One-Fourth of a Nation—
Public Lands and Itching Fingers

WALLACE STEGNER

HISTORY, like the balance of nature, is all of a piece. Tinker with it anywhere and you must adjust everywhere. That is why the proposed transfer of the offshore oil lands to the states is one of the most explosive issues that the Eighty-third Congress will touch. The policy affecting those oil lands is related to all Federal land and resources policies; a jar to one will be felt through the whole structure. Transfer of the oil lands will threaten the whole public domain. Not simply a policy but the direction of our history is at stake in the oil-lands dispute.

What is the public domain? As of April, 1953, the Federal government owns 458 million acres of the continent proper, and on this land it owns and operates scores of storage and flood-control dams, pumping stations, and power stations. Through a public corporation it owns also the whole vast development of the Tennessee and its tributaries. Through the Forest Service, National Park Service, Bureau of Land Management, and other agencies it administers 139 million acres of national forests, 147 million acres of grazing land, 12 million acres of parks and monuments, 14 million acres of defense installations, and 9 million acres of Indian reservations. It also owns ninety-five per cent of the total area of Alaska. The acreage in Federal hands in 1951 was twenty-four per cent of the area of the nation; west of the Rockies, about half the land was government-owned.

Uncle Sam became his own biggest landlord by necessity, not intention. He tried to give it all away, but homesteaders wouldn't take it all. And if he had succeeded in giving away or selling all his real estate and had bought none back, there would be no TVA, no Columbia Basin or Central Valley projects. Yellowstone and Yosemite and Glacier and the other parks would be logged off; the watersheds would be even more eroded than they are; and there would be annual floods more destructive than that on the Missouri in 1952. Beer halls and dance pavilions would grace the prow of Mesa Verde, and entrepreneurs would be selling Western scenery wherever any was left. And giving the offshore oil to the states would really be what it only seems now to some people—the last act of a long drama of disposal.

THERE IS a brand of states-rightsism that is more Western than Southern, more Republican than Democratic, and based not on history or sentiment but on natural resources of enormous value. And yet the real struggle is not between states and the Federal government but between the public interest and the powerful and persistent private interests that for

years have tried to corral the West's land, water, timber, and water power.

More than the resources themselves are involved. Almost as important are the intangible assets: the protection of watersheds and the regulation of stream flow and the control of silt; the conservation of the "biotic layer" of the topsoil upon which all life depends; hunting, fishing, recreation, and the propagation and protection of wild life; and the international security that is based on having adequate oil reserves.

An Old Story

If Federal ownership and management of resources in the public interest is "creeping socialism," then socialism has been creeping for a long time. The first major exception to the policy of complete disposal implicit in the Homestead Act of 1862 was the reservation of Yellowstone National Park in 1872, with the purpose of preserving it from private exploitation. The national forests date back to the Forest Reserve Act of 1891; most of the reservations were established by Presidents Harrison, Cleveland, McKinley, and Theodore Roosevelt, who were fought every step of the way by patriotic Americans eager to "develop" timber resources.

The system of leasing public lands for mineral and oil extraction began with the Mineral Leasing Act of 1920, amended several times since but not altered in its basic assumption that the lands involved were going to remain in government hands. The same lease system was applied to the range land by the Taylor Grazing Act of 1934. That Act, to all intents and purposes, ended the period of disposal and settled us in the policy of local management under Federal ownership.

Of the principal acts of legislation that brought the change about, only the Taylor Grazing Act was passed under the New Deal, and even that was the product of almost sixty years of agitation. It was fathered by a Democratic Congressman from Colorado, Edward Thomas Taylor, who had fought Federal authority over the public lands for years. And while it was on its way through Congress, Washington was visited by the same persuasive force that had converted Representative Taylor: Wind from the Dust Bowl blew across half the nation to sift dust on the streets of the capital itself.

By and large, all Federal assumptions of responsibility for management have come as emergency rescue operations. The Civilian Conservation Corps, the Soil Conservation Service, and other innovations of the 1930's found their work and their justification in a mined-out and eroded public domain. A large part of the Federal land purchases in the past twenty years has been of overgrazed, eroded, or otherwise submarginal land that had either to be retired from use or become desert.

