

The Battle for Rainbow Bridge

BY HANK HASSELL



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Dividing the waters of the Colorado River among the several states through which it flows proved to be a contentious process filled with bitter argument, drawn-out debate, and carefully crafted compromise. However, when the Colorado River Compact was finally ratified by Congress on December 21, 1928, the stage was set for what became the most massive re-engineering of a river basin ever attempted in American history. The Boulder Canyon Act, passed at the same time as the Colorado River Compact, focused on the immediate needs of the lower basin states (California, Arizona and Nevada) but at the same time directed the secretary of the interior to formulate “a comprehensive scheme of control and the improvement and utilization of the water of the Colorado River and its tributaries.”¹

With the completion of Boulder Dam in 1935 and the All-American Canal in 1943,

**FIG. 1 Aerial view of Rainbow
Bridge National Monument and
Bridge Creek before flooding, 1958.**

Hank Hassell is a librarian and teacher at Northern Arizona University in Flagstaff. He is the author of *Rainbow Bridge: An Illustrated History*, published by Utah State University Press in 1999.

¹ 43 United States Code (USC) 617N; 45 Statutes at Large 1065.

the focus of the Colorado River water development shifted to the needs of the states in the upper basin (Utah, Wyoming, Colorado, and New Mexico). True to its legislative mandate, the interior department in 1946 had ready a report identifying 134 potential dams, hydroelectric sites, and water diversion projects.² Since there was neither money nor sufficient water for all these projects, the basin states embarked on a complex series of negotiations to set priorities and formulate a workable alternative to present to Congress. In 1950 the interior department and the four states of the upper basin were ready with their proposal. Called the Colorado River Storage Project (CRSP), the plan called initially for the construction of ten dams and attendant storage reservoirs on the Colorado River and its major tributaries. The interior department anticipated a quick and easy passage for its proposal. All seven states of the Colorado River basin were solidly behind CRSP, and the development of the West was a high priority for the nation. The Department of Interior did not anticipate the political and environmental furor that would erupt when environmentalists realized that the Echo Park and Whirlpool Canyon dam sites proposed by the act lay smack in the middle of Dinosaur National Monument in northeastern Utah and northwestern Colorado. The fledgling American conservation movement had watched with indignation as Hetch Hetchy Valley in Yosemite National Park was destroyed by a dam and reservoir in 1923. They were not about to let it happen again.

Led by David Brower, executive director of the Sierra Club, and Howard Zahniser of the Wilderness Society (both at the time small, almost inconsequential organizations), the conservationists put together a coalition of hiking groups, garden clubs, and thousands of ordinary citizens who wrote angry letters to Congress opposing the desecration of still another national monument.³ This alliance managed to keep the CRSP bottled up in congressional committees for years.

Realizing that their top legislative priority was about to go under, western legislators decided it was time to deal. On December 20, 1955, Congressmen William Dawson of Utah and Wayne Aspinall of Colorado met with Howard Zahniser to discuss the problems of the dam sites. When their meeting was concluded, two key provisions were inserted into the CRSP. The first provision read: "It is the intention of Congress that no dam or reservoir constructed under the authorization of this chapter shall be within any national park or monument."⁴ The second revealed that another national monument also threatened by this act would not be forgotten, and that "... as part of the Glen Canyon Unit the Secretary of the Interior shall

² U. S. Bureau of Reclamation, *The Colorado River: A Comprehensive Report on the Development of the Water Resources of the Colorado River Basin* (Washington, D. C.: U. S. Department of the Interior, 1946).

³ The Story of this controversy is detailed encyclopedically in Mark Harvey's book, *A Symbol of Wilderness: Echo Park and the American Conservation Movement* (Albuquerque: University of New Mexico Press, 1994).

⁴ 43 USC 620B; 70 U. S. Statutes at Large 107.



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take adequate protective measures to preclude impairment of Rainbow Bridge National Monument.”⁵ Set aside by President William Howard Taft in 1910 to protect the largest known natural bridge in the world (Fig. 1) Rainbow Bridge straddled a side canyon destined to be flooded by the granddaddy of all structures proposed under the terms of the CRSP, Glen Canyon Dam. With both provisions firmly in place, all objections to the act were withdrawn, and it passed both houses of Congress with healthy majorities.

