homes.

There are practical reasons why Winter is the obvious season for stories. In many parts of the country, hunting is difficult in Winter, and agriculture impossible. Traditionally, most Native peoples did their best to "stock up" during the warm months, and then settled in to ride out the cold. This time of enforced leisure was ideal for the recitation of the often long and complex sagas that were the equivalent of literature for these cultures which had no written language. But there are even more important reasons why Winter is the time for tales in most Native societies.

Like people everywhere, Native Americans tell stories for many reasons — sometimes to transmit knowledge or teach a lesson, and sometimes just for fun. The most important stories, however, are often those which tell of the Beginnings of things: the creation of the earth, the plants and animals, and humanity; and the ordering of all things into the world that we know. Such stories are sacred, and may be told only at the proper times.

Most Native peoples saw in the cycle of the seasons a reenactment of the process of Creation. In Winter, when so many things die or grow dormant, the world in effect returns to the lifeless state which presumably preceded the first great Creation. In Spring, as life returns to the world, it is as though that first Creation were taking place

(Continued on p. 2)

The Animals Determine the Length of Day and Night

MANY and many years ago no one lived in the land but the animals. In those days the animals walked and talked like people. There were Grizzly, Fox, Wolf, Cougar, Beaver, Elk, Weasel, Coyote and many others. But Coyote was the strongest and most powerful of them all, and so he was chosen their leader.

Animals, of course, are not like that today. Before there were white people in the land — even before there were Indians — each of the animals, one by one, did something wrong and for their misdeeds they became the animals we know today.

In those early days, however, Coyote ruled all the animals. He was chosen by them to prepare the land for the Indians, for the animals knew that some day the Indians would be coming to live in the land, too. There were many things to be done first. It was Coyote who planned and did them all.

... After Coyote had named the mountains and the streams, and put fish in the rivers and food on the land, there was still something to be done. For many years ago, when no one lived in the land but the animals, there was no day and there was no night.

Coyote said, "I will make the stars shine brightly at night so the Indians can see, and in the future Moon will travel at night, while his brother Sun will travel in the daytime."

All the animals began talking about this plan. They argued and argued, trying to decide how long the day should be and how long the night should be.

(Continued on p. 3)

VIEW FROM AUDUBON HOUSE

*"The frog does not drink up the pond
in which he lives."*
(Native American proverb)

... As the bow of my canoe gently caresses the mist of dawn on a remote New Hampshire lake, I feel reinspired by the majestic beauty and peaceful mood of this watery place. The distinctive yodel of the Common Loon signals my presence, while a Great Blue Heron skulks along the shoreline, ever watchful for his aquatic prey....

I suspect that many ASNH members have experienced similar mornings. This is New Hampshire at its best, this is why thousands of people cross New Hampshire's borders each week — to seek various recreational and inspirational experiences among our lakes and mountains. Some folks stay on, while others return home with their memories intact and their spirits rekindled.

New Hampshire's lakes are beautiful and desirable places to be, and are within easy reach of millions of people. But the rapidly accelerating rate of human migration to New Hampshire is seriously jeopardizing the quality and ecological stability of our lakes and ponds. We are loving these precious water resources to death.

How much growth and development can our lakes tolerate before the frog drinks up his source of life? WE MUST DECIDE!

Together, we must decide how much over-crowding, boat traffic, noise, water and air pollution, restricted public access, and shoreline development we are willing and able to tolerate. Our health and well-being depend upon clean air and water. Our tourist economy and wildlife populations depend upon a healthy, diverse habitat and unspoiled scenery. Our happiness depends upon the quality of our daily experiences.

Widespread frustration currently exists among many individuals, communities, and organizations across the state over the explosive growth on our lakes, the inadequate decision-making and regulatory processes, and the lack of a comprehensive statewide lakes and ponds management strategy. Dozens of environmental and growth-related issues on our lakes have emerged as important public concerns. How these issues are addressed and managed by local communities, state agencies, and the general court will substantially determine the future health and quality of our lakes and ponds.

At the request of Governor Sununu, lake associations, and local residents, numerous bills are being proposed before the upcoming legislative session to address these problems. Representative Jack Schofield of Moultonboro and other representatives have organized the Lakes Quality Caucus to rally support for lakes legislation.

ASNH has recently joined with eight lake associations* to form a new project: the N.H. Lakes Legislative Project, which will work with its own members as well as elected representatives and state officials on lake issues. We feel that passage of practical laws to deal with the complex developmental and environmental issues confronting our lakes and ponds requires a well-coordinated effort among citizen groups.

ASNH is proud to be a part of this cooperative effort. Our Audubon tradition is based on the faith that there is wisdom in nature's design and that it is our task to help preserve this natural inheritance. We'd like to keep both frog and pond for all to enjoy.

*Lake Sunapee Protection Assn., Lake Winnipesaukee Assn., Lakes Region Clean Waters Assn., Lakes Region Federation, Long Island Landowners Assn., Newfound Lakes Region Assn., Squam Lakes Assn., and the Squam Lakes Conservation Society.

EXECUTIVE DIRECTOR

Pat Corey

NATIVE AMERICAN TALES

(Continued from p. 1)

once again. By telling tales of Creation in Winter, the People declare their faith in the power or powers that ensure the coming of Spring. Perhaps, by telling such stories, they even become part of the process. Some tribes apparently believe that Spring may not come unless their tales are properly told.

Virtually all Native American stories deal with what we would call "nature" — that is, with animals, plants, mountains, rivers and a host of other natural beings, forces, and phenomena. These things, however, are portrayed very differently than the way we are used to thinking of them. Forces we presume to be inanimate and mechanical (the Thunder, for example) are seen as living, willful beings. Animals seem nearly human, possessing language, culture, material goods, and all the trappings of civilization.

It is easy to dismiss such tales as the fanciful imaginings of people too "primitive" or unscientific to know better. It should be remembered, however, that for centuries the Native peoples lived far more intimately with nature than most of us can even imagine. Their lives depended upon their practical knowledge of the world around them. If Native tales tend to "anthropomorphize" animals, for example, it is not because these people did not know what animals were really like. Perhaps we should ask whether the stories — fanciful though they are — may nonetheless reflect some of the real knowledge of nature that the Native peoples unquestionably possessed.

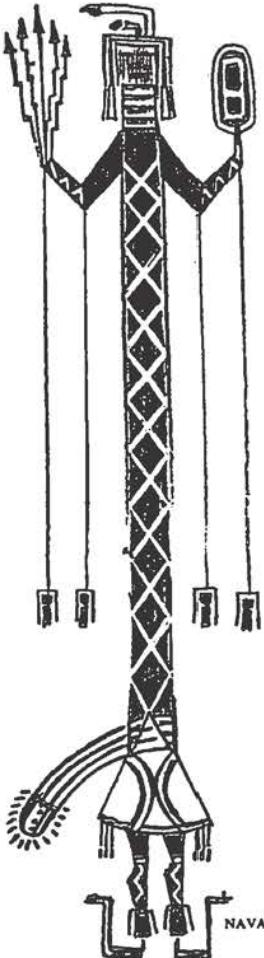
One thing we may say with certainty is that Native Americans traditionally saw far less difference between themselves and the rest of the natural world than most of us are accustomed to seeing. Humanity, in most Native worldviews, is a part of the natural process — an important part, yet perhaps not more important than any of the other animal species, and certainly far less important than some of the greater forces of nature. The Native peoples recognized the great power that human beings wield over much of the natural world, yet did not lose sight of the ultimate dependence of humanity upon the rest of nature. It is an insight our own culture would do well to heed.



