

**COOPERATIVE FOREST FIRE CONTROL**

**A History of its Origin and Development Under The**

**Weeks and Clarke-McNary Acts**



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## Preface

The purpose of this publication is to bring together the historical facts relating to the legislative actions and the efforts of conservation-minded individuals and organizations to establish an effective cooperative forest fire control program for non-Federal lands.

There have been three major phases of the battle against fire through cooperative efforts on the State and private forest lands of the Nation. The first phase began with the initial activities to start a program. It was climaxed by the approval of the Weeks Law on March 1, 1911. The second phase includes the establishment of cooperative fire control under the Weeks Law and the realization that further legislation was needed in order to do a more effective job. This led to the enactment of the Clarke-McNary Act on June 7, 1924. The third phase has been the work carried on and intensified under the Clarke-McNary Act. This last phase is continuing today.

In arranging this material the three major phases of cooperative forest fire control have been dealt with in chronological order. The reader will find that these three phases have been categorized in Parts I, II and III in the text.

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COOPERATIVE FOREST FIRE CONTROL  
(Its Origin and Development)

PART I

EVENTS LEADING TO ENACTMENT OF THE WEEKS LAW OF MARCH 1, 1911

Early Efforts In Natural Resource Conservation

Federal cooperation with the States in protecting forest lands from fire originated with the act of March 1, 1911, commonly known as the Weeks Law. Although the main objective of this act was to enable the Federal Government to purchase forest lands on the headwaters of navigable streams in the Southern Appalachian and White Mountains in order to protect their navigability through forest preservation, cooperative fire control was included in the act.

The idea of Federal acquisition of forest lands in the East was first advanced around 1885 by two medical men, Dr. Henry O. Marcy of Boston, Massachusetts, and Dr. C. P. Ambler of Asheville, North Carolina.

These men were disturbed by the increasing destruction of the forests in the Southern Appalachians and believed that the Federal Government should take action to preserve the beauty and health-giving qualities of this mountainous region. Dr. Marcy read a paper at a meeting of the American Academy of Medicine on October 29, 1885, entitled "Climatic Treatment of Disease - Western North Carolina as a Health Resort." His paper, published in pamphlet form, was the first advocacy in writing of the establishment of a National Forest Reservation in the Eastern States.

Gifford Pinchot, a dominant figure in the early development of American forestry, stated in his book "Breaking New Ground" that the suggestion for the purchase of eastern forest reservations was first made to him in 1892 or 1893 by Professor Joseph A. Holmes, then State Geologist of North Carolina.

The Division of Forestry in the Department of Agriculture, in cooperation with the U. S. Geological Survey, examined some 9,600,000 acres in the Southern Appalachian forests and on January 1, 1901, submitted a comprehensive report to the Secretary of Agriculture. The Secretary transmitted the report to the Congress with strong recommendations that the Federal Government acquire portions of the area surveyed. The report and recommendations were printed as Senate Document No. 84, 56th Congress. The report emphasized the influence of forest cover on the flow of streams originating in the area and the economic value of the woodlands and their adaptability to forestry.

Senator Pritchard lost no time in following up the recommendations of the Secretary of Agriculture and nine days later introduced a bill authorizing \$5 million for establishing a Southern Appalachian Forest Reserve. On January 19, 1901, President McKinley sent a special message to the Congress urging favorable consideration of the forest reserve measure. The appropriate committees of both branches of the Congress promptly reported favorably on the proposal but the 56th session ended without any further action on it.

While attending a Pan-American Exposition at Buffalo, N.Y. on September 6, 1901, Mr. McKinley was felled by an assassin's bullet. The Vice-President, Theodore Roosevelt, took the oath of office as the 26th President of the United States on the evening of September 14. It was inevitable that the new Chief Executive, due to his personality and background, would wholeheartedly support the cause of conservation. With the President's vigorous backing, conservation of natural resources became one of the great issues throughout the two terms of the Roosevelt administration.

Most of the early bills for the extension of forest reserves, which were first established in 1891 from Public Domain, appear in the chronological list of actions of the end of Part I. Only a few received much consideration. The more important bills upon which congressional hearings were held warrant some comment, because these discussions played an important part in formulating the policy for Federal-State cooperation in fire control.

Early in January 1905 the American Forestry Association, which had been organized in 1875 and for many years had vigorously espoused forest conservation, called together at Washington the second American Forest Congress. This was the most important forestry convention held in America up to that time. This meeting reflected public sentiment for forest conservation throughout the Nation and is credited with having had substantial influence upon the Congress. No doubt it was a potent factor in obtaining a few weeks later the passage of the Act of February 1, 1905, which was an important milestone in American forestry. This legislation transferred the jurisdiction of the forest reserves from the Interior Department to the Department of Agriculture. This action had long been advocated and it paved the way for the establishment of the Forest Service and for the protection and administration of the forest reserves.

There had been large forest fires, such as the one which wiped out Peshtigo and other Wisconsin lumber towns in 1871, swept over 1,280,000 acres and took a toll of 1500 lives. This fire started on the same day as the great Chicago fire, which according to rumor was started by Mrs. O'Leary's cow kicking over a lantern. At about the same time several large fires in Michigan burned over two million acres and destroyed many small settlements. Much of the same area

was reburned in 1881. In 1894 disastrous conflagrations at Hinckley, Minnesota, and at Phillips, Wisconsin, destroyed many homes and took many lives. The large Yaocolt fire in Washington and Oregon in 1902 laid waste some 700,000 acres of timberlands. The 450,000 acre fire in the Adirondacks in 1903 and many other less spectacular forest fires throughout the country also caused great losses. Although these catastrophes made the headlines only for a day or so, nevertheless they all had some part in building up a public sentiment for preserving the forest resources.

The House Committee on Agriculture began consideration of the several revised forest reserve bills but the viewpoints of its members varied so widely that agreement was impossible. The bill which would meet best the desire of forest reserve proponents, known as the "Currier-Lever" bill, was voted down by a small margin. However, pressure for doing something was so strong that it was decided to appoint a special subcommittee consisting of Scott, Currier, Lever, and Pollard to draw up a substitute measure. The result was Bill H. R. 21986, representing largely the views of Chairman Scott and Pollard. It became known as the "Scott Bill" and was reported favorably to the House on May 19, 1908, accompanied by printed Report No. 1700.

The Scott bill was aimed at forwarding conservation through cooperation with the States and with private landowners in lieu of outright purchase of forest lands by the Government. The committee in recommending the bill briefly explained its objectives as follows:

The first section gives the States the right to enter into agreements or compacts for the purpose of conserving the forest and the water supply. It has often been urged by those who insist the Government should purchase the forests that the problem is interstate and in view of the constitutional inhibition against a State entering into any agreement or compact with another State the proper treatment of the problem by the State alone is impossible. Section 1 of this bill is designed to remove that obstacle. Section 2 appropriated \$100,000 to enable the Secretary of Agriculture to cooperate with the States when requested to do so by supplying expert advice on forest preservation, utilization and administration and upon reforestation of denuded areas. It also authorizes the Secretary to enter into agreements with owners of private forest lands situated upon the watersheds of a navigable river to administer and protect such forest lands upon such terms as the Secretary may prescribe. It is believed that under the authority given in this section many thousands of acres of forest lands will be brought as effectively within the jurisdiction of the U. S. for forestry purposes as if these lands were actually owned by the Government.

