

# Interior department issues tough regulations

## A "bloody battle" is expected over the proposed regulations which limit ownership of land to 160 acres.

**W**ASHINGTON—On Aug. 22 Secretary of the Interior Cecil Andrus announced a set of regulations that would enforce, for the first time, a piece of legislation enacted in 1902. Issued through the Interior department's Bureau of Reclamation, the regulations would enforce the Reclamation Act of 1902, a piece of legislation designed to ensure that the benefits of federal water projects went to small farmers, not absentee landowners.

The proposed regulations, which do not take effect for 90 days, come in the wake of a 1976 federal district court victory by National Land for People, a Fresno, Calif., based organization of small farmers and would-be small farmers that has been working to secure enforcement of the Reclamation Act. (See accompanying story.) The regulations will affect all federal water projects west of the Mississippi River, encompassing about two million acres in 17 states.

The proposed regulations provide that owners of land watered through Bureau of Reclamation and Army Corps of Engineers projects must sell "excess land" to the Bureau of Reclamation at fair market prices. The Bureau, in turn, will make that land available to new owners. (Under the 1902 law "excess land" consists of all land receiving federal project water in excess of a 160-acre limitation for individual owners, and 320 acres for husband and wife owners.)

The Bureau will then sell the land at "pre-improvement" (i.e., without irriga-

tion water) prices. This should preclude "windfall profits," says Interior department officials.

Land owners, under the proposal, must also live on their land or "in the neighborhood." Interior proposes to define the neighborhood as within 50 miles of the property, however. No land will be sold to multiple owners, except for family-based partnerships or trusts.

When land is available, the Bureau will announce it publicly and then choose—via lottery or other "impartial means"—new owners from among a list of interested buyers. The new owners will be prohibited from leasing their land back to the original seller (a common practice today). In addition, all sale prices, not just on the original sale but on all subsequent sales during the next decade, will have to be approved by the Interior department.

### New land ownership pattern.

The department says that this system will create a land ownership pattern more in keeping with what the drafters of the 1902 law had in mind—small-scale family farms.

Under current procedures, landowners may hold more than the law's acreage limits and still receive federal irrigation water if they agree to sell their "excess" during a specified period, generally 10 years. However, landowners have been permitted to sell to whomever they wished, which has led to a variety of complicated land ownership and leasing schemes to circumvent the law's limitations. In the Westlands Water District in California's San Joaquin Valley—the battleground for National Land for People's lawsuit—sales have not gone to small farmers but to a complex set of interlocking financial interests connected to the original sellers.

Final regulations will be set after a 90-day comment period, during which time Interior officials expect to be deluged with criticisms and lobbying from big landowners. They also anticipate legal challenges

from landowners in the 17 western states affected by the new rules. Departmental officials generally remain noncommittal about the expected onslaught of corporate lobbying, although one spokesperson admitted that the property-taking issue and the residency requirements will undoubtedly arouse "concern."

### A "bloody battle."

An example of this concern came to light at the end of September when it was revealed that an Assistant Secretary of Agriculture, Robert H. Meyer, who owns substantial land holdings in California's Imperial Valley, had approached members of Congress, White House officials and other members of the Carter administration seeking to have the Imperial Valley excluded from the new regulations.

Meyer and his family reportedly own and lease more than 2,000 acres in the valley, and would have to sell their "excess" if the regulations were applied there.

Meyer defended his actions, saying that he was only acting as a "private citizen" and that he had taken precautions to avoid any appearance of speaking for the administration.

Small farm advocates, like Peggy Borgers of Rural America, a Washington-based rural advocacy group, also foresee a "bloody battle" over the regulations, pitting the powers-that-be in western agriculture against the Interior department's good intentions.

Russell Giffen, whose attempted sale of acreage in the Westlands aroused the original NLP legal challenge, termed the new regulations "outrageous." The *San Francisco Chronicle* also entered the fray, editorially arguing that the 1902 acreage limits should be changed and saying that the family farm was obsolete in California.

### Could go further.

Activists who have been working for years for the enforcement of the 1902 act, on the

other hand, are happy with the proposed regulations, but think the Interior department could go further. Brent Blackwelder of the Environmental Policy Center, who has been lobbying to make federal water policy more responsible to those it was designed to serve, says the new regulations are "a turning point, a landmark in the sense that all previous administrations have been so bad on this issue."

Al Krebs of the Agribusiness Accountability Project in San Francisco says the rules are "ok," but views the 50-mile definition of "neighborhood" as unacceptable, since in the San Joaquin Valley such a definition opens up the possibility that landowners could live in urban centers like Fresno. He, along with National Land for People, will argue for a 15-mile definition—for California lands at least.