One after another, as its resources began to disappear before exploiters careless of the future, the nation rescued what it could of its wilderness areas, its timber, its water, its essential minerals, and its range. In more than fifty years, the only real breaks in the development of this policy have been two Republican Administrations, Taft's and Hoover's. There are many who think the third, and most dangerous, may be the Administration of Dwight D. Eisenhower.

GIFFORD PINCHOT, never one to minimize his own achievements, gave himself credit for initiating the conservation movement and Theodore Roosevelt credit for selling it to the American people. The record testifies to the effectiveness of both men; but it also testifies that Pinchot himself called William J. McGee "the brains of the conservation movement," and that McGee, in turn, derived most of his ideas from his friend and onetime boss, Major John Wesley Powell, the second director of the U.S. Geological Survey.

Conservation began, actually, with Powell's *Report on the Lands of the Arid Region* in 1878. It hardly had time to raise its head before it was stamped to death by enraged Western Congressmen.

And yet if Congress had accepted and acted on Powell's report, the nation would almost certainly have been spared the worst evils of the Dust Bowl, the incalculable waste of precious topsoil, and the sad failure of thousands of homesteaders on the plains. It would now be farther along with a coherent program of reclamation for the West, and it would have simpler, more workable water laws to deal with. The government would, in fact, own less of the public domain than it does now, for Powell's proposals would have made more land habitable by homesteaders. He suggested yielding to the conditions of the arid West and altering the sacred 160-acre homestead so that an irrigation farmer would get no more than eighty acres, a grazing farmer as much as 2,560 acres. Both farmers would get inseparable water rights with their land. He called for Federal encouragement of irrigation, at least through surveys, and he pointed out that irrigation in Montana, navigation and flood control on the Missouri-Mississippi, and reclamation of swamps in Louisiana were all involved the moment men began regulating a stream of the Missouri headwaters.

Powell was talking about the multipurpose river-basin development as

we know it now, but talking at least sixty years too soon. They called him a revolutionary and they stopped him cold for ten years. Then at the end of the 1880's there began a long, disastrous drought that depopulated whole sections of the plains and drove Congress to action. The most intelligent suggestions at hand were those Powell had made ten years before, and he was empowered to make an irrigation survey of the West.

By a freak of legislative inattention, the enabling law contained an amendment intended to frustrate speculators: It called for the temporary withdrawal from settlement of all potentially irrigable lands in the arid region. No one had bothered to define the arid region, and no one could know what lands were irrigable until the survey was completed. The result was that *all* Western lands were withdrawn, and an enraged Congress found that it had closed the public domain to settlement for the first time in our history as a nation and given Powell unprecedented powers to say when and how it should be reopened.

He had a chance to regulate settlement, discourage the settling of submarginal lands, and steer settlers to those they could actually farm, and he waged a campaign to get public support. He urged the organizing of the new Western states not according to arbitrary county lines but by drainage basins. He pointed out the interdependence of forested mountains, watershed slopes, grazing benchlands, and the lower irrigable lands, and the ways in which water dominated them all. "All the great values of this territory," he told the Montana Constitutional Convention in 1889, "have ultimately to be measured to you in acre feet."

Herblock in the Washington *Post*

'And Next, Mates, We Head For Land'

IMPLICIT or explicit throughout Powell's argument is the concept upon which all the river-basin plans are built. Every element of modern multipurpose development is in his thinking except hydroelectric power, which he allowed for but whose importance he could not fully foresee.

For his pains the Congressmen stamped Powell down again in 1890, curtailed his powers, and broke up his survey by cutting his appropriations. He retired as head of the Geological Survey in 1894. But one by one, over many years and under the jurisdiction of many bureaus, practically everything he proposed has been enacted into law or built up into co-operative institutions.