Interestingly, the provisions of law which protected Dinosaur and Rainbow Bridge were polar opposites in their effect. At Dinosaur the government was prohibited from building a pair of dams, which the Bureau of Reclamation desperately wanted, while at Rainbow Bridge the government was virtually required to build a series of protective structures, for which the bureau had little enthusiasm. However, the legislative language was clear, and as site preparation began for Glen Canyon Dam, bureau surveyors and geologists were crawling through the canyons of Bridge Creek (Bridge Canyon) and Aztec Creek (Forbidding Canyon) and adjacent mesas planning how best to “preclude impairment of Rainbow

FIG 2 Site B looking downstream showing the axis of the proposed dam and the elevation of Lake Powell when full.

⁵ 43 USC 620B; 70 U. S. Statutes at Large 105.



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Bridge National Monument.” Finally, in August 1959, a report, authored by bureau engineer Lloyd Calder, was ready for consideration.⁶

The bureau identified three sites in Bridge Canyon and one in Forbidding Canyon as possibilities for the construction of the primary structure to block Lake Powell water from entering the boundaries of the monument, which was a mere six miles from the Colorado River. Designated as sites A, B, Narrows, and C (moving progressively downstream from Rainbow Bridge), only B and C ultimately received serious consideration. (Site A was deemed too close to Rainbow Bridge, while the Narrows Site contained some questionable geology.)

Site B was located in Bridge Creek 3,200 feet (0.6 of a mile) downstream from the monument boundary. A dam at this location would have been 183 feet high with a crest length of 500 feet (Fig. 2). Of the two serious alternatives, it would be by far the least expensive, but a dam at this location would encounter two serious problems. Bridge Creek behind it is an intermittent stream for at least part of the year. A method would have to be found to keep water from pooling on the upstream side of the dam

FIG. 3 Bridge Creek showing the location of the proposed diversion dam and entrance to the diversion tunnel.

⁶ U. S. Bureau of Reclamation, *Protective Works, Rainbow Bridge National Monument, Glen Canyon Unit, Colorado River Storage Project, Preliminary Report* (Salt Lake City: Bureau of Reclamation, Region 4, 1959).



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thereby doing exactly what this dam was designed to prevent. In addition, debris from flash floods roaring down the canyon would eventually fill the space behind the dam, a process the bureau estimated would take only forty-one years. The bureau proposed to solve both problems by diverting the entire flow of Bridge Creek through a tunnel into the drainage of Aztec Creek just to the west (see Figs 3 and 4). The site chosen for the diversion was a half-mile upstream from the national monument boundary. The complex nature of this network of protective structures virtually guaranteed that the project would not be environmentally benign. Besides a high dam, diversion dam, and tunnel, construction at site B would require a high-standard haul road from Tonalea, Arizona, a power line, a construction camp, and a heliport (see Fig. 5). Fill material for the high dam would come from scraping bald the mesa a short distance downstream from the monument. This plan would leave the square mile of land making up Rainbow Bridge National Monument untouched by either the reservoir or construction, but the area surrounding it would no longer be the pristine wilderness, but would bear significant scars on the landscape lasting generations.

Far more appealing to conservationists was site C, located in Forbidding Canyon 4.5 miles downstream from Rainbow Bridge and slightly more than a mile upstream from the Colorado River. This site held numerous advantages. Using existing routes, road access could be had from the north

FIG. 4 Forbidding Canyon (Aztec Creek) showing the mouth of the proposed diversion tunnel from Bridge Creek.



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via either Hole-In-The-Rock road from Escalante or from US 89 between Page, Arizona, and Kanab, Utah. No upstream diversions of either Bridge Creek or Aztec

FIG. 5 Part of the proposed route to the Site B complex on the east side of Navajo Mountain.

Creek would be necessary, and most construction scars on the landscape would be hidden by the rising waters of Lake Powell. However, a dam at this site would require nearly as much material to construct (5 million cubic yards) as Glen Canyon Dam itself. It would have to be 365 feet high with a crest length of 800 feet (Fig.6). Its sheer size meant that it would be expensive and time-consuming to build. Furthermore, there were technical problems as well. With no upstream diversions, water would pool on the upstream side of the dam as well as on the Lake Powell side. In fact, the bureau estimated that the upstream side of the site C dam would contain a permanent reservoir 220 feet deep, only 130 feet below the elevation of Lake Powell at full pool. How would a dam react to having a reservoir on both sides? No one knew; tests and simulations would have to be run before construction could even be contemplated.