SOUTHWEST BIRD SYMBOL

I hear the eagle bird
with his great feathers spread,
pulling the blanket back from the east.
How swiftly he flies,
bearing the sun to the morning.

Iroquois



NAVAHO SAND PAINTING OF THUNDER

The voice of thunder
Within the dark cloud,
Again and again it sounds,
The voice that beautifies the land.

AMERICAN JEWISH ARCHIVES

Navaho

In winter time
If the old Indians' faces are hot,
That is a sign that there is to be snow.
When in the spring
The water rises,
It is going to be very cold.
When the thaw is coming,
You feel aching and cramping all over;
You see the northern light if the thaw is to last.
If it is going to be windy,
The ears hm, hum, hm....

Blood

THE ANIMALS DETERMINE DAY AND NIGHT

(Continued from p. 1)

They finally agreed to hold a meeting and settle the question once and for all. Grizzly, Cougar, Wolf, Badger, and Coyote came early. But all the animals came because this was a very serious question and it had to be decided.

Bear spoke first. "There shall be five days and then there shall be one darkness. On the fifth day there shall be dawn."

Grizzly, the older brother of Bear, did not agree. "I don't think so, Bear," he said. "I think there should be darkness for ten years and then one dawn."

Rattlesnake spoke. "You are both wrong," he said. "Ten years is too long. I think five years of darkness would be better."

They argued and argued among themselves. Finally Big Toad, who was there with a large number of his younger brothers, spoke.

"I think you're all wrong," he said. "You all want darkness for too long a time. The Indians will be here some day. They will not like darkness so long. I think there should be only one darkness and only one dawn."

"I think you're right, brother," said Frog, younger brother of Toad. "One darkness and one dawn."

At this Grizzly became very angry. He was a very powerful Being in the land and all the animals feared him. Rattlesnake, who was also powerful, was angry, too.

"No! No!" Grizzly and Rattlesnake shouted. "It shall not be that way!"

"Ten years," said Grizzly.

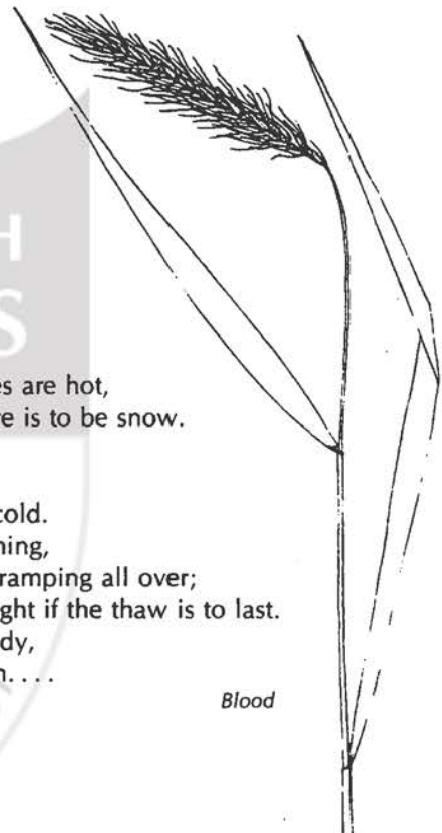
"Five years," said Rattlesnake.

YOU must teach your children that the ground beneath their feet is the ashes of our grandfathers. So that they will respect the land, tell your children that the earth is rich with the lives of our kin. Teach your children what we have taught our children — that the earth is our mother. Whatever befalls the earth, befalls the sons of the earth. If men spit upon the ground, they spit upon themselves.

This we know. The earth does not belong to man; man belongs to the earth. This we know. All things are connected like the blood which unites one family. All things are connected.

Whatever befalls the earth befalls the sons of the earth. Man did not weave the web of life; he is merely a strand in it. Whatever he does to the web, he does to himself . . .

Chief Seattle



No one agreed with either of them and they grew tired of shouting.

The Grizzly suggested, "Let's have a contest. We'll argue it out. Whoever is strong enough to talk the longest will win."

All the animals started to argue. But one by one they became tired and dropped out of the contest. There was no one left but Grizzly and Frog.

"Ten years, one darkness," persisted Grizzly.

"One darkness, one dawn," answered Frog.

"Ten years of darkness," repeated Grizzly. "Ten years, ten years!"

"One darkness, one dawn!" said Frog.

All night they argued. Finally Grizzly was too tired to go on. Frog had the better of him and Grizzly gave up.

From that time until now there has been darkness for one night only. Nowadays, when you hear the frogs croaking at night they are probably telling the other animals how they won the argument with Grizzly.

A Pacific Northwest Tribe

For acknowledgements & credits, please see p. 5.

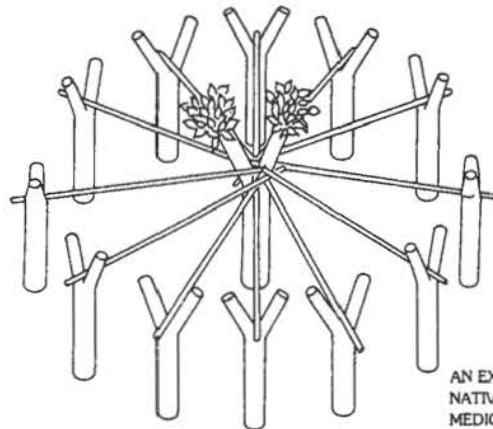
LESSONS FROM THE MEDICINE WHEEL

America was discovered not by Columbus or wayward Viking sailors in this millennium, but rather by migrating family clans who walked here from northeastern Asia across what is now the Bering Strait at least twelve thousand years ago. Maybe longer.

These people and their descendants spent hundreds of generations poking around the continent, finding their homes on its plains and deserts and in its forests, populating it meanwhile to a sane level of humanity. They hunted, shivered, feasted, starved, celebrated, danced and died here, always as part of the natural world and with little more than a layer of leather separating them from it. In the process, they developed an understanding of this world, and from this understanding came respect for every rock and stream and cloud and every living thing with which they lived.

This understanding of life and the resultant philosophies — including politics, history, religion, and behavioral codes, often inseparable — they remembered and passed on in the most efficient way possible, through legends, rituals, and mythology. Tales of the Loon's Necklace, the Sacred Spruce, the Four Worlds, the Seven Brothers of Thunder, the Medicine Wheel, all of them and the Sun Dance and the Totems were simply tools of memory containing centuries of collective wisdom and the Way of Life.

Perhaps, as Anglo-American critics sometimes suggest, the traditional Indian lifestyle has lately been overly romanticized. Perhaps the myths of the Athapaskans, the Cree, the Abenaki, however earthy and



AN EXAMPLE OF A NATIVE AMERICAN MEDICINE WHEEL

colorful, are too anthropomorphic, trite, and unrelated to a modern world of satellite-linked computers and nuclear arms treaties. One thing is certain. The native peoples of North America lived here happily and industriously for the most part for over ten thousand years in natural balance with their environment, while our New World culture has taken only four hundred years to spoil the waters, pollute the air, destabilize the soils, and threaten its own existence in yet other ways.

"The old Lakotas were wise," said Standing Bear. "He knew that man's heart, away from nature, becomes hard; he knew that lack of respect for growing, living things soon led to lack of respect for humans too."

Jeff Fair

*"We dedicate this building, the new and the old,
to the future of this State we love so dearly. May
New Hampshire's mountains, lakes, rivers and shore,
its forests and fields provide a healthy home for
generations to come."*

Andy Swenson, ASNH trustee and
building committee chairman

AUDUBON HOUSE DEDICATED
November 1-2, 1985



Gerard Bertrand, Massachusetts Audubon Society president, addressed a packed meeting room at the Audubon House dedication. The Hawkwatchers Chorus, seated at bottom left, opened and closed the ceremony with their delightful songs.