In the year of his death, 1902, came the National Reclamation Act, with all its authorizations for water storage, irrigation, stream regulation, and power. Flood control has become, under various Rivers and Harbors bills, the preoccupation—not to everyone's satisfaction—of the U.S. Army Corps of Engineers. The hydrographic work that Powell's Irrigation Survey began is now carried on by the Water Supply division of the Geological Survey. Most of the savable forests are reserved. The spirit of the co-operative open range proposed in the 1878 report is achieved by the Taylor Grazing Act—or would be if administration of the Act had not been crippled by its enemies.

The Opposition

While these policies have been developing, opposition has continued virulent and implacable. Senator Pat McCarran's tactics in destroying the Taylor Grazing Act—to investigate and cut appropriations—were precisely the tactics used against Powell by Senator William M. Stewart, also of Nevada, in 1890. Local and special resistance has made some clauses of the Reclamation Act unenforceable. The Forest Service and the Park Service have been under pressure

from stockmen, oilmen, and lumbermen—all urging transfer of forest or park lands to private owners or to the states.

Conceivably, concerted attacks at this time could overturn the whole policy of Federal management. They are likely, however, to be only partly successful, to whittle out of government hands the most productive elements now Federally owned or to remove the controls that now prevent great profits by land and power companies and speculators. The grazing lands, including those within the national forests, are in danger; public power is in danger; the 160-acre water limitation within reclamation projects is in danger; and the offshore oil lands are in the most serious danger. Maybe these riches will ultimately be restored, but they will probably return gutted, eroded, and mined out, when they are of no further use to private owners. Then the nation can try to restore them.

IT MAY be taken as gospel that the strongest antagonism to government ownership and management will be found among those who would profit most from their elimination. Whatever the diversionary tactics and political smoke screens, the issue is public interest vs. private profit. If stockmen or landowners grow wrathful about Federal absentee landlordism and call for the "return" of Federal lands to state tax rolls (where they never have been), they do so because a powerful local group can dominate a state government more easily than it can a Federal bureau.

Consider the tactics of the stockmen's attempted raid on the Federal lands in 1946-1947. Following up Senator McCarran's emasculation of the Taylor Grazing Act and working through friendly Western members of Congress such as former Senator Edward V. Robertson and former Representative Frank A. Barrett of Wyoming (now a Senator), the National Livestock Association proposed that all Taylor Grazing District lands be turned over to private ownership. As a second step it wanted reclassification of grazing lands within the national forests, parks, and monuments. Once reclassified, these would be turned over with the

Taylor lands to the stockmen. One of the prime objectives was to gobble the Jackson Hole National Monument. Another was to escape government supervision over grazing and the limitations on the animal units per month that could be run on government land.

They might have got the grazing lands alone, for the Grazing Districts were almost helpless and the lands themselves enlist no one's sentiment, as the parks and forests do. But in extending the grab to the parks and forests the stockmen challenged conservationists and vacationers, and these people rose up in such numbers that Representative Barrett's House Committee on Public Lands, which had set out to hold hearings throughout the West, crept home protesting the innocence of its intentions. So violent was the purely Western opposition to the stockmen's proposals that the chief of the Forest Service thought the threat could not arise again for years to come.

BUT BEFORE 1953 was a fortnight old, the Livestock Association was making public noises about "the return of the Federal lands to the tax rolls of the states." Characteristically, it neglected to say that the states on being admitted to the Union gave up any claim to these lands or that in acquiring them the states would saddle themselves with conservation and management costs, expose the lands to overgrazing and erosion again, and reduce the amount of Federal aid for roads and other improvements.

Also before 1953 was a fortnight old, Representative Clair Engle (D., California) had introduced a bill in the House that would authorize California to operate the Central Valley project under Federal reclamation law. He admitted that the state-ownership people would not be fully pleased, but he called state operation a step in the direction of state ownership, and hence a step toward the elimination of the offending acreage and power clauses. His bill paralleled in advance Attorney General Herbert Brownell's suggestion of March 2 that the states manage offshore oil production under continued Federal ownership.

