

The Clarke-McNary Act

In 1924, Congress passed the Clarke-McNary Act, which ranks with the Weeks Act in importance to forest policy for the Eastern Region. Much of the impetus for passage of the bill came from Chief Forester Greeley and the Forest Service. The conduit for Congressional action was Senator Charles E. McNary of Oregon, who introduced a bill in the Senate on December 15, 1923: "to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of National Forests and for other purposes." ³⁰ The bill was immediately sent to the Select Committee on Reforestation, which was appointed for the purpose of studying this bill and chaired by McNary. The Select Committee toured 14 states and held 24 public hearings before voting unanimously in favor of the bill. ³¹ Greeley later admitted that he had packed many of the public hearings with witnesses who would testify that forest fire was the greatest single threat facing forest land owners. ³²

On January 7, 1924, Representative John D. Clarke of New York, the House conduit for the reforestation bill, introduced a bill in the House identical to McNary's. There were nine important sections of the Act. Sections 1 and 2 authorized the Secretary of Agriculture and therefore the Forest Service to "devise and recommend an adequate system of forest protection and fire prevention in the several states . . ." and to extend financial help "if there is cooperation." This was a broadening of Section 2 of the Weeks Act, which had provided some fire programs but which had apparently been less than effective since there were still 50,000 forest fires annually over 8 million acres. ³³

Section 3 provided for an extensive study of the tax laws of the states with a view to revisions which would allow private owners of denuded lands to replant without having their taxes raised. Section 4 provided for cooperation between the federal government and the states for furnishing seeds and plants for reforestation of state, federal, and private forests. Section 5 authorized cooperative programs with states or "other suitable agencies" to assist the owners of farms in "establishing, improving, and renewing woodlots, shelter belts, windbreaks, and other valuable forest growth and in growing and renewing useful timber crops." This section, together with Section 4, was the beginning of the work of the Forest Service in what is known as "State and Private Forestry."

Section 6 amended the Weeks Act to authorize the purchase of "such forested, cut-over, or denuded land within the watersheds of navigable streams as . . . may be necessary to the regulation of the flow of navigable streams or for the production of timber. . . ." Into this simple statement are tucked vast new powers for the Forest Service. Instead of limiting the purchase of land to the headwaters of navigable streams, the law would now read "watersheds," a vastly broader definition. Furthermore, and probably even more important, the new law could be read to authorize the purchase of land "for the production of timber" with no limit at all on where it could be purchased.

Section 7 authorized the acceptance of land donated to the federal government for the creation of National Forests by states or private owners. Section 8 set up the National Forest Reservation Commission to supervise the acquisition of forest lands by the federal government. Section 9 authorized the President to establish as National Forests lands within the boundaries of government reservations which were not already set aside for such purposes as Parks, Indian reservations, and mineral reserves. ³⁴

When the Clarke-McNary Bill came to the floor of the House for debate, there was little opposition. The bill passed Congress with few changes and was signed into law by President Calvin

J. Coolidge on June 7, 1924. For all of its importance to the national Conservation Movement and to the Forest Service, it was a remarkably short and simply written law. Unlike many other acts of Congress, it did not attempt to tell the government agencies involved how to execute it. The shape and form of whole new programs were left completely to administrative determinations by the Forest Service. The language of the law was vague, but it imparted broad powers and placed few limits on them. This was probably as the Forest Service wanted it, and the members of Congress, although many of them may not have fully understood what they were doing, acted in good faith in the laudable cause of forest conservation.

The Clarke-McNary Act opened a whole new world for the Forest Service in the East. The purchase of land was no longer restricted to lands within the headwaters of major streams or which affected navigation of streams. Now the Forest Service could buy any lands which were once in timber or which could be used to produce timber. With this vastly larger target, the Service now set out through the purchase unit procedure to create a comprehensive National Forest System in the Region. The passage of the Woodruff-McNary Act in 1923 greatly facilitated the process by providing a series of yearly appropriations of up to \$8 million per year to carry out the provisions of the Weeks Act as amended. ³⁵

Since the amount of money available to purchase land under the Weeks Act was limited and in some years severely curtailed, a way was found to exchange lands of equal value outside the National Forests for lands within. Such exchanges were authorized under the Land Acquisition Act of 1925, and the exchanges were used increasingly in the years that followed, especially after World War II, when the acquisitions of the National Forest Reservation Commission were far greater than the funds Congress had allocated. ³⁶

Fire Protection Under the Clarke-McNary Act

In 1924, the Clarke-McNary Act extended the federal support of the Weeks Law programs to private efforts and increased the money to \$2.5 million. ³⁷ The hope behind this Bill was that if cooperation was encouraged between the federal, state, and private sectors of forestry, fire risks would be reduced, prompting timber owners to be less hasty to cut and therefore be less destructive in their methods of cutting.

In the early years of fire fighting, methods and equipment were very crude compared to today's standards. In the late 1920's on the Chippewa Forest, when a fire was reported, the Supervisor Howard Hopkins started hand-cranking an old Ford flat-bottomed or stake road truck that was used only for that purpose every two or three weeks. After great effort the truck would start and the exhausted Hopkins would drive to the corner saloon-pool hall, dash in, and obtain all available men (usually 90 % Indian) for a fire crew. ³⁸

Nevertheless, even in these early years, the Forest Service's fire prevention policies, of the 1920's, did much to save American forests. Still, the damage from indiscriminate logging and fires could never be undone. A moving passage from James B. Trefethen's *Crusade for Wildlife* expresses a natural reaction to what had happened:

“Beautiful rivers that had flowed cool and clear since the passing of the Ice Age became clogged overnight with silt and logging debris and flooded their