Mary Carr photo



Roger Stephenson (L), ASNH Seacoast Chapter president, demonstrated bird banding techniques throughout the day.

Tom Anter photo



How the Loon Became a Sea Bird

A long time ago the loon was a land bird. He was a great nuisance to the Indians for he was always around, in and out of their wigwams, tumbling over their baskets, upsetting their firewood. The Indians shouted at him and threw things at him. Still he came poking around their wigwams, until one day he upset an old Indian's pot of beans.

The Indian grabbed him.

"Now I'm going to throw you in the fire, or I'm going to throw you in the water."

Loon squirmed and tugged to get away.

"Don't throw me in the water. Don't throw me in the water," he begged. "Throw me in the fire, but don't throw me in the water."

"If that's what you don't want, that's what I'll do. I'll throw you in the water."

The old Indian threw him in his canoe and paddled out into the deep water and tossed him over the canoe. Loon went off laughing, the wild laugh that he has laughed ever since at the Indians when he remembers the old Micmac who threw him in the water.

"Just what I wanted. Just what I wanted."

Micmac

Acknowledgements and Credits

We are grateful to the following authors and publishers for the use of previously published material:

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"The Voice of Thunder," "I Hear the Eagle Bird," "In Winter Time," and illustrations on p. 2 and 3 (thunder). From *SONGS OF THE DREAM PEOPLE: CHANTS & IMAGES FROM THE INDIANS AND ESKIMOS OF NORTH AMERICA*. Edited and illustrated by James Houston. Copyright 1972. Published by Atheneum/Scribner's, New York.

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For a more detailed list of books for your own "winter tales" enjoyment, send a stamped, self-addressed envelope to: Winter Tales, ASNH, P.O. Box 528B, Concord, 03301. — Ed.

ANCIENT VOICES

Not only Native American cultures, but ancient peoples throughout the world have used myths, legends, and folklore to explain and appreciate the mysteries of the world around them. Here are two samples from widely different cultures. — Ed.

Greece

Persephone — Myth of the Seasons

DEMETER, goddess of the harvest, had an only daughter, Persephone, the maiden of spring. Persephone disappeared, and in her grief Demeter withheld her gifts from the earth. The green and flowering land was icebound and lifeless as Demeter wandered the earth searching for her daughter. At last she came to the Sun, who told her what had happened: Persephone had been taken by the lord of the underworld, to be queen of the world beneath the earth.

For a year Demeter grieved for her daughter, a year most dreadful and cruel for mankind over all the earth. Nothing grew; no seed sprang up. It seemed the whole race of men would die of famine. At last Zeus intervened, and negotiated a bargain with his brother, the lord of the underworld. Persephone could live with her mother in spring and summer, when the field would be rich once more and the whole world bright with flowers and green leaves. But for four months of each year she would dwell in the world of the dead, leaving the earth in bitter winter. Thus, fruits, flowers, leaves, all the fair growth of earth must end with the coming of the cold, and pass like Persephone into the power of death, but they will return again in time.

Africa

Why Monkeys Live in Trees

LISTEN to the story of the bush cat.

The bush cat had been hunting all day, and had got nothing. She was tired. She went to sit down and rest, but the fleas wouldn't give her any peace.

She saw a monkey passing. She called to him, "Monkey, please come and flea me," (for that is what friends do for each other). The monkey agreed, and while he was picking out the fleas, the bush cat fell asleep. Then the monkey took the tail of the bush cat, tied it to a tree, and ran away.

The bush cat awoke. She wanted to get up and leave, but she found her tail tied to the tree. She struggled to get free, but she could not do it, so she remained there panting.

A snail came along. "Please unfasten my tail," cried the bush cat when she saw him. "You will not kill me if I untie you?" asked the snail. "No, I will do nothing to you," answered the bush cat. So the snail untied her.

The bush cat went home. Then she said to all her animal friends, "On the fifth day from now, announce that I am dead, and that you are going to bury me." The animals said, "Very well."

On the fifth day, the bush cat lay down flat, pretending to be dead. And all the animals came, and all danced round her. They danced.

The bush cat sprang up all at once. She leaped to catch the monkey. But the monkey had already jumped into a tree. He escaped.

So this is why the monkey lives in the trees, and will not stay on the ground. He is too much afraid of the bush cat.

Ewe

WILDLIFE REPORTS

Common Tern Update

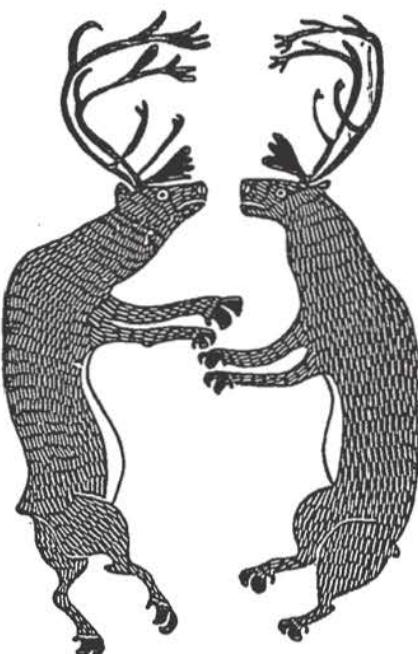
The 1985 breeding season saw continued low reproductive success at New Hampshire tern colonies. From the 30-40 pairs of Common Terns which nested at New Castle, only 3-5 young survived to fledgling. A local Great Horned Owl presents the most severe problem for this colony, preying on adult terns early in the season, causing night desertion by incubating birds, and preying on chicks later in the season. This colony also suffered from crow predation on eggs early in the season, flooding of a few nests during extremely high tides, ant predation on newly hatched chicks of second nesting attempts, and human disturbance.

Approximately 30 pairs nesting on the Hampton marshes fledged at least 9 young. Several chicks were found dead of unknown causes in or near their nests. Evidence suggests that an owl visits the area at least occasionally, but the extent of owl predation on this colony is unknown. Tern use of artificial nesting platforms at this site continued to increase, with nests on 10 platforms this year.

Five tern pairs nesting on an island in Little Bay fledged at least one young.

Endangered Species Program biologists have conducted 5 years of field research on the problems facing Common Terns on the N.H. coast, and on experimental management techniques to benefit the species. The challenging and crucial task of evaluating what we have learned and using this information to design a comprehensive tern management strategy for New Hampshire now lies ahead.

CFS



Nighthawk and Whip-poor-will Survey Results

This summer's **Common Nighthawk** survey resulted in 49 reports from 35 towns for the period May through August. In addition, nighthawk biologist Brett Cherrington documented 8 pairs in Manchester. The following table summarizes information from the official July observation period. Nesting attempts were documented in the asterisked towns. A record five nest sites were discovered.

Common Nighthawk Sightings, July 1985
(Maximum Number Observed)

Andover	1+
Berlin*	5
Bow	8
Bradford	4+
Claremont	1
Concord*	7
Conway	4
Grantham	2
Hanover	3
Keene	6
Lebanon	8
Manchester*	16+
Nashua	8
Newport*	4
Penacook	8
Plymouth	5
E. Rochester	3
Rye	2
Woodsville	1+



morning) stirs.

Many thanks to the 113 people who contributed Whip-poor-will information, particularly those of you who mapped locations. If anyone heard a Whip-poor-will last summer in any of the areas not represented on the map, we'd appreciate hearing about it.