Gimme, Gimme, Gimme

We may expect more pressure for local ownership or local operation, more political support for the Corps of Engineers, whose projects are so opportunely uninhibited, more efforts to have acreage limitations voided on particular projects. The trick of playing off one bureau against another is as old as reclamation itself. Resisting it involves more than a simple defense of the Bureau of Reclamation against the Corps of Engineers, for conservation forces themselves are divided on the wisdom of some projects. Hydroelectric power sites do not last forever; they silt up or suffer impaired flow, and some must be conserved for the future. Moreover, the Hoover Commission's recommendation that Engineers and Reclamation Bureau be fused into one civilian agency meets not only bureau resistance but doubts among the friends of reclamation. The one point on which there is agreement among conservationists is that the Corps of Engineers should be brought under the same organic law, subject to the same restrictions and with the same obligation to enforce them, that the Bureau of Rec-

lamation works under. Otherwise the whole program will be cracked open by political manipulations.

How friendly the Eisenhower Administration will be to the revisionists is still an unanswered question. But there are indications, and some of these have got the conservation people worried.

In San Francisco on January 30 the eleventh annual convention of the National Rural Electric Cooperative Association, representing more than three million farmers, passed a resolution condemning the multimillion-dollar private power lobby that aims at destroying public power and the co-operatives that are associated with it. The convention accused the private power industry of manifesting "the same arrogant disregard for the public interest that it showed in the 1920's," and of obstructing court actions and the "very processes of democratic government." In a companion resolution it asked Congress to reject "a barehanded raid on the commonwealth" threatened by "certain vested interests." That raid, it said, would be calculated to turn over the national forests to private exploitation, sell TVA, the Bonneville Power Administration, and other great government projects to private companies, and kill off the Rural Electrification Administration.

In Cleveland on April 11, former President Herbert Hoover bolstered these fears by urging a program whose object would be to get the Federal government "out of the business of generating and distributing power as soon as possible."

Even more disturbing possibilities were hinted at earlier in January by Drew Pearson's report that Senator Hugh Butler (R., Nebraska) already had an omnibus bill calculated to clear the government out of the West. According to Pearson, Butler's justification for the wholesale transfer will be the transfer of the offshore oil lands, on the reasoning that if the coast states are entitled to these prizes, then the other Western states are entitled to the public lands within their borders.

WHAT DOES Secretary of the Interior Douglas McKay say in this uproar, which already begins to look like a pitched battle? Before a closed session of Senator Butler's Interior Committee in January he was reported to have said that he (1) disapproved of "some of the efforts to build up Federal controls over electric power and distribution in the Pacific Northwest; (2) favored transfer of the offshore oil lands to the states (this he repeated before the Committee in February); (3) wanted more control of public lands and electric power at state and local levels instead of in Washington; (4) would not take a definite stand in the jurisdictional dispute between the Departments of the Interior and Agriculture over who should manage the public lands for grazing and lumber production; and (5) approved of continued Federal construction of multipurpose dams, but wanted private power companies to be given a greater share in power distribution and sale. The Secretary seemed to suggest that once government millions had regulated a stream, private power companies might then be allowed to construct power plants at appropriate sites and sell—presumably without wicked government competition—this power to consumers. To one Western conservationist, McKay's program looks like "skim milk for the taxpayer, higher rates for the power user, and cream for the private utilities."

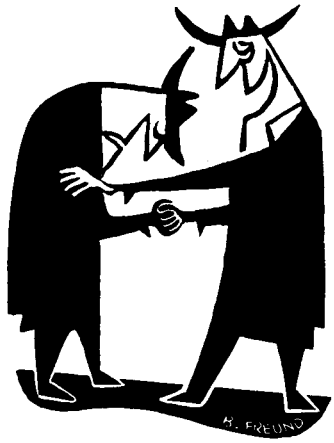
The same dubious construction could be put upon McKay's remarks, early in March, that the continued presence of many thousands of Indians on reservations was an anachronism. Skeptics remember that several Indian reservations have turned out to contain riches in oil, vanadium, and power sites; and history records how Indians have fared when put in private possession of land coveted by white Americans.

