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As federal lands management is currently being reviewed in Congress, it is instructive to remember that many issues to be discussed are not new. Fifty years ago, William B. Greeley, chief of the Forest Service, responded to the controversy in this article.

SHALL THE NATIONAL FORESTS BE ABOLISHED

AUGUST 1927

The *Mining Congress Journal* has, in five successive issues, presented under the title "Federal Domination Versus State Sovereignty" the views of a contributor who opposes continued national ownership and protection of western forests. Editorially *The Journal* has stated: "The policy of the federal govern-

ment in relation to the disposition of public lands in the western states should be no different from that which prevailed while the central states and middle western states were being developed, and where practically all of the original public domain has passed to private ownership is now subject to state and local taxation." The withholding of areas of public lands from private ownership is regarded by *The Journal* as discrimination against the western states. "The general question of state rights in the public domain must be determined at an early date in the interest of the western states, as well as the whole country," concludes *The Journal* editorial.

Advocacy of turning over the present national forests to the states is by no means confined to *The Journal*. Last winter the state of Wyoming memorialized Congress on the subject of the public lands. That memorial asked Congress to "enact such legislation as will cause the return by the United States to the states comprising said government of all vacant and unappro-

priated land, together with all natural resources, including water power, power sites, forests, and minerals now held in such by the federal government within the borders of any of the said states." Prior to the receipt of that memorial Congressman Winter, of Wyoming, said on the floor of Congress:

"A crisis is near in regard to our public lands and the destiny of the public land states. * * * A final policy must soon be determined by Congress as to the vital and tremendous question of the ultimate disposition of all the lands not now

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BY WILLIAM B. GREELEY

privately owned, unreserved and reserved, comprising vast bodies of land within 11 states of this Union."

Congressman Winter said further in the same speech:

"Why can not states administer the forest areas within their boundaries as well as the federal government? * * * Our states should have the right to develop the untold mineral resources which undoubtedly lie in the forest areas, as well as the annual growth of timber. * * * It may not be soon, but I look for the day to come when, following the original plan of this Union, pursuing the American form of government, the states will come not only into their jurisdiction as now over the forest lands for purposes of government, the preservation of law and order, the advancement of education, but, as a natural and rightful corollary with that responsibility, into full ownership and control."

Throughout the United States the interest of the public in forestry, and the recognition of the need to promote reforestation and bring about right methods of land use on the nearly one-fourth of our total land area which has highest value for forest purposes, is more pronounced than ever before. Many of the older states, which have seen their forest resources progressively dissipated under private ownership, and which are now feeling the full force of the economic consequences that follow depletion of the timber resources—the migration of industries and population, the drop in taxable values, the bankruptcy of counties, the decline in rural prosperity, and the incubus of mounting areas of idle lands—are seeking means to bring back the forests. They are faced with very heavy expenditures to remedy the mistakes of the past, and with the prospect of many long years of waiting, at best, before their vanished forest wealth can be restored and the land that has been stripped of its timber can return to productivity. A policy of state and federal purchases of eastern forest land, once in public ownership, to bring it back at heavy public cost to timber growing where private enterprise finds the task too burdensome is being initiated. Yet coincident with all this, a formidable movement is developing for undoing what

the nation has undertaken in the West, to prevent a repetition of the mistakes formerly made in the east, with such harmful and painful consequences.

THE REAL ISSUE

It is mistakenly imagined in some quarters that the issue involved is one of federal domination versus state sovereignty; or of a subordination of the interests of the West to those of the East; or of absentee landlordism with Uncle Sam playing the role of landlord; or of the blocking of local developments; or of the curtailment of local sources of public revenue through the withholding of land from taxation. It is none of these. The fundamental question is whether the best interests of the West will be served by maintaining or by abandoning the national forest enterprise.