Margaret Watkins

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### LPC Ten-Year Report

The Loon Preservation Committee will soon release its Ten-Year Report, covering highlights of LPC's first ten years as well as feature information on the various research and management techniques that LPC has been using to monitor and protect New Hampshire's loon population. Data on reproductive success, population trends, artificial island use, etc., is now being tabulated and analyzed by Karen Nielson, LPC staff biologist in northern NH last summer.

One subject that Karen is looking at in depth is the success rate of artificial nesting islands as a management tool in New Hampshire. Preliminary results from the data indicate that the artificial islands, when placed in appropriate locations, have been extremely effective in providing resident loons with alternate nest sites on lakes where nests on natural sites are unsuccessful due to fluctuations in water levels or shoreline predation. In 1985, 34% of the chicks hatched statewide came from nests that were constructed on artificial islands.

Towns surveyed where no nighthawks were observed include Center Harbor, Durham, Enfield, Groveton, Hampton, Hudson, New London, Rochester, Suncook, and Tamworth.

Migrating flocks of up to 125 birds were reported between August 18 and September 21. Most reports came from the Connecticut and Merrimack river valleys and the coastal area.

Reports of **Whip-poor-wills** came from 57 towns, as the map indicates. The earliest bird reported arrived April 22. The last to leave were still singing the week of September 22. Maximum numbers reported for any one time were in Goffstown (5), Haverhill (6), and Whitefield (5+).

Listeners from several towns reported no birds. One participant characterized the '85 season as "a very disappointing year." In other towns, however, Whip-poor-wills have returned after several years' absences. Lengthy letters and comments about "our" bird demonstrate the affection this species (though admittedly tiresome at two in the

### Peregrine Volunteers Needed for Observation Day

The N.H. Endangered Species Program is seeking individuals with patience, endurance, and keen observation skills to assist with cliff monitoring activities in 1986.

The program has been somewhat redesigned this year. Evening orientation sessions will be provided in late April, and field training will be offered on Sat., April 26, and Fri., May 2. Participating volunteers will observe at an assigned site for a minimum of 6 hours on Sat., May 3 (Sunday rain/snow/fog day), and may sign up to assist staff biologists with observations on additional days if they choose.

Peregrine falcons occupied three New Hampshire eyries in 1985, and biologists expect additional pairs to return this year. The watchful eyes of many observers are a key to detecting the presence of resident peregrines.

Anyone wishing to participate should request further information from: Peregrine Project, ASNH, P.O. Box 528-B, Concord, NH 03301.

CFS

*monor*

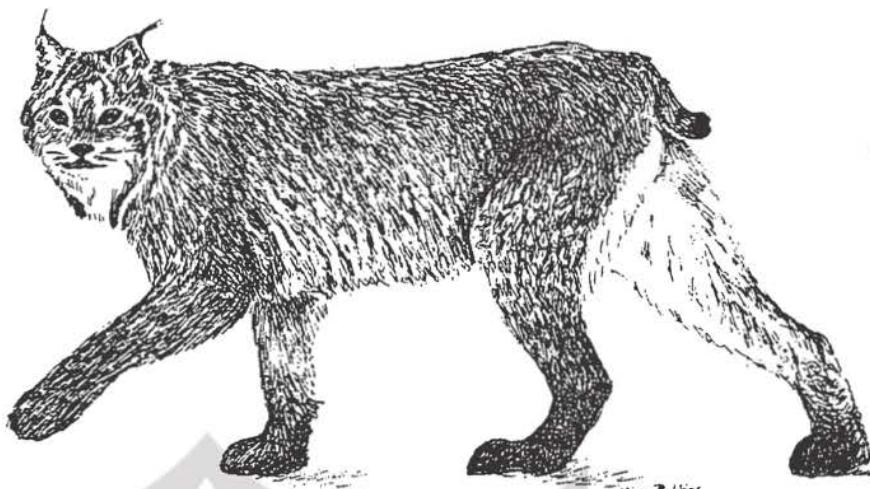
### NORTH AMERICAN LOON FUND HOLDS ANNUAL CONFERENCE

Loon watch organizations from around the country, a number of which are modeled after ASNH's Loon Preservation Committee, were represented in October at the North American Loon Fund's (NALF) annual conference in Gilford.

During the morning session, wildlife biologists from 11 northern states discussed the status of the Common Loon (*Gavia immer*) population in their respective states. Reports ran the gamut: from the Minnesota program that, because of its thousands of lakes and many loons, applies random sampling techniques to estimate their loon population, to the Massachusetts program which monitored only four nesting attempts and one fledgling chick.

According to the reports, the population of Common Loons is healthy in those areas well removed from human disturbance, but is subject to difficulties in areas of high human activity. In areas like New Hampshire, where education and management are quite strong, the loon population appears to be steady and may show indications of increase.

In an afternoon workshop, Loon Preservation Committee's Carrie Maus-



### Lynx Research Underway

Since the lynx was named to New Hampshire's list of endangered species in 1980, little has been learned about the current status of this native cat. A secretive predator of high elevation and far northern spruce fir forests, the lynx is not prone to incidental encounters with humans, and its habits are poorly known in comparison with its smaller cousin, the bobcat.

This winter a field biologist will brave steep terrain, deep snows, and freezing temperatures to learn more about New Hampshire's lynx population, by conducting extensive track surveys in the White Mountains. The goal of the study, which is a cooperative project of the White Mountain National Forest, the Department of Forest Resources at UNH, and the N.H. Fish & Game Department, is to determine whether

or not there is a viable lynx population in New Hampshire, and to identify areas of lynx activity.

Nearly all of New Hampshire's lynx habitat lies within the White Mountain National Forest, and this area has been considered to contain the core of the remaining lynx population in New England (except for Maine). Because the lynx is especially sensitive to human disturbance, the needs of the species will receive special attention in the Forest Plan currently in preparation.

This winter's field work will be an important beginning to increased understanding of the habits and needs of New Hampshire's lynx population. Such understanding is crucial to a secure future for this unique predator in the White Mountains, and we hope it will come in time.

CFS

Pugh gave a talk on public relations techniques and theories, many of which are utilized by LPC. Her discussion emphasized the importance of achieving and maintaining a strong volunteer effort in any grassroots environmental organization.

Two educational packages were also presented: (1) an exceptional slide show and accompanying taped script, by Syracuse University loon researcher Judy McIntyre, for elementary school audiences as well as for families, which follows the life cycle of a loon and discusses hazards that loons face today; and (2) the Loon Learning Kit, a complete, portable educational program by Pam Perry of the Minnesota Dept. of Natural Resources, that includes everything from a 20-minute film to a mounted loon, and many other educational tools and materials.

LPC Director Jeff Fair moderated a research/management workshop, and he

presented a paper on the employment and use of artificial nesting islands in New Hampshire. Fair summarized the justifications of raft employment, use and success in N.H., and problems incurred in their use.

For further information on North American Loon Fund projects, contact: NALF, Main St., Humiston Bldg., Meredith, NH 03253, tel. 279-6163.

CM-P





## ACID RAIN PARTNERSHIP GETS UNDERWAY

"An ambitious and worthwhile undertaking." So editors of the Columbus (Ohio) *Citizens-Journal* described the Acid Rain Partnership, a bi-state project to involve citizens of Ohio and New Hampshire in an exchange of ideas and perspectives about acid rain.

Presently 100 Ohioans from various backgrounds are corresponding with a partner in their "sister" state, New Hampshire. Their exchange is based on questions in a workbook exploring various environmental, economic, technological, and legal aspects of the acid rain debate. These responses represent the first phase of discussions that hopefully will result in recommendations acceptable to and backed by citizens in both states who can help break the deadlock that has stymied national action on acid rain.