Section 3 of the bill provides for the appointment of a commission to be composed of 5 members of the Senate and 5 members of the House of Representatives and Section 4 makes it the duty of this commission to investigate all questions tending to show the direct and substantial connection, if any, between the preservation of forests within the watersheds of the navigable rivers having their sources in the White Mountains and Southern Appalachians, and the navigability of said rivers. In case the commission decides that such direct and substantial connection exists it shall then be its duty to ascertain to what extent it may be necessary for the U. S. to acquire land within the watersheds referred to, the number of acres of such land, the probable cost or whether it may be desirable, if within the power of the U. S. to exercise without purchase such supervision over such watersheds as may be necessary. It is true that the last Congress authorized the Secretary to report and he did report upon the watersheds of the Southern Appalachians and White Mountains.

Without intending any reflection on those who prepared this report it does not present such detailed and accurate information as a careful businessman would insist upon having before entering on a policy which would involve the expenditure of many millions of dollars. It does not indicate the extent of the navigable portions of the rivers which it is desired to protect nor the value of the forests upon them. It presents no data showing to what extent if at all the volume or the steadiness of stream flow has been influenced by the destruction of the forests. It shows in only the most general way the location, area and probable cost of the lands it is proposed to purchase. While it recommends that the Government acquire 600,000 acres in the White Mountains and 5,000,000 acres in the Southern Appalachians it states also that an area of 75,000,000 acres will have to be given protection before the watersheds and important streams are adequately safeguarded. This suggests that it might ultimately be necessary to purchase 75,000,000 acres. Your committee believes that if a commission of 10 members of Congress, responsible to their constituents and to the country is directed to investigate the subject its report will be sufficiently comprehensive and exact to enable Congress to intelligently legislate upon the subject.

Believing this bill, by opening the way for the States to cooperate with one another, puts it within their power to contribute much to the solution of this important problem; that the provision it makes for cooperation between the United States, the States, and private owners of forest lands must contribute greatly to the rapid extension of scientific forestry; and that by means of the commission for which it provides the most careful study of the whole problem with a view to future

legislation is made possible, and that for these reasons the proposed legislation (H.R. 21986) will be of great public advantage, your committee respectfully reports the bill back to the House with the recommendation that it do pass.

Representatives Currier and Lever, although strong advocates of National Forest reserves, went along with this substitute measure reluctantly. They consider it wholly inadequate to meet the needs, but nevertheless they believed it was a step in the right direction and the best legislation which could be obtained at that time.

The Scott bill arrested the forest reserve movement for the first session of the 60th Congress, but it received little further consideration. When it reached the Senate it was referred to the Commerce Committee and pigeon-holed. Nevertheless, it served a useful purpose in paving the way for later enactment of more effective and satisfactory legislation -- the Weeks Law. Furthermore, it furnished the original idea and pattern for cooperation with the States in forest fire control which was later enacted.

It was apparent from the congressional hearings in 1908, the press and other sources that there was a strong and growing country-wide public demand for Federal forest reserves in the East. Presidents from 1900 to 1908 had endorsed the movement and the roster of supporters for it was impressive.

Some of the viewpoints are briefed in House Report 1700 (60th Congress, 1st Session) as follows:

First, it has been held by many that the problem belongs exclusively to the States concerned. Those holding this view argue that the Federal Government has no constitutional authority to purchase lands for the purpose of conserving the forest upon them, even though such preservation may conserve the supply of water in navigable streams. They hold that the matter is one over which the States have exclusive jurisdiction, and that if the right exists it is the duty of the State to assume the responsibility of meeting it. Second, another view is while it is neither the right nor the duty of the Federal Government to purchase the forests it may properly cooperate with the States or with private owners in their preservation by furnishing expert advice and assistance in their proper utilization and administration. Third, still another view is that when it is shown that the forests of a given watershed have a direct and substantial connection with the navigability of the navigable rivers flowing from that watershed the Federal Government has the right to exercise jurisdiction over the forests therein, although they remain in private ownership, and prescribe the method which shall be followed in utilizing the forest within such watershed.

The questions of some committee members, especially Scott, indicated they held an unshaken belief that farm lands on the lower slopes were more important in regulating stream flow than the upper slopes or mountain tops.

The importance of fire prevention was emphasized in the testimony of Dr. Van Hise who said: "You must have three things - prevention of fire, retention of forests on areas best adapted to forests, and restoration to forests of areas which never should have been denuded of their timber."

Supporters of forest reserve legislation and especially Weeks (Mass.) Currier (N.H.), and Lever (S.C.) of the House Agricultural Committee realized that in order to obtain the support of Scott and the majority of his committee to satisfactory legislation it would be necessary to make some concessions. Although they placed little reliance on the effectiveness of the cooperative approach of the Scott bill in meeting the needs, nevertheless, it was decided to go along with some of its provisions. With this idea in mind they devised a new bill, H.R. 26923, which was introduced by Congressman Weeks and became known as the "Weeks Bill." Its title was lifted verbatim from the Scott bill and a slightly modified version of Federal-State cooperation under Section 2 of that bill was used.

At an executive session on January 28, 1909, the House Committee agreed to substitute the provisions of the Weeks Bill for all sections of Senate Bill 4825 (Brandege bill), except its enacting clause.

Congressman Weeks was able, under a suspension of the rules, to bring the Senate bill, as revised by his committee, before the House on March 1, 1909, during the closing days of the session. Debate, which was limited to two hours, was spirited and at times acrimonious. Weeks ably managed the case for the measure and was assisted materially by his associates, Lever, Currier, and Lamb. Scott, also, ably handled the opposition. Other congressmen who spoke in favor of the bill were Brownlow (Tenn.), Sulzer (N.Y.) Heflin (Ala.), Peters (Mass.), Sturgiss (W.Va.), Webb (N.C.), Reeder (Kan.), and Davis (Minn.). The bill was passed 157 to 147. It was sent to the Senate where it was considered and referred back to the Committee on Forest Reservations and Protection of Game.

It was recognized by Weeks and his associates that there was considerable objection to Section 3 and 4 of S.4825 as it passed the House. There were, respectively, the sections providing for a pattern of public regulation or control over private lands and utilizing gross receipts from existing National Forests to finance the proposed acquisition program. Accordingly, these vulnerable items were eliminated and a revised "Weeks" Bill, H.R. 11798, otherwise similar to House revised S. 4825, was introduced on July 23, 1909, by Congressman Weeks in the first session of the 61st Congress. It

came before the whole House on June 24 and a few very minor amendments were made. As in the committee, the opposing forces on the floor of the House lined up just about the same in 1909. Weeks, Lever, and Currier strongly supported the bill, while others just as aggressively opposed it. When the bill came to a vote, it was passed 130 to 111.

In the Senate, Gallinger (N.H.) had introduced a bill (S.4501) embodying the provisions of H.R. 11798, which became known as the "Gallinger Bill." This bill came up for consideration by the Senate on June 25, 1910. Senator Brandegee (Conn.) requested that H.R. 11798 (the Weeks Bill) be substituted for the Gallinger bill. Again Congress was about to adjourn. As in 1909, it was hopeless to press the bill further. Senator Brandegee did, however, obtain unanimous consent that the Senate would vote on the measure at the next session and a definite date, February 15, was agreed upon.

On February 15, 1911, Senator Brandegee laid the Weeks Bill before the Senate and he and Senator Gallinger led the supporting forces. When the roll was called the bill passed by a vote of 57 to 9.

