Mr. Chairman:

The Department of the Interior issues an annual report. This report is arranged in the usual organizational pattern, and my first experience with it was when my staff laid before me a draft of material to fill the two pages allotted to show the activities of the Assistant Secretary, Public Land Management. Viewed in its most charitable light, it simply claimed credit for the same accomplishments listed in the bureau sections of the report and these largely were based on activities completed or in progress before my appointment. I said I conceived my responsibilities as being somewhat different, and that if I couldn't claim accomplishments apart from bureau accomplishments I would rather say nothing.

If you look in the 1961 report, page 275, you will see that of the two pages allotted to me, one is but half-full, and the other is embarrassingly blank.

In preparation for this hearing, I reread the proceedings of this committee at a similar hearing two years ago. The committee at the opening of the 87th Congress was only slightly changed from its make-up in the 86th; one notable change was that the gentleman from Arizona had moved to this side of the table. The Secretarial officers, excepting the veteran Otis Beasley, were all new.

I wish that I could be as bright now as I was two years ago. Two years of experience is the wrong number -- too long to permit excuses, and too short to furnish solutions.

I hope to begin this year's briefings by telling a little of how I conceive my responsibilities above and beyond signing the mail, and claiming credit for bureau accomplishments. After that, with the help of the bureau chiefs, we can get into the programs themselves.

The Interior Department is a vastly exciting place to work. In the bobbled annual report section of 1961, I referred to the "extreme range of diversity of mission, from the broadest spectrum of government itself in the Trust Territory ... to the essentially proprietary nature of operating a mainline railroad ..."
I came to the Department already aware of Article IV, section 3, clause 2 of the Constitution. The significance for the part of Interior which includes the territories, the public lands including parks, and lands of the United States held in trust for Indians of a clause which specifies that the "Congress shall have power to dispose of and make all needful rules and regulations respecting the Territory or other property belonging to the United States," was and is obvious to me.

Much of the time I capture for thinking is devoted not so much to legislative activities -- reports and testimony on bills and on the executive communications we've sent up -- as to the rule-making and adjudicative functions which fill out the legislative skeleton. Here is where, it seems to me, leadership can rise above a mere recital of program.

After two years we all have a record. I think my record in this area would be considered good if the measure were what I've said within and without the Department. I've said that we are going to administer, not make law; that if we have standards which govern the exercise of discretion granted by Congress, we ought to make them known to the public affected by them; that identification of areas needing legislative patching is a responsibility of supervision as well as of adjudication; that the manipulation of pressure groups is an unworthy way to resolve conflicts; and that the surest way to sacrifice a program is to be "cute" with Congress, its committees, or its members.

Measured by the more practical test of what has been done under such principles, my record is less good. I think I can report progress in that now a few more people within the Department are willing to concede that a statute might take precedence over an inconsistent regulation or manual entry. I think we are about to make a major breakthrough in simplifying and hastening final Departmental decisions, so that an aggrieved citizen can have his day in a civil court while the controversy still has meaning, at the same time stiffening the review process designed to see that injustices are not done in the administrative process. But the progress has been painful, and much yet needs doing.

In addition to introspection on how laws are executed in a free government, I've thought about the general responsibilities of stewardship. A Congress which has committed the details of management of the public's resources to an executive Department doesn't always specify that the duty of the manager is to prevent waste or dissipation of the asset; the duty is there nonetheless.

I doubt that it is a new statement, and perhaps it is neither good law nor good policy, but I think that the Interior Department's duty along this line transcends identifying deficiencies, calculating their dollar equivalent, and sending the bill to Congress.
Where the federal program is exclusive, as within national parks, this may be a proper test, but the Congress by the mining and mineral leasing laws, by the Taylor Act, and by the O & C and other forestry statutes, has provided that under specified and controlled conditions, public resources should sustain activities in the private sector of the economy.

It is my view that a decent conservation job on the public's lands is possible only with the cooperation of those who share in its use. Cooperation of grazing permittees is indispensable, if a sound range rehabilitation program is to be accomplished; the same is true for the application of good forest practices by purchasers of federal timber as they cut it. Legitimate mining operators recognize the danger to them of misuse of the mining laws for non-mining purposes.

In this context, I have considered the consumptive users who have a legitimate right to be on the public land as valuable and necessary allies in achieving the kind of total conservation effort which must be mobilized if we are to turn upward the graph of the condition of our public lands -- to prevent waste.

Working with users on ways and means to start to raise grazing fees to some reasonable relationship to the value of the forage; applying an open-door policy in working with the lumber industry on such matters as cruising and scaling and appraisal techniques, standards of road construction, and the like; and attempting to restore some confidence that the Department has not administratively repealed the Mining Act -- these are some of the activities which I've been engaged in which do not fit into any one bureau's program.

Public land management is often over-simplified. In the areas I've mentioned, and many others, the lines were drawn between the "good guys" and the "bad guys" decades ago, and they will be there for a long time yet.

The non-commercial conservationists have plenty of controversy in progress among themselves, and they tend to be unforgiving. But this should not and does not tempt us to forget that in the management of the public's land, the public, too, must be heard. Membership in the Izaak Walton League, or the National Parks Association, or the Sierra Club, or one of many dozen other organizations, is the way which millions of Americans choose to evidence interest and make themselves heard on public issues. Our door must be and is open to them and their representatives, and we recognize that what we do must make sense to them, too.
My rule of thumb is to be able to make the same speech to both the consumptive users and the non-commercial conservationists, and have it received with approximately equivalent reception.

Each of us, whether a Congressman with his vote, or an administrator with his decision, satisfies himself that he has reached a balance between competing values, or has chosen good over evil.

But having a clean conscience is not enough. The record must show the evidence and the details of the decision-making process and must satisfy people who may have at the time they review our actions the great advantage of hindsight.

I told one of my secretarial colleagues this week that the only safe course in some of these sticky issues is to do nothing. He said he knew a lot of people who had chosen the safe way, and so do I. I do not choose it.

That is the last general point I would like to make. I at least try to get the sticky issues resolved, to get the business of the Department moving.

But our business is big, and it's diverse, and the competing forces within it frequently come to rest on dead center. That every decision jarred loose from stalemate will be a right one is unthinkable, because by definition they are the toughest ones. Some of them involve extremely valuable rights or privileges; some of them are of no significance whatever except to the contesting citizens. Some, like the oil shale claims of Colorado, present a complicated mixture of law, economics, history, and governmental vacillation which defies the attention needed to resolve them.

One of these nettles may have fatal poison. But no one below a Secretaryial appointee should be expected to seize the worst of them. Whenever I grab one of these, it seems that I turn up two to take its place. I hope when I leave there will be fewer; I'm pretty sure they will be different ones.