Conservationists countered the bureau's objections to site C with an exhaustive analysis conducted by Arthur B. Johnson, a registered professional engineer and fellow of the American Society of Civil Engineers.⁷ Johnson found that a slight alteration of the site C location would cut the

⁷ Arthur B. Johnson, *Some Dam Facts About Protecting Rainbow Bridge* (San Francisco: Federation of Western Outdoor Clubs, 1961).

size of the dam, and hence its costs, by half. He further argued that aggressive pumping at the site could virtually eliminate the reservoir on the upstream side of the dam. (Diesel fuel to run the pumps could be inexpensively hauled by barge up Lake Powell from Glen Canyon Dam.) In fact, Johnson argued that the cost for the modified site C complex (roads included) would be no more than \$17 million, while the bureau's own estimates for the cost of the site B complex would approach \$25 million.

The Bureau of Reclamation remained unconvinced and continued to push the site B alternative. They did this for one critical reason—time. If the diversion gates at Glen Canyon Dam were closed on schedule early in 1963 then the waters of Lake Powell would probably not reach the vicinity of the bridge until 1970, allowing construction to proceed at site B even as Lake Powell was filling. On the other hand, the proximity of site C to the Colorado River meant that a barrier dam at that location would have to be completed before the gates at Glen Canyon were closed. Delay in the fill schedule for Lake Powell was something that the Bureau of Reclamation refused even to contemplate. Hence, if Rainbow Bridge National Monument were to be protected, the site B complex was the only practical choice available.

In spite of the obvious environmental problems with construction at site B, conservationists did not argue strenuously against it. For David Brower and his allies, site C may have been the preferred alternative, and they argued persuasively in its behalf. However, if site B was all that the bureau was willing to offer, then environmentalists would not raise much of a fuss. Not everyone was reluctant to note the difficulties, however. Dr. Angus B. Woodbury, professor emeritus at the University of Utah and a member of the Glen Canyon salvage project, argued that doing nothing was preferable to construction at site B, and further “to build the protective works would entail permanently marring the remarkable landscape, not only with dams and tunnels but also with the construction and equipment accessory to the main work”⁸ Dr. Woodbury's article prompted a number of rejoinders, but it seemed the debate was merely academic. The law clearly called for the protection of Rainbow Bridge from the reservoir behind Glen Canyon Dam. Accordingly, the Eisenhower administration submitted to Congress as part of its 1960 budget a request for \$3.5 million as a down-payment on the expected price tag of \$25 million for the protective works.

Conservationists were about to learn, however, that it was one thing to prevent the government from building a dam but quite another to get them to actually construct one. As early as 1959, rumblings of congressional opposition to the project were being heard. On a swing through the West with members of the House Interior and Insular Affairs Committee, Wayne

⁸ Angus M. Woodbury, “Protecting Rainbow Bridge,” *Science* 132 no. 2426 (August 26, 1960): 528.



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Aspinal of Colorado stated: “One reason for the committee’s current tour was to determine whether or not the saving of Rainbow Bridge was in the best interests of the nation as a whole.”⁹ Just as the Eisenhower administration’s last budget reached Capitol Hill, Senator Frank E. Moss, Utah’s junior senator, was introducing a bill to repeal the protective language on Rainbow Bridge from the law authorizing the CRSP. In his remarks to the Senate introducing his repeal proposal, Senator Moss stated: “I contend that the \$25 million requested for this purpose by the President in the 1961 fiscal budget would be an unnecessary expenditure and represents an indefensible waste of the taxpayer’s money.”¹⁰ Senator Moss’ proposal went nowhere in Congress, but he, Wayne Aspinal, and newly-appointed commissioner of the Bureau of Reclamation, Floyd Dominy, mounted an intense lobbying effort in the House Appropriations Committee in order to get the funding for the protective works deleted from the Interior Department appropriations bill. Their efforts proved successful, and in May 1960, the proposed appropriation was removed. Opposition to the protective works for Rainbow Bridge focused on the appropriations process. Once enshrined into law, it is very difficult to repeal a statute. Even a small

FIG. 6 Forbidding Canyon (Aztec Creek) looking downstream showing the axis of the proposed dam at Site C.