On February 17 it was presented to President Taft and signed by him on March 1, 1911, thus becoming Public Law No. 435 (36 Stat. 961).

This law established the objective of encouraging the States to control forest fires. This activity, as carried on in the years that followed, established the cooperative forest fire control pattern. The action taken under the Weeks Law is covered in Part II.

Chronological List of Actions

- Nov. 22, 1899 - Appalachian National Park Association organized at Asheville, North Carolina.
- Dec. 20, 1899 - Appalachian National Park Association prepared memorial to Congress requesting Federal acquisition of forest lands in Southern Appalachians.
- Jan. 2, 1900 - Senator Pritchard (N.C.) presented above memorial to U. S. (Senate Document 58, 56th Cong.).
- April 17, 1900 - Committee from Appalachian National Park Association appeared before Senate Committee in support of the memorial.
- April 21, 1900 - Senator Pritchard (N.C.) introduced bill (S.5518) authorizing Secretary of Agriculture to investigate need for national park in Appalachians.
- July 1, 1900 - Above bill, with \$5,000 appropriation for preliminary investigation, became law.
- Jan. 1, 1901 - Secretary of Agriculture James Wilson reported results of Department's investigation to Congress. (Senate Document 84, 56th Cong.)
- Jan. 10, 1901 - Senator Pritchard (N.C.) introduced bill authorizing \$5,000,000 for establishing Southern Appalachian forest reserve.
- Jan. 19, 1901 - President McKinley in special message to the Congress recommended favorable consideration of the forest reserve proposal.
- Jan. 28, 1901 - Forest reserve bill reported favorably by House Committee.
- Feb. 12, 1901 - Forest reserve bill reported favorably by Senate Committee.
- Dec. 4, 1901 - Senator Pritchard introduced a bill carrying \$5,000,000 appropriation for purchase of 2 million acres in Southern Appalachians.
- Dec. 6, 1901 - Congressman Brownlow (Tenn.) introduced somewhat similar bill but carrying appropriation of \$10,000,000 for acquisition of 4 million acres.
- Dec. 19, 1901 - President Theodore Roosevelt in special message urged Congress to pass forest reserve legislation.
- Jan. 25, 1902 - Pritchard bill passed Senate.
- June 24, 1902 - Forest Acquisition bill (S. 5228) introduced by Senator Burton (Kan.) passed Senate.
- Jan. 1903 - Senator Burton reintroduced his forest reserve bill in 1st session, 58th Congress.
- Nov. 11, 1903 - Representative Brownlow (Tenn.) reintroduced forest reserve bill 58th Congress (1903-04) Burton Forest Reserve bill passed by Senate but companion Brownlow bill in House failed to pass. Also a White Mountain bill introduced by Congressman Currier (N.H.) failed to pass.
- Jan. 2-6, 1905 - American Forest Congress meeting in Washington, D.C. endorses movement for forest reserves in Southern Appalachians and in White Mountains.
- Dec. 1905 - Representative Currier (N.H.) and Brownlow (Tenn.) introduced bills for forest reserves in White Mountains and Southern Appalachians respectively.
- Jan. 1906 - American Forestry Association devised a "Union" bill, providing for acquiring forest reserves in both Southern Appalachians and White Mountains.
- April 11, 1906 - Senate committee reported favorably on Union Bill (S. 4953).
- April 25 & 26, 1906 - House held hearings on "Union Bill" (H.R. 19573).

- May 22, 1906 - House committee reported "Union Bill" favorably (Report 4399), no further action by Congress.
- March 4, 1907 - Agriculture Appropriation Act directed Secretary of Agriculture to investigate watersheds of Southern Appalachians and White Mountains and make \$25,000 available.
- Dec. 3, 1907 - Pres. Roosevelt in special message to Congress recommended purchase of forest lands in Southern Appalachians and White Mountains.
- Dec. 11, 1907 - Secretary made report (Senate Document 91, 60th Cong. 1st. sess.).
- Dec. 1907 - Forest Reserve Bills H.R. 10456 and H.R. 10457 introduced.
- Jan. 30, 1908 - House held public hearings on H.R. 10456 and H.R. 10457.
- Feb. 27, 1908 - House Judiciary Committee held hearings and by Resolutions 208 and 365 referred above bills to Committee on Judiciary with request for advice as to their constitutionality.
- April 20, 1908 - House Judiciary Committee Report 1514 - declared bills H.R. 10456 and H.R. 10457 unconstitutional.
- May 16, 1908 - Senate passed S. 4825 (Brandegge bill).
- May 18, 1908 - H.R. 21986 introduced by Scott (Kan.).
- May 19, 1908 - House Committee on Agriculture reported H.R. 21986 (Scott bill) favorably, (H. Report 1700, 60th Cong., 1st sess.).
- May 1908 - H.R. 21767 (also H.R. 21986) introduced by Representative Pollard (Nebr.).
- May 21, 1908 - "Scott Bill" H.R. 21986 passed by House - (vote 205 to 41, 124 not voting). In Senate this bill referred to Committee on Commerce.
- Dec. 9, 1908 - House Committee held hearings on S. 4825.
- Jan. 22, 1909 - H.R. 26923 introduced by Congressman Weeks (Mass.).
- Jan. 28, 1909 - House subcommittee agreed to substitute provisions of H.R. 26923 for S. 4825, except for enacting clause of senate bill.
- Feb. 3, 1909 - House majority reported on revised bill (S.4825) - Report 2027 (60th Cong., 2nd. sess.). (Majority 11 members, minority 7 members).
- March 1, 1909 - Revised bill, S. 4825, introduced in House by Congressman Weeks. Passed by vote of 157 to 147, with 82 members not voting.
- March 3, 1909 - Bill S. 4825, as revised and passed by House debated in Senate, but objected to and referred back to committee.
- July 23, 1909 - H.R. 11798 (similar to ultimate Weeks Law) introduced by Congressman Weeks.
- Feb. 23 and March 1&2, 1910 - House Committee held hearings on H.R. 11798 (Weeks bill).
- April 15, 1910 - House Committee reported H.R. 11798 favorably, with Report 1036 (61st.Cong., 2nd sess.).
- June 1908 - Senator Gallinger (N.H.) introduced S. 4501, companion bill to H.R. 11798. Some minor changes made by committee.
- June 24, 1910 - House debated and passed H.R. 11798.
- June 25, 1910 - Senate agreed to substitute H.R. 11798 for slightly revised S.4501. Debated but failed to vote on measures. Agreed to vote on H.R. 11798 on Feb. 15, 1911.
- Feb. 15, 1911 - H.R. 11798 passed by Senate.
- March 1, 1911 - H.R. 11798 signed by President and became P.L. 435 (36 Stat. 961) commonly known as the Weeks Law.

PART IITHE WEEKS LAW AND ITS ERA

The Weeks Law of March 1, 1911, inaugurated a new and then untried national policy of cooperation with the States to control forest fires. The Federal Government had been protecting Federal forests where they were under administration, but about 80 percent of all forest land in the country was privately owned and was almost wholly unprotected. The major forest fire problem centered in these areas.

One objective of the Weeks Law was to encourage, and to assist financially, the States to control forest fires on designated portions of non-Federally owned lands. Since the basis on which the law was drawn was improvement of navigation, the areas where Federal funds could be used were limited to "forested watersheds of navigable streams."

