

AN INTERVIEW WITH JOHN R. MCGUIRE

**Forest Service Chief
1972-1979**

by

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**September 1987
Falls Church, Virginia**

**Produced by the Forest History Society
in co-operation with
the United States Forest Service**

Forest History Society, Inc.

Durham, North Carolina

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Figure 1: Portrait of John McGuire, U.S. Forest Service Chief 1972-1979; no date.

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Introduction

John Richard McGuire is an affable man who speaks with articulate informality. None of us has perfect recall, but John comes as close as any. His breadth of knowledge about the Forest Service is impressive, as is his command of detail on a vast range of topics. His candor reflects a genuine straight-forwardness; his praise for individuals is subdued, just as his criticisms are not mean. He is enjoying a challenging and productive life, which the following pages sample. The taped version is laced with chuckles of both humor and irony. As is always the case with oral history, the transcribing and editorial process masks some of the humanness, but his intelligence, wit, and humility still come through.

The rules of oral history insist that the interviewer and interviewee not spend “off-tape” time together. John and I were fairly obedient, but he did invite me to lunch following the second session. During the meal, his wife Marjory related a story that was obviously a family favorite; it took place during President Nixon’s détente with the Soviet Union. It seems that a delegation of Soviet foresters came to the McGuires for dinner, and they still chuckle remembering the neighbors’ undisguised curiosity when an official motorcade pulled to the curb and a phalanx of stocky men marched up the front walk. But the recorder was off, and this delightful story is not part of the interview.

I knew John slightly while he was Forest Service chief; we became better acquainted following his 1982 election to the Board of Directors of the Forest History Society, my employer since 1969. I worked for the Forest Service in several capacities following graduation from forestry school in 1957; for the past two decades the agency has been a topic of special interest to me, as I have plied the historical trade. These factors melded well as we developed a mutually acceptable interview outline, and during the interview itself.

The interview was conducted in September 1987 at John’s home in Falls Church, Virginia. We scheduled three sessions of approximately three hours each; each session addressed a different aspect of his term as chief (1972-1979), and he had insisted that we not attempt to cover his whole Forest Service career. The first session focused on “what is it like to be chief:” what does the head of a large federal bureau do day-to-day, what is the relationship with the Department of Agriculture, the White House, Congress, and also organizations outside of government?

The second session emphasized issues that were especially important during the 1970s—clearcutting and wilderness were only two of the topics that John characterized. And we didn’t restrict the interview to contentious matters; for example, mining practices on national forests were dealt with at that time without much notice in the media.

The final session was more specific. Since one scholar has described the 1970s as *The Decade of Change*, in terms of federal statutes affecting national forest management, we delved into legislation. The Forest and Range Renewable Resources Planning Act of 1974 and National Forest Management Act of 1976 were on the list of laws that he discussed.

John was born on April 20, 1916, in Milwaukee, Wisconsin. He earned a B.S. in forestry from the University of Minnesota in 1939 and a master’s degree in forestry from Yale University in 1941, while working at a Forest Service research facility on campus. During his undergraduate years, he had held a variety of temporary assignments with that agency. Following the outbreak of World War II, he served four years in the Army in the Pacific Theater, rising to the rank of major in command of the Eighth Engineering Battalion. After mustering out in 1946, he returned to the Forest Service at its Northeastern Forest Experiment Station in Orono, Maine.

By 1950 John was transferred to the experiment station at Upper Darby, Pennsylvania, as a mid-ranked forest economist. In 1955 he spent nine months in the Washington office, the first of many such assignments as he developed an ever-wider horizon. His stint at Upper Darby allowed him to pursue additional graduate studies in economics at the University of Pennsylvania; the master's degree earned in 1954 belies the fact of his being only a dissertation short of the Ph.D.

His career was broadened again in 1957 by a reassignment to the Division of Forest Economics, Pacific Southwest Forest and Range Experiment Station in Berkeley, California. On April 4 of the following year, he was appointed chief of the Forest Economics Division. John moved to Washington, D.C. in 1962 as part of a promotion to assistant to the deputy chief for research; a little more than a year later he returned to Berkeley as director of the Pacific Southwest Station.

John served as station director for four years, and on April 23, 1967, he was promoted to the Washington office as deputy chief for program planning and legislation. From then on, he would be involved in issues far beyond the esoteric world of research. As a deputy chief, he would become acquainted with key members of Congress; in the interview, he relates how essential these acquaintances would eventually be when he was considered for the chief's position.

As he approached the minimum retirement age of 55, he gave serious thought to taking advantage of the opportunity of "doing something else"—some sort of consulting work, perhaps. With all of the talent in line ahead of him, he didn't even consider the likelihood of becoming chief. But, suddenly on June 11, 1971, John was named associate chief, the number two position in the agency's ranks. A scant ten months later on April 28, 1972, John R. McGuire became the tenth chief of the Forest Service, succeeding Edward P. Cliff. He retired seven years later on June 15, 1979.

In the first session, John offers a first-hand view of the selection process for chief, and it is at substantial variance to what one might have learned in a high-school civics class. It also varies from classic Forest Service lore on how to move through the ranks; John had not worked as a field forester, and his successor, R. Max Peterson, is a professional engineer.

We learn what it is like to manage the largest bureau in the Department of Agriculture, one constrained by proud tradition, myriad statutes, and a hefty manual of regulations. Over a century ago, federal employees became members of the Civil Service, in order to increase the level of professionalism. The vast majority of observers agree that a high level of professionalism has indeed been obtained, but the accompanying employment security reduces management options. In any case, John chose to wield authority with restraint, believing that persuasion and example were more effective routes to compliance.

If managing many thousands of people was a challenge, managing time was even more so. A chief has to keep abreast of the whole Forest Service, a sum of many complex components—and each component represents a full-time job for a deputy chief. More than half of John's long day was spent in "intelligence gathering," attending meetings, field inspections, and reading staff summaries.

Nearly a third of his time was allocated to "external relations." The bulk of these relations consisted of speechmaking to citizen and professional groups and working with Congress and other agencies in the Executive Branch. As to the speeches, John joked that he gave only three kinds—a keynote address, dedicating something, and inspiring staff. The inspiration speech represents the 10 to 20 percent of his time spent motivating the workforce. Thus, his time was divided among intelligence gathering, external relations, and staff productivity.

John brings this triumvirate of management jargon to life with examples and anecdotes. Not many of us will ever be able to tell how we dropped in on a senator one Saturday morning or listened politely while the First Lady was discussing her daughter's tree house on the White House grounds. Flesh and

blood follows; talented and dedicated but fallible humans carry out responsibilities according to criteria and deadlines that are often imposed externally. Toward the end of the interview, I asked John if while driving to work he had ever wondered, "Why me? Why did all this have to happen while I was chief?" He responded that he had not. "My feeling was the we should be thankful that we were getting all of this attention from the public and legislature, and it will help us do what we're supposed to do." That single answer speaks volumes of the man and his outlook on life.

Selection as Chief

Harold K. "Pete" Steen (PS): You were a forest economist, working in research. Was the training in economics particularly useful to you as chief?

John R. McGuire (JM): The little training that I had in economics probably was more useful than a greater understanding of detail in subject matter such as in range, timber, and water—for two reasons. First, economics merges with policy to a greater extent, making it a little easier to analyze policy alternatives than if I didn't have that background. And second, the Forest Service in those days did not have too many people with an economics background, compared to the number of people skilled in other subjects. I probably did as much course work as one proceeding to a PhD., but I never did the dissertation.

The difficulties in those days with studying economics was finding a suitable school that one could attend at reasonable cost, and I was not particularly fortunate there. At the University of Pennsylvania, where I received a master's degree in economics, there was no niche in the graduate school for someone with my particular interests. The economics program was divided up in various ways, but theory was the all-encompassing segment. I finally wound up with a theory major, but for a time I dabbled with a major in economic geography, which seemed to be broad enough to include natural resources, and with transportation economics, because I was sort of interested in some of the problems of transportation policy. Anyway, I'd say that my economics training was useful when I went to Washington as deputy chief for program planning and legislative affairs. The deputy chief's job required some knowledge of economics, and at that time most of the economics expertise was in Research, somewhat removed from ready access to the top staff.

PS: That was [H. R.] Josephson and his colleagues.

JM: True. Josephson and his people were more involved with the analysis of long range problems and less concerned with the day to day problems of legislative affairs and budgeting—dealing with OMB and that sort of thing.

PS: Do you think the economics background had a material effect on your being selected chief or do you think it was the other experience you had as well as being an economist?

JM: I don't know, but I guess that it was not my economics background. It might have been more the kind of experience that I had had in different Washington situations—in program planning, in dealing with legislation, and in dealing with other parts of the federal government.

PS: When you look back at the chiefs, there is certainly no apparent pattern.

JM: That's right.

PS: I guess that shows that USDA's not hide-bound anyway.

JM: It shows that the opportunities for selection as chief are quite limited, and they depend on a lot of things other than training and education.

PS: But you're probably the only one that wasn't a district ranger, a forest supervisor, or a regional forester. You didn't have line experience that everyone claims is so important.

JM: I know. I think that's plenty important up to regional forester, but when you get beyond regional forester it doesn't make quite so much difference. The chief's role is not just running the Forest

Service and leading the team; it's a matter of dealing with external affairs to a great extent. Experience as a district ranger has a lot of value at the local level in dealing with external affairs, but there are certainly a lot of different factors that affect selection and one of them—perhaps the most important—is the extent to which the candidate is known to those who influence the selection.

PS: Let's talk about that. There seems to be a tradition that a chief will retire in the middle of a presidential administration. So Ed's [Cliff] time was clearly coming. How does the sitting chief come up with a short list and go up to the secretary? Just what is the process?

JM: It varies with the incumbent. First of all, one of his most ticklish tasks is to pick the proper time. The proper time obviously is when there is no imminent change in the executive branch, the presidency, because when that occurs, there are all kinds of problems with tenure. Then he has to pick a time when he has a suitable candidate. And finally, he has to attempt to pick a time when he has sort of maximum control over the process. In my case, I really don't know the story, I never asked Ed and he never volunteered. Because my background was mostly in research, it never occurred to me that I was a candidate when I came to Washington in 1967. So it wasn't until 1971 or so, when I was moving up to associate chief from the deputy's job, that it began to occur to me that maybe Ed Cliff might have something more in mind. Up to then I had thought I'd stick around until I was eligible to retire at age 55 and then I'd do something else. And I had begun to look around at what something else might be. But once I got into the associate chief job it was apparent, I suppose, that there wasn't much in the way of competition inside the Forest Service and there were no outsider candidates in sight.

PS: He still hadn't talked to you about this, it just seemed it was happening.

JM: That's right. We didn't discuss it, and it was obvious that he was thinking about leaving because he was at the retirement age. The traditional age is 62, why I don't know. I suppose the thought originally was that a person is no good on a forest fire after he's 62. Something like that. [laughter]

PS: I suppose so.

JM: Ed was getting to be 63, you see. And a change in the administration was coming up. Nixon's term was going to be over in 1972. And so forth. I'm not sure how it happened, but I suspect that Ed probably talked to [Secretary Earl] Butz and to Tom Cowden, who was the assistant secretary. I've forgotten who the deputy secretary was at that time. Probably [J.] Phil Campbell. But it was Butz who made the decision, and I don't know whether Ed gave him a choice. He may have, but the reason I was selected, I suppose, was that I knew people. I knew Butz pretty well from having represented the Forest Service on a lot of occasions with him, and I knew the rest of the department staff.

Butz thought I ought to pass muster in the White House, so I went over and talked to the man who handled personnel for Nixon. I think his name was [Clark] McGregor; he gathered a group of White House staffers in to meet with me, and we sat around and talked. They never did ask me if I believed in the tenets of Republicanism or anything ideological. It was an easy interview because I had had a lot of dealings with many of these White House people in the past. The main question that the White House staff had was whether there would be any objection from the Hill. And that meant objections from Republicans on the Agriculture/ Interior committees, basically. So they, or the department staff, would check with those members of Congress and, if there was no objection, then they would tell Butz to go ahead. That's the way it worked. They must have done that, and not hearing any particular objections from the Hill, they went ahead. Now the reason why they didn't have any objections from the Hill, probably, was that I was known to a lot of senior Republicans such as [Senator George D.] Aiken of Vermont, for example, [James A.] McClure would be another one. If any one senior Republican senator had objected, the White House probably would have told Butz to go back and take

another look. But hearing no objections, it was then easy for Butz to go ahead and make the appointment.

PS: Did you appear before congressional committees for advice and consent?

JM: No I did not. It's been a question for years as to whether or not the chief of the Forest Service should be a presidential appointee, appointed with the advice and consent of the Senate. For instance, the question arose during the [Richard M.] Nixon Administration. Political people had been appointed to head some of the Interior agencies. They had a fellow named [Ronald H.] Walker, for example, heading the Park Service. Walker had been an advance man for the Nixon election campaign. But that kind of appointment upset the Democrats, naturally, so Senator [Henry M.] Jackson drafted a bill to put the heads of the Forest Service and the Park Service and the BLM—and maybe some other agencies—in the category of presidential appointees, so that the Senate would have something to say about the kind of person appointed. This would have made the job quite political, you see, because not only would it be easy for the congressional voices to be heard in the appointment process, but it would also be easier for the executive branch to turn over agency heads at each change of administration. So, I went up one Saturday morning, as I used to do rather frequently when I was in Programs and Legislation, and talked to Jackson.

Saturday mornings were usually a good time to visit the Hill; they're not so busy up there. And you could walk in without an appointment. The members [of Congress] who are around on Saturday are more relaxed. So I had a chance to twist Jackson's arm on the disadvantages on going this political appointment way and urged him to leave things alone for the time being. I argued that it would be better to leave the Forest Service chief's position under civil service until the political situation got a lot worse than it was. He finally agreed and withdrew his bill and left the chief's job under civil service. Though the president over time has gradually increased the number of political executives, and [then] the [Jimmy] Carter administration got through a so-called civil service reform bill to establish the senior executive service, the Forest Service chief's job has remained under civil service and, compared to most agency head jobs, free of political favoritism. But I'm getting off the subject here.

PS: Not really. You once told me that the Forest Service is closer to the Hill than it is to the White House. Historically that's true.

JM: Yes, that's right.

PS: Had you been designated to be the head of the Soil Conservation Service, I wonder if the process might be a whole lot different, because Agriculture would have taken more interest . . .

JM: I think that's right. Most of the Department's dealings with the Hill are handled by people reporting directly to the secretary. He has an assistant secretary in charge of legislative affairs who is knowledgeable about the soil conservation program, the agricultural research program and all the other agriculture programs of interest to the agriculture committees in Congress. However the secretary's office is likely to be less than familiar with forestry programs, particularly those that interest committees other than agriculture. The interior committees, for instance. On the other hand, the Soil Conservation Service, like the Forest Service, is highly decentralized and has people all over the country, and the state conservationist, like his Forest Service counterparts, must be pretty adroit at staying in touch with his state's congressional delegation. But at the Washington level it seems to me, direct liaison between SCS and Congress is less likely. There are some exceptions because you have members like Jamie Whitten of Mississippi, who is chairman of the House Appropriations Committee now, with very strong interests in some of the SCS programs.

Selection of Max Peterson as Chief

PS: Let's continue with the selection process. You know first hand the process when you retired and Max [Peterson] was selected.

JM: In that case I was more fortunate than Ed in that I could offer a number of candidates. I could have come up with six or so good possibilities. Ed, on the other hand, was kind of stuck with an even-age top staff. As I recall, all or almost all of my peers then were older, and I wasn't very young. I was about 55, but the others were further along and closer to retirement.

Unlike 1972, the candidates in 1979 were fairly numerous. The main problem that I had was to keep some control over the selection. The difficulty was that if I nominated people who were unacceptable to environmentalists, for example, then the department may have said, "Well, that's not going to work. We're going to have to take this whole thing away from you and put our own person in." This was always a threat. If Bob Bergland had been amenable, the environmentalists might have tried to put forward a candidate from outside the Forest Service. Anyway, I was fortunate in being able to reduce my list to a few names of persons who would be acceptable not only to the administration but to most of its constituent groups.

PS: So an important part of being chief is to plan for the transition.

JM: One of the most important things a chief has to do is figure out what kind of a Forest Service should we have in the future and what kind of people need to be around to run it. And you don't have too much latitude there. A lot depends on what your predecessor leaves you.

PS: You had a short list, and you talked to the assistant secretary or the secretary. Who really is the one that . . .

JM: I talked to the secretary and the deputy secretary. On something like this I wouldn't go through the assistant secretary. For one thing, I probably was a little suspicious of the possibility that the assistant secretary [Rupert Cutler] might also be interested in the job. I don't know for sure, but he might have been. It would be a retreat for a political appointee, you see, to get in to a more secure position in the federal government. So I had to be careful and I tried to head off that possibility. I knew Bergland pretty well and I just went in and said, "I'm thinking of leaving whenever you are agreeable. When you are ready I'll give you a list of possible replacements." So he said, "Okay, how about holding off till such and such a time." When the time was up I went in and said here is my list Mr. Secretary, and here are the characteristics of the people, and anyone will do. Pick one. So he interviewed them, and went through a very good selection process. Doug[las R.] Leisz was in Alaska at the time. We called him back—he had just gotten up there on some inspection trip—and he went in and met with Bergland. And of course, Max. Another candidate, who had been high on my list of candidates for many years, was Rex[ford W.] Resler; I don't know whether they had him in or not. So everything worked out very well. I was fortunate in having not only those three, but I could have doubled that number very easily.

Rex would have perhaps been a logical successor if he had stayed with the Forest Service, instead of retiring early and going to the American Forestry Association. But he got into a political situation that was not of his choosing, and his selection might have met with some difficulty, so he probably felt that he was better off taking the AFA job instead of facing an uncertain future in the Forest Service.

PS: I had the sequence reversed. I thought the selection was made, and then Rex left the Forest Service.

JM: No, he left earlier, a couple of years earlier, as I recall.

PS: I see.

JM: When it began to appear that the Democrats might hold against him the fact that he got involved with a matter with a Republican politician named "Bo" Calloway.

PS: The name is somehow familiar.

JM: Right. He was prominent in Republican politics. Calloway was also connected with a ski area called Crested Butte in Colorado. I heard he had an investment there, or maybe some of his relatives were involved. Crested Butte had a permit to operate ski runs on Forest Service land. I never met him face to face but he used to call me once in a while to talk about Crested Butte. Eventually Calloway became secretary of the army in the Carter administration, and still he would call me occasionally to talk about Crested Butte. He said they wanted to expand and they wanted their permit extended, and I kept pushing the thing back down to the field, saying go talk to the regional forester, and see the district ranger. Nothing we can do for you in Washington; first make your case out there. But he was more accustomed to dealing in political channels. I think it was the last day that he was secretary of the army that he got [under secretary] Phil Campbell to come over and talk to him. Campbell wanted to take along somebody from the Forest Service who would know something about it. I wasn't around, so he got Rex to go with him. They went over to see Calloway and talked about Crested Butte. I guess Jack Anderson got wind of it and even though no concessions were made to Calloway, it got to be kind of a minor scandal. Of course, Rex was tarred with that brush and was an innocent bystander to the whole thing.

PS: Could have been you.

JM: You're right. But it was a problem. I think Rex figured that might be a factor in getting the chief's job and it might be better if he left to find something else. He might have been right.

PS: Any significance at all that Max is not a forester? Did it come up in a serious vein?

JM: It was a matter of some concern to me because it set a precedent for the appointment of non-forester. I worried some about that. I pointed that out to Bergland when I talked to him. On the other hand, the Forest Service was becoming more and more multi-disciplinary. It seemed rather foolish for me to continue to insist that the head man be a forester in this kind of an agency. Also, Max had a great deal of experience beyond engineering. He had been a regional forester and deputy chief. While it still is a matter of some worry that in the future if a political appointee is proposed and the counter argument is that he's not a forester, someone's going to point out the precedent. It could come back to haunt us. On the other hand I thought we would have to face that problem sooner or later anyway.

What it is Like to be Chief

PS: I told you I was going to ask questions on what's it like to be chief. You watched [Richard E.] McArde from a distance, you watched Ed close up, you had some ideas. You sat down at your desk. Where there any surprises? Was it really like you expected it was going to be?

JM: In my case there were no particular surprises because I'd been so close to it for five years. One of them as associate chief, in an office just across from Ed. So I'd been in and out of the chief's office, a lot of the times as acting [chief], and there wasn't anything that was particularly surprising when I sat down at the chief's desk. The main change was in the ability to delegate things to other people. I had to watch that I didn't keep my hand in too deeply in matters in which I had been formerly greatly

involved, particularly legislative affairs. I had others to do those things. And to try and break off relationships that I had built up in my other capacities, to get people who were trying to still deal with me to deal instead with people in my old jobs. So, there weren't any great surprises, probably a little more sense of responsibility, perhaps, but then I was probably worrying about the same things before I got to be chief. I probably had to think more about the leadership role than I did in the past. Before, the leadership side of things was left to Ed. But that's sort of an abstract thing, so I don't know that there was any great surprise.

PS: Maybe the only disadvantage of promoting from within is the impact on peers: one day you're this and the next day you're that. Is it really a pretty smooth transition?

JM: In my case it was because there weren't any apparent competitors. In Ed's case it was rough because there were two strong candidates and it was obvious that neither one could quite survive if the other one were tapped.

PS: And [Edward C.] Crafts was the other one—Crafts and Cliff.

JM: Yes. The Forest Service may have been divided, but I suspect most people within the agency preferred Cliff. Crafts could be difficult to work with. I don't think that in '71 and '72 there were any people in the Washington office who had strong ambitions or who were going to stay long enough to be interested. So, I did not encounter any personal antagonisms.

PS: Kaufman¹ characterizes how chiefs operate. How much authority does a chief really have? If you see something that you don't agree with, or even think is in violation of policy, do you get on the phone? What can you do anyway?

JM: You can do something drastic if you want to. But as a leader in an agency like the Forest Service, you generally would think twice. To give you an example, one time I was traveling in Alaska with Russell Peterson when he was chairman of the Council on Environmental Quality. There was great concern about the fisheries resource and the effect that logging roads were having on the migration of fingerlings, back from spawning beds. Our fisheries research people were just beginning to get an idea of how serious this might be and how far up the little rivulets the fish would go, and the necessity of siting the road culverts so the fish could get through. We looked at some of these roads, Peterson and I, and the fish researchers showed us how some of the culverts were haywire. So Peterson said, "Now why don't you issue an order and tell them what to do." I said, "Russ I don't have to do that. Look at the people who are out here with us, at the people from the regional office and from the national forest standing here hearing the same thing we are. I don't have to tell them." Sure enough, the problem was corrected without my issuing an order and embarrassing these people in front of outsiders. When the problem is not as clear as that, of course, when people are going the wrong way, you look for methods of persuasion rather than ordering them to change. There are a lot of ways of managing an organization without dictating orders.

PS: I don't know whether the Forest Service is really all that much more decentralized than other agencies, but decentralization must really have an impact on the way a chief can operate effectively.

JM: It can have quite an impact, especially if the chief is inconsistent or erratic in his delegations of authority. Sometimes you wind up issuing orders and you don't realize what impact you're going to have until after it's happened. Then you're out there trying to repair damage, because you have a lot of people unwillingly doing what you want, but not understanding why. Anyway, as Kaufman points

¹ Herbert Kaufman, *The Administrative Behavior of Federal Bureau Chiefs*. (Washington, D.C.: Brookings Institution), 1981.

out, you don't spend too much time making decisions in the sense of coming to a point and saying either yes or no. It often doesn't happen that way. Decisions sort of evolve in a participatory fashion, especially complex decisions.