⁹ Lois Sanderson, “Touring Lawmakers Split on Rainbow Bridge Plans” *Arizona Daily Sun* (Flagstaff, Arizona), October 19, 1959.

¹⁰ Congress, Senate, 86th Cong., 2nd sess., Congressional Record (March 11, 1960), 5241.

constituency, by deft parliamentary maneuvering, can delay legislative action in the House almost interminably, and at the time it took two-thirds of the Senate even to move a bill forward to a vote. Appropriations bills, on the other hand, because they contain something for everyone, usually move quickly. Such measures are also immune to filibustering in the Senate.

Ordinarily, the lack of such a small appropriation would not necessarily have proved fatal to a project. Monies could be found from elsewhere in the Department of Interior's budget to at least get site preparation started, but Congress blocked this approach. Language was inserted into the Interior Department appropriations bill which read, "no part of the fund herein appropriated shall be available for construction or operation of facilities to prevent waters of Lake Powell from entering any national monument."¹¹ Congress had declared that an honorable compromise reached between conservationists and two Western congressmen only four years previous was now worth nothing. In fact, identical language was to appear in every Interior Department appropriations bill through 1971, even though no funds for the protective works were even requested after 1962.

Why were Senator Moss and the Interior Department so opposed to building the protective works for Rainbow Bridge? At the time Senator Moss cited the excessive costs, but compared to the monies being appropriated for Glen Canyon Dam alone (over \$300 million), much less the entire CRSP, the cost of protecting Rainbow Bridge was mere congressional pocket change. Interior cited excessive environmental degradation, but if that were a major concern then the site C proposal was a viable, almost benign alternative. In retrospect, one can see that the opposition grew out of pure ego. Western states congressmen had been stung and stung badly by Dave Brower's success in stopping Echo Park Dam. The Bureau of Reclamation, too, felt that it had been publicly humiliated on its own turf, and now both bodies saw Rainbow Bridge as a way to strike back.

The Department of the Interior was now faced with a dilemma. The law clearly required that Rainbow Bridge National Monument be protected from the waters behind Glen Canyon Dam, but year after year, Congress was refusing the small appropriation necessary to satisfy the statutory requirements. This dilemma now fell squarely on the shoulders of former Arizona congressman and newly-appointed Secretary of the Interior, Stewart M. Udall. Named to this post by President John F. Kennedy in 1962, Secretary Udall tried valiantly to find a way out. He proposed a giant new wilderness park for the Navajo Mountain area, including Rainbow Bridge above the 3,700 feet elevation level, in an attempt to mute conservationist demands for protection at all costs.

However, the Navajos refused to trade the land necessary to make the park happen, and conservationists were unenthusiastic. For the Navajos, the

¹¹ Public Law 88-257; 77 Stat 844 at 849.

Navajo Mountain region was held to be sacred ground ever since the “Long Walk” time of 1864, when some members of their tribe had held out there in opposition to the government’s attempt to relocate them to the banks of the Pecos River at Ft. Sumner, New Mexico.

Conservationists saw Secretary Udall’s proposal begging the question. By setting the boundary of his park at 3,700 feet (the elevation of Lake Powell at full pool), he would have “solved” the flooding issue simply by removing protection from the gorge under the Great Rock–Arch. For David Brower and his allies the issue had become one of principle, something they were unwilling to compromise even for the prospect of wilderness protection for a piece of spectacular landscape. Accordingly, they continued to demand that the gates at Glen Canyon Dam remain open until protection for the small national monument was assured. The secretary pondered the situation and then asked the department’s solicitor general, Frank J. Barry, for advice. On January 18, 1963, Secretary Udall was told that “the provisions originally included in the Colorado River Storage Project Act calling for protective measures at Rainbow Bridge National Monument have been suspended by the Congress and are no longer operative.”¹² Accordingly, word was passed by Secretary Udall to the Bureau of Reclamation to close the diversion tunnels at Glen Canyon Dam on schedule. Lake Powell began to fill on January 21, 1963.