The act embodies 14 sections but only the first 2 sections relate to fire control. They are:

Act of March 1, 1911 (36 Stat. 961), to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers.

That the consent of the Congress of the United States is hereby given to each of the several States of the Union to enter into any agreement or compact, not in conflict with any law of the United States, with any other State or States for the purpose of conserving the forests and the water supply of the States entering into such agreement or compact.

Sec. 2. That the sum of two hundred thousand dollars is hereby appropriated and made available until expended, out of any moneys in the National Treasury not otherwise appropriated, to enable the Secretary of Agriculture to cooperate with any State or group of States, when requested to do so, in the protection from fire of the forested watersheds of navigable streams; and the Secretary of Agriculture is hereby authorized, and on such conditions as he deems wise, to stipulate and agree with any State or group of States to cooperate in the organization and maintenance of a system of fire protection on any private or State forest lands within such State or States and situated upon the watershed of a navigable river: Provided, That no such stipulation or agreement shall be made with any State which has not provided by law for a system of forest-fire protection: Provided further, That in no case shall the amount expended in any State exceed in any fiscal year the amount appropriated by that State for the same purpose during the same fiscal year.

The idea underlying the first section of the act, which authorizes cooperative agreements or compacts between the States, was first advanced by opponents of Federal acquisition to answer the argument that forest fire control is largely an interstate problem that cannot be handled adequately by any one State alone. It was believed that the removal of the existing inhibition against such interstate compacts would, to some extent, eliminate the need for purchasing lands for National Forest reserves. Actually this authorization was not utilized during the effective life of the Weeks Law. The plan was first tried out, under a later Federal enabling act passed in 1949 (Public Law 129, 81st Cong.) when the "Northeastern Interstate Forest Fire Protection Compact" was created.

It will be noted that section 2 stipulated three fundamental requirements:

(1) The protection must be confined to the forested watersheds of navigable streams.

(2) The State must have provided by law for a system of forest fire protection.

(3) The Federal expenditures in any State must not exceed in any Federal fiscal year the amount appropriated by the State for the same purpose and for the same period.

#### Organized Fire Control Prior to the Weeks Act

Before describing the operation of the fire control provisions of the Weeks Act, it will be helpful to summarize briefly the status of organized fire protection at the time the act was passed. Up to 1911 the States themselves had made little effort or progress in protecting privately owned forest lands from fire. In fact State forestry had not yet found itself, save in New York and Pennsylvania, where State forestry organizations had been organized primarily to administer and protect areas set aside as State Forests. Although 25 States had forestry organizations of some kind in 1911, their functions were mainly to gather information and give advice to private woodland owners. Financial support was meager and progress uphill and slow. Only 16 States had forest fire protection organizations which were headed by either a State Forester or a Chief Fire Warden. The total area of State and private forest lands then being given some measure of protection was estimated at about 60 million acres. The fire control organizations and the degree of protection in 1911 were, of course, primitive compared to present day standards.

Probably the best forest fire protection job on an extensive scale was being performed by a few private protective associations, mainly in the Northwestern States. There some of the larger timberland owners had pooled their individual fire control activities and had organized so-called "protective associations" to handle patrols and fire fighting for all their members, each member paying his share of the cost according

to the acreage he owned. The first of these associations was formed in 1906 by operators in the Coeur d'Alene drainage in northern Idaho. The group action worked out so well that during the next summer three other similar associations were organized in Idaho. The Western Washington Protective Association, covering the major portion of the Douglas fir region in Washington, soon followed. The Western Forestry and Conservation Association was set up in 1909, largely through the efforts of George S. Long, western manager for the Weyerhaeuser timber interests, as a parent organization for these four associations. Among its forestry functions it took an active part in promoting cooperative effort in fire control among Federal, State, and private interests. This association was instrumental in the development of western fire codes and in persuading State legislatures to pass laws requiring reasonable fire prevention measures on the part of timberland owners and operators. About this time, E. T. Allen, formerly with the Forest Service, became closely associated with forest industries in the Northwest and was named manager of the W.F.C.A. In a statement before a congressional committee in 1921 Allen described the functions of the association: "The Western Forestry and Conservation Association, which I represent, is the clearing house of 30 private organizations in Idaho, Montana, Oregon, Washington and California with 20 million contributing acres and about 30 million acres that they patrol, and last year, which was a bad fire year, they spent \$2 million. That is entirely outside the National Forests. Of that \$2 million private interests put up 79 percent the Government 6 percent, and the State 15 percent."

At about this time several smaller private protective associations were being organized in the Northeastern States, but in general they only collected assessments from their members and turned the funds over to the State forestry department which handled the protection work. The New Hampshire Timberland Owners Association formed in 1910 or 1911 is believed to be the first association in the East which followed the western pattern of maintaining a protection organization directly.

The disastrous 1910 forest fires in the Northwestern States, and especially in North Idaho, stimulated the organization of additional private protective associations and also strengthened those which had been recently organized. Among these were the Northern Montana Forestry Association and six or seven county associations in western Oregon. Other parent organizations, although closely affiliated with the W.F.C.A. were also being formed, such as the Northern Idaho Forest Fire Association and the Oregon Forest Fire Association covering the various individual associations in their respective areas.

One early difficulty which private protection associations encountered was the existence within their protection units of intermingled tracts of forest lands belonging to non-members. It was necessary for the association to fight fires on these non-contributing lands in order to protect association holdings but there was no way to require such owners to pay their just share of the protection costs. Largely through the

efforts of W.F.C.A., so-called "compulsory patrol" laws varied somewhat in the different States, they all required that non-resident timberland owners must either provide their own protection or else pay the State or an association for protecting them. The general practice was to assess on the tax rolls a specific amount per acre against all private owners who did not contribute voluntarily through protective associations, collections being made by the county treasurer and turned over to the appropriate protection agency. Oregon was the first State to enact such a law, in 1913. Washington was the next (1917), followed by California (1923), Idaho (1925), and Montana (1939). California repealed its compulsory patrol law in 1941 when the State assumed the responsibility for State-wide protection. The other 4 States continue the compulsory patrol law.

Allen and others who had the western picture primarily in mind believed that the pattern of private protective associations, with financial assistance from the Federal Government and the State, was the best solution to the forest fire problem. They expected this system would be used generally in all important timber States. However, private protective associations have gradually declined both in number and in protected acreage. Today there are only 16 private associations which spend their funds directly on protection, being located in Idaho, Montana, and Oregon. This pattern of protection has declined for a number of reasons. An important one is that originally the predominating interest of private landowners was in protecting merchantable timber values and this interest waned as the old growth timber was logged. Although this attitude has changed in recent years, the strengthening of the State fire services has reduced the number of private associations.

As public support, local, State and Federal, for fire control has strengthened and as State forestry departments have grown in stature and in responsibility, public agencies have assumed a larger part of the whole protection job. About half the States, especially those in the Northeast and in the Lake States, from the very start have maintained that protecting forest lands against fire is a public responsibility and have organized and operated on that basis. The general trend has been and still is in that direction.

In Georgia, as in the far West, organized fire control was initiated by a number of private protective associations. They started in about 1924 but the effort was greatly stimulated in 1933 in order to qualify for Civilian Conservation Corps camps and for the protection benefits from the CCC program.