PS: Yes. He said 55-60 percent of time is spent reviewing intelligence. I guess that's going to meetings and so forth.

JM: Yes.

PS: External relations take 25-30 percent and 10-20 percent goes to motivating the workforce.

JM: Yes, that's right. I used to say that I had three typical speeches. One was the keynote address. Then there was the speech at the dedication of something, and the third was an inspirational talk to the employees.

Keeping Current on the Issues

PS: Chiefs travel a lot.

JM: Yes.

PS: More than anyone else?

JM: Probably more than average. One of the chief's problems is to try to control it so he doesn't travel too much; a moderate approach of some sort. But when the chief travels, there's somebody who's acting in his place back in Washington and who signs the important mail and keeps in touch with the chief by telephone, frequently if matters approach the catastrophic. But the typical acting [chief] doesn't really feel it's necessary to telephone the chief what's going on. He feels competent to handle whatever it is, and it's a little dangerous for the chief to leave things to the acting for too long. You're not likely to hear till you get back what went wrong.

PS: McArdle once told me the secret to traveling was to carry a 100-watt light bulb with you because the hotel rooms never had good lights.

JM: That's right, especially when per diem does not cover the cost of the better hotel room.

PS: I suppose it's just a complexity of the world, but even with better and better communications, you have to travel more and more. It makes you want to bring back the days of [Henry S.] Graves [chief, 1910-1920] when he'd go out on a three month trip and that was it. Somehow they got along.

JM: Even when I first came into the Forest Service in the '30s that was still the procedure, for several reasons. Travel was by train, and to go West you spent an enormous amount of time just getting there and getting back, so you wanted to get much done while you were out. Second, Washington activities just about ceased in the summertime. There was no air conditioning to speak of, and Congress was out of session. So you didn't miss a great deal by getting away; in fact, you probably looked forward to getting out of town. Without air conditioning Washington was just a terrible place to work, even in the early '50s when I used to be detailed to Washington from Philadelphia. There were still only a few window air conditioners. They couldn't have many because the wiring was inadequate. I think in the Forest Service the only people with air conditioners were McArdle and Crafts, so whenever they were gone there was always a lot of competition to sit in that office. What they did then was issue towels. You ordinarily would get two hand towels. One you would put under your arm

so you wouldn't wet the paper you were writing on, and the other you used to wipe your brow so it wouldn't drip on the paper. Windows were wide open, of course, and the humidity got pretty high. The per diem was in the neighborhood of four to six dollars per day so you would shop for a hotel room that was certainly no more than four dollars per day. Those hotels usually didn't have air conditioning. There was no escape, you see, from the climate in Washington. So people did go out into the field, and they spent more time.

PS: McArdle once commented that when he was in the field, all he could smell was mothballs. He was referring to the fact that field personnel didn't wear the official uniform, except when under review. How does a chief know he is seeing the good *and* the bad?

JM: He never can be sure of seeing both during one visit. He has to rely on other information and he has to ask the right questions during his visit to the field.

PS: You don't work a forty-hour week as chief. How much reading is done? The amount of paper that goes toward the chief's desk must be overwhelming. How do you select and how do you even know what to choose from?

JM: I don't know that there's any particular guide. You quickly learn to be quite selective. For example, when I was a deputy for legislative affairs I made a point of trying to read the *Congressional Record* every day. I could get somebody to go through it and paperclip the sections that looked important to the Forest Service, but I didn't always trust the other's judgment, and I'd frequently find myself reading parts of the *Record*, mainly because they were interesting, on some other topics—just to know what the members are saying. I did that in order to be able to converse intelligently with members of Congress, to know what positions they were taking. Then I got to be chief, and I had the habit of doing that and I quickly found that I was swamped. I couldn't do that and do some of the other jobs, so I limited myself to what I read in the *Record*. Or I'd ask the staff about what so and so said, then I'd ask to see that part. Also various internal Forest Service reports can get quite voluminous. And of course I had a lot of speech drafts to look over; I had to watch that I didn't let myself become too editorial. It's very easy for someone who does quite a bit of writing to get in the habit of editing manuscripts. So you finally find various controls.

One thing that I tried out and found useful as chief was to have morning show-and-tell staff sessions. It used to be that we only had chief and staff meetings once a week or less. Such meetings with a formal agenda are necessary for decision making but they are less useful for exchanging information and for staff coordination. For the later purposes we did better with a session every morning at 8:30, which was scheduled to run only 15-30 minutes. We'd just go around the room, and everybody would say what's coming up today. Then everybody knew what's happening and it provided a means of coordination. Also it brought to my attention what was currently urgent, and that then gave me some clues to where I ought to put my reading efforts that day, for that immediate time. These meetings were also popular with the staff because they were a means for better coordination among the deputies' areas, and they liked them well enough so that they continued them even when I was not there. The acting chief would chair them.

PS: The minutes of the Service Committee, which stop about 1935, are historically very valuable. Did you keep minutes, and is the record available?

JM: They were kept. The director of information or his representative attended every show-and-tell-meeting and kept a daily digest. It was usually about one page long, and it listed each topic that came up at that morning's session, and a little bit about what the topic was all about. This digest then circulated to everybody in the upper echelons, including the field. So the regional foresters and [experiment station] directors knew what the staff was talking about. Frequently, I'd hear from the field. Somebody would call and say, I see you're talking about such and such, I want to tell you some

more about that. From an intelligence standpoint these daily staff sessions worked pretty well. There should be a file of those digests going back to 1972.

PS: But Ed didn't do something like that. On a weekly or daily basis did Ed get the word out to the field what was going on? Was it some other vehicle?

JM: He had the *Friday Newsletter*. There might have been minutes of the regular staff meeting that went out to the field. I don't recall otherwise how he did get news to the field other than through the usual memos and meetings. There's some danger in all of this of course, you have to watch that you don't use these intelligence vehicles for issuing orders. There's always a tendency to put directives into memos and releases of various kinds where they don't belong, and then you lose track of them; you don't know how they coordinate with other directives. Directives should go into the *Manual*.

PS: The *Manual* is a pretty awesome document. You wonder whenever you ask someone to do something whether you are in violation of the *Manual*.

JM: Right, right. It got out of hand. It was always on my list of things to be done, to boil it down and weed out stuff. Revise it, coordinate the different sections. But it was always one of those low priority things we never got to. Max finally got the thing down to the point now, I believe, where it is a relatively small set of documents and not a five foot shelf like we had. Unfortunately, in my time the *Manual* had become not so much direction as to policy as a handbook on how to do things. Not quite how to build a picnic table, but or something close to that.

PS: The Forest Service gets shot at from time to time, but I suspect it's one of the most popular of all public agencies. In your travels, you must have had a lot of people who just wanted to meet the chief of the Forest Service.

JM: That's certainly true, and that was my entrée to a lot of forums. With my title, I had a chance to make a pitch for something. I had access, not only to ordinary citizens, but to governors, county, and state officials—people of all sorts. It was pretty handy, you know, to be able to sit down with a governor and talk to him. The problems, however, were that I didn't want to displace my local representatives. What I was trying to do, generally, was to reinforce their relationships with the outside persons and groups and not take over from them. So I had to be somewhat careful as to how I handled things; that I didn't go in and tell an audience something that the ranger the day before had told them differently. Or overrule one of my own people in front of the group and embarrass him.

PS: So most of your travels were in a friendly atmosphere, although the press might report hostility—somebody opposing something or other.

JM: Most the time. At times you went out because of some particular problem; a mill closing down, for example, because the Forest Service wouldn't sell more timber. That was what the industry might be saying. Then you had to go out and help the regional forester or forest supervisor explain that there just wasn't enough timber; we might have kept the sawmill going for another year or so but it wouldn't really solve the problem in the long run, and so on. Or there were controversies over where to put roads or where not to put roads, quite local in nature.

The local Forest Service people tended to have local problems that had all kinds of local ramifications. The chief had to be quite careful about how he entered into these local disputes, because his people were much more knowledgeable than he was. About all he could do was reinforce their approach. Sometimes I got into things that were way out of my bailiwick. I remember dealing with Indian groups who didn't distinguish between the Forest Service and the rest of the federal government. They wanted to talk about everything, and it was almost impossible to break away from people like that, and you felt sort of obligated to represent the Great White Father and listen to a whole array of

problems. But that wasn't too common. The other kind of situation that was a little risky was the politician trying to piggyback on the Forest Service's popularity, and you wind up then in political gatherings, with your picture taken shaking hands with the politicians who may be in the wrong party as far as the people who are in power back in Washington were concerned. You couldn't always avoid this, but you tried to deal with them in pretty low-key ways because the politicians didn't distinguish much between the strictly professional and the political aspects of things.

PS: Kaufman characterizes a typical meeting where the agency chief is the least knowledgeable person in the room, because all the staff people are specialists. Was it very awkward to have to ask, "What are you talking about?" You can't possibly be on top of everything.

JM: I think it's just taken for granted that the chief can't specialize. A good example was the appropriation hearing in the House. The House hearing usually takes a couple of days, and some of the members get into all kinds of detail about Forest Service programs in their particular districts. You can try to anticipate what they are going to get into, but they also may have a list of questions about some particular local activity that you're completely unaware of. There's no possible way you can prepare for all such topics, so you're expected to have your staff people helping you. At the witness table for appropriations hearings, you line up the deputies and you hand off the questions to the deputy most likely to know the answer.

PS: Were members of Congress and others in government respectful of your evening hours? Did they call you at home at 10 o'clock at night with a problem? Did they respect the fact that you had a private life?

JM: Most were pretty good about that, but a few would not hesitate about calling anytime. It depends; someone might get drunk occasionally and call me from some place or other under the influence and want something. Like he might want to know how come the Forest Service doesn't have a VIP camp someplace. Where we could go right now, at 10 o'clock at night. [laughter] Of course, we didn't have any of those. I'd get a few calls like that, and also people would call from the West Coast frequently at odd hours, just because of the time difference. Newspaper reporters, after you get to know them pretty well and they get your home telephone number, are even worse than members of Congress about using the telephone at odd hours.

PS: How about the reporters? When you watch them on television they're pretty much embarrassing to common decency, the kinds of questions that they ask.

JM: The investigative reporter came into his own with Watergate, and we had a number of that type around who were hard to talk with because of the kinds of questions they asked. But on the whole, I found the press pretty easy to work with, except for reporters' persistence in wanting information that I couldn't readily provide. I got to know quite a few, and I tried to build better relations with the press, not always too successfully. Most of the western reporters were fairly knowledgeable; easterners sometimes were not. They weren't always sure what department we were in, if they were new. Yet, we had a number of people at *The New York Times* staff, for example, whom we could talk to fairly easily. For a while I used to belong to the National Press Club over on F Street, and I'd go over for lunch every so often and talk to and listen to reporters—try to cultivate them.

Some of the newspapers used stringers of various kinds—people who write for a string of papers, almost always little ones in small towns. Some of the towns would be in national forest areas. Such local papers would be important to us, and their reporters made a particular point of getting a quote from me to show that they were right in there in Washington getting the hottest information. We tried to accommodate them, and we had pretty good people in our press relations section who tried to be helpful to reporters. For instance, if a reporter wanted an interview, the Forest Service press officer would set up a time with me, come in with the reporter, and help answer his or her questions. On the

whole, our relations were fairly good with the press. Also to an extent with television. I found it fairly easy to appear before television cameras and to state my case for the television reporters. We used to keep a person in Los Angeles and another one in the Northeast to deal with the T.V. people and with the movie makers. Movie making was another area we frequently got into.

PS: All the coverage on the fires out West now [September 1987], that's in a sense good publicity for the Forest Service, I suppose. How are these people picked out there?

JM: Each forest and region is organized to handle media coverage of a fire, usually through a designated spokesperson. In a big fire situation like this, of course, there always is some confusion. I noticed on the McNeil/Lehrer Report night before last the state forester of California was on the program for about 15-20 minutes. The state had filmed some footage of the fires. The state forester was explaining here's a ground fire, here's an air attack, that sort of thing. A very shrewd move on the part of the state to get this footage made and have it available so quickly while the fires were still going, so they could talk on television about what was happening. Why are they dumping retardants, why are they using helicopters, where are the firefighters coming from. It's just part of the standard operating procedure to have somebody handle the press.

Importance of the President and his Administration

PS: Let's talk a little bit more about general context. What you said so far, it does matter who the president is, at the agency level. You went from [Lyndon B.] Johnson, when you were deputy chief and associate chief, to Nixon as chief. Was there much of a shift there? Did you notice it at your level, when Nixon was in office, compared to Johnson?

JM: Oh yes, I certainly did. At the department level, when the switch is made, you have a new secretary and new assistant secretaries, and all kinds of new people in the department. You also have different attitudes in the OMB and other federal agencies and the interest groups that you work with. Your relations with the Congress, if the Congress is a different party, become a little more sensitive. The way it works, if the White House is held by the Republicans and the Democrats control the Congress, the congressional staff and the members tend to by-pass the other party's political appointees and deal directly with the bureaucracy. Also each administration has a somewhat different management style, if you can call it that.

In the Nixon administration, there were a few people in the White House who were particularly interested in Forest Service matters. In order to influence what was done, they tended to bypass the department, and talk directly to the Forest Service. So we had more direct contact between the White House and the Forest Service in the Nixon years. Not only with the immediate staff of the president but also with the White House agencies such as OMB and the Council on Environmental Quality, the Council of Economic Advisors—all tended to deal directly with the Forest Service in the Nixon years.

On the other hand, when the Carter people came in, Carter having run against the bureaucracy, there was great distrust at the White House staff level. On Forest Service questions the result was much more White House dealing directly with the department political appointees, who in turn had to ferret answers out of the agency. Now, the press, of course, follows this sort of thing very closely and, it's interesting to see, does the same thing. When the press sees what works in one administration, it tends to follow the same channels of intelligence gathering. The press probably dealt more directly with the agency, the national press, that is, in the Nixon years than it did in the Carter years. In the Carter years, reporters tended to go instead to the political appointees, figuring that's the way the information went.

PS: But, between Nixon and [Gerald] Ford, it was the same team so that didn't . . .

JM: That didn't change much. No.

PS: When you're dealing with different secretaries, is it as much a matter of their personalities as opposed to political parties?

JM: I think so. In dealing with Butz, for example, it was pretty much a matter of personalities. He had his ideas of the Forest Service, he was accessible to me, and easy to talk to, and he tried to build sort of a social relationship among not only his staff but also with the agency heads. I would frequently have occasion to join Butz in some things that didn't have a great deal to do with forestry, a visit to *The New York Times* editorial staff in New York, for example. We'd get up there and wind up talking agricultural legislation mostly. They weren't interested in talking about forestry and neither was he. Or, sitting in on a trade negotiation with the Japanese. Butz put me on the U.S. delegation to talk about trade in forest products, of course, but neither Butz nor his Japanese counterpart were much interested in that. The point is that Butz listened and tried to accommodate my concerns, even when they did not fit too well with his main interests. Personality is important because the people who are appointed in the executive branch may not be too sure of their roles. They may not have a well-defined role. Some of the cabinet officers are strong administrators and some are weak, depending on their backgrounds. Some have the ear of the president and some seldom see him alone. In the case of Butz, he obviously was a pretty strong secretary under Nixon. Also Ford and Butz seemed to know each other very well; I don't think there was any role problem. But with Bergland and Carter, I was never too sure where the Forest Service stood. As a former congressman, Bergland was good at understanding the ways of the Hill. I don't know that Bergland was particularly close to Carter, and I don't think Carter even connected forestry with Agriculture. So that was a difference.

The assistant secretaries may be line or staff, sometimes both. They are appointed for a variety of reasons. Many of Butz's people, it seemed to me, were appointed because of their usefulness as staff to Butz. Tom Cowden, for example, was an agricultural economics professor whose principle task seemed to be to advise Butz in a staff role. Cowden was assistant secretary over the Forest Service, but he really wasn't that interested in Forest Service matters and mainly wanted us to keep out of trouble. That's why we dealt so directly with the White House, you see, doing those years. Cutler, however, was the environmentalist candidate appointed to exercise line authority over the Forest Service and SCS more than to provide staff help to the secretary. I never knew where Cutler stood with Bergland, but I rather doubt that Cutler's directions to the agencies always were consistent with Bergland's views. So, I always felt free to go directly to Bergland about any problem that I might have. I didn't find it necessary very often, and I didn't want to offend Cutler, but Cutler's interests were primarily on the environmental side—wilderness and that sort of thing. But I didn't have easy access to the Carter White House. It was very difficult for me to talk to someone like Stuart Eisenstat, who was Carter's chief of staff for domestic affairs. Eisenstat was assisted by a number of the environmentalists who had pretty much warned him against the Forest Service, so to speak, and the few times I talked to him he simply accused us of undercutting the administration, this out of the blue, because that's what he'd been told. All I could do when I talked with the White House people in the Carter years was to reassure them that the Forest Service was not political, that we weren't opposing the administration. And hope for the best.

PS: Were you involved with the transition team for Carter?

JM: Yes.

PS: That would be the time to get in your licks, to get . . .

JM: That's right. However, I don't recall anything particular about the transition team.

PS: In Carter's case where he not only was of a different party, but he was against the bureaucracy, there was a lot of posturing and role playing going on that you had to sort through.

JM: Yes. Carter was kind of a strange guy. I didn't have any occasion to sit down with him. With Ford I remember going over with Butz and sitting down in the Oval Office and telling the president what was going on about some matter of interest to him. He was easy to deal with. But with Carter, I'm not sure that I could ever get on the same wavelength.

On one occasion, I had a chance to talk briefly with Carter when he planted a tree on the White House grounds; it's traditional for the president to plant a tree. When Carter's time came, he called up the state forester of Georgia—I guess he didn't know anything about the Forest Service—and said I want to plant a tree, I'd like to plant one from my place down in Plains, Georgia. So the state forester [Ray Shirley] called me and said, "What in the world are we going to do, you know these Georgia trees probably won't do well up there. What do you think we ought to do?" He said that Carter wants to do this and that I ought to be in on it. I said that we ought to try to pick a species that he likes, and we'll get one from a nursery closer to Washington. Then he called back later and said, "Rosalynd [Carter] has called, and she has some different species in mind." So we fussed around and got two or three different kinds of trees, and got the Carters to pick one. Then one day the Georgia State Board of Forestry chairman, the state forester, and I went over to the White House just after lunch. The President and Mrs. Carter met us in the front hall and the five of us walked to the planting site. The Park Service had dug the hole, the tree was all ready to go, and the TV cameras were on a flatbed trailer. So we all stood there, and Carter got the spade and did the planting. After that we talked a little bit about trees in general, and I gathered that the president was not too aware of national forests. But he was aware of forestry in the South, and said he had trees on his property. Then he said he'd like to talk some more, but first he would turn us over to Rosalyn, the three of us. I think she thought I was from Georgia, too, along with the other two visitors, and she wanted us to stay overnight. We all turned her down politely, saying our wives wouldn't hear of it; we'd never hear the end of it if we stayed and they weren't with us. Then she said, "Let me show you around." The Carters impressed me as very, very down-to-earth, comfortable people, the two of them. Anyway, she took us around and showed us trees planted by other presidents, and she showed us the treehouse that they had built for [their daughter] Amy, giving us the whole theory and practice of treehouse building. "You don't put walls and roof on because you get spiders, for example. Just a platform's plenty, not so high they're going to hurt themselves when they fall off." She knew all about treehouses. Then we looked inside at some of the rooms that the tourists don't get to see. Then she said, "I wonder what's happened to Jimmy," because he was going to come out and talk some more to us. "Let's go look." So we went up on the portico at the back of the rose garden and looked in the window of the Oval Office, the four of us. She said, "There he is and there's the chief of staff and there's the secretary of defense;" she pointed out everybody in the room. The president looked around and saw us all looking in the window, and he waved at us, and we waved back. "Well," she said, "looks like he's going to be tied up," and we said, "It looks that way to us, we'll think we'll take off," so we did, along around 3 o'clock. That was the end of our tour, and we shook hands and left. That's the only occasion I had to talk with Carter.

PS: We are talking about the impact of presidential administrations at the bureau level, and you're saying that in fact it makes a difference who is president.

JM: Oh, yes it does.

PS: You were deputy and associate chief when Johnson was in, and Ladybird was involved with beautifying the nation. Did this have an actual impact on day-to-day affairs of the Forest Service?

JM: I don't recall specifics, but it was a time when environmental awareness was growing, and we were certainly aware of that in the Forest Service. We had prepared the Environmental Program for the Future, for example, and the Mineral King debate was under way. I don't recall being involved in any particular environmental issues other than a few pieces of wilderness legislation during the Johnson years. Orville Freeman was the secretary, and Ed Cliff and he got along very well. My particular dealings with the Department were mostly with the assistant secretary, John Baker, who did not have an environmental agenda.

PS: One would feel that if the president was for something, OMB would pick up these vibrations and that would help you, if you wanted to ask for more money for campgrounds, as an example, than it would have in another time.

JM: I think probably it did. because we did pretty well on money through the late 60s and 70s. OMB was beginning to apply more economic analysis to budget requests than it had been doing and was employing more people competent to ask the right questions. One of the things that OMB did, for example, was to recruit people out of the agency to join the OMB staff. We encouraged this, and we also encouraged the same thing with other White House agencies like the Council on Environmental Quality. Some of the people who worked at OMB would then know enough about the Forest Service to ask the right kinds of questions. In the Johnson years, OMB began to direct more attention to the details of budget proposals than it had in the past. Earlier it was more of a matter of setting overall targets for the department, and then letting the department figure out how to spend the money, how to divide up among the agencies. In the Johnson years, it started going beyond that in questioning what the agencies were going to do with the money, individual bureaus, not just the cabinet departments.

Other Agencies and Institutions

PS: How about other agencies? I don't really know if the controversies between the Park Service and the Forest Service and BLM are really there or if it's more a matter of tradition, or if you guys really got along pretty well privately but didn't want anyone to know publicly. How do you work with . . .

JM: It varies with time and with the agency and with the personalities involved. The perception of inter-agency conflict bothered me and the thing that I tried to do was improve our relations with other agencies, particularly with Interior but also with Soil Conservation Service and maybe with a few others, chiefly by trying to arrange a regular schedule of meetings between Forest Service staff and the staff people in the other agency. You sit down and have lunch every few months with the Fish and Wildlife Service, or meet in each other's offices in alternate months with the BLM, and appoint individuals of both agencies to be responsible for drafting agendas that both agencies would agree to talk about. This got our people acquainted with their counterparts in the other agencies and got their people acquainted with ours. Ordinarily, they would eventually get acquainted anyway, but with the continual turnover in personnel there might be quite a lag. Also there might be quite a bit of misunderstanding about what the other agency is doing. We were lucky with Fish and Wildlife and with BLM, despite the continuing turnover in leadership, and we kept our meetings going. We always found some topics of mutual interest to discuss, and we could agree to disagree or we could agree to study the thing some more. We got insights into the other agencies' problems.

With the Park Service, we never did quite succeed in reaching the same kind of accommodation. We had some joint staff meetings, but they didn't develop an agenda with enough interest to continue to meet on a regular basis. With the agency head, of course, I would try to deal directly when possible, but it wasn't always possible to reach any kind of agreement. Alaska, for example. Both agencies to an extent were wary of the other's intentions. This attitude carried on down into the field, although it

varied quite a bit from place to place and time to time. But with most agencies, we had a number of matters of common interest that we could talk about, and better communication led to better coordination.