Upcoming Partnership activities include an early April tour of New Hampshire by 20 delegates chosen from among the partners, 10 from each state. The tour will give delegates the opportunity to see first-hand how acid rain affects the Granite State. A similar tour in Ohio will expose New Hampshire's delegates to the economic difficulties likely to result from acid rain controls. . . . Ohio presently emits nearly twice the sulfur dioxide of any other state and is heavily mined for high sulfur coal.

Delegates will need places to stay and pot-luck suppers to eat when visiting New Hampshire; we hope to be able to accommodate the entire delegation in peoples' homes for their two- to three-day stay.

Additional events planned include three wine and cheese fundraising parties in February (in the Monadnock and Seacoast regions and Manchester) to support the delegate tours.

We're anxious to involve as many people as possible in the Partnership — both now and when it comes time to disseminate the recommendations that the delegates will negotiate with the assistance of a professional mediator. Their recommendations will be based on a summary of the 200 partners' correspondences, information gleaned from a forum on key acid rain issues, and their own impressions from the two state tours.

Anyone interested in additional information or in helping with either the delegates' tour or the wine and cheese parties, please contact the Partnership office, c/o Audubon Society, or call 224-4340.

Margaret Watkins  
ARP Staff Assistant

## LEGISLATIVE OUTLOOK FOR 1986

The upcoming session of the N.H. Legislature promises to be a busy one for the first session in the biennium's "off year." While many had hoped that this first of the annual sessions would be shorter than usual, that doesn't appear to be the case. Many interim study committees have been busy, and by last September nearly 1000 bills had been filed with Legislative Services. The following outlines some of the more important bills we will be monitoring during the session.

A very important issue to ASNH returning this year is the **reorganization of the state's natural resource agencies**. A series of roundtable meetings were held at the end of last year's session when it was apparent that last year's bill had little support. Attending these meetings were legislators from the Executive Departments and Administration Committee (which has jurisdiction), other legislators, members of the conservation and business communities (including ASNH), and state agency personnel. The reorganization proposal was then rewritten based on the discussion. This bill is one which ASNH will be following closely.

Another issue which was worked on in interim study was **hazardous waste**. As a result, there are several bills in this session dealing with hazardous waste facility siting, as well as third-party liability and reporting of contamination by members of the public.

The session last year saw several bills dealing with **lakes issues**. This year there will be a package of bills on lake use and development, with subjects ranging from the establishment of lakes conservation districts and the regulation of docks, slips, and piers, to public access and the restriction of motor size on certain ponds. ASNH will be participating in a joint lobbying effort on the lakes issue with a coalition of lake associations. (see *View From Aud. House*, p. 2.)

The main wildlife bill that we will be following is one that would legalize and regulate **falconry** in the state. ASNH has serious concerns about the bill as drafted, and feels that it would be extremely difficult to enforce.

The legislature will be considering several **highway bills** this session. One we will be following closely deals with the Scammell Bridge on Rte. 4, which could potentially involve our Bellamy River Sanctuary. (See accompanying story.)

A longtime interest for ASNH has been **natural areas protection**, and legislation outlining a state policy to protect natural areas has been filed. We have participated in the Natural Areas Council since its inception in 1980, and we cooperate with the N.H.

Natural Heritage Inventory (a computerized inventory of rare and unique plant and animal species and communities). There is currently an opportunity to house the inventory in the Dept. of Resources and Economic Development, where it can be a part of the

(Continued on p. 9)

### Scammell Bridge Controversy

A bill has been filed by Sen. Leo Lessard to appropriate money to connect the Rte. 4 bypass in Durham to the Spaulding Turnpike. The project may include replacing the Scammell Bridge which crosses the Bellamy River just below ASNH's sanctuary at Clement's Point.

There has been considerable pressure from residents living along Rte. 4 in the vicinity of Scammell Bridge to re-route the highway away from the Dover Point area; an early proposal would go through the Bellamy River Sanctuary. The local residents cite a high accident rate along that portion of Rte. 4, and claim the bridge is not safe.

In November, Governor Sununu released the Highway Commission's ten-year plan for highway projects. Under the plan, Rte. 4 is scheduled for a long range study and reconstruction between Concord and Durham (to be completed by 1993), and a bypass is recommended from Durham to the Spaulding Turnpike one mile north of the Dover toll booths. The latter is to be completed in 1992.

Sen. Lessard has stated in writing that he would not support a route that would go through the Bellamy River sanctuary. He feels the choices for the Scammell Bridge situation are: (1) to build a bypass, such as that recommended by the Highway Commission, and remove the Scammell Bridge, (2) re-route the present highway and construct a new bridge in essentially the same place as the existing one, or (3) to make improvements to the existing roadbed (e.g., widen the road, make turning lanes) and construct a new bridge as in (2).

At this time, ASNH believes the most reasonable solution would be the third option, but we will be participating in ongoing discussions regarding the final decision on this issue.

For more information on this legislation, or for a copy of the ten-year highway plan, contact Jackie Tuxill at 224-9909.

JLT

## SOME NOT-SO-NEW FACES AT AUDUBON HOUSE

We are delighted to welcome back to the ASNH staff **Steve Walker**, who has assumed the full-time position of Property Manager. Steve spent last year with us as a naturalist, developing and conducting two outstanding school programs on birds and mammals.

A graduate of Keene State College and Antioch/New England Graduate School, Steve spent a semester in Nepal working on environmental problems, and has served internships at the Harris Center for Environmental Education, the Science Center of Hartford (his home town), and ASNH. For the past six summers he worked as chef for AMC's Echo Lake Camp on Mt. Desert Island, Maine, where he also began a naturalist program and was responsible for much of the camp's environmental landscaping. Steve's other interests include bee-keeping, photography, snowshoeing, and kayaking.

In his new position Steve will administer and maintain ASNH buildings and wildlife sanctuaries — developing management plans, supervising building and trail maintenance, assisting with property surveys and demonstration projects, and other activities thirsty for Steve's enthusiasm and creativity.

MC



Biologist Diane Evans will come in from the cold this winter to work as the wildlife department program assistant.

Mary Carr photo

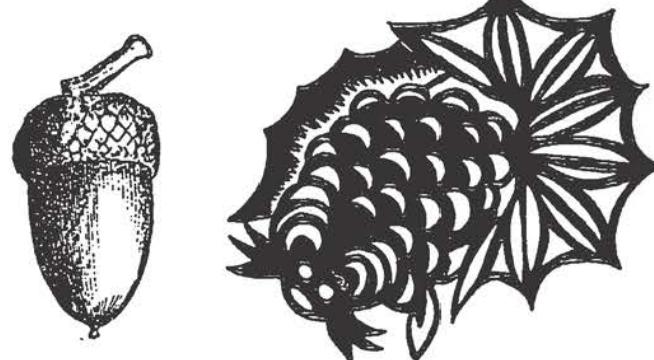
tant. A New Hampshire native and graduate of the University of Rhode Island's Resource Development department, Diane has been on the N.H. Endangered Species Program field staff for the past four years. With two summers each on the tern and osprey projects, and three winters on the eagle project, Diane is well prepared to help coordinate wildlife program activities and pull together the several years of data from recent field research projects. Lest her feet stay too dry and her binoculars get dusty, she will also spend a portion of her time in the field on monitoring efforts.

We welcome Diane to the headquarters staff, and hope that she finds life in the office rewarding and enjoyable.

CFS

Biologist Diane Evans will be trading blinds, black flies and binoculars for typewriter and telephone during much of 1986, as she fills the niche of wildlife program assis-

### A Native American Riddle



Which is quieter — an acorn or a fish? Why?