#### Policies and Administration of the Weeks Law

The cooperative fire control provisions of the Weeks Law were administered by the Forest Service under a written agreement between the Secretary of Agriculture and each State. The agreement followed a standard form with such variations in detail as local conditions required. It specified briefly what each party was to do as its share of the cooperative enterprise. Each State was to supply the Forest Service with a fire

plan which would include maps showing the areas to be protected, the headquarters and approximate routes of patrolmen, and all features necessary to a clear understanding of the State's plan of fire control.

Since the course to be followed was uncharted and there were a few legislative directives, the first job was to formulate basic policies to serve as standards.

The question of what constitutes a "navigable river" called for early decision. Local courts had handed down widely varying opinions on the subject. Some had even held that streams which at any time would float a sawlog, a pulpwood stick, a canoe, or a row boat were navigable. The Forest Service placed a broad but less liberal interpretation on "navigability" in the belief that Congress had in mind larger objects of commerce and more substantial mediums of transportation. As a general basis for decisions on the question of navigability the reports of the Chief of Engineers, U. S. Army, were used. "Navigable" rivers were selected largely on the basis of tonnage records. The qualifying areas on which Federal funds could legally be spent were the forested watersheds of the rivers so designated.

A computation made early in 1913 showed that the 15 cooperating States contained 139,500,000 acres of non-Federal land in need of organized protection, 53 percent of which was classified as navigable watersheds. On the basis of the area actually being protected at that time the proportion of watershed lands would probably be considerably higher, so the statutory limitation affected only a few of the States then cooperating. It was most restricted in Wisconsin, which could claim only 1-1/4 million acres of navigable watersheds out of a total of 15 million acres which the State was protecting. Other States with large areas of relatively flat timberlands, such as Michigan and the Southern States, were not then cooperating under the Weeks Law.

In view of the small initial Federal appropriation and in realization that it would not go far in financing fire protection measures as such, the Forest Service started out with the fundamental idea that the primary purpose of the law was education. The greatest need at the time was to encourage and help promote forest fire prevention by the States, counties, and private landowners. Fire laws were inadequate and law enforcement was weak in most States. There was an urgent need for more care in preventing fires and organized fire control forces generally were either lacking entirely or were too weak in manpower and equipment to be effective. The objective in the use of the Federal contribution was to stimulate local effort in as many States as possible. As far as the Federal money would permit, each cooperating State was to be assisted, more especially those States which were having difficulty in providing efficient protection. In order to receive Federal help the States must at least have started effective protective organizations and must secure reasonable cooperation from private forest landowners in meeting their obligations. A State which could make only a small appropriation might receive an amount equal to that sum, while

a State whose appropriation was relatively large and which could itself provide at least some protection would receive a relatively small allotment. Other things being equal, the more important watershed, or the larger area, or the more valuable forest, received the larger Federal allotment, consideration being given in each case to the relative fire hazard.

The policy was not to allot Federal funds to the States for direct expenditure by them (the procedure established later), but rather to earmark the Federal funds which would be expended by the Federal Government within any one State. Federal funds were to be used solely for the salaries and expenses of Federally employed watchmen at lookout stations and men patrolling more or less regular routes on foot or horseback. These men were to work under the direction of the State Forester or comparable official and to function as a part of the regular State fire organization, except that their services were by law confined to forested watersheds of navigable streams. State Foresters were given Forest Service appointment as Collaborators at a nominal salary, in most cases \$1 per month, in order that they could hire the Federal employees and certify to their services on Federal payment vouchers. Government checks were sent by the Forest Service direct to the watchmen or patrolmen. In some cases other State or local officials of similar rank and duties as State Foresters, such as the Chief of fire wardens of cooperating private protection associations were appointed Collaborators. The general policy of limiting Federal salary payments, as far as feasible, to watchmen located at stationary lookout towers was to encourage the States to initiate or expand a desirable and more permanent phase of fire control.

The allocation of funds to be spent in any State in a single year was of course limited by the annual Federal appropriation. At first the limitation was \$10,000 but as new States applied for cooperation and the appropriation remained the same it became necessary to reduce the maximum individual allotment to \$8,000. It was considered advisable to reserve a small emergency fund which might be drawn upon by any cooperating State for some justified reason such as a bad fire season.

The Secretary of Agriculture was given considerable leeway to cooperate with the States "on such conditions as he deems wise." In exercising this authority Secretary James Wilson delegated to the Forest Service the responsibility for administering the Weeks Law. Chief Forester Henry S. Graves assigned the job of handling the cooperative fire control work to J. Girvin Peters, Chief of a Division of State Cooperation, set up in the Branch of Silviculture. William B. Greeley was Assistant Forester in charge of silviculture at the time the Weeks Law was enacted and continued up to October 1917 when he was appointed District Forester at Missoula, Montana, and was succeeded in Washington by E. E. Carter. ("Districts" later became "Regions") Greeley in his recent book "Forest and Men" states he "had an able associate in Girvin Peters, diplomat-extraordinary and master strategist in unlocking the right door to a complicated State situation." In 1923 the

name of the branch was changed from "Silviculture" to "Forest Management" and two divisions were established -- Eastern and Western. Weeks Law activities were administered by a section of State and Private Forestry in the Eastern Division. Peters continued to head up cooperation with the States under Carter's over-all supervision and from the enactment of the law in 1911 until his death in October 1928 he took the lead in formulating policies and procedures and served as the principal Federal representative in Weeks Law cooperation with the States.

Peters had two assistants, Louis S. Murphy and J. A. Mitchell. During the early life of the Weeks Law inspections were carried on from Washington. In the later years, however, several field inspection headquarters were established. The first field inspector was Crosby A. Hoar, who in February 1922 was transferred from the District Office at Denver, Colorado, to Duluth, Minnesota, and was assigned to Weeks Law work in Minnesota, Wisconsin, and Michigan. Several months later Gordon T. Backus was assigned as Weeks Law Inspector for the South Atlantic States, being stationed first at Charlottesville, Virginia, but moved the next year to Asheville, North Carolina. During this time he was working under direction of the Regional Forester but in the fall of 1923 Backus was transferred to the Washington Office and E. Murry Bruner took over the inspection work at Asheville. Claude R. Tillotson joined Peters' staff in May 1922 and was assigned to Weeks Law inspections in the New England States in New York.

Inspections in the far western States were carried on by the regular Forest Service District Officers, in general by the men who headed fire control on the National Forests.

The work of a Federal Weeks Law inspector was not easy. In many important respects it required a different approach than inspection of Federally administered projects on Government-owned land. These inspectors had to effectively persuade, without offense, State administrators to make needed changes in their policies, ideas or methods.

Federal inspectors were technically trained foresters and they had more or less of the crusading spirit derived or carried over from Gifford Pinchot and his early associates. In their daily work they observed the great need for a broad application of forestry principles and they recognized that this could only be accomplished through support of an informed citizenry. That they were expected to have some of the crusading zeal and ability is apparent from suggestions the Forester sent to resident field inspectors May 12, which stated in part:

In connection with your work as Inspector in a group of States cooperating with the Forest Service in fire protection, it is my desire to have you utilize the opportunities available for informing the people of these States about their forestry situation, their forestry needs, and what the State and Federal agencies are doing. Your main job, of course, is to inspect the fire

protection work of the States to which the Federal Government contributes and to cooperate with State forestry officers in making that work as effective as possible. To the extent, however, that you can supplement this principal duty by educational and informative work, in a systematic way, the net accomplishment will be the greater. We must all recognize that forestry development in the United States rests fundamentally upon the rate and degree to which the public can be educated as to the needs of the situation, what is now being done, and what further things need to be done. It is up to all of us to contribute to this educational work to the extent that we can, and to do so intelligently and systematically.