Krebs sees another problem—one that tougher regulations cannot solve: the high cost of farm land, even at "unimproved prices." "Excess" land in Westlands will sell for \$750 an acre (about half the present market value), which means that a new farm family would need \$250,000 to buy the 320 acres to which they are entitled.

Krebs and others believe that without a complementary program to make low interest loans readily available to those seeking excess lands, the truly landless and resourceless will continue to be shut out of a process intended to help them.

Interior officials admit that no such plan is in the offing.

It is clear that with the "bloody battle" foreseen by small farm advocates almost a certainty, the Carter administration will have to dig in its heels in defense of its present plan if the regulations are to remain as tough as they are now.

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## Reclaiming the land

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Current efforts to enforce the Reclamation Act of 1902 stem from the efforts of a handful of people who kept alive the knowledge of the law and kept up the pressure, often very much alone, for its enforcement. Chief among these is Paul S. Taylor, now Professor of Economics Emeritus at the University of California at Berkeley.

Taylor discovered the Reclamation Act while working as a consultant to the Interior department in 1943. He was shocked at the failure to enforce its acreage limitation and residency requirements, and has dedicated the years since that time to securing their enforcement.

Taylor has written more than 40 law review and scholarly articles on the Reclamation Act. He has written countless letters to editors and testified before Congress at various times. His message has always been the same—enforce the law.

It was Taylor's habit of writing letters that got him in touch with George Ballis, the editor of a small labor paper in Fresno during the '50s.

### Getting the Westlands project.

Ballis had helped Bernie Sisk, a young liberal Democrat, get elected to Congress. Ballis wrote an editorial asking why so many of the "big money farm-types" were coming around the office of "small-farm-boy" Bernie Sisk.

Taylor wrote to Ballis, saying, "I'll tell you what they want, son," and described the push by corporate growers, who had formed the Westlands Water District in 1952, to get the federal government to help replenish their sinking water table.

"Small-farm-boy" Sisk went on to push a federal irrigation project for the valley with his friends on the House Interior committee in 1959, arguing that without federal aid "most of the culti-

vated land which is the basis of their economy will revert to desert."

Sisk promoted the project, which would benefit roughly a thousand landowners, most absentee, in the name of the Reclamation Act, painting a picture of 5,000 new family farms on newly watered land.

Congress liked the picture and approved the country's largest federally-subsidized irrigation project to bring cheap water from northern California to the Westlands.

Today, a few more than 200 landowners in the Westlands District benefit from a federal subsidy worth more than a billion dollars by conservative estimates.

### National Land for People.

The federal water project in the Westlands is nearly finished. What of the enforcement of the Reclamation Act?

If it were enforced the great ranches should, by now, have been broken into hundreds of smaller, family-sized operations. But a two-month search in 1976 by two *San Francisco Examiner* reporters, Lynn Ludlow and Will Hearst (a grandson of William Randolph Hearst), discovered only two small family farms in the whole 572,000-acre district.

Taylor and Ballis opposed the project from the beginning, arguing that it would be the greatest boondoggle in the history of the Reclamation Act. They were joined by others, and in 1974 formed National Land for People.

Composed of small farmers, mostly family farmers around Fresno, and farmworkers, mostly Chicanos who work on the large corporate farms in the area, many of whom would also like to buy their own land, NLP is an unusual combination, bringing together two traditionally hostile groups. Most of the farmer members, however, have small operations

that employ few, if any, farm laborers. Many sympathize with the farmworkers in their conflicts with corporate growers and see farmworker efforts to raise the value of their labor as also raising the value of their own labor on the farm.

### Public attention.

NLP began a research and education program around land ownership in the Westlands, the Reclamation Act, its enforcement and the effects on the land and community. Through their efforts what was happening in the Westlands began to get more public attention.

In February 1976 the U.S. Senate committees on Interior and Small Businesses held hearings in Fresno, documenting a long history of subterfuge and violation of the law.

Sen. Gaylord Nelson (D-Wis.), chairman of the Small Business committee, charged angrily that "there are people out there not intending to farm, who do not farm at all; not a damn one ever farms at it and yet we say we are implementing the law. That circumvents the whole intent and purpose."

NLP and other investigators went on to document a shuffle of land ownership in which land is sold or resold or leased to former associates, syndicates, foreign corporations or Caribbean-based tax havens, while the original owners continue to operate with large, 5,000 or more tracts.

NLP lawyer Mary Louise Frampton took this evidence to a Washington district court, and in August 1976 the court issued an injunction against the Bureau of Reclamation, prohibiting it from approving any excess land sales until it brought its rules into accord with the Reclamation Act.

In another case the Supreme Court refused to hear an appeal of a lower court that the Reclamation Act and the Omnibus Adjustment Act of 1926 applied to U.S. Corps of Engineers projects as well as to Bureau of Reclamation Projects. This, in effect, doubled the number of acres in the West affected by the act, bringing the total to about two million

acres in 17 states.