PS: The suspicion of the Park Service, some of that is inherited.

JM: That's right.

PS: Fifty years ago the parks were being created largely out of existing national forests, but that's not going on anymore.

JM: I think that's just the hiatus during the [Ronald] Reagan years because the obvious opportunities for future national park expansion are in the national forests. There just isn't much in the way of opportunities elsewhere, except at great expense. Some areas of expansion I think we could work out together fairly easily. For example, the parkway between the Grand Teton and the Yellowstone Parks was an instance where we reached a fairly agreeable transfer of land from Forest to Park. There never has been, to my knowledge, an agreeable transfer from the Parks to the Forest Service, and politically that's probably not possible.

Alaska was a difficult problem for both agencies. The Park Service proposals mostly had the political support of the Carter executive branch and to a considerable extent of the congressional branch, outside of the Alaska delegation. Forest Service proposals were at least considered by Secretary of the Interior [Rogers C. B.] Morton who was responsible, in the Nixon and Ford years, for the administration's position on Alaska land legislation. However, [Stuart] Eisenstat, who was responsible in the Carter years, ignored almost all of our proposals for allocation of parts of Alaska to national forest status.

The result has been that the legislators had to invent the equivalent of national forests in interior Alaska. They called them "park reserves," which are areas to be managed like national parks except that hunting and certain commodity uses such as mining are permitted. Of course there's not much timber cutting in Interior Alaska, so timber use was never an issue. The new category of national park land is similar, really, to a multiple use national forest.

Other agencies in the executive branch that we were involved with from time to time were the Agricultural Research Service and to a lesser degree, the National Science Foundation. Also, the Department of Commerce, and occasionally State, but more routinely with the Justice Lands Division, which handles litigation concerning public lands. We had connections with Labor over running operations for the Job Corps and other employment and training programs. After it got going, we had a lot of dealings with EPA over a variety of issues, chiefly those dealing with herbicides and pesticides.

I recall our controversy with EPA over DDT when it was first banned. We had an outbreak of hemlock looper in Oregon, and the only known control was DDT. So, Butz and I went over and talked to Russell Train who was the head of EPA at that time, laying out the case for making an exception to use DDT until we could devise some better control. He'd have none of it, and not only that, particularly annoying, when he told the press that he was turning us down he criticized the Forest Service for not doing research on alternate chemicals. Of course it is not in our bailiwick to develop new chemicals; in forestry research we just evaluate chemicals from agriculture or industry and adapt them to forestry usage.

PS: What about other groups? SAF, AFA?

JM: That was going on all the time. We were easily accessible to the non-profit organizations, and we also had continuing dealings with international organizations, particularly with FAO. With the

nonprofits, there were continuing discussions in their areas of interest, with the Sierra Club and Wilderness Society, American Forestry Association, National Parks Association, and those kinds of groups. I felt we had to be careful not to appear to dominate the Society of American Foresters, because of so many of its members also worked for the Forest Service, and we didn't want to be in a posture of dictating what the Society might be doing. I was proud but also a little concerned when Forest Service people held office in such societies. When John Barber, who as you know had held a high rank in the agency, went over to be executive secretary of SAF, I thought it wouldn't be proper then to have an elected president from the Forest Service, that would be too many Forest Service people. Our research people were heavily represented in IUFRO, holding various positions in that organization over the years. [Verne L.] Les Harper and George Jemison were instrumental in strengthening IUFRO, extending its sphere of influence beyond Europe. With FAO we were continually in the business of providing staff and other assistance. The chief serves on the Committee on Forestry, which is a committee of representatives of all the FAO member countries. It meets once every other year in Rome to review the FAO forestry budget and programs. We were also active in the North American Forestry Commission, arranging for cooperative forestry ventures between Canada, Mexico, and the U.S., and to a lesser extent the Latin American Commission, although we weren't so active there. But Puerto Rico gave us an entrée, and we tried to provide some assistance there. Also with the Asia Pacific Forestry Commission, because of our Hawaiian and Guam connections, we could get involved a little bit there.

The advocacy groups, such as the trade associations, ran an almost continuing dialogue with the Forest Service. When Congress was in session there were always issues of interest to the non-profit and trade associations in Washington, and the discussion was almost continuous on some particular matter. For example, the business of legislating grazing fees. We heard almost continuously from the woolgrowers and cattlemen. The American Society of Range Management, on the other hand, didn't get into that topic. With timber legislation, the National Forest Products Association let us know its views. On bills of concern to NFPA, it would usually try to influence the administration's position, what we would say to Congress. If it didn't succeed in swaying the Forest Service, NFPA would usually try to bring pressure through others to affect the way we acted, either by going to the White House or OMB or to the department.

All of these advocacy groups had avenues, you see, to talk to us, either directly or through others. For example, during the Carter years we didn't hear so much from environmentalists, because it was easier for them to talk to the Carter appointees such as White House staffers or others who came out of the environmental groups. During the Ford and Nixon years, the timber industry people had pretty good entrées to Republicans in appointed positions and would use those entrées to influence the positions we might take on pending legislation.

PS: Was there very much of "it's all's fair in love and war," or were the people generally fair even though they went through their own entrée?

JM: In general, everybody behaved in a fairly civil way during my term, but I was around at a time when memories went back to open warfare between the agency and the commodity associations, particularly the cattle and sheep organizations and the timber people.

PS: This was late 40s early 50s.

JM: Right, and the people I worked with still had memories of that particular time, so there was still a little sensitivity among the old timers. The antagonisms had pretty well died out by the time I got to Washington in the 60s, and we got along fairly well with the timber people. We didn't agree, but we talked. I didn't have any great trouble in discussing things with them. I was continually surprised by the extent which they were able to penetrate the White House staff or the OMB. Sometimes we would hear some guy from CEA or OMB, whom you wouldn't think had the slightest idea about, say, salvage

logging, come up and give you a whole spiel about why the Forest Service should be doing more salvage logging, or some such view that he's obviously gotten straight from the timber industry.

PS: I remember that [Vice President] Spiro Agnew one time gave a speech, and then in the middle of it was a sentence right out of NFPA, "clear cutting is an acceptable silvicultural practice." He used that exact phrase. [laughter]

JM: It's amazing how effective these lobbyists can be, but you can see how they operate. I remember one industry lobbyist who had a place at the Watergate condominium, a real fancy expensive place. I don't think he lived there much, but he used it for entertaining. I got invited over there once, to stop in for a drink, and was surprised to see the people he had in there. He had senators, you know, congressmen, members of the administration, and he used the occasion to get across informally the industry viewpoints.

PS: I guess it's intelligence gathering by the Congress; hear what they have to say. Presumably they are not overly influenced by this, but . . .

JM: Congressmen learn to listen because they have constituents who are affected. Also some of them are heavily supported by industry campaign contributions.

PS: Are there any particular individuals you would like to comment on that you think of with affection or otherwise?

JM: It is hard to know where to begin, Pete. There would be a short list of individuals whom I would have avoided, if possible—self-important politicians, abrasive captains of industry, and environmental zealots. But I enjoyed repeated contact with a much longer list—heads of other agencies, White House staffers, newspaper correspondents, members of Congress, governors, state foresters, university faculty, and so on. In fact, the opportunity to interact with so many smart people with such varied interests was one of the main attractions of the chief's job.

Reorganization and Autonomy

PS: Let's talk about the agency itself. Maybe a way to start is to focus on the periodic threat from reorganization, because it makes the agency really think about things. As an outlander during the Nixon administration, it looked like to me that it was going to go through, if it hadn't been for Watergate. Is this a fairly accurate perception?

JM: It was one of the more promising efforts to reorganize, partly because Roy Ash, who was Nixon's reorganizer, had taken a more comprehensive look at the whole government and was basically attempting to reduce the president's span of control, reduce the number of people reporting to him, which was a move that I think most people would support. So Ash proposed to do away with most of the domestic cabinet departments and regroup their functions. Agriculture would have been split up entirely; parts of it would go to a new Department of Economic Affairs, or whatever it was called, and parts of it would go to a Department of Natural Resources. So the Forest Service then would have been only a minor player in the reorganization battle, because changes would have affected so many more powerful segments of government that the debate would have raged at another level than the agency level.

The prospect for the Ash proposal looked fairly good until Butz came along. When Nixon offered the Agriculture cabinet post to him, Butz told Nixon that he would accept only if Nixon abandoned the idea of doing away with the Department of Agriculture. He didn't want to be the cabinet officer of a

disappearing department, and Nixon agreed. Why, I don't know. Anyway, that's the story that appeared in the press, and I think there was probably something to it. That kind of upset the grandiose Ash scheme. It created a precedent for making exceptions, and thereafter the whole thing kind of fell apart. While there was still some hemming and hawing around about transfers—moving the Forest Service to a new department of Natural Resources—it didn't appear to be quite the threat it was before Butz arrived.

PS: Sounds a little strange. I always perceived Nixon to be a good administrator in terms of knowing how government functions; seems like he shot himself in the foot with that.

JM: He may have had more reasons than we know; he may have figured that it probably couldn't be done. In the beginning of a president's term, he always has a better chance of getting something done, and he may have tested the waters and found that it probably wouldn't work; it would cost too much in terms of political turmoil, and he'd waste too much ammunition on reorganization. That is where a lot of presidents come out eventually, anyway. There isn't much point in trying to move the Forest Service to Interior, however logical it might be, because it's just too expensive in terms of political costs.

PS: Denny LeMaster discusses both [Nixon and Carter] efforts, and he says basically that people against it had more to lose than the people for it had to gain, so there never was any real support for it. It wasn't so much opposition as lack of support.

JM: I think that's probably true in all reorganizations. The people who would be disadvantaged are those who are entrenched. Committee chairman, in Congress, for example, are threatened. They might lose some of their jurisdiction over a federal program, if the Executive Branch is reorganized. Of course the people in the bureaucracy are threatened, because they might lose their status in some way when they are in a different department. So the only beneficiaries are the general public, and they don't know much about the thing.

PS: Denny² talks about the Iron Triangle, and Whitaker³ talks a lot about the Iron Triangle. Is that too simplistic a characterization of what really runs Washington—the bureaucracy, the Congress, and the vested interests of the commodity groups, user groups?

JM: It's kind of an oversimplification, I suppose. Washington is mainly a town of issues, and the line ups on an issue are extremely fluid, and they keep changing. You could call it an iron triangle if you want, but it's pretty difficult to simplify and characterize the Washington scene in any few words.

PS: During early efforts at reorganization, like during the New Deal, the Forest Service was very active in opposition, maybe using intermediaries. Is that permitted in modern times? Ed Crafts wrote articles for *American Forests*—retirees were active. Is that . . .

JM: It's never permissible for senior employees to publicly express opposed views after a legislative position has been taken by the administration. But it may be condoned. I don't know why there wasn't more retribution against active opponents of the New Deal White House. Part of it was due to the tendency of FDR to encourage argument, I guess infighting is not quite the right word, within his own ranks. He didn't object to people speaking out on either side of an issue, and he didn't require that

² Dennis C. LeMaster, *Decade of Change: The Remaking of Forest Service Statutory Authority During the 1970s*. Foreword by William E. Towell (Westport, CT: Greenwood Press, 1984).

³ John C. Whitaker, *Striking a Balance: Environment and Natural Resources Policy in the Nixon-Ford Years* (Washington, DC: American Enterprise Institute for Public Policy Research, 1976.)

people hue to the party line, so to speak, as much as some presidents might do. The Carter administration was the one that I thought required allegiance to a greater degree than most of the others. The less secure the incumbents probably the greater demand for loyalty. FDR didn't feel insecure, I'm sure, and he didn't worry about what some of his people thought. The other aspect is there were probably strong supporters of the status quo within the Cabinet who were not about to clamp down on Forest Service outbreaks in opposition to an administration proposal.

PS: Carter, of course, campaigned against the bureaucracy, and he came in and didn't have much of a chance at all.

JM: No.

PS: I suppose the establishment is more solid an opponent than one can perceive, the inertia of huge government, so if you're going to come in and turn everything around you've got to do more homework than Carter did.

JM: That's right. You've got to get some allies and build public support for the thing. The Forest Service retirees, for example, might have been worked up to do something if the threat had been great enough, but I think that, outside of Washington, there was never a threat that was well perceived. People heard about it, you know, but it didn't seem to be a thing that was hitting the headlines.

So reorganization is a continuing problem; I think it's likely to keep coming back. I'm glad the Forest Service is keeping its files handy on reorganization, because every so often you have to get the records out and once again marshal all the arguments.

PS: Under what terms would the Forest Service favor reorganization—having all federal lands that have natural resources on them be under a single agency?

JM: I think one of the terms would be the creation of a new department such as Ash proposed, not a remodeled Interior Department. A new Department of Natural Resources or whatever. The fear has always been, as in the case of a move to the present Interior or anything like the present Interior, a loss of the benefits of decentralization. Interior is a much more centralized department in comparison to the Forest Service situation in Agriculture. Also, the Interior atmosphere is quite a bit more political. So, that's been one of the Forest Service fears of reorganization. The other is the loss of connections between forestry and agriculture which the Forest Service has valued rather highly. So much of the forestland is in small private holdings mixed with cropland and pasture. I don't want to get into all the different arguments.

PS: So it's not an impossible thing for you to imagine that someday there will be a . . .

JM: Oh, I think eventually there will have to be some sort of reorganization of the whole Cabinet and the independent agencies. There are just too many units reporting to the president. His span of control is far too great. The result is that much of his command authorities are delegated to staff people who are sort of faceless and unaccountable.

PS: Ollie North?

JM: Ollie North types. But we've always been fearful of moving to Interior. I used to like to tell the story about the utility company crossing the Rocky Mountains with its power lines. Where the line crossed national forests, they'd get a permit from the district ranger. When the line crossed Parks or BLM or some wildlife refuge, the permits were always signed by the secretary of the interior.

PS: So there is a difference.

JM: There is a difference.

PS: Ed Crafts said during Nixon's time that if the Forest Service was transferred in some way, he hoped it would be held together in terms of Research and State and Private Forestry. Is that a danger, that the research arm would be split off?

JM: That certainly is. I think it might be the Ash proposal to have a Department of Science and Education, so that all the research would be taken out of the different agencies and centralized somewhere else. So we are fearful of that sort of thing, and that's always been something of a threat. The other is that State and Private Forestry might have gone to the Department of Economic Development. Then you would have one department handling Forestry and Economic Development matters in one place and another department handling public lands all together in another place. We were always concerned that that wouldn't work too well, that it was better to keep all forestry research, state and private, and national forest programs in one place. But you can marshal arguments on either side of that alternative.

PS: So, reorganization itself, which was to bring like agencies together, in effect might still not have forestry under a single agency.

JM: Right, that's right.

PS: I never understood that. This is from LeMaster. In 1979, which is about the time you retired but still during the Carter reorganization attempt, he lists the opponents to reorganization. And SAF and Sierra Club aren't included on those lists; I would have thought at least SAF would have taken a position.

JM: On reorganization?

PS: Yes. It seems to me that SAF has always taken a stand on this issue.

JM: Maybe they didn't get around to acting or maybe there was some division of opinion. Or maybe they didn't think it was worth bothering with; it wasn't going to happen anyway. The Sierra Club was probably also divided, but I don't know.

PS: [Michael] McCloskey told me once, probably during the Nixon efforts, that the Club would oppose the reorganization, that it was easier from the Club's perspective to deal with smaller agencies.

JM: I think that's their stand, pretty much. But it hasn't been a strong stand. I don't recall the environmentalists entering into reorganization debates very much, although they might have done so in the Carter years.

PS: Glen Robinson⁴ said in 1975 that the Forest Service is traditionally autonomous. Is that still an accurate statement? Has the National Forest Management Act of 1976 dealt with the autonomy issue in a way it never has been dealt with before?

JM: This is a matter of some dispute. Outsiders frequently do see the Forest Service as being more autonomous than most government agencies. I guess they get that from contacts with upper levels. If

⁴ Glen O. Robinson, *The Forest Service: A Study in Public Land Management* (Baltimore, MD: Johns Hopkins University Press for Resources for the Future, 1975).

they go in to see someone in the secretary's office about a forestry program, they are often told to go see the Forest Service; we don't know anything about that subject. And if they try to pull strings through party or political channels to get something to happen, they may find that Forest Service is more resistant to pressure than most agencies. Such encounters may give the impression of autonomy.

It seems to me that every organization, public or private, has three principle objectives. One is survival. The organization, once created, wants to keep going, no matter what. Economists speak of security of the firm, save the firm at all costs. Second, every organization wants to grow. No public or private organization is content with staying put or declining or diminishing in numbers of employees or budget, they all want to grow regardless. And the third thing is they all want autonomy, they don't want anyone telling them what to do. I think this is true whether it's a religious organization or business firm or what have you. Business consistently objects to government regulation. Government bureaus behave in similar fashion, for a number reasons.

The Forest Service has long valued its autonomy. You can ask how come the Forest Service is more autonomous than other bureaus. One of the explanations that I've heard frequently and that I think has something to it is that the Forest Service has a more diverse set of clientele than most agencies. The Park Service, for example, has a clientele in recreation and preservation, scenic beauty, and wildlife. The Forest Service, in addition to those clients, has all the commodity groups as well. You can make the same comparison with most other functional agencies. BLM on the other hand should be pretty similar, except that it doesn't have the substantial timber clientele the Forest Service has, but it has a bigger minerals clientele. It ought to be more autonomous as well, if you follow that argument.

Another line of reasoning rests on the nature of Forest Service association with the congressional committees. The Forest Service, having both public land and private resource programs, is involved with an array of congressional committees, to an extent that you don't find with the Interior agencies.

Congressional Jurisdiction

PS: Let's pursue that without getting involved with specific legislation, if you can. Obviously it's Forestry and Interior and Insular Affairs, but it's also Banking, and this diversity must really be a challenge for a chief.

JM: It's a challenge and it's also an opportunity, because it allows those who are managing conflict to try to draw countervailing interests into a controversy, and thereby keep one interest from overriding everybody else. It's easier to do if you have a lot of these interests around than if you are just completely dependent on a few.

The committees, because of their jurisdictional overlaps, are always a little bit at loggerheads, especially in the House, as to what subject is to be taken up by what committee. There are various ways of moderating between opposing committees on the matter. But it's still ticklish. The Agriculture Committee is responsible for forestry in general, for example, and the Interior Committee's responsible for public lands. It's sometimes necessary to hold hearings in both committees before a bill can be reported out, otherwise the opposing committee chairman can rise on the floor and object to the bill being brought up before his committee has had a chance to consider it.

PS: I thought that the Interior Committee had the responsibility for the national forests created out of the public domain. Agriculture handled those acquired under Weeks Law purchase. But that's not what you just said; it's broader than that.

JM: It's broader than that. In general that's true, as far as public lands go, but if it were a general matter on forestry, then the Agriculture Committee would probably have jurisdiction.

PS: I can envision testifying on a bill in front of Agriculture and Interior, but it seems to me when you get to Banking, we're talking about specialties and sophistication that not everyone has.

JM: That gets you into housing, you see. Whenever we have a housing problem, why Banking might be quite interested in timber supply. Typically the industry would tell the Banking Committee they could build more houses if they had more lumber, but the price's too high. Banking would ask how come? What can we do about that? And industry would say it is necessary to cut more trees on the national forests. So the Forest Service will wind up going up before the Banking Committee and explaining what it can do and why it can't do more. The same thing is true with, say, the small business committees. You know, there are all kinds of small businesses in the forest products and mining industries, and if they complain to small business committees about something or if there is legislation pending, why, the Forest Service will certainly wind up testifying there. Of course there are the Budget Committees and the Appropriation Committees. So there are a number of committees that the agency deals with. The principle ones, of course, are Agriculture, Interior, Appropriations and, to some degree, Budget.

PS: I suppose whether or not Housing or Banking or something is important would depend upon a particular issue. Every year you wouldn't necessarily . . .

JM: Not every year, but periodically we'd have some sort of a crisis with housing construction, you know, prices get too high or something like that. That's when Banking gets into the act.

PS: I think it's still called the Morse Amendment on exported logs from national forests in Oregon and Washington. There must have been a variety of committees involved in that particular issue..

JM: It must have come up before a congressional committee and was probably part of a broader trade bill.

PS: Sometimes the Forest Service must walk a pretty narrow line. There is so much publicity on imbalance of payments and trade deficits. The Morse Amendment is about supporting a local industry, but one of the few things they can sell is wood, and yet they can't.

JM: Now here is a case where the Forest Service exercised quite a bit of autonomy. Before Morse, the Forest Service restricted the export of logs and it continues to do that in Alaska under its administrative procedures. I don't know whether that Alaska restriction is now set in law or not, might have been put in later. I think the Morse Amendment merely set into law what the Forest Service was doing anyway, in order to strengthen the agency's hand in dealing with those who would like to export logs.

PS: I see.

JM: We do get into those kinds of things. I don't know in the Morse Amendment case how much the department and the administration got into the act. In matters like that there's always something of a question as to where the administration might stand. The Forest Service might be negotiating the whole thing on its own, on an autonomous basis, and might continue to do that until told not to. Often the higher levels in the executive branch may simply condone this autonomy, because it's another controversy that's being kept away from the White House.

PS: Make sure the president doesn't know, so he can't . . .

JM: That's right, that's right. The Poindexter gambit, I guess you might call it.

PS: Wilkinson and Anderson⁵ point to an uneasy compromise between centralization and decentralization, local verses national, suggesting that the decentralized tradition is being challenged with more recent events. Decentralization must have been frustrating at times to you. You saw something going on out there on a national forest; how to deal with it and still preserve decentralization?

JM: I suppose that you have over a long span of time a sort of ebb and flow of centralization. I think that back in the 50s the Forest Service was perhaps more centralized, I could be wrong. But as a field employee in the 1950s it was my impression that the division directors in Washington had much more control of matters; in other words, the staff was in the ascendancy over the line. Then that situation changed, and when I was in office, it was pretty much the other way around, the line was in ascendancy. To change things, the chief has to determine which route to take, to make changes through staff direction or to make changes through the line officers, going through the regional foresters and supervisors and down that way. Depending on the change desired, sometimes one channel's better, sometimes the other. But the Forest Service's line and staff organization suffers the same problems that all line and staff organizations have, and the chief must somehow balance the two sides. He can't allow the line to become overly powerful or he'd have a little satrapies around the country. He can't allow the staff to become overly powerful, or he'd find that everybody's running a little Forest Service within a Forest Service. So he tries to balance.

The only guy that I ever ran into that knew how to do this successfully was a colonel who commanded a company I was in during World War II. He had eight of us captains, and four of us were staff officers; it was operations, intelligence, supply, and that sort of thing. Then he had four line company commanders for A, B, C, and Headquarters Company. There was always great debate, especially when we had just come out of an operation. The line officers would complain about poor supply, poor planning, poor intelligence. They would say poor staff work explained why things went wrong. The guys on the staff would complain about poor compliance with instructions, or failure to submit requisitions for supplies on time, or whatever it was. It was a continuing argument between line and staff. Every operation seemed to draw out new problems. This colonel had the perfect solution. After he listened to the whole array of complaints, he'd switch his captains around. The guy who complained the most about supplies, he made supply officer. The guy who complained the most about failure of the operational plan was put in charge of plans for the next operation. The colonel did that about every six months, and it worked fine. But it didn't last, it never lasted more than six months. By that time the guy who moved into the new job had adopted all the attitudes of his predecessor. Anyway, the problems in the Forest Service are somewhat similar because it is line and staff, and you're continually trying to find that golden mean where staff isn't too strong and line isn't too strong, but each is strong enough.