## AUDUBON LECTURE SERIES

Tuesday, January 8, 7 p.m.  
at Audubon House, Concord

### THE LOGGING LIFE

Join Jeff Wallner of the Society for the Protection of N.H. Forests, for a visit to a turn-of-the-century logging camp in northern New Hampshire. This slide program will explore the romance of the old camps and the cold reality of the back-breaking work of N.H. loggers.

Friday, March 14, 6:30 p.m.  
at Audubon House, Concord

### THINGS THAT GO BUMP IN THE NIGHT

Join staff from ASNH and nearby White's Farm as we explore the strange phenomenon called night. A brief orientation will be held indoors prior to our nocturnal outdoor venture. We hope to call in amorous Barred Owls, see or hear Flying Squirrels, and investigate other things that go bump in the night.

CG

### NEW TIME!

**Bird Study Skin Class**  
Wed., Feb. 26, 6:30 p.m.

Learn to prepare study skins for the ASNH collection. One evening introductory session, followed by three Saturday morning sessions, to be concluded by the end of April.

**Lecturer:** Pat Spencer  
**Cost:** \$12 members, \$15 non-members  
**Requirements:** Intense interest in birds and bird anatomy, and ability to make long-term commitment to do study skins as a service to ASNH. Bring scalpel, surgical scissors, forceps.

**PREREGISTRATION BY FEB. 1 REQUIRED.** Call 224-9909 for details.

### LEGISLATIVE OUTLOOK

(Continued from p. 8)

state's data base. The information will be useful in early planning to ensure that sensitive areas will be minimally affected. The legislation affirms the state's commitment to the inventory.

With these and other bills dealing with river resources, current use, and forest management, it promises to be quite a busy session! For more information on the session, please contact Jackie Tuxill at Audubon House, 224-9909.

JLT

Spend springtime in the desert . . .

## BIG BEND NATIONAL PARK

"I ate lunch atop a cliff that dropped off for 2000-4000 feet below me. The land spread out beyond that so that I could see for almost 100 miles into Mexico. It was perfectly quiet. Below me a Golden Eagle floated on an updraft. Everywhere I looked there was stark desert and rugged mountains and occasionally a glint of the Rio Grande far below. And all so quiet. . . . Birds of interest today — Brown Towhee, Williamson's Sapsucker, Phainopepla, Rufous-crowned Sparrow, Canyon Wren, Cactus Wren, "Red-shafted" Flicker, "Oregon" Junco and Gray-headed Junco."

Spectacular scenery, exotic birdlife and plants, plus the unique ambience of the Chihuahuan Desert, combine to make Big Bend National Park in western Texas one of the most fascinating destinations in the United States. Join other ASNH members as they travel with Bob Quinn in April for a week of sun and fun in the Big Bend country . . .

Spectacular scenery awaits participants on the trip to Big Bend this spring.

Chuck Gibilisco photo

" . . . the wind sighed through the narrow gorge as the water rushed along, the croaking of a Raven reverberated off the thousand-foot high canyon walls. Along the river (the Rio Grande) I saw Black Phoebes, White-throated Swifts and Rock Wrens.

Back at the campground I found Verdins, Pyrrhoxias, a Road Runner and White-winged Doves. . . ."

Send now for your itinerary to this exciting land of grand vistas, strange birds and fascinating cacti.

RAQ



## AUDUBON AFIELD

### THE ANDROSCOGGIN: IN SEARCH OF NORTHERN WINTER BIRDS

DATE: Sat., Jan. 11 (snow date Sun., Jan 12), 9 a.m.

See the November-December issue for details, or call 224-9909.

life. This trip will be fun, and is designed for the novice to intermediate skier — but everyone is welcomed!

### THE SWEETNESS OF SPRING: TAPPING THE SUGAR MAPLE

DATE: Sat., March 8, 9:30-11:30 a.m.

LEADER: Rich Glatz, White's Farm

COST: ASNH members free, nonmembers \$2.  
PREREGISTRATION REQUIRED.

PLACE: Concord

The whole family is invited to experience the complete process of maple sugaring, from making the spiles (spouts) to collection, evaporation, and, best of all, sampling. We will visit a nearby Sugar Bush to investigate this delightful, sure-fire sign of spring.

CG

### CROSS-COUNTRY SKI WORKSHOP & TURKEY POND SKI TOUR

DATE: Sat., Feb. 15, 9:30 a.m.-4:00 p.m.

(workshop only, 9:30-11:30 a.m.; ski tour only, 1-4 p.m.)

LEADERS: Chuck Gibilisco and staff of S & W Sport Shop

COST: Workshop \$2 members, \$3 nonmembers; ski tour free to all.  
PREREGISTRATION REQUIRED FOR BOTH PORTIONS OF THE PROGRAM. REGISTRATION DEADLINE: Feb. 5.

PLACE: Audubon House/Turkey Pond, Concord

Like any other outdoor sport, cross-country skiing can be arduous or effortless depending on your goals, the terrain, equipment, and snow conditions. Join Audubon staff and representatives from Concord's S & W Sport Shop as we review the basics of cross-country skiing. There will be both indoor and outdoor instruction, with many types of skis and equipment for your inspection and evaluation. Please bring your own equipment. A limited number of rental skis may be available for a fee for preregistered participants (give us your height and shoe size when you register).

The afternoon ski tour to nearby Turkey Pond will begin at 1 p.m. We'll explore and study animal tracks, trees, shrubs, snow, and snow



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Vol. 22, No. 1, January-February 1986

Executive Director: Les Corey  
Editor: Mary Carr

Staff Contributors: Jeff Fair, Chuck Gibilisco, Carrie Maus-Pugh, Robert A. Quinn, Carol F. Smith, Jacquelyn L. Tuxill



**FIELD TRIPS** usually last all day unless otherwise indicated. Participants should bring lunches, unless they plan to break off early, and dress appropriately for the weather and the nature of the trip. **PROGRAMS** unless otherwise indicated are free and open to the public; please note those which require advance reservations or fees. Members are encouraged to bring friends and neighbors to any Audubon trip or program.



**WED., JAN. 8, 7 p.m.** "The Logging Life." Audubon Lecture Series. See article elsewhere in this issue for details. H

**WED., JAN. 8, 7 p.m. coffee; 7:30 program.** "Big Birds, Etc." Seacoast meeting and slide program. Lecturers: Charlie and Katie Wheeler. Meet at Urban Forestry Center, 45 Elwyn Rd., Portsmouth. For info. call T. Arter, 942-8519. S

**SAT., JAN. 11, 8 a.m.** Birding Trip to Plum Island and Newburyport area. Leader: Ralph Andrews. Meet at the Meadows Drive-In, Rte. 111, Hudson. For info. call R. Andrews, 889-3222. V

**SAT., JAN. 11, 9 a.m.** Androscoggin Valley Birding Trip. See Nov.-Dec. newsletter or call 224-9909 for details. H

**MON., JAN. 13, 7:30 p.m.** "Canoeing on the Albany River." Lecture and slide program. Lecturer: Edgar P. Wyman. Meet at Red Jacket Inn, No. Conway. For info. call P. Bissell, 383-4266. W

**TUES., JAN. 14, 7:30 p.m.** "Restoration of Atlantic Salmon." Lower Merr. Valley meeting and slide/lecture program. Lecturer: Victor Segarich. Meet at Nashua Public Library. For info. call B. Goodwill, 673-6636. V

**TUES., JAN. 14, 7:30 p.m.** "Who-o-o's Who: N.H. Owls." Mt. Monadnock monthly meeting and slide presentation. Lecturer: Carol Smith. Meet at Keene Public Library. For info. call D. Hoitt, 352-0987. M

**SAT., JAN. 18, 9 a.m.** Trip to Sea Point Beach, Kittery, Maine, for winter birds. Leader: Leon Phinney. Meet at McDonald's, Newington Mall. For info. call P. Lacourse, 474-9347. S