Conservationists were aghast! Very clear statutory language mandating protection for “the scenic lodestone of the Glen Canyon region” was being ignored, first by Congress and now by the very secretary and government agency that the law had mandated to “take adequate protective measures.”¹³ It was clear that legal action would have to be had to the courts, but at this point David Brower, now president and executive director of his own organization, Friends of the Earth (FOE), bided his time. He and his allies had been to court on this issue once before in August 1962, but their case had been dismissed. Judge Alexander Holtzoff of the U.S. District Court in Washington, D.C., ruled that the Sierra Club and its allies had no legal standing to sue on this issue. This time the ground would have to be prepared more carefully. The Friends of the Earth would take the lead in organizing the legal team and paying for the litigation, but the issue of standing had to be met head-on.

Brower finally selected the Wasatch Mountain Club of Salt Lake City and Ken Sleight, a prominent wilderness guide and long-time Colorado River explorer, to be the main plaintiffs. The Wasatch Mountain Club had a clear record of numerous hikes by its members to Rainbow Bridge, while Ken Sleight could show a certain economic interest in protecting the

¹² Anthony Wayne Smith, “Rainbow Bridge: Record and Requiem,” *National Parks Magazine* 37 no. 188 (May 1963): 2, 19.

¹³ C. Gregory Crampton, *Ghosts of Glen Canyon: History Beneath Lake Powell* (St. George: Publishers Place, 1986), 49.



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monument because of his guide business. Brower figured that this would be enough to get his suit into the court, but he would wait for the right time.

As he waited, the reservoir behind Glen Canyon Dam began to quickly rise. The mouth of Forbidding Canyon went under in April 1963; site C was covered later in June. One year later the reservoir flooded the junction of Bridge and Aztec Creeks and was now only a mile from the sacrosanct national monument. The reservoir's climb now got much steeper. Bridge Creek falls toward Aztec Creek at the rate of 140 feet per mile; it would take a lot of water to get the lake level up to 3,606.1 feet in elevation, at which point it would reach the northern boundary of Rainbow Bridge National Monument, the line which the law said could not be crossed. In December 1965, the lake reached 3,534.4 feet, just below the bureau's preferred site B. Early in 1970, almost exactly as predicted, the lake reached 3,570 feet, covering site A and placing the lip of the pool just one-third of a mile from the monument. By November 1, Lake Powell reached 3,600 feet, just a quarter mile from that imaginary line in the sand. Now, Brower reasoned, it was time to act.

In November 1970, Friends of the Earth, Ken Sleight, and the Wasatch

FIG. 7 *Rainbow Bridge with Lake Powell at full pool, elevation 3700 feet, April 1985.*

Mountain Club filed suit in the Federal District Court for the District of Columbia asking that the Bureau of Reclamation and the secretary of the interior be permanently enjoined from allowing Lake Powell to rise above the elevation 3,606.1 feet. The complaint, filed by attorneys James W. Moorman and Victor H. Kramer, read, in part, “Defendants have violated, are now violating, and unless relief herein is granted, will continue to violate the Colorado River Storage Project Act.”¹⁴

Brower’s strategy was brilliant. Victory now would involve no expensive and destructive barrier dams, roads, or power lines; rather it would simply hold the elevation of Lake Powell below 3,606 feet. This would protect not only Rainbow Bridge but also a vast expanse of wilderness and many precious side canyons from flooding by the reservoir. If he could not stop Lake Powell, Brower reasoned, he could at least mitigate its most destructive impacts.

The first move by government attorney Thomas L. McKevitt was to get the venue moved out of Washington, D.C., to Salt Lake City, landing the case in the U. S. District Court of Judge William Willis Ritter. A Truman appointee with legal degrees from Harvard and the University of Chicago, Ritter was not at all the friendly Utah judge the federal government expected. A true legal maverick, he had little patience with federal lawyers and enjoyed tweaking them at every opportunity. Oral arguments in Judge Ritter’s court commenced on January 13, 1972, the plaintiffs now being represented by Owen Olpin and James B. Lee of Salt Lake City. A year later, on February 27, 1973, Judge Ritter handed down his decision. In a tightly worded three-page order he granted the plaintiff’s motion for a summary judgment and ordered the Bureau of Reclamation “forthwith to remove all waters which have already intruded from Lake Powell and the Glen Canyon Unit from entering the boundaries of the Rainbow Bridge National Monument at all times in the future.”¹⁵

Now it was the turn of the Bureau of Reclamation to shift into panic mode. The decision could not have come at a worse time, the reservoir stood at 3,600.7 feet, just outside the monument boundary, but the water frozen in the deep winter snows that had accumulated in the Rocky Mountains stood poised to roar down the Colorado River and its tributaries, and there was no place to store it. The bureau began dumping water and fast, sending 26,240 cfs through the dam’s turbines and bypass valves, generating off-season power for which there was no ready market.