Dark Clouds Gathering

The wider the base, said Alexander Hamilton, the better the democratic system will work. The more interests represented, the less danger there is that a single one will be able to dominate. Absentee landlordism of the Federal kind may sometimes suffer from insufficient information, but it is less subject to manipulation or subversion, and in questions of policy it almost invariably will take a broader view than local interests or local government.

The related problems of the public domain dramatize as nothing else can the fundamental differences of philosophy between the Truman and Eisenhower Administrations. If these differences are as great as some people think, the fight over the public domain may be the biggest fight in the Eighty-third Congress. And if the private interests persist in pushing an apparent political advantage against a conservation movement that often sleeps but is a giant when aroused, this issue could cause the Republicans to lose control of the Eighty-fourth Congress.

The Apostasy Of Homer Capehart



ROBERT BENDINER

FOR THE POLITICIAN who has gone far on faithful, plodding partisanship, few diseases are as ravaging as a sudden addiction to independent thought. Unless checked at once, the malady raises the hackles of his chief supporters, sets his friends to whispering, and attracts damagingly suspicious tributes from his enemies. That no politician with so much as a shred of spirit is immune is proved for all time by the recent succumbing of Senator Homer E. Capehart (R., Indiana), long regarded as a man of cast-iron resistance to unconventional germs of every sort.

Until a few months ago Senator Capehart was as hearty a specimen of orthodox salesman-turned-legislator as the Republican Party has had since the death of Senator Wherry. As such, he was the deadly foe of all types of government interference with the laws of supply and demand except for such obviously American forms as the high protective tariff. He was, in fact, the author of what President Truman in his milder moments called "the terrible Capehart amendment," which price-control advocates agreed had made hash of the Administration's program for checking inflation two years ago.

Today Homer Capehart is the champion and savior of stand-by controls for prices, wages, and rents, a status he has clung to over the mild disapproval of the Eisenhower Administration, the more pronounced disapproval of Senate Republican leader Robert A. Taft, and the most emphatic disapproval of lobbyists who once looked upon his portly frame as a living shrine of free enterprise.

Backsliding Brother

To the lobbyists especially, Senator Capehart's shift from Jekyll to Hyde could hardly have been swifter or more disconcerting. Testifying before the Senate Banking and Currency Committee, which Capehart now heads, Paul Van Middlesworth, vice-president of the Indiana Property Owners Association of America, Inc., spelled out the disillusionment. "More than a few citizens," he warned, "have expressed their surprise that our senior Senator has sponsored Senate bill 753," with its acceptance of the New Dealish principle that there are moments of crisis when government is justified in regulating the economy. "Many of us think that this philosophy comes from the 'left.' . . . Certainly it is a philosophy that is perfectly suited to the nefarious purposes of every socialist, Communist, and Communist dupe in the country."

Capehart admits that the words jolted him. An established saint in the cult of untrammeled business, he was hearing the chant that precedes excommunication: "leftist," "socialist," "Communist," "Communist dupe." The grave ceremony might have carried him back to the day when he had called a "cornfield conference" on his 1,800-acre Indiana farm for the purpose of "showing the Republicans how to block the New Deal," and so laid the groundwork for his political career. No Dewey lover, he had clung fiercely and vocally to the sect within the G.O.P. that believed the Disaster of 1948 had come about solely because "we me-too'ed 'em." He had felt so strongly on the subject of General MacArthur's ousting that, following a radio debate one evening, he swung a few misguided haymakers at Senators Humphrey and Lehman. And when Alger Hiss was convicted, the Senator from Indiana had not only called for the firing of Dean Acheson, not only demanded that the President "apologize" for having mistaken a Red spy for a red herring; he had gone on to seek the scalp of Justice Felix Frankfurter for having testified that the defendant had once enjoyed a good reputation.

ABOVE ALL, it was Capehart who had played hob with the Truman Administration's effort to keep even a shaky lid on prices. This purpose he had effected by sliding into the Defense Production Act at the last minute a clause forbidding the government to fix price ceilings lower