



Attorneys at Law

# Consortium Standards Bulletin

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## From the Standards Blog

### #24 Two Canyons

Standards serve, and perhaps arise in part from, our desire to achieve order in an inherently disorderly world. Increasingly, they insulate us from that reality by creating a global cocoon of interoperability and ease. Of course, when the power goes, so does much of that cocoon. But since we are assured that any failure of the grid will be transient, the reality never sinks in that our perceived world of order grows ever more fragile as we become more and more dependent on its technological underpinnings.

As the age of discovery brought greater knowledge of Africa and, eventually, the New World, there was a horror in the minds of many Europeans of the savage and the barbarous. This aversion was most famously given voice by Thomas Hobbes, who, in his *The Leviathan*, stated his conviction that "Life in an unregulated state of nature is solitary, poor, nasty, brutish, and short."

For our symbolic forbearers, the Pilgrims, life on the edge of a state of nature was not only brutish, but demonic as well. While we prefer to recall the attractive virtues of our Puritan ancestors – their courage, fortitude and religious conviction – we have conveniently (and predictably) left their darker side out of the schoolbooks. Unlike the Spanish, who regarded Native Americans as new subjects, or the French, who looked to them as trading partners, many Puritan divines viewed the existing inhabitants of New England as servants of the devil.

Conveniently, these competitors for the land coveted by the new arrivals were seen as forces of darkness that must be swept aside. John Winthrop's "City on a Hill" might serve as a beacon for transplanted Europeans, but it was fire (and infectious diseases) rather than light that were cast upon the Indians.

Perhaps it is because we in America have been so successful at carving a modern nation out of a wilderness that we can believe so confidently in our ability to bring order out of chaos, and simple solutions to complex situations. Our way is, or should be, we feel, a standard that all should aspire to emulate. In so doing, life will become easy, and predictable, and orderly.

This conviction was not so easily held even 75 years ago, when many millions of Americans still lived on farms without electricity or running water, and when only about twelve medications prescribed by doctors actually worked, none of which offered an effective defense against the many infections and communicable diseases that culled a significant percentage of the children of almost all families, urban as well as rural, before adulthood. What a luxurious and privileged life we lead in first world countries today, without realizing it, to take order and predictability for granted.

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It is twelve hours ago, and I'm parking my four-wheel drive at a trailhead, an hour before dawn. My headlights surprise a desert fox traversing the canyon floor. Turning off the ignition, I sit under a moonless sky, dark but for starlight and the merest blush of incipient brightness on the eastern horizon, just sufficient to outline the sharp profile of arid peaks. My eyes adjusting to the darkness, I start out over the alluvial fan that spreads across the narrowing valley floor as it approaches the mouth of the canyon that I will climb today.

All is indistinct, except for the startlingly luminous skeletons of dead brittlebushes by the side of the trail, somehow concentrating every photon of available starlight, giving it back as a ghostly glow. After a while,

I hear that most wonderful of all sounds in the desert, the interweaving music of flowing water, off in the darkness to my right.

Gradually, the light of the rising sun, still below the horizon, begins to lend shape and substance to my surroundings. As the daily nocturnal/diurnal shift change occurs between the creatures that find safety in darkness and those that parade themselves in the light, the anonymous scrambling of kangaroo rats and their brethren in the brush under the creosote bushes gives way to bird calls. A half-hour before dawn I can just make out the tracks of a mountain lion, broader than the palm of my hand, as they cross my trail. For a while, I track him, and – who knows -- perhaps, for a while, he tracks me.

Eventually, the sun breaks free over the horizon, and the mountains above the canyon walls take fire with the reflected light of another desert dawn. Over the hours that follow, the color passes through intermediate shades of orange until the bright yellow light of full day completes its journey down the canyon walls to reach the trail on the valley's floor. As the day warms, I climb higher up the twisting, deepening canyon, and pass from desert terrain into the first junipers and flowers of higher elevations.

By 8:00AM I am in the first palm grove, and the trail passes back and forth across the invisibly clear water that cascades over the granite boulders that now clog the floor of the canyon. The boles of the palms are black, scorched by the most recent of the forest fires that periodically sweep the canyon in the natural order of things. But overall, the canyon is again lush and green and luxuriating in the aftermath of the torrential rains that had brought destruction to much of California the week before.