**SAT., JAN. 18, 10 a.m.-2 p.m.** Deering Winter Ski Tour, at the ASNH Deering Sanctuary. Bring ski equipment. Leaders: Les and Bonnie Corey. Meet at Derring Wildlife Reserve (or at Audubon House at 9:15 to carpool). For info. call L. Butman, 783-9298. C

**SAT., JAN. 18, 5 p.m.** "Teaching Children About Wildlife." Capital Area pot luck dinner and slide/lecture program. Bring a dish to share. Lecturer: Chuck Gibilisco. Meet at Audubon House. For info. call P. Churchill, 224-9945 (days) or 224-7522. C

## FEBRUARY

**SAT. & SUN., FEB. 8 & 9, all day.** Cardinal-Tufted Titmouse-Mockingbird Survey. See article elsewhere in this issue for details. H

**SUN., FEB. 9, 1-4 p.m. (snow/rain date Sun., Feb. 16)** Scotland Brook Sanctuary trip. Bring skis or snowshoes. Leader: Gene Twaronite. Meet at Scotland Brook Sanctuary, Landaff. For info. call L. Butman, 783-9298. C

**TUES., FEB. 11, 7:30 p.m.** "Astronomy & Halley's Comet." Lower Merr. Valley meeting and lecture. Lecturer: Garry Stewart. Meet at Nashua Public Library. For info. call B. Goodwill, 763-6636. V

**WED., FEB. 12, 7 p.m. coffee, 7:30 program.** "Whose Woods These Are." Seacoast meeting and slide show. Lecturer: Peter Randall. Meet at Urban Forestry Ctr., 45 Elywn Rd., Portsmouth. For info. call T. Arter, 924-8519. S

**FRI., FEB. 14, 7:30 p.m.** "There's More to Winter Than Meets the Eye." Slide/lecture program with Ted Levin, Montshire Museum. Meet at Red Jacket Inn, No. Conway. For info. call P. Bissell, 383-4266. W & Tin Mtn. Conserv. Ctr.

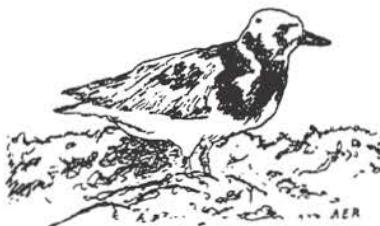
**SAT., FEB. 15, 9:30 a.m.-4 p.m.** Cross-country Ski Workshop and Turkey Pond Ski Tour. See Audubon Afieeld elsewhere in this issue for details. Preregistration required. For info. call 224-9909. H

**SAT., FEB. 15, all day.** Winter Field Trip. Location and meeting place to be announced. Leader: Ted Levin. For info. call J. Longnecker, 383-4360. W & Tin Mtn. Conserv. Ctr.

**SUN., FEB. 16, 9 a.m.** Field Trip to Plum Island. Leader: Paul Lacourse. Meet at Hampton State Park. For info. call P. Lacourse, 474-9347. S

**THURS., FEB. 20, 7:30 p.m.** "GROWING... GOING... GONE! N.H.'s Land & Forests on the Auction Block." Slide show and discussion with Sarah Thorne, Soc. for the

Prot. of N.H. Forests. Meet at Audubon House, Concord. For info. call P. Churchill, 224-9945 (days), 224-7522. C



## MARCH

**SAT., MAR. 8, 9:30-11:30 a.m.** The Sweetness of Spring: Tapping the Sugar Maple. See Audubon Afieeld elsewhere in this issue for details. For info. call 224-9909. H

**MON., MAR. 10, 7:30 p.m.** "Geology of Mt. Washington." Mt. Wash. Valley meeting and lecture/slde/program. Lecturer: Brian Fowler. Meet at Red Jacket Inn, No. Conway. For info. call P. Bissell, 383-4266. W

**TUES., MAR. 11, 7:30 p.m.** "Wild Turkey Restoration." Lower Merr. Valley meeting and slide/lecture. Lecturer: Ted Walski, N.H. Fish & Game Dept. Meet at Nashua Public Library. For info. call B. Goodwill, 673-6636. V

**TUES., MAR. 11, 7:30 p.m.** Mt. Monadnock monthly meeting. Program to be announced. Meet at Keene Public Library. For info. call D. Hoitt, 352-0987. M

**WED., MAR. 12, 7 p.m. coffee, 7:30 program.** "Peregrine Falcons in N.H.: Past, Present & Future." Seacoast meeting and slide/lecture program. Lecturer: Carol Smith. Meet at Urban Forestry Ctr., 45 Elywn Rd., Portsmouth. For info. call T. Arter, 924-8519. S

**FRI., MAR. 14, 6:30 p.m.** "Things That Go Bump in the Night." Audubon Lecture Series. See article elsewhere in this issue for details. For info. call 224-9909. H

**SAT., MAR. 15, 9 a.m.** Field Trip to Beaver Brook Reservation. Bring skis and snowshoes. Leaders: Paul and Alice Cormier. Meet at Diamond Casting, Rt. 130, Hollis. For info. call A. Cormier, 882-0324. V

★ = SEE AUDUBON AFIELD BROCHURE FOR DETAILS.

Sponsored by:

V = Lower Merrimack Valley Chapter

M = Mt. Monadnock Chapter

C = Capital Area Chapter

L = Lakes Region Chapter

S = Seacoast Chapter

H = ASNH Headquarters

W = Mt. Washington Valley Chapter

SS = Scotland School



## TRIPS AT A GLANCE

### JANUARY

- 11, Sat. Plum Island  
Androscoggin Valley  
18, Sat. Sea Point Beach  
Deering Skiing

### FEBRUARY

- 8-9 C-TT-M Survey  
9, Sun. Scotland Brook  
15, Sat. Turkey Pond Skiing  
No. Country Trip  
16, Sun. Plum Island

### MARCH

- 8, Sat. Sugar Mapling  
15, Sat. Beaver Brook

For details, see COMING EVENTS, p. 11

## CARDINAL — TUFTED TITMOUSE — MOCKINGBIRD SURVEY

Do you enjoy watching the birds at your feeder? If so, why not join hundreds of other ASNH members in participating in the annual Cardinal-Tufted Titmouse-Mockingbird Survey, to be held Feb. 8 & 9, 1986? Each year we conduct the survey to see how well these birds have fared through the winter. Here is your chance to make your feeder watching meaningful as well as fun!

For a reporting form and instructions, send a BUSINESS-SIZED, STAMPED, SELF-ADDRESSED ENVELOPE to: C-TT-M Survey, P.O. Box 528-B, Concord, NH 03301.

RAQ



### BIRD SEED

for sale all winter  
at Audubon House, Concord

Mon.-Fri. 9-5, Sat. 9-4

Bird feeding tip: For easier disposal of sunflower hulls, put window screening underneath your feeders!

### AUDUBON SOCIETY OF NEW HAMPSHIRE

3 Silk Farm Road  
P.O. Box 528-B  
Concord, NH 03301

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Concord, N.H.

## DATED MATERIAL: PLEASE RUSH

*What is life? It is the flash of a firefly in the night. It is the breath of a buffalo in the wintertime. It is the little shadow which runs across the grass and loses itself in the sunset.*

— Blackfoot



ASNH Trustee Tupper Kinder and his family were among the nearly 800 members and friends who enjoyed the Audubon Animals exhibit and the dedication celebration in November. See p. 4 for more photos.