An enlightening view of early conditions was recently given by the first resident inspector assigned in 1922 to the three Lake States of Minnesota, Wisconsin, and Michigan, Crosby A. Hoar. Also it contained certain philosophy which he derived from many years work in cooperative fire control. In his words:

"It was easy to see that there were good reasons for establishing a resident inspector at Duluth. Inspections in previous years had been limited to a few weeks each, which was inadequate in a forested area of some 50,000,000 acres."

The Lake States had a long history of disastrous forest fires culminating in those of October 1918 which had taken some 400 lives in Minnesota. After feeble starts and long delays fire control was commanding greater public interest and support and was ripe for expansion. Logging was declining rapidly, but it had left a huge area of cutover land, not yet reforested, ripe for fire. More than 5,000,000 acres of cutover land in Michigan were tax-delinquent, and tax-delinquency was serious in Wisconsin and Minnesota. Most of the logging slash was burned before it could rot. It had been found that most of the cutover land was not adapted to agriculture or grazing, but to growing another forest. Fires had to be reduced before natural reseeding could be fully effective or artificial reforestation justified. Far-seeing people realized the situation and urged better protection from forest fires, both to promote public safety and to begin relieving the uneconomic condition of the cutover waste lands. Development bureaus, forestry associations, lumbermen, sportsmen, and others strongly urged better protection. The press generally favored it. At least one magazine of national circulation, *The Country Gentleman*, published a series of articles explaining the cutover land situation and pointing to forest fire control as the first step in restoring such land to production. Legislatures were listening and acting favorably upon fire laws and fire appropriations. It was a time of justified 'viewing with alarm.' Yet the actual State protection forces were weak and poorly equipped. There had been no experience with really good protection. Many residents of the cutover areas were indifferent to the burning of young forest growth, or felt hopeless of preventing it. All deplored the loss of life and the destruction of improved property by forest fires, but many were careless in the use of fire or reluctant to serve as fire fighters on crews that were poorly led, poorly equipped, and

poorly paid. It took many years for protection practice to catch up with the vision which leaders of public thought had in 1922, and indeed long before then.

"State fire wardens of that time in the Lake States were often lonely. Some of those in the wilder areas found themselves the only outspoken advocates of real fire control. The farmers wanted to burn over their peat lands and were careless about letting their fires escape. Loggers would try to evade disposing of their slash. People objected to getting burning permits and often burned without them. There were still many who thought that fire on the cutover lands was beneficial, by paving the way for more settlers and farmers, not realizing that the land was unsuited for farming. Local justices and juries were reluctant to enforce the forest fire laws.

"There have been critics of Federal cooperation with the States in fire control who held that the Forest Service was too lenient in its requirements upon the States. Such criticism was aimed more at Federal administration than at alleged weaknesses of some of the States. It is useless at this time to speculate upon what increase in State development and efficiency might have been brought about by greater Federal insistence, backed by the threat to withdraw or curtail Federal help. Probably some of the States should have made faster progress than they did. In general, however, the State Foresters were ahead of their legislators, politicians, and general public in their desire for better forest fire control and did their best to secure it. They were best able to understand and cope with their local obstacles.

"It is significant that the States have made very substantial progress in controlling forest fires. Under the supervision of their own leaders they have built strong agencies responsible to local needs and inspiring the maximum local pride and satisfaction. The real success of Federal cooperation has been in helping the States to help themselves."

In administering the cooperative fire control program the U. S. Forest Service early established the practice of working out policies and procedures, as far as feasible, through consultation with the cooperating States.

On January 9 and 10, 1913, an important conference was held at Washington, D.C., with the then 18 collaborators and a few forest officials of other States which might become interested in joining the program. Also attending the meeting were a number of other forest officials or individuals associated with forestry. The group included:

F. W. Besley, State Forester, Md.  
R. S. Conklin, Commissioner of Forestry, Pa.  
W. T. Cox, State Forester, Minn.  
F. A. Elliott, State Forester, Oreg.  
W. O. Filley, State Forester, Conn.  
Alfred Gaskill, State Forester, N. J.  
A. F. Hawes, State Forester, Vt.

E. C. Hirst, State Forester, N.H.  
 J. S. Holmes, State Forester, N.C.  
 M. C. Hutchins, State Fire Warden, Mass.  
 R. C. Jones, Assistant State Forester, Md.  
 J. B. Mowry, Commissioner of Forestry, R.I.  
 C. R. Pettis, Superintendent of Forests, N.Y.  
 F. W. Rane, State Forester, Mass.  
 E. Secrest, State Forester, Ohio  
 J. A. Viquesney, Forest Game and Fish Warden, W. Va.  
 C. P. Wilber, State Fire Warden, N. J.  
 George H. Wirt, Forest Inspector, Pennsylvania Department of Forestry  
 E. T. Allen, Forester, Western Forestry and Conservation Association  
 I. W. Bailey, Assistant Professor, Harvard School of Forestry  
 H. P. Baker, Dean, New York State College of Forestry  
 J. F. Baker, Professor of Forestry, Michigan Agricultural College  
 G. Dawe, Managing Director, Southern Commercial Congress  
 J. H. Finney, Chairman, Forestry Committee, Southern Commercial Congress  
 John Foley, Forester, Pennsylvania Railroad  
 J. H. Foster, Professor of Forestry, New Hampshire College  
 J. M. Goodloe, Big Stone Gap, Va.  
 G. A. Gutches, Indian Office, Department of Interior  
 Newbold Hutchinson, Georgetown, N.J.  
 F. F. Moon, Professor of Forestry Engineering, New York State College  
 of Forestry  
 H. A. Reynolds, Secretary, Massachusetts Forestry Association  
 P. S. Risdale, Secretary, American Forestry Association  
 M. C. Rorty, Commercial Engineer, AT&T Company  
 G. O. Smith, Director, U. S. Geological Survey (also representing  
 Kinnebeck Valley Protective Association of Maine)  
 E. A. Sterling, Consulting Forester  
 W. L. Sikes, President, Emporium Lumber Company, Buffalo, N.Y.  
 H. S. Graves, Forester, U. S. Forest Service  
 W. B. Greeley, Assistant Forester, U. S. Forest Service  
 J. G. Peters, Chief of State Cooperation, U. S. Forest Service  
 E. H. Clark, Forest Inspector, U. S. Forest Service  
 W. L. Hall, Assistant Forester, U. S. Forest Service  
 R. Y. Stuart, Forest Inspector, U. S. Forest Service  
 L. S. Murphy, Forest Examiner, U. S. Forest Service

The objectives of this conference were:

- (1) To provide for an informal discussion of the administration of Section 2 of the Weeks Law and of the various methods of fire control which have been adopted by the States.
- (2) To determine the results of the cooperation to date.
- (3) To encourage States to enact legislation enabling them to qualify under the weeks Law.
- (4) To determine whether the experiment had been a success and if so the annual appropriation which should be asked of Congress in order to continue it.

The opening remarks of Chief Forester Graves sheds some light on the early thinking with respect to the program. He said in part:

"Gentlemen: We have called this conference to discuss that section of the Weeks Law authorizing cooperation by the Federal Government with the State in protecting from fire the forests situated on the watersheds of navigable streams. We have before us for consideration not only the details of carrying out this law, but also the results which have already been accomplished as bearing on the wisdom of the appropriation which has been made and the desirability of extending the policy through subsequent appropriations by Congress.