Much has been made in the series of articles which *The Mining Congress Journal* has published of the question of the constitutionality of the national forests. Similarly, the writer of the article has challenged the constitutionality of the legislation empowering the Secretary of Agriculture to make rules and regulations having the force and effect of law. All this



U.S. FOREST SERVICE PHOTO

William Greeley, chief of the Forest Service, served from 1920 to 1928.

is misdirected. The Constitution itself makes the Supreme Court its interpreter. The question of the constitutionality of the laws under which the national forests were created and are administered has been fully and repeatedly presented to the Supreme Court. Its rendered decisions have become the law of the land. The proper place for further argument of these questions, if further argument is deemed necessary, is before the courts, which are entirely competent to distinguish between sound and erroneous legal reasoning. The question for the public to decide is whether the national forests are a good thing or a bad thing. If they are a bad thing, it is not necessary to go to the courts in order to get rid of them. Congress has full power. It can repeal or modify its own laws whenever and to the extent that the public welfare requires.

States' rights, for a long time regarded by most people as a



In 1927, Greeley reported 29,000 grazing permittees. Sheep were moved into mountain grazing areas as the snow melted in spring and returned to the winter ranges in the fall. (A) Lincoln National Forest, New Mexico, July 1928. (B) Humboldt National Forest, Nevada, September 1938.



U.S. FOREST SERVICE PHOTOS

dead issue, has of late become again a political shibboleth. We are in a period of almost hysterical reaction against government. "Bureaucracy" has become a catchword. Since, as *The Mining Congress Journal* has admirably pointed out, the federal executive government is necessarily a government of bureaus and could not function except through these agencies, in current discussion "bureaucracy" generally signifies "federal bureaucracy," and is attacked as inimical both to states' rights and to individual rights. Those who would like to see the national forests abolished, for one reason or another, obviously and naturally suppose that they can make headway by constructing a syllogism like this: Federal bureaucracy is hateful; the national forests are necessarily administered by a federal bureau; therefore the national forests are hateful.

Or like this: The powers of the federal government have been extended to the detriment of the states; the national forests are an extension of the federal power; therefore the national forests should be abolished.

But the vital question is, Should they?

The attention of the whole country is now turned to the problem of flood control on the lower Mississippi. For half a century the people of the southern states adjoining the Mississippi have contended that the problem of flood control should be recognized as national in character and that the task of con-

trol should be assumed by the federal government. It has taken the overwhelming calamity of this year's flood to bring general assent to their contention. Will the assumption by the federal government of the task of flood control constitute an encroachment upon states' rights? Will the conduct of the work by a federal bureau or bureaus enlarge the iniquity and increase the hatefulness of federal bureaucracy?

A LITTLE PUBLIC LANDS HISTORY

About 1840 Arkansas and Missouri begin to memorialize Congress on the subject of the swamp lands of the public domain lying within their territory. They asked that Congress take measures for the reclamation of these lands by the federal government or else, if the matter were to be left to the states, give them the land as partial compensation for the expense involved. In 1849 a bill was before Congress to grant to Arkansas all the unsold swamp and overflowed land in the state, "to enable her to construct the necessary levees and drains." This bill, broadened to apply to all states containing such lands, was enacted in 1850.

Under the swamp lands grant Arkansas has received over seven and one-half million acres; Louisiana, nearly nine and one-half million acres; Mississippi, three and one-half million acres; Missouri, more than three and one-third million acres. Altogether, under that law of 1850 over 63,000,000 acres of public lands passed to the states. But where are the public works which these lands were intended to provide? And which was the wiser viewpoint—that of 1850, when it was held that the spirit of our institutions and our form of economic organization made it advisable for the federal government to turn over the swamp lands to the states along the lower Mississippi and to tell those states to wrestle with the problem of drainage and flood control themselves, or the viewpoint of the present time that flood control is a national problem?