In response to this public pressure, and in response to the district court order, the Interior department on Aug. 22 proposed regulations to enforce the Reclamation laws. (See accompanying story.) After a 90-day period in which citizens can comment on the proposed regulations and suggest changes, the department will issue final regulations.

### Stronger requirements.

National Land for People, while generally approving of the new regulations, is pushing for even stiffer requirements. They would require that:

- Owners live on or within 15 miles of their land (as opposed to Interior's proposed 50 miles—Ballis points out that the 50-mile limit would allow "every speculator in Fresno" to own land. NLP would give buyers one year to establish residency.)
- Owners farm their property on a daily, on-site basis.
- Undivided interest holdings be allowed only for husband and wife.
- Trusts not be allowed to own federally irrigated land.
- Owners be able to lease their land for up to two years only if both the owner and the lessee are operating farmers who do not lease or own more than 160 acres.
- Partnerships be allowed to own more than 160 acres only if all the partners are resident operating farmers on a daily, on-site basis.
- Corporations be allowed to own up to 640 acres only if each has at least four shareholders (a one-shareholder corporation may own up to 160 acres) and all shareholders, officers, directors are resident operating farmers.

Heartened as they are by the recent swing of events in their direction, proponents of strict enforcement of reclamation laws are wary of predicting victory. As George Ballis told a *New Times* reporter recently, "We've made a lot more progress than we've ever made. But our members remind us we don't have the land for them. They say, 'That our decision was wonderful—but where is the dirt?'"



## LIFE IN THE U.S.

## EDUCATION

## Zephyros: learning to do it yourself

**By Janet Spiegelman**  
**S**AN FRANCISCO—Five years ago Ron Jones sat in his basement on Stanyon Street, near Golden Gate Park, and put together his own textbook. Children, artists, friends and fellow teachers helped. What emerged was an 80-page workbook—a “primer”—of unorthodox learning experiences.

Exercises included sending high school students to follow the mayor for a week and keep detailed records; or, perhaps to tail a cop for a day. It suggested sending little kids off to find the most magical person in their neighborhood, or the item in the grocery store that came from farthest away.

“It was loaded with life,” Jones explains, “with humor, grace, and imagination—it was a real book.” He considers it the ultimate compliment that several copies were stolen.

#### An idea trading post.

Jones sold a refrigerator to get the \$628 to pay the printer and the post office for that issue. He sent the newsprint primer to a list of 2,000 teachers across the country. On the back page he introduced the Zephyros Education Exchange, “a unique way to see and use what other teachers are developing.”

An idea trading post/friendship network, Jones called it. He asked \$10 for membership plus optional contribution of favorite ideas, games, lesson plans. In return, members would get a big box of the compiled information twice a year. For Jones this was actualization of an old dream.

Ron Jones has a mild-mannered but rooted dedication as an educator. He has taught primary grades, high school, coached basketball, and worked with handicapped children. He directed an alternative curriculum program at Stanford, researched food-advocacy at Cal-Berkeley, taught in the Navajo nation at Chinle, Ariz., and remains on the board of Portola Institute. He was fired from his last teaching job, and hasn't been able to get another.

In most schools, Jones points out, teachers work independently in their own rooms with only their students and have little chance to see what other teachers do. The union, the American Federation of Teachers, mostly occupies itself with salary struggles, and the National Education Association, Jones says, seems too busy selling tires, insurance and charter flights to be an effective idea clearinghouse.

#### Tools encouraging action.

Zephyros thrived. Jones obviously gnashed his teeth in unison with thousands of other teachers. His needs were theirs. Heaps of thank you and encouragement letters arrived folded around checks for \$10. “We always received just enough money to do the next mailing,” says Jones, “that's how we measured our success.”

At first idea contributions dribbled in, a few tentative, pussy-foot suggestions prefaced with disclaimers. As the mailings expanded, teachers became encouraged in their own creativity. Ideas for games and projects came noted, “this one is great,” or “here's one you'll love!” Now Zephyros receives sophisticated contributions pasted-up on flats, printer-ready.

So far Zephyros boasts 19 teacher-made books from 46,000 contributors. Jones thinks of the books as teaching tools, encouraging children to act, create—to be doers; in contrast to traditional texts which encourage students to assimilate, absorb—to be consumers.

“The content of schooling is insigni-



Everyone joins in in stuffing the “Z boxes” at Zephyros.