"The appropriation of \$200,000 for Federal assistance in fire protection initiated a new policy. When the Weeks Law was under consideration it was maintained by some persons that greater results from a given expenditure of money would be accomplished by annual appropriations to aid the States in fire protection than by the establishment of National Forests by purchase. The appropriation of \$200,000 was, in a way, an experiment to test the efficacy of this kind of Federal aid. There was recognition of the principle that there is a national interest in these great areas of forest lands, and that there is not only a justification but a duty on the part of the Federal Government to see to it that these national interests are protected.

"In administering the cooperative clause of the Weeks Law the Forest Service has clearly in mind the principles which I have indicated. It has been the effort so to distribute the money that it would last through about three seasons and to expend it under sufficiently diversified conditions to insure conclusive results.

"The question comes before us now of what has been accomplished during the two seasons of cooperation which have already passed. Has it resulted in the stimulus to the States to meet their responsibility in forestry? Has it resulted in securing better protection than otherwise would have been the case of the forests on navigable streams; and if so, have the results from this standpoint alone justified the expenditures of the \$200,000? In securing such protection, have other national and interstate interests been secured aside from mere protection to navigation? In short, before we go to Congress and request an extension of this appropriation we must be able to show that this new policy, which was in a measure inaugurated as an experiment, has produced certain definite results which justify the Nation in continuing the work.

"I want to emphasize over and over again this national feature of the work, because we are asking the National Government to provide the money, and while the protection of navigation is the constitutional reason for the appropriation, the general national and interstate interests are a tremendous additional justification.

"Mr. Peters has many facts which demonstrate to my mind that the results obtained are of an importance even greater than could have

been anticipated. We want to know, and Congress wants to know, what the experience has been in the States, both from the viewpoint of the State and from that of the Nation."

Peters explained several proposed amendments to the last year's agreements with the States. One was to specify the maximum number of Federal patrolmen to be employed. Another made the agreement a continuing one unless terminated by either party upon 30 days' written notice to the other party, the purpose being to eliminate the need for preparing a new agreement each year. Probably the most important amendment was one providing that the expenditure of Federal funds would be in the same proportion as the expenditure of State Funds. In other words, if the actual expenditure of State funds fell below the amount contemplated to be spent by the State, the amount of the Federal expenditure would be decreased proportionately. There followed an informal discussion of the fire control problem in each of the cooperating States and the manner in which the States were carrying on the work. Many good suggestions for improving the program resulted from these discussions. Peters explained the reason why the Forest Service desired that the Federal funds be used as far as feasible in employing watchmen at stationary look-outs and asked the collaborators if this policy had handicapped them in their work. The concensus was that this restriction had not interferred with the program and that it should be continued. It was also the concensus of the meeting that cooperation in fire control under the Weeks Law had been highly successful and that the program should be continued on a permanent basis. Further, that Congress should be requested to make annual appropriations of at least \$100,000 to underwrite the Federal part of the cooperative project.

#### Federal Appropriations

The act carried an appropriation of \$200,000 for cooperative fire control which originally was to be available until expended but Congress in 1912 limited its use to June 30, 1915. The reason the law did not stipulate an annual authorization, customary in Federal legislation of this type, was that the cooperative approach to the fire problem was new and untried. The value of the experiment had to be demonstrated before it would be considered a permanent Federal policy and program.

For several reasons, one being the necessity for enabling legislation by most States, the project was slow in getting started except on a very limited scale. By June 30, 1913, only \$106,536 or a little more than one-half the available funds had been spent. The original appropriation of \$200,000 lasted for 3 years. An additional \$75,000 was made available for the fiscal year 1914 and for the following 6 years annual appropriations were \$100,000. The appropriation was increased to \$125,000 for the F.Y. 1921.

During the summer of 1920 a survey was made to determine what it would cost each year to protect non-Federal forest lands from fire and the amount the States themselves were prepared to spend. This survey resulted in the initial Area and Cost report, which has been renewed periodically to keep figures current.

The study showed that cooperation should be extended to 35 States estimated to contain 315 million acres of State and privately owned forest land in need of protection against fire. Less than one-half of the area was then receiving any organized protection. Based on a minimum average cost of 1-1/2 cents per acre, the yearly cost of fire control would be \$4,725,000. In response to Senate Resolution No. 311 (66th Cong., 2nd.Sess.) a report had recently been made by the Forest Service on the forest situation of the United States. This report called attention to the tremendous losses caused by forest fires on non-Federal lands and emphasized the urgent need to do something about it.

On November 29, 1920, the Secretary of Agriculture, with the approval of the President, asked Congress for a supplemental appropriation of \$1,000,000 for cooperation with the States in fire control and in other needed forestry measures. Coupled with this request was a recommendation for authority to extend the cooperation to any non-Federal forest lands within the cooperating States, which would remove the existing Weeks Law limitation with respect to navigation. The wording was substantially the same as Sections 1 and 2 of the first Snell Bill (H.R. 15327 - 66th. Cong., 3rd. Sess.), referred to later. Since such a change would require new legislation the House Committee on Appropriations refused the request for authority to use Federal funds on other than watersheds of navigable streams. However, it did agree to consider in the regular appropriation bill for the next year an increase in the fire control item under the existing authorization. A strong case was presented to the Bureau of the Budget for a substantial increase in the Federal cooperative fire control appropriation for F.Y. 1922. Apparently the Congress was impressed for it raised the annual appropriation to \$400,000 for that year. It remained at that figure for the next four fiscal years or until the Weeks Law became inoperative and the cooperative fire control program was absorbed and expanded under the Clarke-McNary Act. This act was passed June 7, 1924, and Federal appropriations for F.Y. 1926 and thereafter were made under the new act.

In all, \$2,439,826 of Federal funds (total appropriations \$2,600,000) had been expended under Section 2 of the Weeks Law, of which 7 percent or \$171,471 was used for Federal administration of the program. State and private protection expenditures during the same period were \$12,652,985 or nearly five times the participation of the National Government. These non-Federal expenditures, however, covered all classes of State and private forest lands whereas the Federal sharing was by statute restricted to forested watersheds of navigable streams.

On November 12 and 13, 1920, another major policy meeting with the cooperating States was held at Atlantic City, New Jersey. One of the proposals discussed was a basic change in the method of allotting Federal funds. Heretofore the small size of the Federal appropriation led to its allocation chiefly on the basis of encouraging the States to establish and maintain forest fire protection organizations. This system gave no recognition to the relative size of the protection job in the various States nor to the respective amounts of money spent by the States on fire control.

William B. Greeley, who the preceding April had succeeded H. S. Graves as Chief Forester, suggested and the State representatives agreed that in the event of substantially larger Federal appropriations major consideration in allocating Federal funds should be given to the cost of an adequate system of fire protection in each State. They recognized that it probably would be necessary to limit the amount any State could receive to roughly the ratio between the Federal appropriation and the aggregate estimated cost of protection in all cooperating States. Another suggestion which met favor from the group was that a small portion of the Federal appropriation, possibly as high as 25%, should be allotted to the States on the basis of what the States and local agencies had themselves spent on fire control.