Judge Ritter’s decision posed an even larger problem, however. In one fell swoop Brower and his allies had eliminated half the storage capacity of

¹⁴ Complaint by Friends of the Earth, Wasatch Mountain Club, Kenneth G. Sleight against Ellis L. Armstrong, Commissioner, U. S. Bureau of Reclamation, and Walter J. Hickel, Secretary of the Interior, November 1976, U. S. District Court for the District of Columbia.

¹⁵ Friends of the Earth v. Ellis L. Armstrong, Rogers C. B. Morton, *Order of Judgment and Decree*, Utah District Court, Central Division, February 27, 1973, p. 2.

Lake Powell. This truncated reservoir could not at the same time effectively regulate the flow of the Colorado River downstream into the lower basin (its main job) and efficiently generate the hydropower necessary to pay for the gigantic reclamation projects the bureau had already begun to construct in the upper basin states. On March 12, 1973, a furious Senator Moss re-introduced his bill to strip the statutory language protecting Rainbow Bridge from the CRSP; Congressman Gunn McKay of Utah's first district introduced a companion bill in the House of Representatives on March 28. Senator Moss demanded an immediate hearing on his bill: "It is the only certain way to head off the catastrophe which is now hanging over the entire Colorado Basin Project."¹⁶

Senator Moss and Congressman McKay never got their hearings, as their bills went nowhere. The government realized quickly that its only hope lay in the courts. C. Nelson Day on April 22, 1973, filed the paperwork necessary to have the case heard by the seven judges of the Tenth Circuit Court of Appeals in Denver, Colorado. Their first priority was to get an immediate stay of Judge Ritter's order, which required the drawdown of Lake Powell. Clyde O. Mertz, assistant attorney general for Colorado, argued the government's case; Owen Olpin represented the plaintiffs. On May 1, 1973, a three judge panel of the tenth circuit voted 2-1 to grant the government's request. Lake Powell would be allowed to rise into the monument while the full court heard the case.

On Tuesday, May 22, 1973, just after midnight Lake Powell reached 3,606.43 feet; the reservoir had entered the monument. Two days later the entire seven-judge panel met in Denver to hear the case. On this day James Lee argued not only on behalf of FOE, Ken Sleight, and the Wasatch Mountain Club but also the Sierra Club and twelve other environmental organizations. The hearing took about an hour, after which both sides could do nothing except nervously await the court's ruling.

When it adjourned the court had promised a decision within a week. However, the decision did not come in a week, or in a month, or even two months, and as the tenth circuit dallied, Lake Powell continued its rise through the monument. On July 31, the lake reached an elevation of 3,644.1 feet, just ten feet in elevation from a point directly under the bridge. Finally, on August 2, 1973, the court released its long-awaited decision. By a 5-2 vote the court ruled that Congress had indeed by implication repealed U. S. Code Title 43 Section 620. In the eyes of the court, Rainbow Bridge National Monument was entitled to no protection from the waters of Lake Powell. Voting with the majority were Judges Oliver Seth, William J. Holloway, Robert H. McWilliams, William E. Doyle, and James E. Barrett. Dissenting were Chief Judge David T. Lewis and Delmas C. Hill.

¹⁶ Congress, Senate, 93rd Cong., 1st sess., *Congressional Record* (March 12, 1973), 7329.

Distressed at what this decision would mean for the small national monument they had labored so long and hard to protect, conservationists took the only avenue open to them. On October 26, 1973, Owen Olpin filed the papers necessary to carry the case to the U.S. Supreme Court. Their petition stated: “Unless the courts check the license the Secretary and the Commissioner have taken with congressional policy, other parks and monuments may also be compromised by utilitarian encroachments of the kind that Congress historically has prohibited.”¹⁷ Sixteen states filed friend-of-the-court briefs siding with the conservationists.¹⁸

It was not enough. On Monday, January 21, 1974, the Supreme Court announced that the appeal was denied—the court would not hear the case. Justices William O. Douglas, Byron R. White, and Harry Blackmun had voted to take up the case, but the necessary fourth vote could not be found. The case had failed by a single vote.¹⁹