PS: I was impressed reading the minutes of the Service Committee when Greeley was chief in the 20s; someone commented that there was a real danger of transferring all the best people out of the field to the Washington office. You have to leave some good people out there in both line and staff, but they might resent the apparent lack of promotional opportunities.

JM: I did not have that problem, but a lot of field people don't want to go to Washington. Many of our regional foresters don't look forward to going to Washington at all. In fact it got to the point that I used to have to insist before we made a person regional forester, to get him to promise in writing that he would move anywhere I wanted him to move, otherwise he couldn't be regional forester. I'd tell all

⁵ Charles F. Wilkinson and H. Michael Anderson, "Land Resource Planning in the National Forests," *Oregon Law Review* 64:142 (1985).

the people in the lower ranks that if you want to go up the line career ladder and get promoted you're going to have to be willing to move around. We don't want to have jobs for people who just sort of coast until they retire. Of course that upsets people, because they don't like to move so much. A lot of people would like to stay on indefinitely as district ranger or forest supervisor.

PS: The Forest Service transfers less than it used to.

JM: Perhaps that's because housing costs are high, moving expenses are high, and there is more recognition of the career needs of the working spouse and the problems of changing schools for children than there used to be. In that sense, we probably transferred some employees in the past too much, although I don't know what the ideal might be.

Three Branches of the Forest Service

PS: I don't know how much we need to go into the three basic units of the Forest Service, they're pretty well documented: National Forest Administration, State and Private Forestry, and Research. Since 1915 you've had three branches.

JM: I think it's worked fairly well. You could always question whether it's efficient to keep them completely separated in the field, and this matter continually comes up as people look at the efficiency of the operation. Why we don't have the station directors, for example, report to the regional foresters, or at least have their business and administrative activities handled by the regional office. Why we don't have all the State and Private field directors under the regional foresters; you can make arguments on both sides. Why do we have the same salary grades for each? Why are the regional forester and the station director and the area director all the same salary level? Why are the chief's deputies all at the same level, because their scopes of responsibility in terms of people and money are far different. You can make arguments on that score. It's the three legged stool kind of organization that's worked pretty well over the years, and it's helped the Forest Service in it's external relations to a great degree—the relations with the states and universities, and with the private land owners.

PS: Earlier when we were talking about your background in economics, you referred to Josephson as being "over in Research," like he was a long way away. Is it really that separate?

JM: It's not a severe separation. An individual in State and Private or National Forest Administration who wanted to consult with economists in Research would feel free to go in and talk with them. But he would not feel free to urge them to drop everything they were doing for their deputy, or come over and do something for his deputy, without getting the deputies themselves involved. So it's a little more difficult to obtain the time and talent of the research specialists than it would be if the specialists were right within one's own ranks. During staff meetings of the chief deputies, Joe would not be present unless we had asked for him to be present, and the way we would do that would be to ask his deputy to ask him to come to the meeting and talk about some economics problem. Not that he was unwilling, but it wouldn't be very fruitful for him to sit around with the rest of us through a long discussion of something in which he was not particularly interested.

PS: It might have been just an isolated incident, but I encountered a lot of hostility from ranger district personnel when I was in fire research. Did State and Private Forestry, in your observation, ever encounter that at the field level, that they weren't really in the Forest Service.

JM: I suspect that's not uncommon. On the district, you learn to be wary of strangers from headquarters, especially if they appear to be making unreasonable demands on your time.

PS: I was really surprised.

JM: For one thing Research and State and Private Forestry people don't wear the uniform so much. Most of the State and Private people are in the East; in the West there are just a few, and they're in the regional offices, so they're usually regarded as just another guy from the regional office. But the Research person, to start with, is likely to be somewhat different than the typical national forest person. People may not understand what he's doing, whom he reports to, or his hair's not cut, and his shoes aren't shined, and somehow he doesn't look right. He probably doesn't know anything practical about fighting forest fires, either. So, you do have that sort of, I don't want to say animosity, but such people are strangers because often they don't even say they are with the Forest Service, they say they're with a laboratory or something. Even within the Forest Service people will often say that so-and-so is with the Forest Service and so-and-so is with Research, to distinguish between them.

Years ago I was working at the Central States Experiment Station and things were pretty tough financially. There was one station project that suddenly got a lot of money to study flood control in Kentucky. One of the first things the guy did who ran the project was to buy a new car; he bought a Pontiac and nobody had ever bought anything costlier than a Chevrolet in the Forest Service before. But he bought this brand new Pontiac, and I was assigned to work with him because my project was running out of money. I went in, the fellow's name was Ralph Day, and I reported. "Oh yes," he said, "why don't you take this Pontiac—now be careful, it's brand new—and go down to Kentucky and find out all you can about the Cumberland River." This was along in May or so. "And don't come back until the first of July," (that's the end of the fiscal year.) They'd probably run out of money again, you see. I went down to Kentucky and had a general idea of what I was going to look into—questions of land use, population, and rural poverty, in connection with planning flood control in the Kentucky river basins. And I got a lot of information from the university; then I thought I'd go in and see the forest supervisor in Winchester, Kentucky. I was an SP-3 or something like that. I drove up in this new Pontiac and went in to pay my respects to the supervisor. He just about threw me out; he wouldn't talk to me, he was so mad. He was driving an old Plymouth, about ten years old, and here comes an SP-3 with no uniform, a vague assignment, asking silly questions, and driving a new car like that with Forest Service symbols on it. So the only guy I could get to talk to me in the supervisor's office was the administrative assistant. He gave me some help. That was the kind of thing you'd encounter, but I don't think you can generalize from that to the whole Forest Service.

PS: That supervisor might have had earlier experiences with Research.

JM: That's right. And he probably didn't know too many researchers. The whole station budget at the time was only \$50,000 a year, so there weren't too many of us around, and we were covering six states.

PS: I was in your office about twelve years or so ago. We were talking mainly about a history project, but I guess we asked what you were doing that day, and it was urban forestry. You hoped to get some money for it. That was a new concept in the early 70s. Why should the Forest Service be involved in urban forestry, other than the fact that it's forestry, or is that a good enough reason?

JM: One of the reasons is that it's got something to do with trees, and our people have been involved in research for a long time with tree diseases, insect pests, resistance to smog, and so forth. Also urban forests are important for recreation, watershed, and wildlife, but not particularly for timber. Some urban forests are quite expansive, the forest preserve around Chicago, for example. So it looked like an area that we ought to stay with since we were partly into it, and it was likely to be of considerable interest to a growing urban population.

PS: This would be an area where you got involved with new congressional committees.

JM: I can't recall any committee interest other than appropriations. That was partly because the House chairman was from Chicago. I don't know that the Interior Committee was particularly interested, and the Agriculture Committee didn't seem too interested either. There wasn't any opposition, either; but it wasn't within the traditional range of interest of the various committees.

PS: Urban forestry is a big thing these days. Were you successful in getting some money and did a program really evolve?

JM: We did pretty well. We got some money for research and set up an urban forestry research work center. We got some in State and Private that we added to the amounts we doled out to the states. We were trying to encourage the state foresters to devote a greater part of their efforts to urban forestry matters, just as we encouraged them to devote more to fire protection in the past by sharing the costs of things they were doing. This meant more money for the states and it interested a number of congressmen, so it was the kind of thing for which money was readily available at the congressional level. I don't think we ever sold it to OMB. I think OMB's attitude was that this was a local matter and the Fed's ought to stay out of it. They might have been right too.

PS: Let's back up a little bit on the three branches of the Forest Service. I think it was the state forester of California who said in a speech once that without CM2* money, there wouldn't be state forestry. To the extent that wasn't an exaggeration, the Forest Service has a clout within state forestry that is not recognized outside of the field. How do you balance that? That's the federal government involving itself in local affairs, which must be a very touchy situation.

JM: Yes, it is. I think the state foresters recognize that the push for state forestry came from the Forest Service in most cases. It came because the Forest Service was willing to put up the money and provide general support, but not take over. In other words, we didn't follow the SCS approach. You see, there's always been something of a conflict between SCS and state forestry, mostly on minor things. Because SCS has its own federal employees in the field, dealing with landowners, they tend to get into forestry matters, and their advice to the landowner may conflict with the advice of the state forester.

In Maine years ago, there was quite a battle between the state and SCS over planting conifers. The state foresters argued that the species in mixed plantations should be planted in groups; you should have a group of pines and a group of spruce. Whereas SCS was promoting a bucket mix, planting the species at random. The state foresters didn't like that approach, so they were continually at odds about what to say to the landowners about how to plant trees. The SCS approach was basically one of the Feds doing the job on the ground. The Forest Service approach was one of getting the state to do the job on the ground, with the Feds to provide funds and backup such as provision of specialists that no one state could afford to hire. Also, the Forest Service tried to promote cooperation between states, urging forest fire compacts, for example, or trying to make sure the states' hose couplings were of a size consistent with their neighbor's, so that when they came to help out they could tie in their hoses. Or pushing for all to use the same radio frequencies. Today we have a swapping of fire crews between the states which is working pretty well.

PS: Since it was federal money, in recent times there must have been issues on civil rights and restraints on how the money could be used. Was it ever a problem that had to be dealt with or did you . . .

JM: There might have been some cases in the South. But we never had the kinds of problems that Extension or SCS had with directing programs to the white farmers and ignoring the black. There

* Clarke-McNary Act, 1924, Section 2.

probably was some discrimination, but it never got to be a big issue, perhaps because there weren't too many black forest landowners to begin with. I don't recall any case where we had to hold money back from a state, but we might have done that.

We had considerable controversy was over the matter of block grants. One of Nixon's ideas was not to give the states federal money in little pieces with strings on them, but to pool blocks of the federal money and let the states decide how to spend it. It was probably a pretty good idea, but it made the proponents of the old system particularly nervous, because there was no insurance, for example, that the forestry interests in the state would have sufficient political power to maintain the level of forestry support with the state, if it was left up to the state itself whether to spend the money on forestry or something else.

PS: I suppose since State and Private Forestry has the word state in it, it must have a difficult time during some administrations. What's the federal government doing with a state program at all?

JM: It always has had trouble. OMB never has favored the continuation of most State and Private Forestry programs, and with considerable logic. The OMB argument was something like this: Look, you've taken the federal dollars for fifty years or so, and you stimulated the states to put out forest fires, now they're doing it. Why don't you take your federal dollars and do something else with them. Pull back from the states on that particular thing and follow a different course. There's a lot of logic to that, and in many cases it wouldn't make much difference. But unfortunately there are always a few states that are marginal, where the federal dollar still makes up half the expenditure. If you pull out the federal half, the state half won't support the program and the whole thing may collapse. You can't discriminate among the states easily, and limit participation just to the weaker states, so you have a real problem. Aside from all the political arguments that you get into, the state's able to raise a ruckus with its congressional delegation if it loses any federal dollar for any reason.

PS: Is McIntire/Stennis being administered by the Forest Service?

JM: No, it's administered by the Cooperative State Research Service. This is the same outfit that hands out the money for the agricultural experiment stations. McIntire/Stennis is supposed to be well coordinated with what's done in forestry research by the Forest Service, so there isn't any overlap to speak of. The appropriations committees are always quite interested in this coordination, but the McIntire/Stennis money comes out of the Agriculture Appropriations Committee, and the forestry research money comes out of the Interior Appropriations Subcommittee.

PS: The Forest Service gives a substantial amount of support to universities in terms of grants to professors and so forth. Is that on the upswing, downswing?

JM: It varies. There are different kinds of grants. Some of them are simply cooperative arrangements under which the university does part of a research project or provides facilities, or something of that sort. Others are competitive grants where the universities compete among themselves for funds. The appropriated amount tends to vary quite a bit, because it's a kind of program that can be turned on or off very quickly. Universities look at these funds as sort of mixed blessings, they call them soft money, and there's always a certain undercurrent of controversy over how much the university should take out for overhead, for example. Some universities are reluctant to take federal dollars. Harvard for example, didn't used to like taking much federal money for fear of federal control. There is occasionally a problem with disputes over publication of research findings. If there's such a dispute within the agency it often can be resolved within peer groups, but when its disputed between the agency and the university over what should be published, it can get a little sticky.

PS: Two cases I'm familiar with, they may or may not be unusual, are at the University of Washington and Duke. Forest Service employees are right there in the forestry school, teaching classes.

JM: There are all kinds of arrangements. A federal act allows the interchange of federal and state employees, and also federal and private. The federal government can either continue to pay the person's salary and be reimbursed by the state, or the federal employee's salary can be paid directly by the state. The interchange can go for as much as a year, and it can be renewed. The other way is to have the federal employee assigned as a part-time instructor, and in some cases he might be allowed to teach without university compensation, if what he is doing is tied in with his regular work.

PS: Is part of this a perk or a quasi-sabbatical to reward someone from time to time?

JM: I think it's more of an effort to build bridges between the university and Forest Service Research. The present day Forest Service research organization began on university campuses. When I first worked at the experiment station at Berkeley, the University of California provided quarters for the station in the same building as the forestry school. When I was a student at Minnesota, it was the same way. In places where there was no forestry school, there was some sort of a tie. At Pennsylvania, for example, the old Allegheny Forest Experiment Station was housed in a university building and had close ties with the Botany Department and access to the university laboratories and greenhouses. The Northeastern Station was in a Yale building, and the Forest Products Laboratory was put in Madison, because the University of Wisconsin won the bidding among several campuses to get the new lab, and the university provided the land. So there's long been that kind of a tie, and as a result there's been a free interchange of Forest Service research staff and university faculty. That is, the university faculty would frequently work on station research, or their research would be funded by the station. Typically, graduate students found employment with station projects and the station staff taught university courses. It's a system that has worked out fairly well, and it's not unique to Forest Service.

I think the precedent probably came from the agricultural experiment stations. The policy in agriculture research, as I understand it, has been to foster work done by state agricultural experiment stations with federal money. The money was given to the land grant colleges, and they set up the stations and found the people to do the work. Forestry research didn't have enough appeal to the agricultural experiment stations at the beginning, and didn't follow the same route. It could have been originated as a part of agriculture research in agricultural experiment stations, but forestry research never had enough support to compete against the demands for research in agriculture. So to ensure the early success of forestry research, it had to be pretty much a federal effort entirely, for my predecessors couldn't leave it to the states to do it, because they were not likely to continue it when they needed money for agriculture.

PS: During the 50s, when I was an undergraduate at the University of Washington, we had a little block building behind the forestry school; it was the forest products lab. The Forest Service built these little satellite labs around the country, but by the time I was a student there, they were pretty well phased out, and we used it as a woodshop.

JM: It was customary for the universities to put up the land and the federal government to put up the building. Sometimes the universities would provide a building to attract the Forest Service to the campus, because it added to the stature of the forestry school, provided some adjunct faculty, and provided employment for students.

Timber Management

PS: Let's talk about the various uses. If you could go back fifty years or so in Forest Service traditions, seeing how things turned out today, would you have tried to make the commodity interest in national forests a little less of a vested right for the private sector?

JM: I don't know whether a better balance between commodity and non-commodity uses could have been reached. I pointed out at times that we might have been better off if we had followed the European pattern where the federal government sells logs rather than trees, thereby maintaining close control over logging, which seems to be the most controversial part of a timber operation. European foresters have not entirely escaped the clearcutting controversy, but they have much greater control because they have their own employees doing the harvesting. Some of it must be tremendously expensive. The chief disadvantage with that sort of thing is that the government employee loggers are a labor force that could be politically quite difficult to manage. In Europe, and probably in Japan also, many forest jobs appear to be retained primarily as a source of rural employment, and politically that can not be easily changed, or these people would move into overcrowded cities. So it's a way of providing employment at government expense. It may not be a very efficient way of doing things, but that would be the other alternative for the national forests, at least to utilize the authority occasionally to sell logs instead of timber, especially in the more sensitive areas. It might have been good to seek such authority sometime in the past, and I suggested that at times to members of Congress. It never was very attractive to the executive branch. Also it wasn't clear how you'd handle the payment of this labor, whether you would use the income from the sale of the logs to pay the loggers, or whether you'd have to have appropriated funds to pay the loggers and have all the receipts from the sales going to the Treasury.

Another policy alternative would be to follow the Canadian system, where tracts of public forests are essentially turned over to the highest bidders for not only harvesting, but for all other aspects of management. This is, of course, somewhat popular with the privatization advocates and with the efficiency advocates. Industry, I think, would be divided. The small operators would object, and they're more numerous, and they would probably successfully object. The big operators, who would be capable of taking over large tracts, like a whole national forest and running it as part of their own operation, probably would be in favor.

This brings up a third area in timber that I might talk a little bit about. One of the difficulties with administering timber sale programs, it always seemed to me, is that it's never been easy to make the punishment fit the crime. Let's see if I can put it a different way. When the government sells timber under contract, it specifies what the purchaser should do, and if the purchaser doesn't do what the contract says, then about the only recourse that the ranger has is to shut the whole thing down. What the purchaser might have done wrong, for example, is to run his tractor up the stream once, when he should have stayed out of the stream entirely. So you fine him by cutting off a million dollars worth of operations. There's no easy way of curbing these minor infractions, so it's been difficult to administer timber sale contracts for that reason. Also, some purchasers tend to take advantage of the situation by minimizing supervision, figuring that the Forest Service will have to have somebody out there checking up all the time anyway. Let them tell the tractor driver to stay out of the stream, instead of us having a foreman standing around doing that, it's cheaper. So they have escaped some of the enforcement costs and shifted the burden of enforcement over to the agency, knowing that the agency is not too likely to adopt some drastic punishment for some minor infraction.

PS: I administered timber sales for my first year out of school, and it's an awesome thing to talk to a logging superintendent, who had been logging, literally, since before I was born. I have a forty-page contract in my hand, and it's a contest of wills; I always felt they should send the most experienced people out there. But it was where you broke in.

JM: That's right. The other thing is that if the superintendent's not out there at all, and if his people are doing something wrong, they'll just ignore you. They'll say, "Well go find the superintendent." Well, he's forty miles away somewhere. "Don't talk to me, I don't take my orders from you."

PS: We used to count the shovels in the fire caches and things like that, it was . . .

JM: You see, a sale contract is difficult to draft and to enforce because of all the complexities. I don't know how you get around that.

PS: I don't know how well it works, but on paper it looks pretty rigorous. I was licensed in California, and if you're a professional forester in California and you design logging operations where there is major gross negligence, you lose your license.

JM: I know, but how about minor negligence? You don't get major infractions very often; it's the minor stuff that causes all the trouble. One advantage of having your own logging crew and selling the logs would be your bosses could cope with these kinds of problems. But if you're selling the standing trees, then you need some better way. I don't know how you'd do it. One way would be to have a published sliding scale of fines for doing things wrong, but how you'd enforce that, I don't know, especially if you had an appeals process, things could be very cumbersome.

PS: The Forest Service has experimented with a lot of things like the fifty-year sales in Alaska. Seems like they always come back to the same process, because the experiments don't really work.

JM: There were only two or three of those long term sales.

PS: But in an area like Alaska where there's high development costs, you almost have to have a . . .

JM: When those sales were let, the whole idea in Alaska was to provide employment. There was great concern about employment for the native population and for bringing people in from the lower forty-eight to develop the country. In Southeast, the fifty-year sales appeared absolutely essential to get companies to build mills. Also essential was the requirement that no logs be exported from Alaska. So they forced the industry to locate there, which you wanted to do for job reasons. On the other hand, fifty years is a long time; I thought later that it was probably a kind of decision that should not be made at the agency level. Probably it should have been made by Congress, and I told them that, and we got limits into some legislation. Also, there is the whole matter of how big a backlog of sold timber should be on hand. At one time, we thought that the bigger the backlog of timber that had been sold but not cut, the more stable the price of lumber might likely be. There's some pros and cons to that, too.

PS: During the late 70s the Pacific Northwest really went through turmoil. Prices dropped after they'd contracted.

JM: Yes, what do you do then? Then there's this whole question of escalation clauses, price escalation tied to some index and the difference between the east side [of the Cascade Range] and the west side timber buyers as to which procedure to use. And there's a whole area of controversy over timber set asides for small business.

PS: I was going to ask you about small business. That must be a hard one to deal with.

JM: That's a highly political area and one which we were never able to influence, particularly. Part of the trouble was the SBA's definition of small—any firm with less than five hundred employees. In the timber business, five hundred employees makes a pretty good size operation, especially when a lot of the work is done under contract with gyppo loggers. You can have very large organizations with less

than five hundred employees that in my opinion were not really small. Anyway, the whole matter of how to handle set asides, what to do if the smalls don't bid in one period and then come back in another period. Do you carry over what was set aside, if they didn't buy, into the next period? How large an area of competition to set up? These sorts of questions sometimes strained relations between the SBA and the Forest Service. The SBA was a highly political agency, compared to the Forest Service. In other words, SBA would do something for political reasons, and the Forest Service would object that it was not logical.

PS: Did you have to reserve a certain percentage of volume? How did they draw the line, numbers or percent?

JM: What they did was look at the history of sales over a period of time and say, for example, for this many years 40 percent of the volume has gone to small business, so for the next year 40 percent of the volume offered should be limited to the smalls. They can bid on the other 60 percent of sale volume, but the bigs can also bid. Then there's the question of which sales should be reserved for smalls, and the timing of them, and the area of competition. SBA got into those kinds of matters to a considerable extent. Usually we were able to work things out fairly well, depending on who was running SBA. And it probably varied quite a bit over time.

PS: I don't know if the whole thing's a red herring or not, but define what you think a below cost timber sale is. I thought I knew, but recent articles have confused me.

JM: I'm not sure that I can straighten you out either. It probably varies quite a bit with individuals who are doing the debating. Some people confuse the below cost sale with a deficiency sale. A deficiency sale is where the appraisal shows that the cost of logging compared to appraised value of the timber will not allow enough margin for a normal profit, whatever the normal profit is. This is all done in appraiser's lingo. The whole basis for the appraisal is to determine the upset price at the bidding. The below cost sale, presumably, is one where the government outlays for preparing the sale are less than the cash income from the sale. The argument now seems to be over what costs to attribute to timber, because you've got joint costs and joint returns. In economics, it's difficult to separate out those costs. For example, if you build a main road to a timber sale, you may argue that a lot of things benefit. Hunters have an easier access, fire protection is cheaper, Sunday drivers have a place to go, you can get into campgrounds, you can get into watersheds. The whole cost of the road should not be charged to the sale.

PS: That's not new.

JM: I know. But on the other hand, you have no way of breaking down the costs. That's part of the problem. The other part is you have a lot of benefits that are not priced in the market, and you don't know really what your total benefits might be. The whole thing is tied up with the underlying controversy over roadless areas. This started because people, particularly the Natural Resources Defense Council, were trying to find a way to retain more roadless acreage in the national forests, and one way was to convince the public and the Congress that the Forest Service was building roads to cut timber that wasn't worth the cost. So it's a complex kind of problem, and I don't really see any near term outcome because the underlying issue is not likely to go away. People are going to find all kinds of reasons for not building roads, as long as they want more roadless area.

PS: Assuming there is such a thing as a below cost timber sale, where is the money coming from? Does Public Works appropriate money for, say, a major bridge system, or does it come out of the Forest Service timber budget?

JM: It comes out of the Forest Service timber budget. The Forest Service annually tells Congress that if you give us so much money, we'll offer so much timber, and we need the money in these pockets.