Now the trail disappears and the boulders grow enormous, some towering 30 feet into the air. The cascading stream finds multiple routes over, between, and under the rocks, and palm trees find purchase in the interstices between the interlocking grey masses. In one memorable performance, a silver waterfall drops 20 feet into an almost hidden grotto, maidenhair ferns clothing its walls in a verdant, living tapestry. Increasingly, I need to use arms as well as legs to work my way up any available channel between the random masses of stone.

Eventually, the canyon widens back out into a valley, flanked by steep walls of exfoliating granite. The steel tip of my walking cane yields echoes as it taps the seemingly solid boulders, finding spaces between the layers of living stone wrested apart by sudden transitions from hot sun to cold night.

Sometimes, a climb up a desert canyon can lead you all the way to a sun-drenched mountain pasture, but more often, the way becomes impassable long before. In sedimentary formations, the final impasse is often represented by a "pour over" – a hard layer of rock capping a softer stratum, the latter eroding faster than the former to create a wall that moves slowly uphill as even the harder rock is ground away. The far grander and more familiar example of this phenomenon is Niagara Falls. But eight feet of loft will serve to block your path in a canyon whose walls are too smooth and steep to scale.

Yesterday, it was a torrential stream that filled the base of the canyon I climbed that finally blocked my way. Today, it is increasingly vertical walls of decomposing granite that lead me to forego further progress, prudence being the better part of valor for solo hikers who have not brought technical climbing gear and companions with them. Instead, I perch on a ledge high above the valley, and take a half hour to listen to the silence, broken only by the musical rhythms of the clear waters still draining the mountains of the recent rains, and watch the hummingbirds harvesting nectar from the spires of yuccas.

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Now it is yesterday, and the scene is very different. I am setting out to climb another canyon, its origins not half a mile from those of its next-door companion on the same mountain peak. But this time, the alluvial fan I clamber across as I begin my day is cut by new, sharply incised and deep water courses, and each is filled by rushing, brown waters, laden with sand and silt from the upper reaches of the mountain.

I was last on this trail some six years ago, and climbed over boulders and through intermittent groves of tall and rustling palms as numerous and beautiful as those just described. Now, those same trees lie stacked and splintered in windrows edging the channels, in numbers that seem impossible to believe. As I climb higher, their numbers increase, along with drifts of palm fronds and other debris, stacked and

stuffed behind every obstacle along the way. In all, there are hundreds of scarred and shattered trees, swept from their perches in the unseen reaches of every side canyon entering the main canyon from the base of the mountain to its peak.

As I climb, I find one single grove that is largely untouched, and even unburned, protected behind a mass of boulders the size of small houses that blocked not only the waters, but the wind-driven firebrands of the blaze that had otherwise lain the landscape to waste. But above this grove, I find only one, and then a single pair, of charred palm trees in place of the hundred that had stood there when last I had climbed this way.

What gave rise to the differences between one canyon, experiencing the natural, fire-assisted succession of its life cycle, and the other, devastated by a two hundred year catastrophic event? A single thunderstorm cell that formed over the mountain peak four months before, and hung just above one canyon, largely sparing the other. The torrents that it unleashed, following on the heels of the loss of ground cover from the earlier fire and magnified by the ongoing drought in the southwest, had been sufficient to erase the peaceful palm groves whose memory had brought me back to this place again.

A park ranger, who spied the thunderhead, guessed what was about to occur and rushed to the base of the canyon to see what would transpire. He turned and left in his pickup truck even more quickly, pursued by a 20 foot wall of water that thundered behind him, in his words, "like six freight trains" as the tree trunks and boulders it carried smashed themselves apart on the boulders left behind by the flash floods of days gone by.

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The devastating and mindless path of a thunderstorm, like the hideous and random attack of a tsunami, reminds us that our faith in an ordered and secure world is less justified than we would wish to believe. Do what we may to create a sense of safety and control, nature retains a might whose power is matched in magnitude only by its indifference to the existence of those unlucky enough to live in its path.

As we plan for the future, we would be wise to remain mindful of the limits of our abilities, and to care well for those whose misery is in the present.

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