Tom Arter photo

## A SPECIAL THANK-YOU

Our sincere thanks to all who helped make our dedication weekend a ringing success. We especially acknowledge the following friends and businesses for their generous contributions of flowers, refreshments, entertainment, photography, and programs:

If you were unable to attend the dedication and would like to receive a copy of the dedication booklet, with a list of donors to date, please send a stamped (39¢), self-addressed 9x13" envelope to: Dedication Program, ASNH, P.O. Box 528-B, Concord 03301.

MC

Alcott's Flowers and Gifts  
Tom Arter  
ASNH Board of Trustees  
Barney's Flower Shop  
Linda Beyer  
Bridge & Byron Printers, Inc.  
Stanley Burbank  
Capital Offset Company, Inc.  
Priscilla Clark  
Conant School Hawkwatcher's Chorus  
Concord String Quartet  
Noreen Crean  
Debora Doscher

Lucy Winters Durkin  
Kate Emlen  
Gould Hill Orchards  
Granite State Natural Foods  
Elizabeth Hager  
R. P. Hale  
Jane and Monte Harris  
Janet's Donuts  
Malcolm McLane  
D. McLeod, Inc.  
Pleasant View Gardens  
Tudor and Barbara Richards  
Roger Stephenson

Penny Verville  
Weeks Dairy Foods  
Chuck Winterling

We are also deeply grateful for special gifts from the following:

Parkie Fischer  
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## THE CREATIONIST CONUNDRUM

Douglas Schwarz

When the ants in T.H. White's fanciful re-telling of the Arthurian legends, The Once and Future King, made war upon their neighbors, they justified themselves with logic of the following sort.

- A. We are more numerous than they are, therefore we have a right to their mash.
- B. They are more numerous than we are, therefore they are wickedly trying to steal our mash.
- C. We are a mighty race and have a natural right to subjugate their puny one.
- D. They are a mighty race and are unnaturally trying to subjugate our inoffensive one.
- E. We must attack them in self-defense.
- F. They are attacking us by defending themselves.

Even the unlearned Wart was able to recognize the absurdity of this line of argument, and understood the lesson which Merlyn had intended him to learn from the ants: that similar logical processes are often to be found in the arguments of human beings. Humanity, however, is somewhat more subtle than ant-kind, and logical conundrums of this sort not only escape our attention from time to time, but occasionally threaten to become the basis of public policy.

Consider, for example, the arguments put forth by those who seek "equal time" for creationist theories of the origin of life whenever evolution is taught in the public schools. This

request has a ring of plausibility and fairness to it. It has swayed boards of education, and won the support of elected officials from Georgia State Representative Tommy Smith to President Reagan. To build a legal argument for their case, however, the creationists are obliged to simultaneously take two positions which--while not logically contradictory--are highly implausible when viewed side-by-side. In order to obtain court permission for the teaching of its theories in the public classroom, the movement must insist that creationism is science, not religion. Yet in order to obtain a mandate for the "equal time" policy they espouse, the creationists must also argue that evolution is not science, but religion.

Proponents of creationism claim that what they wish to introduce to the public school curriculum is not religion, but a scientific theory. "Scientific creationism" avoids references to religious literature, and eschews the use of the word "God" in favor of more neutral terms like "creator" or "designer." The arguments used to justify hypothesizing such a being are not based upon revelation. Creationists claim that the existence and complexity of the world, of life, and of humanity is prima facie evidence for the existence of an intelligent creator. Coupling this with purported demonstrations of the inadequacy of alternative explanations (i.e. evolutionary theories), they build a case for creationism which is essentially empirical in nature.

If the creationists are to achieve their goals, this interpretation of the nature of their theory must prevail. It

is virtually certain that the teaching of a religious doctrine in public school science classes could be challenged successfully on Constitutional grounds. In cases dealing with such diverse issues as Bible reading (Abington, 1963), prayer (Engel, 1962), and released time (McCollum, 1948), the Supreme Court has consistently ruled that the public school, as an arm of the State, cannot promote any religious viewpoint (nor all religious viewpoints, nor religiosity in general) without violating the 1<sup>st</sup> and 14<sup>th</sup> Amendments. It is therefore necessary for creationism to be perceived as something other than religion, if the teaching of it is even to be permitted.

But the creationist movement wants more from the courts than mere tolerance of its theories. In last spring's "Scopes II" trial, for example (Segraves v. State Board of Education, Superior Court of California), the director of the Creation Science Research Center initially sought a court order requiring the teaching of creationism in the state's public schools. To obtain such rulings, however, creationists must do more than simply demand "equal time." (That phrase, borrowed from the FCC's Fairness Doctrine concerning certain obligations of the broadcast media, has no applicability whatever to the public schools.) Rather, the creationists must demonstrate that the teaching of evolution without creationism constitutes a violation of their rights which the courts are obligated to correct.

And indeed, the creationists claim this is the case. Inevitably, they argue, the teaching of evolution will challenge the faith of believers in Biblical creation, and tend to lead them away from Christian beliefs and moral values. This, they suggest, constitutes a State-supported attack upon their religion, from which they are Constitutionally entitled to protection. The Supreme Court, however, has ruled (Epperson, 1968) that the fact that evolution "is deemed to conflict with a particular interpretation of the book of Genesis by a particular religious group" does not mean that the teaching of evolution constitutes an attack upon that group. To the contrary, the Court contends that the public schools must teach the generally accepted body of knowledge regardless of its religious implications (positive or negative), in order to maintain an appropriate attitude of neutrality toward religion.

Thus the creationists have had to go further in their efforts to prove that the schools are not legally entitled to teach evolution without creationism. This they have done by introducing the argument that evolution itself is in essence a religious doctrine. As Nell Segraves insisted during the "Scopes II" trial, evolution is "the religion of humanistic atheists, and is aligned with many Eastern religions." Forcing it upon children in the public schools therefore violates those children's right to freedom of religious belief.

By itself, this argument is plausible. The Supreme Court has recognized (notably in conscientious objection cases such as Welsh, 1970) that a system of thought which is not explicitly theological may nonetheless fall within the 1<sup>st</sup> Amendment's definition of "religion." The Court has even suggested (in Epperson) that evolution may possibly be an implicitly religious doctrine of this type. If so, the creationists might indeed have a case for the removal of evolution from the public school curriculum, a point made by Judge Overton in the recent Arkansas trial (McLean v. Arkansas Board of Education, U.S. Court for the Eastern District of Arkansas). This, however, is not what the creationist movement is presently seeking. In attempting to have their own views added to the curriculum, the creationists place themselves in the absurd position of insisting that while evolution is in fact religion, creationism is not.

All of the arguments used by creationists to prove that evolution is a religious doctrine can be used with equal effectiveness against creationism itself. If evolution supports the teachings of Eastern religion and of "humanistic atheists," creationism surely provides equal support for Judeo-Christian doctrines. Learning evolutionary theory threatens the faith of some Christian children no less than learning creationist theory would threaten, for example, the faiths of some Buddhists and Native Americans. Evolution may suggest certain moral conclusions,

but so too does creationism. In short, if Christians are entitled to legal protection from proponents of evolution, others are equally entitled to be protected from creationism.

Two consistent strategies are available to the creationist movement. It might, on the one hand, insist that evolution is indeed religion, and seek once again to have the teaching of it banned from public schools. (Admittedly, such a strategy seems unlikely to succeed. As stated in Judge Overton's opinion, ". . . it is clearly established in the case law, and perhaps also in common sense, that evolution is not a religion . . ." Judge Perluss also ruled against that argument early in the proceedings of "Scopes II.") The alternative is to stick with the notion that creationism is science, and allow the theory to compete with evolution on its own merits, without the help of the courts. To insist upon both positions, however, casts serious doubt on the validity of either.