They've been putting the money in the road pocket and the timber pocket, but they've also been putting the money into wildlife and water and recreation, and other places, where there's a timber related aspect to the request. So it's appropriated funds.

PS: I worked a year in timber management in the late 50s, and we called it appropriated monies. Because of the high costs of developing certain drainages, the first few sales couldn't begin to pay for the major bridges, or whatever. But we had some sort of plan on paper that in fifty years it would all work out. That's a below cost timber sale, right?

JM: The first sale is.

PS: The first one is. So, the issue isn't new, it's just that it's become a lot more popular.

JM: It's become a lot more popular because of its effect on roadless areas.

PS: Don't I read that some in industry are also opposed? Is that just part of the conservative view that government should become more like business, or is it some kind of tactic?

JM: I think industry would like Forest Service to concentrate its sales in areas of more profitable volume. This is the efficiency argument, from the timber point of view, that industry would be better off if it didn't have to have too many of these deficiency type sales. I don't think that the industry has entered into this debate at any great extent, except to exhibit some signs of nervousness about congressional attempts to deal with the matter by appropriations, cutting back on road building or something of that sort, which would in turn result in problems for industry. The Forest Service is also concerned because congressional attempts to cut back on road building might force the agency to concentrate its harvesting in roaded areas where some drainages could be overcut from a hydrologic standpoint. There has been some arguing that enough roads are already built, so the Forest Service has substantial latitude to stop building more roads and to utilize roads already built so as to sell more timber in roaded areas. I haven't heard proponents say anything about the environmental impact of doing that, the hydrologic impact, but I would be fearful of going very far in that direction.

That's one area of controversy. Another area that used to be controversial was the estimate of national forest acreage requiring reforestation. For a long time we used to tell Congress that we had something like a five million acres backlog that had to be planted. When congressmen wanted to know why we didn't just up and plant the backlog acres, we would say we didn't have the money we needed to do it. Eventually there was a congressional directive that it be done in ten years.

I finally got it straightened out but I used to have a lot of trouble with the estimate of how many plantable acres there were, the estimate I was telling Congress about all the time. The trouble was that our estimates were based on something called the Project Work Inventory. The Project Work Inventory was a holdover from the days when the federal government attempted to keep on hand what was called a shelf of public works. These were projects that could be quickly undertaken to relieve unemployment in the event of a depression. The Forest Service had a lot of such projects, because much of the forestry work could be undertaken right away; it just took labor and money. One of the inventory estimates that was kept up to date over the years was the number of acres that could be planted, if we had a sudden supply of labor and money. It was hard to keep the estimate up to date, because there was natural regeneration, there was failure of new plantings, new cuttings, and the quality of the inventory varied from district to district. Some rangers probably put a lot of effort into it, and others just guessed at how much they had. So the Washington staff seldom knew exactly how much there might be. Somehow or another the figure always seemed to stay constant no matter what we did. [laughter] When I got questioned about this, I clamped down on the timber staff to provide better information. Suddenly we started getting changes, and annually we'd have statistical changes that were more significant than the acreage actually planted. We were gaining more by

statistically manipulating the data than by planting trees. When this became apparent, it became kind of a joke with the members on the Hill. They'd point this out to me with great glee; we were doing better with our statistics than we were doing with the money they were giving us. I don't know what the outcome of this has finally been.

PS: Except for fires or something, why wouldn't KV [Knutsen-Vandenberg] money keep up?

JM: There were several reasons. One was that sometimes we didn't hold out enough KV money; we underestimated the cost of regeneration. Other times the original KV money ran out before the plantation was successful; the trees died and then they had to be planted again, and we didn't have enough money for that. Third, the area may have been burned or otherwise damaged by disease or insects and wasn't covered by KV. Also, we often acquired lands that had been cut over.

PS: That's true.

JM: There were all kinds of acreage that weren't handled by KV. But that was the kind of question that I used to get from Congress.

PS: It certainly seems to be a relatively easy thing to sell to Congress; everyone seems to understand the need for planting trees.

JM: It was easy to sell the need for reforestation, but then it got to be pretty difficult when our year to year estimates did not show any great progress.

PS: I hadn't thought about the Weeks purchases; of course, that was a lot of cutover land. Still five million acres is a big percent of the total.

JM: The standards varied quite a bit from forest to forest over what was defined as "plantable." You had a lot of places where you had interplanting, maybe, or you had the wrong species, or had brush fields in California that probably would never be planted because of the expense, but they would be counted anyway. They were probably the result of fires. It's pretty hard to generalize about the source of all that acreage.

PS: Some of the issues, like below cost timber sales, are very technical. How much time would you get to present an issue? I realize that you have worked with staff before hand, but those are tough ones to explain.

JM: It varies with the committee and the subject. You might get fifteen minutes. Sometimes it works by the committee member asking you a question, but he asks you in the form of a statement. He reads a long statement about so and so; is that not correct? If you know what he's going to say, often you can just say, "That's correct," and stop right there. It's in the record, he said it. It may not carry as much weight with the other members as if you said it, but at least you said it was correct, so often that's the way to go. The other way is for the member, or the chairman, to ask the Forest Service to provide written answers to a series of questions, and this is put into the hearing record. That gives you a chance to put a lot of stuff down on paper.

PS: How about the role of Bob Wolf [in the Congressional Research Service], as opposed to Forest Service staff? Is that function sort of a check and balance? Basically the agency provides information, but they have their own guy watching. Or does he do creative work?

JM: He's completely independent of the Executive Branch, but he's also dependent on the request from the member. Some members like to take advantage of the Congressional Research Service, or the Library of Congress, or whatever, and get a report, or they might want to get a report from the

General Accounting Office. In any case, the outside investigator would probably have to go to the Forest Service for basic information, if he didn't already have it. It's not unusual for the General Accounting Office, in a complicated case, to set up a shop within the Forest Service. We provide an office space, and desk and telephones, and the GAO person sits down near the files to dig out whatever he wants. In Bob's case, I suspect that most of the time he already had most everything that he needed. What he didn't have, he knew where to get it. We didn't put any leash on him, and he'd go directly to Forest Service individuals who might have the statistics that he wanted. Then he'd write up a report and, in his case, it was given directly to the member who asked for it. Much of Bob's efforts were responsive to certain senators, like [Hubert H.] Humphrey. GAO usually would send a draft report to the agency for comment before they published it, and they would incorporate the agency comments in their report.

PS: It's a little out of context, but as long as you're talking about the GAO, I think we ought to spend a few minutes on that. At the field level, the GAO was some fearful enterprise. My God, the GAO is involved, we're in trouble. Are they pretty reasonable guys?

JM: They vary, depending on their personalities. In general, GAO has fairly competent people, but they are stretched pretty thin sometimes, and they do get into areas where they don't have a great deal of expertise. They're great, of course, on accounting and fiscal matters and that sort of thing. When they get off into areas of professional concerns, about which trees to plant or something like that, they're pretty much dependent on outsiders. They may employ university people or they may simply review literature, or they may ask the agency. On the whole, GAO's done a pretty good job.

PS: But they're involved in things like below cost timber sales, making analyses.

JM: Anything that Congress wants them to do. GAO is a creature of Congress and Congress simply asks it to provide certain information. Almost any member can get them to do something, so they could get into anything at all, as far as I can see. So they are somewhat feared, I suppose, by anybody who had done anything wrong. In a sense they're like an auditor, they might turn something up. They're probably more feared on the part of the Forest Service because of their amateurish approaches to things. You've got to start with GAO people who may know nothing about the subject and sort of educate them and bring them along. It requires a little bit of time.

PS: If they came in with a certain arrogance, it would be very difficult to teach them anything.

JM: Yes, they'd probably would have trouble getting much too. [laughter] On the whole, I think the Forest Service has welcomed these outsiders, at least at the Washington level. The field is probably a little unhappy at times because it might have to accommodate too many of them. I remember years ago when Ed was still chief, Ralph Nader called up one day, and he said he had a bunch of summer students coming in, and he'd thought he'd use them to take a look at some of the land agencies. I suggested that he come over to lunch and talk about it. Ed and I and Nader went down to P7 Heaven. P7 Heaven was the executive lunchroom in the administration building, and the employees called it P7 Heaven because only P7s in the old classification scheme were allowed in there. It was a place where you could sit down and be waited on instead of having to go through the cafeteria. So Nader came over, and he told us what he wanted to do, and we thought that might be a pretty good thing for these students. They were young graduate students, and we said we would be glad to have them take a look at the Forest Service. We got them a room and a desk and telephone, and we gave them a typewriter, and said go to it. Here are the files, just go right to it. It wasn't unusual in the summertime for students to be wandering around. The Nader students found a few things in the files that probably we wished they hadn't read; handwritten notes, you know. On the whole they did a pretty good job. One wrote a paper on grazing and one on recreation. At the end of summer, they turned them in to Nader. Well, Nader didn't like the outcome. He apparently decided that the students

had been captured by the agency. Then he turned the whole task over to another person, who had not been involved with the students, as far as I could tell. I think his name was Barney.

PS: David Barney?

JM: Yes, I think it was. He wrote a superficial analysis of Forest Service activities based partly, I suppose, on what the students provided and partly on stuff he might have gotten from critics. Nader wrote a scathing introduction, not based on the book or anything else as far as I could see, just on Nader's opinion that something must be wrong with the government.⁶

PS: That charge has been made before. Luke Popovich claimed that you guys co-opted the Committee of Scientists under NFMA.⁷ You had this magic power.

JM: That is always an image problem. If you don't cooperate, you can be charged with obstruction. On the whole, I think the Forest Service, relative to other agencies, has been pretty open. We haven't got anything to hide, and we usually welcome the outsider who takes an interest. We tell him to come in and help himself, but don't get in our way too much.

PS: I imagine they're surprised by how much paper you drop on their desks.

JM: There's an awful lot, that's right. Especially when the staff is told to cooperate with them; the staff will just go ahead and get them whatever they want.

PS: Were there many challenges under the Freedom of Information Act? It must have had some impact on . . .

JM: The problem was not in the information itself but with the cost of providing it. When they asked for large volumes, just the cost of copying, just the time it took to dig out stuff was the issue. Sometimes the request was untimely because of litigation underway or something of that sort. Our lawyers handled that; they had a Freedom of Information man in the department who handled these more ticklish sorts of requests, but on the whole the Freedom of Information Act, as far as I could see, didn't really bother us. We had nothing to worry about like some agencies.

Grazing

PS: Let's talk about other uses. Wilkinson/Anderson say that there may be 100 million acres in national forests that's officially rangeland, but the figures greatly exaggerate the importance to the agency.

JM: That's probably right. Some of it's only grazed intermittently, but it's the kind of area that does produce some forage for cattle or wildlife. The total area of range is somewhat difficult to define. There's a lot of similar land in other public and private ownerships that might or might not be counted as rangeland throughout the West, some of it at pretty high elevations.

⁶ David R. Barney, *The Last Stand: Ralph Nader's Study Group Report on the National Forests* (New York: Grossman Publishers, 1974).

⁷ Luke Popovich, "The 'Wise Man' Committee—An Education for the Educators," *Journal of Forestry* 76:7 (July 1978): 424-427.

PS: Somebody told me once that the real importance of national forest range is that it provides summer range, just a month or two out of the year, that's crucial to the cycle.

JM: Right, and it's a factor in rural economies, because access is typically limited to people who own home ranches in the valleys and who probably can not operate their ranches successfully without some access to the high elevations at certain times of the year. That access might be required anywhere from one to six months. I suppose a person in the Southwest might need quite a bit of high elevation range, because it gets so dry and hot. The range question has always been indistinct to most people, perhaps because they're not particularly interested in it. However, those who are involved get quite emotional about range, especially if they come from a range background. One of the big questions has always been grazing fees. Other questions have related to over-grazing, and then there are questions relating to fencing and water rights, and competition with wildlife, and whether permission to graze livestock should be regarded as a right or a privilege.

PS: That's probably the most controversial area in terms of the public's interest, the hunters versus the stockmen.

JM: Yes, although I was surprised that in the national park that they made out of the national forest around Wheeler Peak in Nevada, they decided to retain grazing. They evidently were able to do that on the grounds that it was part of the aesthetic background of the park. It didn't get objections from the park supporters.

PS: Wilkinson says that the grazing fees have always been below market value. Is that true?

JM: It depends on how you define it, but generally speaking they have been. Maybe not in the national grasslands, but in the public domain lands they've always been less than what the rancher would have to pay to get the rights to graze on equivalent private land.

PS: Does that reflect the clout of senior members of Congress? Timber is appraised at market value.

JM: Partly it's that and partly it's because the arrangements are different. The federal government may require the rancher to do certain things that he would not have to do if he were leasing private land.

PS: Then that ought to be part of the equation.

JM: That should be part of the equation. But even taking that into account, the amounts have been less than what a private lessee would have to pay.

PS: Wilkinson also said that there's little case law in grazing. The Forest Service enjoys generally untrammelled authority spelled out in US vs. Grimaud of 1911, is that right?

JM: That's about right. Usually the grazing people have not resorted to litigation, perhaps for fear of losing, and perhaps more because they've been successful by using the political rather than the legal route. There are problems within the industry itself, you see, that make it kind of a ticklish thing. The cattlemen are probably divided over issues of grazing on public lands, because a lot of the members of the national association do not have access to public land; they may be southerners, for example. The wool growers probably to a greater extent use public lands than the cattlemen, but even there I think there are probably some divisions.

PS: Cows make leather and leather makes shoes. With foreign import of shoes there must be a lot of issues that makes people attentive to range who wouldn't ordinarily be.

JM: I don't recall any associations with the other products of the livestock industry, other than beef and wool perhaps. I don't recall any discussion of leather.

PS: It seems that if you raise grazing fees, the price of leather goes up, and shoes go up and are less competitive. Maybe its . . .

JM: The connection may not be too obvious. I think the connection with beef might be more obvious. At least the cattlemen preferred to have the price of beef enter into the equation used to determine their fee, rather than to have their price based on private land rents. Also, you've got problems of how to count the animals; what to do about horses, goats, mules—how to count calves and heifers. There all kinds of issues, most of which have been handled pretty well at the local level. The Forest Service has long kept open communications with the industry. The Forest Service has gone out and ridden the range with the rancher, talked to him about the level of stocking, and has been perhaps overly solicitous of the rancher's welfare, in the sense that it's attempted to avoid drastic reductions. We tried to give the man warning that he's got too many head, he's going to have to cut down, and over time tried to get him to do that. Some ranchers have been cooperative, but others have not. Most of the time issues other than grazing fees were handled at the local level and didn't come to Washington at all. I don't recall any particular appeals, even in those situations.

PS: When you read the literature, the stockmen strike you as a pretty damn independent group of people, more so than the lumber industry. That must be a challenge on a person to person basis, explaining why the federal government says to the local rancher . . .

JM: It is a real challenge. Our people have gotten pretty good at it over the years, especially if they come from the same background as the stockmen. The high point of the industry's efforts came with the subcommittee hearings that were held around the West, in the 50s or early 60s. The House committee chaired by Congressman [Frank] Barrett went out and listened to all the livestock people. Perhaps there was some hope at that time that the grazing privileges could somehow be converted to grazing rights and that concessions could be wrung from the government. They were pretty hard on the Forest Service and on BLM. BLM's had much more trouble with the industry, it seems to me, over the years than the Forest Service because it's so much more politically vulnerable. Politicians could reach the top of the agency readily, and that forced changes then on the ground, whereas they didn't succeed in forcing anything by going to the top of the Forest Service. But livestock groups were quite critical back in the Barrett days. Some even suggested that the thing to do is to turn over these ranges to the ranchers themselves, and let them manage them in all respects, for an annual fee. I don't think that suggestion is likely to surface anymore, because the wildlife and recreation interests are so much more powerful today. The Wildlife Federation has been an extremely important ally of the Forest Service in grazing battles.

PS: Even though they don't like all the timber management . . .

JM: They don't like that at all, but in grazing they're a real friend.

PS: Presumably the legislation in 1976 brought BLM and Forest Service closer. It remains to be seen, I guess.

JM: Yes.

PS: All I know about livestock is whenever I was out cruising timber and found some water, usually some cow had been there ahead of me. Anything else on range from the chief's perspective? You say it's handled pretty much at the local level.

JM: The big thing in Washington has been the annual battle over fees; it came up almost every year. We'd proposed to raise the fee and then we'd be overturned by political appointees. Often the department or even the White House would get into this act; or the Interior Department would refuse to go along with us. Grazing fees made for interesting battles because, typically, the parts of the executive branch couldn't get together on an approach, and therefore it was susceptible to a common tactic of advocates around Washington—to split the opposition. If you can split Interior and Agriculture over an issue, it is much easier to achieve your end. Or you split EPA and CEQ or something like that. So you often have trouble settling issues, because of the different arrangements for decision making as between Interior and Agriculture, where Interior is so much more centralized.

Sometimes, no position on grazing fees could be reached without the secretary being involved, and it was impossible to get to him. Or the problem lay in trying to arrange something between the two secretaries, both of whom knew very little about the subject, didn't have time to be briefed very well, and didn't think it was very important. Often it was necessary to bring in OMB. OMB of course, would be very interested in raising fees. So raising the fees were continuing problems around Washington. I don't think there are any other range problems of equal magnitude. Of course there are always problems with fences and water, and with range rehabilitation—noxious weeds are always a problem in range management. The neighbors would complain when the government didn't control loco weed or some other noxious weed on government land and it would spread onto private land. Well, why didn't the government control it? The government didn't control, because it didn't have the money. Why didn't it have the money? First of all OMB didn't understand what we were talking about; second there wasn't any support in Congress for control of noxious weeds, and so we just had difficulty financing the control program. That was the kind of situation that we tried to explain to the neighbors.

Deference to Congress

PS: That reminds me of a passage in Kaufman where he's characterizing the role playing in hearings. You have the all-powerful Congress and the meek and deferential bureau chief. How do you ever tell Congress, "You're the problem?" Will they listen to that? Can you say in some polite way that you've been asking them for twenty years for more money, and you never give it to me, and now you are complaining? Can you be candid like that? Will they allow that?

JM: That depends on the circumstances.

PS: But something like this issue with noxious weeds, you need some money.

JM: You're always telling that to individual members who hear from their constituents. The bureau chief cannot volunteer, on the record, a request for funding that does not appear in the president's budget. But if asked at a hearing, we have polite ways of saying that our agency request for funding wasn't honored or didn't have sufficient priority at the time. Frequently one of the things that the Appropriations Committee would do, year after year, was find out from us by direct questioning the specific amounts of money we had asked for. We would never volunteer, of course, how much we asked for to start with. Then the chairman would put a table in the hearing record saying here's what the agency wanted and here's what OMB put in the president's budget. Look at that; big difference! That would justify giving the agency more than the president wanted us to get. Everybody knew this game and everybody complained about it, but there was no way that OMB would tolerate an agency going up to Congress and saying, "Yes we asked for more, but the White House won't allow the agency to tell you what it was." Boy, that would really stir things up, so they'd have to take it the way it was.

PS: I suppose there's opportunities, like if you wanted a branch experiment station in Bend, Oregon, of talking to the local congressman and saying, "Look, I need your help on this." But the OMB watches for that pretty closely, I imagine.

JM: OMB is very aware of that. So is the committee. The appropriations committees typically have more requests from members along that line about the Forest Service than from any other agency. At almost every year's hearing the first thing that I'd from the chairman would be a complaint that the Forest Service was out stimulating all these budget add-ons. You had two hundred requests for money outside the budget. Was the Forest Service out stimulating this? I'd say, "No sir, we don't do that, we simply answer requests for information." He'd say, "Well, stop it." [laughter]. Of course, it couldn't stop. But the Forest Service would not be so direct. What would happen would be, in a research station case for example, somebody would come in and say, "Why don't you work on this problem, it's bothering me?" The Forest Service researcher would say, "I don't have the money." Or the man would say, "Well, how much would it take?" Our guy would say, "Well, you'd need fifty thousand anyway to get started." So he would say, "I'll go over and talk to my congressman." And he does. A congressman is always looking for things that would draw money to his district. Research looks like a non-controversial thing—who can be against that—so he writes a letter to the chairman of the Appropriations Committee and says to add this. The chairman gets a whole bunch of these letters and gets upset, because it throws his whole program out of kilter.

PS: I remember a letter I saw in the McArdle files from Sherman Adams,** saying, "Mac, I think it would be a good idea if we had a research station in New Hampshire." Mac says, "I was thinking the same thing." That came out of the White House, so OMB would be more favorable.

JM: We've got a lot of things like that around. They come from all sources.

Minerals

PS: Let's switch to minerals; I don't know how important they are to the Forest Service. Does BLM have jurisdiction over the mineral rights, so in that sense, it's not an important issue in the Forest Service?

JM: It's complicated. First there are the hard rock minerals, gold and silver and that kind of thing. Then there are the leasable minerals, mostly coal, oil and gas. On public domain lands, the government owns the minerals, and the arrangements are usually spelled out in the law as what can be done and who is responsible for doing things. In the case of the national forest lands that were acquired [through purchase or exchange], about half of them are acquired with the subsurface mineral rights, and about half are acquired without those rights—just the surface was purchased. So the government doesn't have control over those privately owned subsurface minerals. In that case, the latitude of the private owner to mine comes under the applicable state law, and it varies from state to state, to an extent under the terms of the original deed. So you've got all kinds of complications. Disposal of the hardrock minerals in the public domain comes under the 1870s mining laws. Any citizen can go upon the public domain lands within national forests, and if he discovers a valuable mineral, he can acquire title to it by paying a small fee. He's got to show that it's valuable, and he's got to go through certain procedures, but the right is there. The federal government can withdraw some lands from mineral entry under certain provisions of the law.

** Assistant to President Eisenhower.

The secretary of agriculture, under the 1897 [Organic Administration] Act, is authorized to regulate occupancy and use of the national forests. This was interpreted to mean that he could regulate but not prohibit entry under the mining laws. However it was never politically possible to write regulations until the 1969 National Environmental Policy Act ordered the executive branch to do everything possible to favor the environment. Using that direction, we made another attempt at writing regulations, to regulate mining on the public lands, because there were abuses. I heard of one prospector who would ride around in his bulldozer with the blade down, hoping to turn up something. Some miners were tearing up the countryside, and the mining industry was pretty aware that this was not going to be tolerated.

To sell the idea of regulation, we first sought to convince the industry, and we did a pretty good job. Our mining engineers convinced larger mining companies through the American Mining Congress that our proposed regulations might be better than some kind of legislation. The small miners were quite suspicious that they'd have to keep going to Washington to get a permit, or something of that sort. So we wrote the regulations to make it possible for the ranger to issue the prospecting permit. Then we said, if you don't like the provisions of the permit, you can appeal. As far as I know we never got any appeals. This seemed to satisfy most of the miners.

The big problem that we had was with Interior. Interior kept saying, "don't issue regulations, we're not ready over here to do the same, and if we don't do it, it's going to be embarrassing." So they kept stalling, and finally we were able to get Butz and CEQ (OMB might have been in on it, although they weren't so heavily involved in regulations in those days) behind us and we went ahead and issued our regulations over the secretary's signature. We had to go through the administrative rule making procedure of publishing them and inviting comment and then publishing the final versions. They worked pretty well. Now the district ranger can tell the miner where he can put his road, and where he can put his spoil bank and whatever, and what to do about water and wildlife and that sort of thing. Those regulations, I think, have been generally helpful in the case of hardrock.