A third important conference with Weeks Law collaborators was held at Washington, D.C., on April 28 and 29, 1922, to decide the questions raised at the meeting at Atlantic City in the fall of 1920. All the 26 cooperating States were represented except Wisconsin. A major purpose of the meeting was to reach an agreement on the most equitable method of allotting Federal funds in the event of the hoped-for expanded program. A formal vote was taken as to whether some portion of the Federal funds should be allotted on the basis of State expenditures, as had been suggested, and if so, what proportion. The question was considered from two angles:

(1) on the basis of the current Federal appropriation, then \$400,000, and

(2) in the event of a substantial increase in the Federal appropriation, having in mind \$1,000,000.

The vote on the point of whether allotment should be on the basis of State expenditures in situation (1) was a tie. It was 2 to 1 in favor of that basis in situation (2). The consensus was that about one-fourth of the Federal funds should be allotted on the basis of State and local expenditures on fire control. Since there was no further increase in Federal appropriations under the Weeks Law, the factor of State expenditures was not considered in allocating Federal moneys under that act. In fact it was not incorporated into the allotment formula until F.Y. 1928.

The question was raised as to whether the relative financial ability of a State to meet its fire control obligation should be considered in allotting funds. It was agreed that if this index were used at all it should be on the basis of relative total taxable wealth in the various States. However, after considerable discussion the idea was voted down by the States chiefly because they believed this element was not directly related to the fire control job and furthermore that applying such a factor would be complicated and difficult.

On the question of qualified "matching" expenditures by the State and private protective associations, Greeley stressed the importance of maintaining a protection system on a permanent basis. He pointed out that it would be a foolish waste of public money for the National Government to participate in a protection plan for 3 or 4 years and then have that plan terminate. In order to give reasonable stability the Forest Service believed that protection expenditures to be recognized must be those that rest on State law, rather than upon voluntary local effort. Greeley said "We have seen a good many instances where there will be a spasmodic effort at forest protection for a season or two and then be discontinued. We cannot ask Congress to appropriate money to cooperate in that kind of forest protection. There has got to be a reasonable measure of stability in it . . . which to us is expressed by State legislation. Under our existing law we can only recognize local fire control expenditures which represent State appropriations. As a matter of policy, I think that we can go beyond the strictly legal definition, and recognize any funds that are put into forest protection as the result of a requirement of State law. The Solicitor might hold that the funds spent on forest protection under the compulsory patrol laws of Washington and Oregon do not amount to a State appropriation, but I feel that we should recognize such expenditures because they are made as a result of a specific requirement of State law and they have got to be made as long as that State law stands on the statute book. An association expenditure that is not required by State law, however, could be eliminated at any time the landowners decided to do so. It does not seem to me, therefore, that we can consider such expenditures in connection with our general policy, because they do not represent a sufficiently stable form of forest protection."

Girvin Peters pointed out that some States, such as Virginia and North Carolina, were making a strong bid for county cooperation and that they considered county participation a cardinal feature of the State protection program. He added that in such instances "funds derived from county appropriations which are authorized by State law may automatically become a State appropriation. Consequently, county appropriations may be recognized as an offset to Federal funds when the State law specifically provides for such cooperation and the counties have actually made the money available for fire fighting and other protection expenditures."

Progress Made During the Life of the Weeks Law

When the Weeks Law was enacted in 1911 twenty-five States had forestry departments but only sixteen had appropriated money to engage in the protection of forests from fire. Upon passage of that act eleven of these sixteen States promptly entered into agreements with the Federal Government to cooperate in forest fire control. The area of State and Private lands protected at the time was approximately 60 million acres. The States which joined the program during the first year were Connecticut, Maine, Maryland, Massachusetts, Minnesota, New Hampshire, New Jersey, New York, Oregon, Vermont, and Wisconsin. Each year thereafter under the Weeks Law one or more new States were added to the list of cooperators, excepting F. Y. 1918. In the last year of the Weeks Law program (1925) the Federal Government was cooperating with twenty-nine States, which were protecting about 178 million acres. During the active life of the Weeks Law both the number of States cooperating and the total area protected had roughly trebled. (See Table 1.)

Organized fire protection in the remaining fourteen States which had forestry departments in 1911 was established in large measure as a result of Federal cooperation. Furthermore, it is generally agreed that in all the States systematic forest protection was stimulated by the Federal aid and encouragement made possible by the Weeks Law.

In July 1921 an important change was made in the method of Federal cooperation with the States. Heretofore Government funds had been used to pay federally employed lookout observers and patrolmen, although these men were hired by and functioned under State direction. This meant that the Federal participation and interest was limited to only one phase of the cooperative effort. This procedure was satisfactory in the early days of the program, but as the State fire control operations expanded it became apparent to both the Forest Service and the States that it would be better for the Federal Government to share in the complete State fire control program rather than in only one of its segments. Accordingly the direct Federal employment procedure was terminated and in its stead each cooperating State was given a specific Federal allotment which it could use, on a reimbursement basis, for any legitimate fire protection obligation. In order, however, to meet the requirement of the Weeks Law Federal funds still had to be confined to forested watersheds of navigable streams.

Cooperating StatesCalendar Year in which the Various States Entered the Weeks Law Program

- 1911 - New Hampshire, Minnesota, New Jersey, Wisconsin, Maine, Vermont, Connecticut, Oregon, Maryland, Massachusetts, New York
- 1912 - Washington  
 Montana) Agreements not executed because of favorable fire  
 Idaho ) season.  
 Cooperation with Kentucky, Alabama, and California considered.  
 Postponed in latter two States since neither had funds or an  
 administrative fire protection system in operation.  
 Kentucky (no allotment until 1913)
- 1913 - Idaho and Montana - portions of Snake and Missouri Rivers
- 1914 - West Virginia, South Dakota, and Michigan
- 1915 - Virginia and North Carolina
- 1916 - Texas
- 1917 - No new States - Southern States showing interest. Many requests  
 for help in drafting laws.
- 1918 - Louisiana
- 1919 - Rhode Island - Agreement with California underway.
- 1920 - California and Pennsylvania. (Kentucky withdrew its support from  
 forestry and fire control.)
- 1922 - Ohio and Tennessee
- 1924 - Alabama and New Mexico
- 1925 - Kentucky readmitted.

Table 1

Progress Under Weeks Law\*

<u>Fiscal year</u>	<u>Federal appropriation</u>	<u>No. of States cooperating</u>	<u>Total State &amp; private lands protected</u> (Million A.)	<u>Federal Administration &amp; inspection</u>	<u>Federal expenditure</u>	<u>State expenditures (fiscal year)</u>
1911-						
12	\$200,000	11	61	--	\$53,288	\$350,000
1913	--	14	68	--	53,248	380,000
1914	75,000	17	83	\$1,290	79,708	415,000
1915	100,000	18	95	1,201	69,582	505,925
1916	100,000	21	98	5,652	90,481	408,087
1917	100,000	21	103	4,925	90,580	435,328
1918	100,000	22	104	8,081	98,530	565,625
1919	100,000	23	110	7,140	99,921	625,446
1920	100,000	25	129	8,182	95,108	860,919
1921	125,000	24	140	11,098	119,530	1,066,027
1922	400,000	27	166	25,792	398,899	1,896,920
1923	400,000	26	173	27,523	395,211	1,826,431
1924	400,000	28	175	32,406	396,480	1,473,085
1925	400,000	29	178	38,181	399,260	1,844,192
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Total	\$2,600,000	--	--	\$171,471	\$2,439,826	\$12,652,985

\*Figures based on Annual Reports of the Chief of the Forest Service.