Rainbow Bridge was not, however, an issue that would slip quietly away. On September 3, 1974, three Navajo medicine men and three chapters of the Navajo Nation filed suit in the U.S. District Court for Utah. Their complaint, authored by attorney Erick Swenson, asserted, “Rainbow Bridge is a religious symbol and is a focal point through which many prayers and religious ceremonies derive.”²⁰ The court commissioned Karl W. Luckert, an anthropologist at Northern Arizona University in Flagstaff, to study the religious significance of Rainbow Bridge to the local Navajo people. His study, published in book form, revealed that for many local Indians the Great Rock-Arch had special significance as one home of the Holy People and a source of moisture bringing rain to the corn fields of the Rainbow Plateau.²¹ Not only was the bridge a holy site where important ceremonies were performed, but several nearby rock formations and springs were regarded as of special spiritual significance. Unfortunately, the suit never got the backing of the Navajo Tribe, so to the court this legal action appeared to be the work of a few isolated individuals. After a thorough review, Judge Aldon J. Anderson ruled on January 13, 1978, that “there is nothing to indicate that at the present time Rainbow Bridge National Monument and its environs has anything approaching religious significance to any organized group.”²² The decision was appealed to the tenth circuit court in Denver. The appellate court disagreed with Judge Anderson’s reasoning on several legal points but in the end upheld his decision. All legal avenues were now closed.

¹⁷ Bob Bryson, “Rainbow Case Advances,” *Salt Lake Tribune*, October 27, 1973.

¹⁸ The states were Alabama, Arkansas, Florida, Idaho, Illinois, Kentucky, Michigan, Minnesota, New York, Ohio, Pennsylvania, South Carolina, Texas, South Dakota, Vermont, Washington.

¹⁹ Frank Hewlett, “High Court Declines Appeal Case in Lake Powell Rift,” *Salt Lake Tribune*, June 22, 1974.

²⁰ “Suit Alleges Rainbow Bridge Desecration,” *Salt Lake Tribune*, September 4, 1974.

²¹ Karl W. Luckert, *Navajo Mountain and Rainbow Bridge Religion* (Flagstaff: Museum of Northern Arizona, 1977).

²² “Federal Judge Rules Out Rainbow Bridge Claim,” *Salt Lake Tribune*, January 14, 1978.



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By the time the Navajo suit was filed, Lake Powell stood at elevation 3,669 feet thereby forming a pool fifteen feet deep under the bridge. On Sunday, June 22, 1980, at 9:42 p.m. (MDT) Lake Powell stood at full pool, elevation 3,700 feet. Water now stood forty-six feet deep under Rainbow Bridge and spilled over onto adjacent reservation land (Fig. 7).

FIG. 8 *Senator Frank E. Moss and Department of Interior Secretary Stewart Udall discuss the formation of Canyonlands National Park.*

The battle for Rainbow Bridge was lost in what is ranked as one of the premier environmental battles ever. For conservationists, however, it was a case of “lose the battle, win the war.” The Bureau of Reclamation had plans for another dam on the Colorado River in the vicinity of its junction with the Green River upstream from Glen Canyon, but the establishment of Canyonlands National Park in 1964 swallowed the site. After Echo Park, the Bureau of Reclamation wanted no further role in any conflict between reclamation and a unit of the national park system. Although it took a while for the bureau to realize it, the era of the high dams and giant inter-basin water diversions was over. The high-profile and very public battles fought by David Brower and the Sierra Club over Dinosaur National Monument, Grand Canyon, Rainbow Bridge, and Glen Canyon had awakened a new environmental ethic in the conscience of the American people.

The Wilderness Act was passed on September 3, 1964; the National Environmental Policy Act became law on January 1, 1970; the first Earth Day took place on April 22, 1970. From now on development would have to proceed hand-in-hand with environmental protection and environmental laws. Reclamation and resource extraction would no longer have a free pass.

As to Rainbow Bridge, a prolonged drought and increased water use by states in the upper basin has caused an unprecedented draw-down of Lake Powell, and even the most optimistic projections fail to see a full reservoir any time soon. Slack water has not intruded under Rainbow Bridge for years, and of late Lake Powell has spent most of each year outside the boundaries of the national monument. It just may be that David Brower and his friends won after all.