Now with the leasable minerals, usually the lease is issued by the Interior secretary, but it carries stipulations which the Forest Service writes. They spell out what the lessee is required to do on public land, and the Interior Department has always accepted all the stipulations the Forest Service has provided. We never had a problem with this sort of thing. In effect, the Forest Service also administers a lease. It's on a national forest, the Forest Service man is there, he looks at what the miner's doing and pretty much enforces the lease.

PS: What I was wondering about is public outcry. Jim Watt was going to drill for oil in wilderness areas, and it sounded like Jim Watt was saying the same thing, the few times I heard him, but I wasn't quite sure what Interior's role was on those same . . .

JM: In the case of drilling, Interior people would offer the tracts for bidding, and hold the auction, and then it would be pretty much an Interior activity. They would probably have to consult with the Forest Service on which tracts, to make sure they weren't authorizing the drilling in, say, an administrative site or picnic area or any area that might be otherwise withdrawn. But they had most of the records on that. When the lease is issued, that's when the Forest Service would get into the writing of stipulations on what would be required of the drilling company.

PS: Wilkinson he says the past fifteen years of Forest Service mineral policy is likely to be among the most enduring of its policies. This must be the regulations that you're talking about.

JM: Yes, I think so.

PS: He thinks you've done a good job and they're going to last.

JM: I think they will. In the land exchanges proposals that have come around in the last two years between BLM and Forest Service are some provisions for some of the Interior activities to be transferred to Forest Service, where Forest Service land is involved. Forest Service would issue the leases.

PS: When I got out of school I was involved administering the 1955 Multiple Use Mining Act; we had to go out and cruise timber on the claims. A lot of claims on the Snoqualmie National Forest had a hundred thousand board feet per acre. The miners were pretty unhappy with us being out there. It might have been just the suspicion of what might transpire. Almost all of those claims were declared invalid; the minerals didn't approximate the value of the timber.

JM: That's right. This has been a very substantial problem, and that act helped quite a bit in getting rid of invalid claims. There were all kinds of claims to enable people, under the guise of mineral development, to acquire timber, hunting or fishing cabin sites, or summer home sites.

PS: We found claims on top of claims.

JM: Yes.

PS: I guess they assumed the guy wasn't working the first one, so it was alright to . . .

JM: Yes. It might be invalid. Of course, a lot of these never went to patent because they never proved that they had sufficient minerals, but they tied up the land by just filing a claim. These were all over the West, you know, and there are still a lot of these claims around. The Forest Service has found it politically difficult to get rid of some of them. The claim holders often were able to obtain political sponsorship in some fashion or another. To avoid the expense of a legal contest, sometimes we would allow a life tenure. They'd have built a cabin, and we said, "you can stay there and when you die it reverts to the government, we'll let you do it that way." That's going to bug us, for another period of time. There are a lot of these claims, and they're still a problem.

PS: All a part of the romance of American history, I guess.

JM: I guess so.

PS: A pan in the hand and a mule behind. Made America strong.

Water

JM: It's like water rights. Westerners appropriated water for various reasons, and now we'd like to have that water made available to national forests. During my time we lost a New Mexico case in the Supreme Court, so it looks like our claims to water rights under the appropriation doctrine aren't going to stand up in many cases. I think Wilkinson may have talked a little about that, too.

PS: I skipped over water, but we ought to talk about it. EPA guidelines, Section 404, nonpoint discharge . . .

JM: They're all kinds of issues. The appropriation doctrine case is one. The court in effect decided that the national forests were established only to furnish a continuing supply of timber for the citizens of the United States and not for recreation and wildlife uses, so the Forest Service can not argue that in reserving the national forests from the public domain that the 1897 Congress had appropriated water for recreation and other non-timber purposes. The Justice Department, for us, argued that Congress

had appropriated money over the years for non-timber uses and that was legislative history. But the records back before 1905 were scattered, and we never did succeed in building a good case in time to succeed in the Supreme Court, so we lost in the court and the state of New Mexico won the right to unappropriated water flows from national forests that were not needed for anything else but timber. This was a major setback, because then we couldn't reserve water for these other purposes.

Another area of considerable interest over the years has been the water quality legislation, I think it's called Section 404 of the Water Quality Act, which relates to silvicultural practices that might affect the quality of water downstream. The issue's been what kind of practices, and attempts have been made to define those practices over the years. The Corps of Engineers and EPA both have been involved with this. It's a complex area and is still being debated.

PS: How much of this is at the chief's level? Is the field really heavily involved with this?

JM: The 404 matters are primarily a State and Private problem. The Forest Service gets into it with the states; the state foresters are heavily involved with defining what are called "best management practices." If a landowner follows these practices, presumably he can't be accused of violating the law. The Forest Service regions get into water issues in a variety of ways, and one is in the administration of dam sites—where there are federal licenses to operate power plants in national forests. They also get into management of the snow pack in parts of the West. SCS does measurement of the snowpack, but the Forest Service might be involved in manipulations to delay water run off. We get into flood control in a big way, and a lot of the eastern national forests were established primarily for flood control. The Allegheny, Monongahela, and George Washington are examples.

Municipal water supplies are a continuing problem with the regions. Western cities in the early days often acquired their municipal water from national forest watersheds, which were relatively secure against contamination and which didn't require the cities to construct expensive purification facilities. The cities have grown, and the national forests have become more open to disturbances of various kinds—road building and logging particularly. This has stirred up the cities, because the Forest Service attitude has been that the cities were welcome to the water, but they ought to spend the money to purify it. They shouldn't depend on the federal taxpayer to forgo development opportunities in the interest of maintaining the purity of city water and allowing the city to escape the costs of purification. This has long been an issue with the city of Portland. One time they had the logger's horses wearing diapers. [laughter] That's not the only one, there are a lot of those.

PS: The city of Seattle watershed was in the district where I worked. There was an agreement whereby the city was exchanging land and would acquire total ownership after fifty years.

JM: Right. This is the kind of issue that you frequently get into between the feds and the local government. The Forest Service argues that the locals should not really expect the federal taxpayers to shoulder their burdens.

PS: Water supplies are becoming more and more crucial, and for the Forest Service it's going to be an even bigger issue in the future than it has been, right?

JM: Right.

PS: Supplant range, and maybe even timber in some areas.

JM: Right. Of course, some of the water agencies have been quite powerful, and they've been politically able to build dams and reservoirs in areas of national forest land where before they could

not do so. For example in the Denver area, where they dug tunnels under Forest Service land. Water quality is always an issue where there is any road building or logging.

PS: Am I correct that EPA's attempt to establish uniform state forest practices, the Federal Forest Practice Act, was really to get water quality?

JM: You may be referring to the "best management practices" effort to get the states to establish standards that would maintain water quality and thereby escape litigation that might occur otherwise. That's still going on.

PS: I was involved with a committee to write a county forest practices act. Turbidity was the issue, and I asked the water guy, "What's the big deal with turbidity?" He said, "It's the one thing you can easily measure in the field, but it's not very important." So we had clauses to protect against turbidity. [laughter]

JM: Right. That's been part of the trouble with measuring pollution. There can be different kinds of pollutants.

Congressional Testimony

PS: Kaufman talks about the preparation for testifying. That must have taken a lot of your time when Congress was in session. Congress set the agenda, and you had to work around that.

JM: That's right. It did take time, but then the Forest Service staff work was excellent most of the time, and we had some latitude as to timing. The committee staff would often talk with our people about dates, and we tried to work out a mutually agreeable time. The appropriations testimony took the most time, because it was so detailed, and the books used by the witnesses were a couple of inches thick, typically. The main preparation effort was to locate information in the book so when you got a question you could turn to the right page. On other testimony, the Forest Service witnesses get to be pretty good at anticipating the needs of the committees, because they testify so often.

In the typical case, the testimony of the Forest Service witness can be quite voluminous, if it's a complicated bill, and it follows a set procedure. The testimony would usually accompany a report on the bill from the administration, which is cleared by OMB and other agencies who'd have an interest and which is signed by or for the cabinet officer. The report itself is usually more lengthy than the testimony, but the report summarizes the bill and then states what the administration thinks about it in detail and proposes changes or proposes passage or defeat. It tells the committee that the administration's behind the witness. The statement of the witness has been cleared, so to speak. That report is already in the hands of the committee, usually, when the witness appears, but his testimony goes into further detail.

Now there are all kinds of variations. In a straightforward case, the witness anticipates a request from the chairman to summarize his statement, which they already have, and the full statement goes in the record. Just sitting there and reading it to them doesn't really help much. But many witnesses seem to insist on doing that for some reason, especially if they're not familiar with Congress. The Forest Service witness usually volunteers to summarize the statement, and he can usually do that in just a few paragraphs. Then he's available for questions. Sometimes he has a statement accompanied by maps, if he's dealing with land boundaries such as a wilderness boundary or forest boundary, or exchange of lands or something of that sort. Or he may use other visual aids and pointers, and have an assistant ready to flip the charts or change the slides. Or he may have handouts that he puts before the committee, and all that has to be arranged in advance. He may, in a complicated case, sit

at a table accompanied by others, it might be an attorney in some cases, or a forest supervisor or regional forester, if it's a local issue. Or the Forest Service witness may accompany an administration witness, the secretary may be doing the testifying, or the assistant secretary or a deputy secretary, and the Forest Service witness would just go along to answer questions, and the statement would be read by the administration witness. Maybe I ought to stop here without getting into further detail.

PS: Would you invite someone outside of the agency, a subject specialist at a university, or would Congress ask them?

JM: I suppose we could suggest such a witness to the committee staff. Ordinarily, the committee, I think, would prefer to issue the invitation directly. However, if that person was a paid consultant to the Forest Service, I think we could bring him along if we wanted to. Usually we don't do that because it could be a little out of line, in the sense that the committee's not sure whether the outside person's talking for the administration or what. Who's he representing?

PS: You testify and then other people testify. Is there an opportunity for rebuttal? Obviously there are bills that are controversial.

JM: There could be. It's up to the committee, and they might call you back after hearing from others. Or they might have heard from others and hear from you last, if they feel a need for rebuttal. They might ask the other witnesses to testify first, and then when the Forest Service comes up they have their questions ready. You are, in fact, rebutting the previous testimony. A third way is for the committee to write letters asking questions and have you respond by mail. That's done sometimes.

PS: Is there a hierarchy of committees? Does the sequence matter?

JM: The sequence usually doesn't matter. The only instance is where the authorization for a program has to be enacted first and that requires action by one of the committees other than Appropriations. Appropriations committees appropriate money that has been authorized to be appropriated, and they follow the authorizing committees. That would be the sequence. But in the case of the Forest Service, almost all of the authorizations that are in existence are without limits as to time and funding amounts. There might be a new one like a water fund, for example, that would require reauthorization once in a while. That would have to be done, usually, before the Appropriations Committee appropriated.

PS: On a particular day you might be testifying on forestry at Forestry or Interior; but with Appropriations, you're really dealing with prior legislation.

JM: Right.

PS: That's where the authorization . . .

JM: Right.

PS: Kaufman said that during his study period the Forest Service testified to twenty-three committees with you testifying 40 percent of the time, which is eight or nine committees. I was a little surprised that the chief didn't testify routinely, but obviously deputies and associate chiefs are acceptable to Congress.

JM: Right. Or it might be a case where the secretary or assistant secretary went up to testify for the administration, and he could take along someone from the Forest Service staff. But there's a lot of legislation that is not major policy, and there's no objection on the part of the committees if someone acting for the chief goes up and testifies. It might be a land exchange of some sort, or some relatively

minor matter that still has to be put through the legislative process. So the committee doesn't anticipate a dialogue, usually, but uses the witness to get information. They just want to make a record and would take one of the deputy chiefs. This is normal. When I was deputy or associate chief, I used to testify quite a bit on these minor things.

PS: Would you ordinarily sit through much of the hearing, other than for your own testimony?

JM: Ordinarily not, unless the committee asked you to stay. Usually you'd go up and testify and leave. I think that's the way most witnesses behaved. I suppose one of the reasons for that is there is some hazard, if you stay, that some committee member will call on you in the audience and ask you a question. This is a little awkward, you see, because you're not on the stand; that's happened to me at times. But if you've really done your job there could be a question about why are you sticking around—this is not what you are being paid to do.

PS: Because everyone has already submitted their written testimony, and so you . . .

JM: You'll see the record, so that won't be a problem.

PS: The only thing you wouldn't hear would be the questions that they might get.

JM: That goes in the record, too; you have the record of everything that's said. The only thing you would miss might be some of the implications of a tone of voice.

PS: Like laughter.

JM: Laughter. Even that goes in the record.

PS: Kaufman makes a big thing out of the deference to Congress by the administration. I understand the separation of powers and the ceremony involved with testimony—it's serious business. But off the record, can you be pretty candid? Are you more as equals when you're off the record, meeting in their office or whatever?

JM: That's right. You don't have to use the same terminology. You can call a member by his first name, and he'll call you by your first. Often they did that anyway, even in the hearing, calling me by my first name, because I knew them pretty well. You are more formal in the hearing, because you know it's going down in the record, and you're a little less formal in the office setting.

The matter of being candid is more difficult to describe. It's obvious to any knowledgeable member that the Forest Service witness is speaking for the administration; it has to be that way. The witness may have opinions different than what he's testifying to, or opinions in addition to the testimony. So the knowledgeable member of Congress would try to draw out the witness in various matters. Sometimes he'll ask for the witness's personal opinion. If he puts the question in a way that asks—should we do something—the witness has to say the administration thinks you should not do it, or you should do it differently. Whereas if he asks the witness for a personal opinion about something, then the witness has to respond. He will not get into trouble with the administrative types for responding, because he can't just say, "Well I'm not allowed to answer questions." That would be even worse. And he can't lie. So he gives his personal opinion, and that's the time when the witness can be quite candid. Maybe he'll say, "I testify that we only want so much money, Mr. Chairman." "Why don't you want any more?" "Well we can't afford it, the budget situation is not too good this year." And so forth. Then the member can come back and say to the witness, "Well, if that was not the case, and if you had your choice, and other things being equal, what in your personal opinion would you do? How much could you efficiently spend?" Then you can give them an answer that may differ from what the administration wants appropriated.

The one time that I recall I really was looking for an opening, to give my personal opinion, was in the debate over the National Forest Management Act. It must have dawned on [Congressman James] Weaver that they were writing a pretty comprehensive bill, so he asked me, "What, if you were writing this bill, in your personal opinion, would you put into it?" So that gave me an opening, and I could give him a half a dozen things that I would like to see Congress do. Doggone it if they didn't take almost all of my suggestions. Things that wouldn't have come up otherwise, like making a the national forests statutory. Maybe LeMaster had this in his book, but one of the things that had always bothered me was that the national forests were established by presidential proclamation, unlike the national parks, which were established by statute. The proclamation establishing a national forest could be followed by a proclamation disestablishing it, if a president desired. The National Forest Management Act changed that. A president cannot move a national forest out of the national forest system and back into the unreserved public domain.

PS: You accompany the assistant secretary, and he testifies and puts you on the spot in a way it wouldn't if you'd been able to plan your strategy in advance. The way his testimony comes out might be difficult for you to support, maybe just the phraseology doesn't work.

JM: You usually draft his testimony within the Forest Service to start with and clear it through other agencies and through OMB and whomever else is interested. So the testimony is a joint product, so to speak, of the parts of the administration, no matter who reads it. The ticklish part comes when the questioning starts. Ordinarily, in a situation like that, the committee members would not ask a Forest Service witness about some administration stand, they would ask the political appointee. So you're not likely to get into too much of a conflict. However, if members don't like the political appointee or if he's not being very responsive, then they'll just ignore him and direct all their questions to the Forest Service witness who's sitting next to him. That can get a little embarrassing.

You're very aware of the political party of the member asking the question because if you have a Republican witness and a Democratic committee, the Democrats may try to make some political hay. On the other hand, some of the members are Republican, so they'll try to support the witness. It depends on who's asking the question. I recall one hearing before the Senate Budget Committee, which was a rather extended hearing on the whole Department budget request. Secretary Bergland and many of his staff, plus me, were at the witness table. The hearing went along fairly well, and Bergland was of course trying to argue that the President's budget was right and they shouldn't spend any more or any less money.

Senator Packwood got into the funding of reforestation; why shouldn't we spend more money on reforestation? He's Republican, and he knew that I was sort of on the spot, that I couldn't really support his argument for higher funding. So he put his questions to me in the form of statements, "There are so many million acres that ought to be reforested, isn't that correct?" Then he followed with some rather rapid-fire questioning like that which I was accustomed to over the years. It was really no problem to me, but it may have been kind of surprising to people who were new as witnesses. It came very fast, and all I had to do was say, "Yes sir," because each statement wound up with the question, "Is that not correct, or isn't that correct?" It was over in five minutes. Every "Yes sir" that I gave built a record that was in direct conflict with what the administration was trying to say, that we shouldn't spend anymore money. But on the other hand, I couldn't deny any point that Packwood was making for the record.

PS: But you had no problem with Bergland after that.

JM: No, it only raised eyebrows. But Bergland had been in Congress and knew that Packwood was building a record to justify a higher appropriation for tree planting. He let me handle the reforestation

questions from a Republican member. Now if a Democrat had done that, Bergland might have been a little more cautious about letting the record show the need for more money for reforestation.

PS: LeMaster describes an episode, which I have no idea if it's typical. Herman Talmadge called a group together. Bob Wolf is there and you're there, and it's sort of a work session. Was this a common occurrence before a bill would get to a hearing stage; you would sit down with the chairman of the committee and various people?

JM: There's all kinds of ways; I don't know that I could even generalize. I used to talk quite a bit with Talmadge. Of course [James] Giltmier made it pretty easy since he worked for Talmadge. I would often go in and tell him in advance of a hearing, what I was going to say, and what I was trying to accomplish. That's what I would try to do, or get Giltmier to go with me to do it. Sometimes I'd get into the problem of coordination between the Agriculture Committee, which he chaired in the Senate, and the Interior Committee, which was chaired by [Henry M.] Jackson. He and Jackson didn't always see eye to eye, and I gathered didn't get along too well. They were very civil, and you couldn't really tell.

Talmadge chewed tobacco and had a spittoon beside his desk. I used to sit up close, not across the desk, but across the spittoon. We'd talk, and I'd try to avoid the juice. One day I was telling him that we had this bill, and we ought to consider how we were going to handle it between Agriculture and Interior committees. I thought that maybe they could have some joint hearings if they couldn't agree to let one committee or another take it, and that he ought to talk to Jackson. He said, "Well, that's a good idea." He buzzed to get Jackson on the telephone. Then he handed me the phone and said, "Here, you talk to him." [laughter] I said, "I'm over here in Talmadge's office talking about this subject, and he thinks and I think that it might be good to do it this way. Jackson said, "Well that sounds all right, let's do it that way." He didn't ask me why in the hell I was talking to him instead of Talmadge. [laughter]

In the case that LeMaster was mentioning, perhaps Giltmier was attempting to get the congressional staff people and the agency staff together on some sort of agenda. It was not unusual for us to go up and brief the committee staff, and they were in touch with us daily. It was easier to brief the whole staff at once. Some of them were extremely powerful people. [Senator James] Eastman had an assistant named Sam Thompson, who probably did most of the deciding. I used to talk to Eastman with Sam once in awhile, and as far as I could tell, Eastman was hardly aware of what was going on in forestry. He might have been but it was hard to tell because he was poker faced, but I didn't think he was too interested, and I think Sam did all the deciding, unless it had something to do with his home state. Some of the other members had equally powerful people, like Senator [John] Stennis who left much to his administrative assistant. By bringing these people together, these staff people and the agencies, it gave everybody a chance to discuss and to agree on where and how to go; what to do next. The specific case that LeMaster might be referring to is an occasion when we had a Hatfield bill that was bothering the committee staff. They felt they had to do something in forestry, but many didn't like Hatfield's bill too much. Yet they'd like some kind of a bill that they could work on. The meeting was called to kick around thoughts on how this might be done. As I recall, the thing that I was interested in as a possibility was something that would give us a way to proceed with program planning. I'm getting now into the events leading up to the Resources Planning Act.

PS: Just two more general points. What is the mark up process?

JM: It's a process that the committee engages in at the end of the hearings, usually. It has the one or maybe several bills before it, plus, perhaps, some proposed amendments. Then it has to decide what it's going to send forward to the floor of the House or the Senate to be voted on. It has to come down in one version. If there are differences of opinion, the committee votes to go this way or to go that way, even if it's over one word. That's what the markup process is.

PS: If a bill's controversial, and the committee is not dominated by one political party, does the mark-up process tend to lead to less precise language in order to accommodate diverse views.

JM: Unfortunately yes. Because of compromise, this is where you start getting into future litigation problems. This is the beginning of events leading to where the courts eventually decide what Congress meant. That's one of the reasons why we have so much litigation, because in the mark-up process where the members can't agree easily, they'll search for some sort of a compromise that'll get enough votes to get rid of the damn matter and go onto the next problem.

PS: Which leads me to my final general comment here. To me one of the major contributions of LeMaster's work was his dealing with the issue of merit. He said that Talmadge hated conference committees, so if a bill was going to lead to conference, it was pretty hard to get it through his committee. Merit seemed to drop by the wayside. How important is merit?

JM: Merit is what presumably draws the votes. If the merit is pretty obvious so that the citizens will support certain members, then it's one story. But if the issue is obscure and controversial, I think many members would agree with Talmadge, let's do something we can do successfully rather than beat our heads against stone walls.

PS: There's ten thousand bills introduced in every session of Congress, so there's a pretty severe selection process.

JM: Oh yes, very much so. Of course, a lot of those bills are introduced with no idea that they'll ever pass. They're introduced for political reasons, so the member can tell his constituents that he's in favor of something, I've introduced a bill. Well, nothing may ever come of it, but it looks good in the home papers.

Clearcutting

PS: When I was preparing for this interview, I was surprised how early the Monongahela controversy appears in the literature. In 1967 West Virginia began to study clearcutting in the Monongahela National Forest. You said earlier that you felt the Forest Service held on to clearcutting too long, in retrospect. Do you want to comment a little about that, and then we'll get more specific.

JM: I think that we hung on to the idea that clearcutting could be continued and the public would come to accept it, if the Forest Service increased its educational and information efforts. I didn't mean we'd hung on too long to any kind of clearcutting, I meant large clearcuts with regular boundaries, and that sort of thing. We hung onto that idea too long. We didn't see the need to reduce the size, change the shape, and fit the clearcut into the landscape, until it was too late.

PS: When Senator Humphrey keynoted the AFA annual meeting in Washington in '75, he characterized the problem as the president of the local Izaak Walton League played golf and could see one of the clearcuts from the golf course. Was it as simple as that? The Forest Service had been studying the issue, and the Forest Service had established a task force, and the Forest Service gets little credit for having taken a serious look at the issue early on. Then there was the Bolle Report and the Church Committee hearings, and all those sorts of things. But there was a trigger; the lawsuit was Izaak Walton vs. Butz.

JM: I don't know about Humphrey's story but I do think that the best account of the origins of the Monongahela issue are in the in-service report prepared for me by Sidney Weitzman. That lawsuit

probably attracted a lot of attention to the issue, because it was surprising in its outcome. I don't think any of us expected the Monongahela decision to come about the way it did. But it was the kind of thing that drew more attention to clearcutting. Montana and Wyoming and other Rocky Mountain cases didn't get quite as much attention, although Senator [Gale] McGee called attention to clearcutting with his visits. The hearings on clearcutting wound up with the so-called Church guidelines, which Ed Crafts had a lot to do with, probably drafted them. Ed Crafts talked to us in the Forest Service about them before they were published, and then we agreed to follow-up. They weren't law, they were just suggestions from the committee, which was critical of clearcutting. We agreed to follow these guidelines. They were pretty straightforward and quite sensible; they required smaller clearcuts, and using clearcuts only where they were appropriate.

