UCLA
UCLA Public Law & Legal Theory Series

Title
The Allocation Era: Exploiting a New Country (Precolonial-1890)

Permalink
https://escholarship.org/uc/item/18q1s7jt

Authors
Camacho, Alejandro E
Daniels, Brigham

Publication Date
2026

eScholarship.org Powered by the California Digital Library
University of California

The Allocation Era: Exploiting a New Country (Precolonial-1890), Chapter 1, in *Lessons for a Warming Planet: A Vital History of U.S. Environmental Law*, by Alejandro E. Camacho and Brigham Daniels, New York: New York University Press, 2026

Chapter Abstract

Most histories of American environmental law begin in the 1970s. This chapter argues that is a fatal omission. Long before the Clean Air Act or the EPA, law was already reshaping the American environment — and doing so with extraordinary e iciency and devastating consequences.

From precolonial North America through 1890, the legal system served one overriding purpose: allocating the continent's vast natural resources to European settlers and their industries. Property law, federal land disposal policy, water doctrine, and the common law rule of capture — whoever extracts first, owns it — worked in concert to drive extraction, development, and consumption at an unprecedented scale. The costs of this legal regime fell disproportionately on those outside its protection: Native Americans systematically dispossessed under doctrines like Johnson v. M'Intosh, enslaved people whose labor powered the extraction economy, and immigrant workers laboring in lethal conditions.