Claire Greensfelder

## Ron Jones obviously gnashed his teeth in unison with others. His Zephyros exchange thrived and grew.

ficant,” says Jones. “It's the process of learning that counts. The American process is one of competition and obedience. Each child is encouraged to compete against his/her neighbor and obey the teacher. The more competitive and obedient you are, the higher you're encouraged to strive. Throughout the process there is no place for group decision-making, cooperation, or invention. Follow the leader to become the leader. Kick shit out of anyone if they get in the way. Don't think. Don't criticize. Consume.”

#### Anarchy shock.

Zephyros fans from Florida, a professor of education and his wife, came to Stanyon Street to visit. They fell promptly into anarchy-shock. They expected desks, fluorescent lights, drinking fountains. They did not expect the valuable educational publications they admired so to come from somebody's basement.

Zephyros pays no salaries, has no offices, no secretaries, no overhead. Jones isn't in it for the money. It is not a business. Membership fees go into an account to pay for the next printing and mailing.

“You could be doing this yourself,” Ron told the professor visiting from Florida. “In fact, you *should* be doing this yourself, in Florida, with Florida resources and Florida parents....”

The best way to get an idea of the communal power of Zephyros is to participate in the semi-annual anarchy-in-action stuffing of the “Z” boxes. Volunteers show up. They barricade a block, set up tables on the sidewalk, load them with materials. Neighbors, friends, children, nuns, revolutionaries, girl scouts, grandparents all work.

Jones gives no directions. Everyone has an idea of what's to be done. People naturally start taking on roles. Someone starts singing a round. Someone checks the supplies. Another tells jokes. Someone passes information down the line. It always gets done, usually in two hours. Then they play softball in the park across the street and go for Chinese food. Who knows what would happen in Florida.

#### Take responsibility.

Jones is proud of Zephyros for having opened up the awareness that the only way to do it is to begin. He recites examples of those who have begun: a Massachusetts teacher who wrote his own science book; teacher-written history books; poets publishing their own works.

Our society tends to have us wait, says Jones. We're always told our reward is entrance to the next stage of life. If you're good in the first grade you get to go on to the second; if you're good in grade school

you get to go on to high school; if you're really good in high school you get to go on to college. If you're good in college you get to go on to the corporation, and if you excel there you get to go to suburbia, or Washington, or Heaven. What is needed, he feels, is for people to take responsibility for what is going on with and around them.

He sees a mass of contradictions growing between centralized large business and small groups like Zephyros wanting to regain some control of what their life is about. “We're building sand castles at the beach, and we're always pissed when a big wave comes and washes it all away, but we have to realize that that wave and that water are monumental forces and we're not going to make it go away by chanting ‘go away water, go away water.’”

#### The “Third Wave.”

Last August Ron Jones was out of a job again. His research project at Cal-Berkeley shriveled and died in the funding drought. He and his family made do on \$46 a week unemployment income. He had some time. He spent it in the basement. Although never having written before, Ron decided to try to put some of his teaching experiences into narrative form. A book of short stories resulted, self-published on newsprint. It went out to the Zephyros list.

Only a few months later, one of the stories had been reprinted in *Learning Magazine*, *East/West Journal*, *CoEvolution Quarterly*, *Psychology Today*, and *Der Spiegel*. The story, “The Third Wave,” is about his experience of fascism in the classroom. Its power is undeniable.

Jones received an offer to appear on the *Good Morning America* show with David Hartman to discuss his short stories. He went. After that he received 30 to 40 more offers for “The Third Wave.” Actors and actresses wanted it to exhibit their talents. Paramount Studios made an offer; so did the William Morris Agency and George Englund, Paul Newman's partner. But it was Norman (*All in the Family*, *Maude*, *Mary Hartman*, *Mary Hartman*) Lear who pulled out the plum. Ron accepted Lear's offer of \$10,000 for the option, plus \$50,000 for the rights to do the story as a play on Broadway.

For two days last November the Jones' living room was filled with producers, directors, agents, attorneys, show biz, big business, pastrami sandwiches, cigar smoke and a yapping chihuahua. Jones could see he was losing control. They negotiated in an idiom he couldn't fathom. The language and terminology and morality were foreign to him.

#### Now a movie.

Ron Jones is a simple man. His forehead is broad and high. He has a dimple in his chin. His cheeks are round pads beneath kind eyes. His voice is soft as a pitch-pipe and he blushes easily. But underneath it all is a fierce and cheerful warrior. Zephyros meant to him taking hold of his own destiny, and at the same time helping neighbors raise their figurative barns. The negotiations and cigar smoke in his living room were not what he had in mind.

He shut himself in the basement again—shut it all out. A few days later he emerged with another story. *The Acorn People* draws from counselling handicapped children one year at a summer camp. The children come alive. They get to you. They have humor, grace and imagination: they're real people.

He mailed the story, again on newsprint bound with staples, to the Zephyros network. Again, raves, praise, reviews and reprints.

This story will be a motion picture, but  
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