PS: Forest supervisors and district rangers were in the limelight. How well did they withstand it?

JM: I think they all did pretty well. I don't know of any great problem. They tried very hard to overcome the controversy, in the usual fashion that had been successful in the past; that is, getting the local people together and explaining what was going on. But they weren't successful, partly because the issue was no longer local. The national organizations got into the act in a big way and whereas the local people might have accepted the Forest Service explanations in the past, the national organizations weren't about to let go of this controversy, because it was turning out to be extremely valuable as a recruiting tool and a means of gaining recognition and prominence on the national scene.

PS: According to Wilkinson, "The [clearcutting] issue dramatically shifted Congressional mood." Is that too strong? Was clearcutting that important in terms of all the things the Forest Service does?

JM: I think that's too strong. It drew attention to the Forest Service, and probably there hadn't been a great deal of congressional attention at all in the past. The wilderness controversy perhaps drew even more attention than clearcutting. Clearcutting was somewhat tied in with wilderness. In other words, the anti-clearcutting constituencies were also the pro-wilderness constituencies, to a large extent.

PS: The Forest Service had a task force on the Monongahela and the Bitterroot and there were a lot of studies going on. Do you remember the first time you heard about the Monongahela lawsuit? I mean did somebody run in with the news or was there an interoffice memo; and what was the reaction? Just another lawsuit?

JM: I don't recall anything particular. I think I was a deputy chief at the time, and may not have been too involved with it. I was more concerned when the Monongahela decision was upheld in Appeals Court. That meant then that we had to immediately decide what we were going to do in that particular circuit. I talked to the general counsel and his staff in the department and to the secretary and his people before I decided to stop all the sales in the general area that was covered by the appeals court—about five states or so in the middle Atlantic area. That immediately raised the threat of stopping timber sales nationwide, which got the industry stirred up. Of course they tried to find some way around it administratively, and obviously it wasn't possible. They understood why we had to do what we did.

PS: Then there was the lawsuit in Texas that for a few months looked like it might spread to other parts of the United States.

JM: Texas was a little different case; it was probably not as widely supported as others. A fellow named [Ned] Fritz, a lawyer, had some rather strong opinions about a number of things. One was clearcutting. Another was a proposal for establishing a Big Thicket national park. I'm not sure that he had much of a constituency. I don't think he had the national organizations behind him to the extent that Izaak Walton had in West Virginia or the Sierra Club had with the Bitterroot in Idaho. Certain

members of Congress, of course, got really interested. Senator [Lee] Metcalf was one, as I recall. I don't remember the lawsuit's outcome, but following the Monongahela precedent, the court enjoined sales of clearcut timber.

PS: Wilkinson states that Hubert Humphrey felt that the clearcutting issue raised the question whether the Forest Service could be trusted to manage public lands. That doesn't ring true from what my perception of Humphrey . . .

JM: No, I don't recall any reaction from Humphrey like that.

PS: And he said [Jennings] Randolph agreed.

JM: Randolph is another case. I don't think it was a matter of trust, so much. Randolph was quite an interesting guy. He'd been in Congress for years, he was one of the oldest members of Congress, and I found that he was a very easy man to talk to. He didn't hold anything against you; if you were on the other side of an issue, well he was accustomed to dealing with people who had other views. So he wasn't likely to say anything about not trusting somebody; that was not his approach. But he was pretty well convinced by some of his constituents that even-aged management was bad. What he really wanted the Forest Service to do was to convert to all-age management. I talked numerous times with him in his office about this subject without changing his mind. We would talk very calmly in a very friendly way. In the Senate committee markup on the National Forest Management Act, he was the one who presented the amendments favored by the environmentalist side—the Sierra Club and Wilderness Society—that would have prescribed cutting practices in the national forests.

PS: The issue of merit was pretty central then? I mean clearcutting versus selective logging?

JM: Yes. It was on technical grounds.

PS: There was a lot going on during this same period, and I'm not sure how related they are. The National Timber Supply Act received a lot of attention, but wasn't successful.

JM: Right. There were several versions. Senator Hatfield and others had the idea that the way to insure reforestation and adequate levels of timber sales was to plow back the timber receipts into timber sale preparation and other national forest activities. In other words, earmark the receipts instead of having them go to the general fund of the Treasury. The Forest Service has always opposed this approach for a variety of reasons. One being that there might not be enough receipts to cover both the timber and the non-timber activities. Two would be that critics could continually argue that we were cutting more timber in order to get more receipts to have more money to spend. And three, it's just not good public administration to earmark funds; it lessens the control of the executive branch and to an extent that of the legislative branch.

PS: When you buy permits to enter national parks, does that go to the Park Service or the Treasury?

JM: As I recall, admission fees went into a separate Treasury account administered with the Land and Water Conservation Fund. Although it was set up in the Treasury as a separate account, it still had to be appropriated by Congress. That's a little different than having fees go automatically back to the agency. The Defense Department, on military reservations, has such a revolving set-up. When it sells its timber at a military base, it can take its receipts and put them back into road construction, timber sale preparation, or what have you. That's a little different. Anyway, we'd opposed earmarking timber receipts and the committees and their staffs generally knew that. There was quite a bit of other opposition. In general, Congress doesn't like to let go of the purse strings this way.

Resources Planning Act

JM: This was one of the reasons, as I recall, why Giltmier decided we ought to have a little brainstorming back around 1973 or '74 on what to do. One way to go would be to keep putting off action on the Hatfield bill. Another would be to hold some general hearings and maybe generate some other bills that might be more palatable. So we did have that session, and this would be a matter where you might want to also talk with others. At that meeting, I recall speaking in favor of some kind of legislation that would require the Forest Service to submit long-range programs.

The reason for pushing program planning legislation was that we always had problems getting out our long-range programs. The difficulty was the implication, by authorizing its publication, that the administration was committed to spending the money to do whatever was in the program. For example, it took Senate action to publish the Capper (1920) and Copeland (1933) reports, and the Timber Resource Review was completed in 1952 yet it was 1958 before we got anything out. The Kennedy administration finally did allow us to issue a program for the national forests, but never allowed anything to come out on Research or State and Private programs. In the 60s, we had an Environmental Program for the Future, which we put together in about the same fashion, starting with an assessment of the resource situation and building the program on what the regional foresters thought they could do—what research wanted, and so forth. But there wasn't much chance of publishing this kind of thing, because OMB would obviously object. Yet we needed program planning to justify our annual appropriation requests, because most forestry programs are multi-year, and you can't go up and justify appropriations for an individual year without explaining where that year fits into a series. We needed some way that would force the administration to release long-range program information, and that need is what, in my opinion, led to RPA. Others may have different memories of what occurred.

PS: Let me interrupt you for one second here. The National Environmental Policy Act was a real sleeper, as it turns out, with the impact statement requirement. You must have read through the text, and you talked to your staff, you testified in Congress. No one saw that opportunity or problem.

JM: Yes. that's right. My recollection of the bill was I thought it was probably a good idea. It appeared to simply mean that the administrator would write himself a memo for the files justifying his decision, showing that he weighed all the environmental factors. Stick it in the files, and if somebody wanted to look at it later, they could. Nobody envisioned these voluminous impact statements that finally appeared or all this debate over is what is site specific. In fact, it looked to us in the beginning, for example in RARE I, that it might be a pretty good thing to lump all the wilderness candidate areas in the country together and write one statement. [laughter] The courts you see have really expanded this act far beyond what I thought was intended. There isn't much legislative history behind NEPA, compared to other statutes of equal importance.

PS: That's a case where the language wasn't precise enough, so the courts read it the way the courts wanted to read it.

JM: Right.

PS: How about the Area of Agreements Committee?

JM: It always seemed to me that the Area of Agreements Committee was a pretty good device. I'm not sure that they always reached agreement, but at least it kept the parties talking to some extent. It was an unofficial way of getting everybody together to discuss things. AFA had been real helpful in the past about inviting in the Forest Service, and I guess other federal agencies, and then bringing in various interests such as the non-profit groups and the professional societies, and giving everybody a chance to hear from the Forest Service on what was being requested in the way of appropriations. If

these groups wanted then to support or oppose, they had information they could use in their testimony. The Areas of Agreement expanded beyond that into non- appropriation matters and attempted to serve as a forum. Whether it got to agreement or not is something else, but it certainly did serve as a forum.

PS: Here is a scenario from LeMaster. Humphrey takes a shortcut through a meeting room, and he sees the Areas of Agreement Committee at work. He knows the players, and when he saw that diverse group sitting at the same table, he knew they must be doing something worthwhile, and he went over to see. That, according to LeMaster, led to Humphrey's sponsorship of RPA. Let's try to merge these two. You have this long-term plan; was it a reaction to the Monongahela decision, or was it a whole series of things that converged that led to RPA?

JM: I don't think the Monongahela lawsuit related to RPA.

PS: The National Forest Management Act is related to Monongahela?

JM: That's right.

PS: RPA is about the same time as the Monongahela . . .

JM: Monongahela was probably back in '71, '72, see, but . . .

PS: But the judge said if you don't like the law, change the law, this is my decision.

JM: Judge Maxwell's decision must have been made around '71, maybe '72. Then we went to the Appeals Court in Richmond, and that must have taken another year or so. Probably we didn't get the Appeals Court finding upholding the Maxwell/Monongahela decision until '74 or so. Anyway the Monongahela problem was not a part of the debate at the time RPA was drafted. RPA was aimed primarily at setting up a process to insure that Congress would be periodically informed of the forest resource situation in the United States, and of programs for dealing with that situation.

PS: Was there much opposition to RPA when it was going through mark-up. Seems like a very . . .

JM: The only opposition came from OMB which opposed it on the grounds that it subtracted from the president's authority. But anyway, it passed without too much trouble and when it got sent to the White House, it arrived right at the time Nixon had left the Oval Office and Ford was sitting down. It must have been one of the first bills to arrive at Ford's desk. It was accompanied by a strong letter of endorsement from Butz urging the president to sign it, and an equally strong letter from OMB urging the president to veto it. The impression I got was that Ford probably signed it because he didn't want to veto the first thing he picked up. I think ordinarily a bill like RPA would have been vetoed.

PS: Is that right?

JM: Yes.

PS: Because of OMB?

JM: I think because it would remove some of the president's ability to curtail appropriations, you see. If he sent forward a ten-year program that required spending money, he's sort of endorsing the idea of spending all that money out into future years. President's just don't like to do that.

PS: Sort of a reverse Gramm/Rudman.

JM: Right.

PS: I don't want to sound unusually naive, but long-term planning is not really in opposition to good management. How could an administration come up with a long-term plan without making some sort of commitment to the future?

JM: They don't mind doing this if they can completely control it, you see, but under RPA they have to go up to Congress on a certain schedule with a long range program, accompanied by some kind of a statement of policy and all this sort of thing. But they didn't like being told to make out-year commitments.

PS: I see. RPA has received mixed reviews since it's been enacted. Critics claim that there's too great a range between high and low estimates, the programs themselves have not been responsive to assessment, which goes back to appropriations, I suspect. And not enough attention to state programs. Is that a fair . . .

JM: Yes, those are all valid criticisms. They don't have anything to do with the way the law's written, particularly; it's more a matter of its execution. The range between high and low options is obviously the outcome of the debate with OMB. The same thing's true with the relation between the assessment and program. There's also a lack of state information, and until the states go further with their own RPAs, so to speak, there will always be a lack. The feds aren't too likely to step in and do the job for the states. Another kind of criticism, and a more serious one, is that RPA tends to strengthen top-down planning, rather than bottom-up. That's a somewhat of a nebulous argument to me. The top-down plan always is based on the information that came up from below, from the forests, states, and research units. All that the national planners do is bring together the information they get from the people on the ground who say what can be done or what ought to be done.

PS: But doesn't the assessment deal with all forested lands and not just national forests?

JM: Yes, yes, that's right.

PS: How do you actually get cooperation from the other agencies, and where do you get the data, data that must be very diverse?

JM: It is diverse. Some data are just not there. Other data are plentiful. You just have to rely on what's available. You can't really force things. What the Forest Service's been able to do to a degree is encourage the states to do their own RPAs, gather their own information. Assist them with the technology and perhaps with some funding. But you can't get all the Interior agencies, or the Federal Power Commission, or EPA, or others to do things that they're not authorized to do or that aren't high on their priority list of things to do. You just have to rely on what's available.

PS: Do the other agencies more or less accept the Forest Service's assessment of their resources? That could be a little bit sticky, if they stated their priorities in different nomenclatures.

JM: I think on the whole there isn't too much of a problem because the assessment takes the others own data. The only problem that I recall was between SCS and Forest Service. SCS used estimates of woodland and rangeland that were different from the Forest Service, but this was just a matter of definition. But it wasn't a serious problem. And with wildlife populations, you pretty much followed the lead of Fish and Wildlife Service, for example, or the states. Some states would give pretty good information on wildlife populations. Recreation has always been a problem, because the Interior Department uses a different unit of measurement than the Agriculture Department.

PS: The number of visitors.

JM: They count the number of visitors to the parks, for example, and the Forest Service counts visitor days. You get different outcomes.

PS: On the program side, I suspect the biggest problem is OMB, not Congress. Is that correct?

JM: Oh yes.

PS: There's no intention of ever getting that kind of money to do all of those things.

JM: That's right. In a recession where you're providing employment through federal programs you might get quite a bit of money all of a sudden. Otherwise, there isn't much chance that forestry would be high on OMB's list. Not only would OMB rate forestry lower in priority in relation to other programs, but it also recognizes that Congress is probably going to increase the president's request no matter what. OMB looks at budget strategy. The forests are in most members' districts, most members are in favor of doing something that will show results in their districts, so they're going to favor spending more money on forestry, just like they often do for other widely visible programs.

PS: So when the budget crunch comes, and Reagan and the Congress are negotiating on defense versus domestic, forestry is not on anyone's list, but it does okay. It kind of sneaks through, because it's basically a good thing?

JM: Yes. About twenty years ago, a professor at Syracuse found that the Forest Service was one of the more successful agencies. He wrote a book called *The Power of the Purse*. I can't recall his name right now, but he studied the operations of the appropriations committees in the two bodies, and he found that there were three agencies that always did well in both the House and the Senate. Some always did well in the House and some always in the Senate, but there were only three that did well in both bodies: the FBI, the National Institutes of Health, and the Forest Service.

PS: Strange bedfellows.

JM: That's right. You could see why that's the case; large constituencies spread all over the country, and relatively non-controversial types of programs. Of course, all of them have gotten into various controversies since the book was published. The FBI has had its difficulties.

PS: Yes.

JM: Both the Forest Service and the National Institutes of Health to a lesser degree.

PS: Maybe the National Forest Management Act has overshadowed it now, but is RPA still a viable institution?

JM: It depends on your benchmark, I guess. Considering the alternatives, the answer is yes. You know, we can't really operate a public forestry enterprise without some kind of planning, and we have to put those plans out where people can see them and use them. You need such plans in order to determine the appropriate level of efforts. So, in that sense, RPA is successful. You'd have to do something like it even if you didn't have RPA.

PS: The Forest Service has always done a lot of planning.

JM: Right, right. We've always had these national appraisals going way back. If we don't furnish them, Congress will ask for them, because they see the need. There's no way of escaping this sort of thing.

In that sense RPA is probably a good try; to force the process into the open, make it accessible, make the results accessible to all those who need it.

PS: I was at a RFF conference six or seven years ago, and RPA was sort of in the frying pan. I don't think anyone was in favor of it. One of the things I hadn't thought about was the lack of computer software, I mean the numbers for a single national forest are staggering.

JM: I know, I know.

PS: The computer runs around the clock for a month or so.

JM: That's right.

PS: Was that anticipated?

JM: Yes it was expected. It's always been a problem; how to keep track of things. This was one of the arguments for larger clearcuts, because to keep track of all the stands on a national forest, by age class, by species, type, and location, and to record what treatments are applied in what year, meant a tremendous data management job. So the larger the clearcuts and larger the even-aged blocks within your working circle, the more you could reduce the data needs. If you had a lot of smaller clearcuts or patches around, you'd have a harder time trying to keep track of it all, especially in those days before computers. That's a real problem no matter what kind of legislation you have.

PS: LeMaster tries to measure the impact of RPA in terms of appropriations. He compares the Forest Service to BLM. The Forest Service increases at a more rapid pace than BLM, so he speculates that RPA has had a measurable impact in actually increasing the appropriations for programs. Did those graphs, those analyses, seem valid to you, or is it more complicated?

JM: I think he's probably right. Whether we had RPA or not, we'd have some kind of a program to justify appropriations, so if you want to give RPA the credit, it would probably be all right. There's a little difficulty in comparing BLM and Forest Service here, because BLM is such a small timber resource operation and its money is regarded differently, so much of it goes back into the operation. The O and C counties get 50 percent or something like that. Then 25 percent goes back into reforestation, so Congress might tend to think of BLM's timber program as being sort of self-financing, to a degree. They don't look at the national forests as being in that category. I didn't fully understand those tables, either, the comparison that Denny made.

PS: He was trying to measure the differences and that's the best he could do so he . . .

JM: That's right. That's probably about the best anyone could do. While you could criticize it, I suspect it's probably as good as one could find.

PS: That would seem to me to make the antennae of the environmentalist go up, that timber management got an increase without the help of all the other programs.

JM: This of course was one of the reasons for program planning. The reason I wanted something like RPA is that the programs got out of balance. Timber always had more appeal with the budget makers than the other resource programs, because it brought in more revenue. Programs like watershed management or wildlife habitat management were difficult to keep in balance with timber, and hence the need for some kind of program planning so that we could try to end these imbalances.

National Forest Management Act

PS: What's the relationship between the National Forest Management Act and RPA. Did one grow out of the other or are they really two distinctly different . . .

JM: They're two different pieces of legislation. I don't recall now why it was deemed important to treat the National Forest Management Act as an amendment to RPA. There probably were some legal advantages in doing that, in the sense that you could put in what Congress calls "findings," for example, that would apply to both cases, both to national forest plans and to long-range programs. Also the National Forest Management Act was aimed at the other end of the planning spectrum, at forests themselves, whereas RPA was looking at a national plan, and putting them in the same act sort of tied the two together. There may have been other reasons. We could see no objection at the time to doing it that way, but we looked at the National Forest Management Act as a separate bill during the debate.

PS: Using our favorite whipping boy, Wilkinson says that the National Forest Management Act fundamentally altered traditional relationships between Congress and the Forest Service and with the courts. That's a dramatic statement, there are many in his book. Is that too strong, or is it . . .

JM: It certainly provided more handles for the court to get into Forest Service matters, because of just the sheer volume of additional legislation, you know. It probably did give Congress a greater role in prescribing procedures greater than it had adopted in the past, but "fundamental" is pretty strong, I think.

PS: He also calls it a revolutionary law. He probably is comparing it to the Multiple Use Act.

JM: Right.

PS: The Forest Service lost a lot of discretionary authority under . . .

JM: I think so, yes, right. Not that it was apparent at the time. Most of the direction in the Forest Management Act is direction to do what the Forest Service was already doing, so it was difficult to argue that that should not be put into the law.

PS: Its a big law. I imagine some of it was just routine, but I recall a lot of publicity about clearcutting.

JM: When that legislation was being considered, the immediate Forest Service objective was to find a Monongahela remedy. We needed some way of continuing to sell timber on the national forests and to have the discretion as to how it was to be managed, sold, and harvested. We would have liked a simple bill, which simply gave us the authority to sell timber, and to just modify the 1897 act. However, there was no chance of getting such a bill through Congress, because there were so many interests contending to put other things into the law. Therefore we began to look for compromises, and the Congress was doing the same thing.

The whole thing came down to a search for middle ground with the debate continuing right into the final conference committee. There were a lot of role players here; Denny's got quite a few of them. Bob Wolf knows quite a few of them, and he's talked about them on the legislative side. Others that probably were important to me that weren't so accessible to them are people like Tom Foley, congressman from Washington, and some others that I had a little more direct *entre* to. On the executive branch side, the situation was extremely fluid, because of the possible changeover of Ford to another president, and the departure of Butz from the secretary's job. We didn't have much in the way of administration support and direction during the debates. They pretty much left the matter to

the Forest Service, even though we talked with the administration rather frequently. It had advantages, but it had the disadvantage that we were not able to speak for the administration or come forth with an administration position. For example, it was hard to get agreement on an administration bill; so we never did succeed in getting an administration bill forwarded for Congress to consider. We were able to provide one sort of *subrosa*, which is what we frequently did as a drafting service for members. We drafted one, got a member to introduce it, but it never went anywhere because it didn't have any administration backing. It was hard to get an administration letter of endorsement or opposition on anything, because there was disagreement or lack of understanding in OMB and lack of understanding in the Interior Department, lack of time to coordinate everything between the different parts of the executive branch.

PS: You mentioned Interior. FLPMA *** was going through about the same time. Was that a distraction?

JM: No, no. It kind of followed up on earlier discussions of proposals for an organic act for BLM. We didn't feel that we were greatly involved in most of it, although there were some very important parts of that act that affected us, such as mineral rights. I think there were also some things on grazing. We tried to get the committees to keep that bill separate from the Forest Service, but they kept writing in language that applied to all the public lands, you see. One of the landmark parts of that act, in my opinion, is the findings section in which Congress finally finds, after two hundred years, that the better policy is to retain and not to dispose of the public lands. Just like that, so nonchalantly.

PS: In effect it repealed the Taylor Grazing Act.

JM: I don't recall that but I think that FLPMA modified some of the Taylor Act provisions such as the allocation of grazing fee revenues.

PS: Let's continue with the National Forest Management Act. There are many issues that we could pick, but the one that I followed with interest at the time, and you might agree that it's worth using as an example, was non-declining flow. That seemed very controversial. What was going on in the Forest Service? You must have spent a lot of staff time on that, because it was very important with all the old growth out West.

JM: Yes. The issue of non-declining even flow as an interpretation of the sustained yield mandate came up as a result of the Douglas-fir supply study. In the '60s the timber planners were just getting to the point where they could use the bigger computers and could project future stand structure into the second rotation. Before we had only desk calculators, and usually the timber planners didn't project stand structure beyond one rotation. If we cut and then plant, and we apply other cultural measures, we'll have such and such a stand at the end of the next rotation. If we had those stands, we'd be able to stay indefinitely, it seemed, on sustained yield. But the use of the bigger computers in the Douglas-fir supply study, as I understand it, allowed the stand projections to go beyond into the second, third, and fourth generations, and it became apparent that cutting at the pace that was being tolerated would eventually result in decline in the allowable cut of Douglas-fir.

It was obvious that to stay within sustained yield over long periods of time we'd have to insure that there was no such decline in the distant future. So we put out a manual directive on non-declining even-flow policy. There was some debate within timber circles around the Washington office, but nobody really expected it to be of great moment. The directive went out to the field and everybody more or less complied. But when the new policy began to affect the allowable cut in some areas the industry got stirred up. However, it was something the Forest Service was doing, and when it was proposed to put the even-flow directive in the statute, it was difficult for the Forest Service to argue

*** Federal Land Policy and Management Act, 1976

that it should not be done. We did argue that the statute should be loose enough to provide for exceptions for certain conditions such as an insect outbreak or something of that sort. Congress pretty much bought that line of reasoning and wrote the bill to direct us to do what we were already doing. Industry was the chief opponent, and the non-declining even-flow language was put in, I think, because some members and some environmental groups felt that with industry opposition, the policy could be reversed by industry pressure at some time in the future, unless it was in the statute.