WHAT BECAME OF FLORIDA'S SWAMP LANDS

Florida received more than 20,000,000 acres of public lands under the swamp lands act. The act itself expressly stipulated that "the proceeds of said lands, whether from sale or by direct appropriation in kind, shall be applied exclusively, as far as necessary, to the reclaiming said lands, by means of levees and drains." According to the Bureau of Corporations of the United States Department of Commerce, prior to January 1, 1911, Florida disposed of nearly 19,000,000 acres of the lands so received. Railroad companies had then received approximately 8,800,000 acres; canal and drainage companies, approximately 2,800,000 acres; a single individual purchaser, 4,000,000 acres, sold in the 80's at 25 cents an acre with use of the proceeds to meet interest on defaulted railroad bonds guaranteed by the state; 550,000 acres to the state land agents; other persons, 2,700,000 acres.

In 1908 the general council of the trustees of the internal improvement fund of the state of Florida summarized the accom-

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plishment of the state in securing drainage and reclamation through disposal of the swamp lands as (a) approximately 90 miles of unsuccessful drains and canals constructed, and (b) temporary or partial drainage of not exceeding 100,000 acres of land. In the main the swamp lands have valuable stands of timber passed eventually into the hands of large timber companies and are now cut-over lands in need of reforestation, while the state is initiating a new project for financing drainage operation in the Everglades through a large bond issue.

COULD THE PUBLIC LANDS STATES ADMINISTER THE NATIONAL FORESTS?

The public land states can not take over the management of the national forests. They are not equipped to do so. Successful permanent administration of land resources of the kind afforded by the national forests is a most difficult public undertaking. It is a highly technical task, requiring experience, skill, and an organization that will not become the football and can not become the tool of partisan politics. It involves interstate interests in the control of streamflow and the supply of water for irrigation and other purposes. It can be handled far more economically and far more efficiently under a unified policy and a unified organization, making available the best expert knowledge and the resources of the federal government for the solution of the great problems involved, than it could through a multitude of state organizations of divergent policies and each with its own overhead. To break it up would be as unwise

as would be a requirement that our great transportation and industrial corporations should be broken up into units independent of each other and each required to operate within the boundaries of a single state only. The American people will not adopt such a course for the national forests.

Twenty years ago, when the national forest system was new and untried, the case was different. It was at that time, and in connection with the national forest policy, that the doctrine of states' rights was reborn. And at that time, too, those who wished the national forests abolished in order that their timber, water-power sites, cattle and sheep ranges, and other resources might become private property urged that the West was being unfairly treated and that its interests were being subordinated to those of the East. Such views, though specious, had a far greater plausibility then than now. For the proof of the pudding is in the eating; and the people of the West now know quite well, through practical experience, that the national forests are not a form of absentee landlordism, or of landlordism of any kind, but that the national forests are a form of public utility, administered primarily for and primarily benefiting most of the interests of local communities and the local public.

THE NATIONAL FORESTS SERVE THE WEST

What does it mean to Maine or Georgia, in comparison with what it means to Wyoming or Utah, that the timber supplies and water resources within the national forests of the public land states are safeguarded for all time? Is it eastern lumbermen who cut the timber, eastern farmers who use the water, eastern wage earners, storekeepers, towns that benefit from the industries supported by the western forests?

Thirteen thousand national forest timber-sale contracts are current. Their manufactured output has easily a value of \$30,000,000 a year. Do citizens of New York or Illinois get the money? There are 29,000 grazing permittees. Do they live in the east? Their flocks and herds, it is true, help to feed and clothe the nation; but the profits, the wages, the state and county taxes coming from a national forest livestock industry with an annual production approximating \$75,000,000 contributed not to the welfare of Massachusetts or Louisiana but to the welfare of the public land states. Fifteen thousand people have summer home permits in the national forests and nearly as many millions avail themselves of the recreation opportunities which these public forests hold open to all citizens without charge; but they are chiefly western people.