PS: So the controversy wasn't widespread; it was really industry's concern. But they had the expertise to analyze the technical data that your . . .

JM: Yes, that's right.

PS: Did they actually challenge the data, or say your software wasn't adequate, or was it . . .

JM: I don't recall the grounds for their argument, but I never felt that it was a real strong argument anyway.

PS: It's interesting that so many times during this interview what has been characterized in the literature as a controversy, your rendition is much more subdued.

JM: Yes.

PS: Maybe you can't get published if you don't soup it up a little bit.

JM: Probably there were people a little more upset about some things than I was. I guess basically my attitude, and perhaps it was different than some, was not that the professional simply knows best, but rather it was more an attitude that since these national forests are public property the public can decide to manage them any way at all. It's up to the Forest Service to find what the public, speaking through its representatives, wants done and then to do it. If they ask for our opinion, we can volunteer it, we can offer our expertise. We can tell them what's technically and professionally optimum or desirable. But whatever choice is made, it is then up to us to carry out the public's wishes. Today's conflicts seldom can be resolved strictly on professional grounds. The days are gone when in the Forest Service can say, "There's only one right way of doing something, and that's our way." I can recall when I was a greenhorn arguing with my Forest Service seniors about alternatives, posing the idea that there were alternative ways of going, alternative policies. They would often say to me, "Don't tell me about alternatives, just tell me the right way to do it. I don't want to know about these other things." [laughter] If I sounded subdued, I guess it was because I wasn't sure of the best way to resolve a controversy.

PS: Was the issue clearcutting? I just looked at the section where it's defined as a silvicultural practice and when it can be used with certain safeguards. It's pretty straightforward. Was it difficult to get that kind of professional language about clearcutting?

JM: The whole section on clearcutting came right out of the Church guidelines, which we had endorsed earlier and which we had reviewed in draft when Crafts was working with the Church committee. I don't recall any great problems with the language, because it was something we'd already accepted.

PS: Getting back to non-declining flow. Seems to me that OMB would have said, "Hey wait a minute, you're cutting revenues if you're reducing yield." Did they take this particular stand? Did they accept it?

JM: We never asked them. We took the position that the law requires us to operate the national forests on a sustained yield basis and that the law left it to us to define what that meant. We had done so, and then as we learned more about future outcomes, we revised our stance to conform to what we thought was the law. So we never asked anybody; we just went ahead and did it.

PS: So the highly technical sections of the law made it through markup without a lot of equivocating. It came out in good shape.

JM: Yes. I was invited to sit in on the markups, which is pretty unusual. They also, in the Senate at least, had Bob Wolf there. In the Senate it was an Agriculture Committee show with Talmadge chairing. The committee sits at a big oval table, and the witness is invited up to the table and ordinarily testifies while sitting in an absent senator's seat. Then he goes back and sits in the audience. It's a small room, and during markup I would sit one row back where Talmadge could see me, and he'd allow the members to make their proposals, and then he'd ask me, "What do you think about that, chief?" I'd stand up and tell them. Bob Wolf or some one from the Committee might be called on in the same way before the proposal was voted up or down.

In the House, my participation was challenged. As I recall the House had both the Interior and Agriculture committees meeting jointly, and some of the members questioned whether it was proper to have an administration person sitting in during the markup. The objection came because members kept asking me questions as I sat in the audience. They finally decided it would be all right if they had me sit up at the witness table. I had to come up in front, and I did. They would ask the questions, and I'd tell them what I thought. So that's the way that went.

PS: Seems like a very logical approach. Put ceremony aside if they want to get at the root of the issue.

JM: But there are problems with it though. Some think it best to finish hearing from all witnesses, including the administration, before they sit down to discuss the bill among themselves and decide what it is they're going to do.

PS: They were voting while you were there.

JM: Yes. The markups took place while I was in there. When the conference met in the Capitol, the conference between the two bodies, they operated the same way, except they didn't keep a record; they didn't have a stenographer. The conference markup was kind of touch and go, because it was difficult to keep present a quorum of members, and it was so close to the end of the session that if enough members had gotten up and walked out, they couldn't have reached an agreement. So there was pressure on everybody.

PS: You've already talked about FLPMA a bit. Why wasn't that controversial? Was it because BLM doesn't have a lot of wilderness and BLM doesn't do a lot of logging? One was hardly aware that it was going on.

JM: For one thing it was a highly technical, long, and involved piece of legislation. It was probably difficult for the press to interpret. Another thing, since it wasn't understood very well, it wasn't given a great deal of attention by the various interest groups. I don't know why, it probably wasn't too clear what was going to come out of the whole thing, either.

PS: Just browsing through it without understanding what all of it really means, it looks kind of a hodge-podge.

JM: That's right.

PS: Things were tacked on like California wilderness and . . .

JM: Yes, all kinds of stuff. However, there was not much interest in amending the mining laws, which would probably have brought out more controversy.

PS: Why does the mining industry have so much clout? There are always exceptions made for the mining industry. It seems out of proportion to its importance, compared to timber, water, and other resources. Maybe it's just my ignorance of what the mining industry's up to.

JM: Mining is very important in the West. But you wouldn't think there is a large constituency in favor of the 1872 laws. Easterners probably don't understand the issue, and don't want to get into another controversy, so there's no center of interest in repealing those laws. Those who might want to try to do so probably don't see enough benefit in making the effort.

PS: There was a major exception in the wilderness bill for mining, mining somehow . . .

JM: That was one of those compromises; it was the time of the strong chairman. [Wayne] Aspinall was chairman of the House Interior Committee at the time. He was an advocate of mining interests, and if they hadn't reached that compromise, chances are he could have blocked passage of the Wilderness Act. This was just a means of getting Aspinall and other westerners to go along.

Wilderness and the Environment

PS: Let's talk about wilderness. Why didn't RARE I reach fruition so there was a RARE II?

JM: RARE I, in my view, came about when it did because of the prompting of the National Environmental Policy Act, which was signed at the beginning of 1970. We had instructions in the manual for the regions to look at their unroaded areas for possible candidates for wilderness, but we hadn't pushed to get that done in the 1960s because we were still engaged in studying the primitive areas. These were areas that the Forest Service had administratively set aside before 1964. We were mandated by the Wilderness Act of 1964 to study such areas and make recommendations during the next ten years. We had until '74 to do that. So we kept saying to those who wanted more wilderness to wait until we got through studying the primitive areas, and then we'd look at the other candidates.

The National Environmental Policy Act had wording that pushed us in the direction of proceeding faster to do certain things in the interest of the environment, like the mining regulations and what have you. It looked like we ought to move faster with other wilderness candidates, especially as we were getting near the end of our primitive area study period. So that thinking led then to RARE I. Now another factor was that we now foolishly, but then wisely, thought that it would be more efficient to look at all the roadless areas at one time and write one environmental impact statement for everything instead of writing hundreds of them for all these areas. [laughter] We didn't know any better, so that's what we did. Of course we encountered the inevitable controversy between those who thought that more areas should be recommended, and those who thought there should be less. The wilderness advocates stopped the process by going to court.

To get around the legal problem, we decided to go back and write site-specific environmental impact statements on each roadless area as part of a plan for each unit of a national forest. The court's interpretation of NEPA seemed to say that we couldn't disturb these roadless areas unless we had prepared such a statement. It hadn't dawned on us earlier that this would be a problem. So to comply, we started a new planning process. Again we had hoped that we could be site-specific

enough if we planned the management of parts or units of a national forest, instead of doing the whole forest plan at once. A separate environmental impact statement would accompany each such unit plan. We'd do first those units or parts that included the roadless areas that we wanted to get into.

So we started doing these so-called unit plans, which would be faster than doing plans for the whole forest, accompanied by the EISs. That freed from NEPA challenges about a million roadless acres by 1976. The planning process was moving, but not fast enough to suit the timber industry, because we kept saying to the industry we can't sell that timber over there until we write an EIS. So when Secretary Bergland came into office, industry sought a meeting with him on this and a number of issues. As I recall, Bergland agreed to meet with them in Chicago; he and [Assistant Secretary Rupert] Cutler and maybe others met with them there. I wasn't present; I didn't know they were going to meet. Apparently industry and maybe others convinced Bergland and Cutler that we were going too slowly with this unit planning.

PS: Industry?

JM: Timber industry. They said we were going too slowly, and we ought to go faster. The way to do it was to go back and do another roadless area review with another national environmental impact statement. Bergland and Cutler bought this idea and told us to do it. So of course we did it, and once again we ran into the same problem.

PS: LeMaster has a table showing 264,000 replies from 359,000 people on RARE II. I realize a lot of it was boilerplate, it came out of a certain institution or association, but still that's a colossal amount of data for staff to analyze.

JM: Yes, that's right. Of course the regions and national forests were also involved with comments on specific roadless areas, so there was a large work force available.

PS: What other issues has the Forest Service been involved with that had that kind of public response?

JM: That was a time when more people were getting involved in environmental issues, and RARE II drew a lot of response. I think probably that was one of the larger ones, although I'm not sure it was the largest. We've had some since then that may have been larger, such as responses to the RPA assessment or program.

PS: That's a . . .

JM: Yes, that's amazing isn't it? You see you had a lot of potential wilderness areas all over the country.

PS: Sure.

JM: Then we had the problem of eastern wilderness, too. RARE I did not include the East, because I and others argued that there was no qualified areas in the East. Of course the environmentalists didn't agree with that. So Cutler decided to agree with the environmentalist that we should include the East in conducting RARE II.

PS: The so-called purist issue.

JM: That's right.

PS: Wilkinson quotes a Forest Service staff, "Wilderness planning has become the most difficult problem the Forest Service has ever had to face." Now is that just a staff guy being swamped, or is wilderness really up there with . . .

JM: I'd have to think about that; I can think of a lot of problems.

PS: When he says it's the toughest thing the Forest Service has ever faced, it strikes me as an exaggeration.

JM: Yes, that's pretty tough.

PS: I could see where he could think so, if that's what he's working on.

JM: Right. I think after the recent fire situation out West, a lot of those fire control people would argue. [laughter]

PS: Wilkinson also had a statement, I assume it's correct, that the courts have found for the plaintiffs in every wilderness case. Is that true; the Forest Service has never won a wilderness suit?

JM: I don't know, but I wouldn't be surprised that the courts have found violations of the NEPA in most wilderness cases. Almost all of them have rested on the accusation that the environmental statement was either missing or inadequate or insufficient. One exception was the Parker case in Colorado where we had gone into an area adjacent to a primitive area and cut some timber. The court found that when the Congress passed the Wilderness Act, which told us to study the primitive areas, the law really meant the study of all the surrounding area that was roadless.

PS: Say you had an ongoing plan for a wilderness area. That plan wouldn't be contested under NEPA; it's only if you changed the plan? What could the Forest Service have done to stave off these lawsuits? NEPA made you vulnerable.

JM: I think NEPA made us somewhat more vulnerable to litigation. We probably couldn't have done anything about it unless we had a different understanding of NEPA. A lot of it was sort of precedent finding on the part of the court. If we had perhaps been more alert, or had different lawyers, we might have done more site-specific environmental impact statements—something of that sort. Or if we had known what the courts were likely to do, we might have written more statements or more comprehensive statements.

PS: The Department of Justice handles all this litigation? Forest Service attorneys themselves aren't appearing in court.

JM: Forest Service relies on the general counsel of the department, and the department arranges with the solicitor general to represent us in court, or arranges with the attorney general to prepare our case. Of course, we and our general counsel's office work with those lawyers, and sometimes accompany them. Once I even accompanied an attorney from Justice to the Supreme Court for a case that we were interested in. He wanted me to sit with him inside the railing so we might consult, but they wouldn't allow it.

PS: We always see things more clearly when we look back, but the Department of Justice was caught totally off guard by an aggressive Natural Resources Defense Counsel.

JM: Might have been that they had better lawyers in those non-profit agencies, lawyers that had more subject matter knowledge. Or they might have had a better choice of courts; they may have picked a court that was more sympathetic to them. I don't think you can generalize. The courts in those days

were leaning toward a more liberal interpretation of some of the laws, on the one hand. On the other hand, some of them were leaning toward more of a strict constructionist point of view. The Monongahela decision was a strict constructionist decision.

PS: Very strict.

JM: Yes.

PS: Some of this really deals with after you retired, but LeMaster says that Carter gave the environmentalists less and the industry more than expected. Thus the environmentalists became much more aggressive, because they felt let down. I suppose anytime an administration comes in they develop a different sense of responsibility than they had when they were campaigning for office, and they tend to balance things out more.

JM: You could be right. I thought the environmentalists had a pretty good inside track with the Carter administration. He may not have given them all that they wanted, but they certainly got easier access to Carter than to Ford or Nixon.

PS: The legislation of '76 spelled a lot of things out. Then Carter came in, and some of these things were already done. What happened?

JM: The big thing in Carter's time was Alaska.

PS: That's true.

JM: They got most of the things they wanted in Alaska, I believe. I don't remember if the Air and Water Acts were enacted during the Carter time, but they got something in that field. They didn't get what they wanted in wilderness. RARE II came up with proposals not a great deal different than RARE I, a little more acreage but not a great deal more. Not nearly enough to satisfy the Sierra Club or the Wilderness Society, so they probably felt let down by Cutler and Bergland over wilderness. On timber harvesting, I don't think they got anything there. Denny may have a different . . .

PS: He's talking about perceptions; they expected so much. As you said, Bergland met in Chicago with industry—this speeded things up—he was responsive to industry. You would think that it would have been the Sierra Club in Chicago with Bergland saying, "Let's get going on RARE II."

JM: I suppose industry might have been consulted along the line, I don't know. Cutler used to meet with the environmentalists every week or so. He had an assistant whose principle job seemed to be to keep in touch with the environmentalists. They could always get to Cutler through him. He was always coming up with press clippings or something that some environmentalists had sent him from the West, that were critical of the Forest Service in some respect or other. So they had good entre. Wilderness advocates certainly didn't like the outcome of RARE I, but they might have gone along with RARE II hoping that it would result in a large increase in wilderness designations.

More on NFMA

PS: Is there anything more about the National Forest Management Act, any specifics that you think we should cover, that struck you as important at the time? I look at that law, and it's all kind of interesting, but I can't pick out what is important. How about sealed bids? I always thought that sealed bids were the way to go, but obviously there are people who don't agree with that. What are the arguments against sealed bids?

JM: The principal argument is related to the idea of community stability. The local bidders fear that an outsider will come in with a sealed bid way above what they've been bidding, and take the sale away from them. If they had known that he was going to bid that high, they could top him in an oral bid. It gives the outsider more chance to obtain the sale, perhaps. That's always been the argument against sealed bidding, but there may be some other arguments. The sealed bid, though, is a more advantageous way to go for the sellers. There's less chance for collusion, perhaps, and more chance for wider participation with sealed bids.

Anyway, during the hearings this matter came up. I think it was Congressman [John] Krebs who proposed an amendment requiring sealed bids. Well, it was pretty hard to oppose it. You see, we used both sealed bids and oral bids in the Forest Service and, as far as I was concerned, if Congress wanted us to use only sealed bids, we'd be glad to do it. I didn't object but testified to the same kind of pros and cons that I've given you. Anyway nobody wanted to speak out against sealed bids. Of course, once it was passed, all hell broke loose—the industry objected. So the industry got to Church. He, McClure, Hatfield, Packwood, and I met, I think, in Hatfield's office. The four of them got me in there and told me that I'd have to abandon sealed bids. I said, I can't, you've just passed a law requiring them. They said, well find a loophole. I said, there are no loopholes. They just worked me over for about an hour; they were reluctant to let me out of there without my agreeing.

PS: If industry watches what is happening on the Hill, how come that slipped through?

JM: Maybe they didn't want to oppose it in public, or maybe it just moved too fast for counteraction.

PS: I see.

JM: They thought that I could figure a way out. I told them that I couldn't do it.

PS: Strange attitude for senators.

JM: Yes, I know.

PS: This was something that was difficult to oppose; it's as simple as that.

JM: That's right. You couldn't easily oppose it. I think on the whole, sealed bids are probably better. You've got a little more chance for collusion with oral bids, I think.

PS: Has there been much evidence of collusion?

JM: Yes, some off and on. We keep referring cases to Justice. Justice keeps investigating and prosecuting. There have been some indictments and that sort of thing. It's inevitable that people talk among themselves in a small community, say a town where you've got two sawmills—and you have only enough timber around there for the two of them at most. Outside bidders could bring disaster. The way they survived was obviously by some kind of collusion.

PS: They'd just rotate around.

JM: Rotate around, right. You couldn't put your finger on it. The mills can enforce agreements more easily under an oral bidding regime, because they can see what the outside bidders are putting up. So sealed bidding, I think, would have probably been a better way of going.

PS: But even there, if they were actually in collusion, they could have met and their sealed bids could have resulted in the same thing.

JM: Yes, that's right.

PS: It's interesting what things turn out to be controversial, and what things whip right through.

Other Controversies

JM: That's right.

PS: How about other controversies? The potential seems staggering, like habitat for the spotted owl.

JM: That wasn't an issue during my time. It seems to be aimed not so much at the spotted owl as at preservation of old growth stands. It's like when the roadless area controversy got tied up with below-cost timber sales.

PS: But it still gets back to an impact statement concept; if the cutting damages the spotted owl, then you're in hot water.

JM: You've got to write an impact statement that stands up in court. This is where the courts keep getting into resource management. It's not so much the decision that's made, it's more the nature of the process—adequacy or the sufficiency of the environmental impact statement that must accompany the decision.

PS: Let's get back to the logistics of those 240,000 responses to RARE II and conscientiously reading and trying to be responsive to them. I don't know how, in a practical sense, anyone can respond to that volume.

JM: What you can do is look at what they're saying, try to narrow down the list of controversial issues, learn what parts of the decision are stirring up responses, look for responses that offer new information or new rationales, and then prepare an analysis of the entire body of responses that you consider in reaching your decision. The idea is mainly to consider all points of view, instead of just going ahead without considering them.

PS: According to LeMaster, Talmadge asked you to draft some other legislation on research and cooperation.

JM: They were pretty straightforward tasks. It is normal for the committees to ask the agency to draft legislation for them. One objective was to bring up to date the old authorities for forestry research under the McSweeney/McNary Act that passed in 1928. There was some value in updating to make sure that modern programs were covered, such as international forestry cooperation, that sort of thing. The other one on State and Private Forestry was again an updating of old laws going back to the Clarke/McNary Act of 1924 and laws subsequent to that. The goal was to bring into one place all the laws authorizing State and Private Forestry. It was a modernization effort more than anything else, but I don't think it was particularly controversial.

PS: But Clarke/McNary and those laws are still on the books.

JM: Yes. These newer laws may have repealed or supplanted them in part. I'm not sure of the details but I think the research authority was entirely replaced.

PS: It's interesting that Clarke/McNary, how important that is, but how little has been written about it.

JM: Yes, that's right. It's got all kinds of important sections in it.

PS: LeMaster predicts that so much was done during the '70s, when the Congress was more open, more democratic, and less bound by seniority, which will be very lasting. Do you see more complicated and controversial statutes on the horizon?

JM: No, I think Congress shot it's wad in the '70s. I don't think it has any appetite for taking on more controversies in forestry. It got about all it wanted. Everybody had a chance to speak his piece, they reached accommodation with the majority, and they don't see any need now, I'm sure, to go back and stir up old controversies. That's all water over the dam, so to speak. There might be some new areas of controversy that Congress would have to get into, but most of it can be handled through the oversight functions. They can hold oversight hearings on a question, with everybody coming in to speak their piece. Maybe some committee will recommend changes in procedure, but I don't think they see the need for major policy legislation. I could be wrong.

Any Regrets?

PS: Were there some days driving to work you wondered, "Why me? Why was I chief when all this happened?"

JM: I guess I didn't feel sorry about it too much at the time; I knew we had had problems of various kinds over the years. By comparison with the problems of my predecessors, mine seemed particularly interesting. The main thing that I had to watch was that I didn't let myself get too emotionally involved, because Forest Service people tended to get pretty upset with some of the criticisms and it's easy for them to conceive the existence of some sort of an anti-Forest Service conspiracy. You can always do that when you don't like the way things are going. As I say, my feeling was that we should be thankful that we were getting all of this attention from the public and from the legislature, and it will help us to do what we're supposed to do, if the reporters will only spell our name right and not confuse us with the National Park Service or place the Forest Service in the Department of the Interior.

PS: The social changes during the '60s set the stage for a lot of things that happened.

JM: Yes, that's right.

PS: Ed put up with that, and the '60s was an interesting time too. To some, he couldn't do anything right.

JM: The universities were going through a terrible time there in the '50s and '60s. I remember being out at Berkeley when the students had just about taken over the campus.

PS: With non-negotiable demands.

JM: Non-negotiable, yes. They had the free speech movement or something like that.

PS: Let's end by taking a page from a standard interview. Any regrets, other than the days were too short and too few? What didn't get accomplished that you hoped you would get done?

JM: I can't put my finger on anything in particular. I would have, of course, liked to have done more in various areas. I would have liked to have achieved better balance among our programs. I would

have liked to have settled the wilderness controversy in some way or other, but evidently that wouldn't have been possible no matter what we did. I would have liked to have seen more national forests in Alaska; I think it would have worked better to have national forests than these park preserves that they finally wound up with. On the whole, I'm not too unhappy. As I said at the beginning, I didn't expect really to wind up as chief during my career. It just hadn't occurred to me, and I wasn't particularly interested, and I wasn't ambitious enough, but as it turned out, it was more enjoyable from a personal point of view to go on and be chief than to retire at the time. I was lucky in my associates; all of them were diligent and easy to work with, very good staff support and great help from my immediate associate and deputies—Rex Ressler, Max Peterson, Phil Thornton, Dick Dickerman, and many others who carried on and kept me from going off the deep end numerous times.

PS: Any particular incident or achievement that you're especially proud of?

JM: One thing that stands out is that I succeeded, with the help of many others and with the help of circumstances, in keeping the Forest Service in the Department of Agriculture. I'm proud of that, but I don't know that I can claim too much credit—it probably would have happened whether I was there or not. I'm also happy that we didn't get more prescriptive direction from Congress during the congressional debates over forest policy. We came close, and we did have to compromise, but the outcome I think was better than if we had to take the prescriptions that were exemplified by, say, the Randolph and Metcalf amendments. It was fortunate that we had no great scandals of any kind. We had some minor problems, but we had no corruption or other illegal behavior on any noteworthy scale while I was around.

PS: I don't think anyone would deny that the Forest Service is really a unique operation within the federal government, for all kinds of reasons.

JM: Yes, that's true. Whether it'll continue to be that or not is going to be a question. It always has been a question.

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Awards Received by John R. McGuire

1973	Fellow, Society of American Foresters
1973	University of Minnesota Distinguished Alumni Award
1975	U.S. Department of Agriculture Distinguished Service Award
1976	National Civil Service League Award
1977	U.S. Department of the Interior Outdoor Recreation Achievement Award
1979	Presidential Award for Distinguished Federal Service
1980	Forest Farmers Association Forest Farmer Annual Award
1981	J. Sterling Morton Award of the National Arbor Day Foundation
1983	American Forestry Association Distinguished Service Award
1984	Sir William Schlich Memorial Medal awarded by the Society of American Foresters