THE EAST HELPS PAY THE BILL

That the East is milking the West through the national forests is a figment of the imagination. The East helps foot the bills; or, more accurately, contributes yearly to the national investment which is being made in these resources. It does more. The receipts from the national forests are fairly near, though still below, their normal operating expenses. But because the national forests are not subject to taxation one-fourth of the receipts are returned to the states in which the forests lie, for the benefit of county school and road funds. Thus not only all improvement and development work but more than one-fourth of the actual



Recreation was an early use of the National Forests. Angeles National Forest, California, 1916.

operating cost is contributed by the general taxpayer. And the general taxpayer must foot the bills for emergency fire fighting, for all investigative work, and for timber planting.

Road construction is the outstanding improvement item. Its community value is almost incalculable. The total expenditure of federal appropriations for road and trail construction or improvement and maintenance, mainly in the public land states, within or on account of the national forests, to date exceeds \$61,000,000. The yearly outlay for this purpose alone is equivalent to approximately 6 cents per acre of national forest land. Is it easterners who mainly use these roads?

THE BUREAUCRACY FABLE

It is asserted that the Forest Service is an oppressive and uncontrolled bureaucracy. The assertion is untrue. Had the Forest Service not been responsive to local needs, had it not been doing a work of which the West approved and which the West wanted to have go on, it would have been thrown into the discard long ago—it and the whole national forest system. It received from Congress broad powers, because in no other way could the task of administration and protection of the vast and varied resources entrusted to it possibly have been performed. Congress could not enact minute laws adapted to fit a vast variety of conditions and contingencies. The national forests are a great business enterprise; and no great business enterprise can be conducted by legislative fiat and hard and fast prescription. Congress therefore told the Secretary of Agriculture to “make such rules and regulations and establish such service as will insure the objects of such reservations.” The Forest Service has accepted the responsibility so conferred by Congress. It has been accountable to the President, to Congress, and to the public for everything that it has done. It is so accountable today. Had it refused to assume the responsibility with which it was entrusted—had it failed to exert itself to the utmost to make the national forests serve the public welfare in every possible way and in the largest possible degree—then indeed it

would have been guilty of bureaucracy; for instead of carrying out the will and the law of Congress it would have brought the law to naught.

THE INTERESTS OF THE MINING INDUSTRY ADVANCED

The relationship of the national forest system to the best interests of the mining industry should not be overlooked. From the beginning an important part of the function performed by the national forests has been to further the interests of that industry. Far from having interfered with mining development, it has rendered and is rendering the industry great service. By maintaining continuous supplies of timber always available for mining needs and by protecting and maintaining water supplies it insures two essentials of mining development and operation. By holding great areas of land in public ownership and open freely to mineral discovery and exploration, and to the operation of the mining laws when valid discoveries of minerals are made, it gives the prospector a chance and a field which, if the lands were private property, would be entirely closed to him. On the other hand, by the barriers which it raises against the patenting of fraudulent mining claims it affords very material protection to the industry against one of its worst scourges—the fake mining company organized not to work claims but to fleece investors by selling worthless stock.

In the early days of the national forests the impression prevailed, both amongst mining men and with a large part of the general public, that the administrative methods of the Forest Service handicapped mining development. The service was widely and severely criticized on the ground that mining claims were examined and reports adverse to the claims were frequently made to the Department of the Interior, which passes on the validity of all claims, by forest officers incompetent to act as mineral examiners and report correctly whether or not the requirements of the law had been complied with. To provide a means for running down all cases affording a ground for protest that the Forest Service was not giving mining men a fair deal, or was interfering with mineral discovery and mining development, a grievance committee was created by The American Mining Congress. This was done with the full approval of the Forest Service, which promised its hearty cooperation to the end that any cases of incompetence in dealing with claims, or of an antagonistic attitude toward mining interests, or of unnecessary and burdensome regulations might be brought to light and proper measures of correction applied. In order that wherever causes for complaint existed they might be brought before the committee, the widest publicity was given to the fact that the committee had formed and was prepared to function. Practically nothing of importance, however, has ever been presented for the committee to act upon. The Forest Service is today, as always prepared and anxious to cooperate with mining men, and with their organizations everywhere, in order that the best interest of their great industry and of the public generally may be furthered to the utmost.