United States
Department of the Interior

News release

For Release at 12 noon (M.S.T.), January 21, 1964

Remarks by Assistant Secretary of the Interior John A. Carver, Jr., at
the 99th Annual Convention of the National Wool Growers Association,
Albuquerque, New Mexico, January 21, 1964

This is the day for release of the details of the federal budget, which,
as President Johnson announced in his State of the Union message a
couple of weeks ago, actually represents a reduction for the first time
in ten years.

What the budget does for the Bureau of Land Management in our Department,
and for the Forest Service, is naturally of interest to you, because some
of you at least use the forage of public domain and Forest lands.

What the budget does for the entire federal establishment, and for the
economy of the whole country, is likewise of interest to you. We in the
Department of the Interior share this interest, on both counts.

We see from an examination of the budget that although this is an austere
budget, neither it nor any statement or indication of the President indi-
cates a diminution or slackening of the programs for the land. Con-
servation, President Kennedy said, is the highest form of national thrift;
conservation is wise investment; conservation pays off. There is no
thought that conservation should be sacrificed, treated as a luxury to be
defered, or as a frill to be cut back.

I share with President Johnson and Secretary Udall the conviction that we
can get the essential job done, and with less manpower. How we can do
this is what I want to discuss with you today.

The Taylor Act, as I need remind no one here, was enacted during a de-
pression. It envisaged an ordering of the then-existing chaos in the use
of the public range. Its philosophy was that the livestock industry and
government, using organized grazing districts with locally elected dis-
trict boards, could devise an allotment and permit system, and adjudicate
the range. Properly enforced, this system would eliminate destructive
practices and restore the public range to its economic potential.

It was not contemplated that it would be expensive to administer. Indeed
in the course of the debates on it, it was reported that the responsi-
bility would be assigned to Interior, rather than Agriculture, because
Interior said it could carry on the program without any additions to its
budget.
For a variety of reasons, we've seen things work out somewhat differently, certainly differently in the matter of the cost of the program. The explosive growth in our population in the West, the demands of other commercial and particularly non-commercial multiple or simultaneous uses of the lands, and the operation of the agricultural land entry laws -- all of these have contributed, until the administrative superstructure is certainly larger than was initially dreamed.

The challenge now facing us is to remove the gingerbread from the superstructure, without disturbing its basic soundness. This is the kind of exercise which the President favors, which he wants us to get to work on.

The size of the bureaucratic superstructure is not solely the responsibility of the federal administrators. Far from it. You, the users, have helped to make it large. For example, we have to referee disputes among you, as a stakeholder so to speak. Your demands for all the trappings of bureaucracy have not been modest.

Even in situations where you privately agree with us, you have insisted upon every technical procedure, the complete exhaustion of the elaborate system of appeals and reviews.

Another area is trespass control whose desirability is universally acknowledged. But attention to this aspect of his job by a range manager -- admittedly sometimes unreasonable, as where what is involved is technical rather than substantial or economic trespass -- has sometimes caused you to put the whole governmental mechanism on the defensive. In effect, you sometimes say to us, well, if you are so interested in trespass control we will put you on your mettle and see how well you can do without our cooperation.

There are other examples I could give. But it boils down to the fact that the compliance aspects of our job have assumed greater importance than the works or treatment aspects. It is the latter which is in jeopardy if the approach to the former is not improved.

What really counts in our work is the range reseeding, fencing, adjudication, waterspreading and other moisture-conservation works, water development, research.

The question is whether we can save money in the compliance area by using cooperation rather than supervision, preserving thereby the basic programs for the land.

I've given much thought to the relationship between substance and procedure in land administration. It has seemed to me, and I've many times said so, that we have become enmeshed in our procedures to the extent sometimes of overlooking the substance itself.

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It worried me, when I came into the Department, that we were tied up with hundreds of land appeals in areas where neither soil quality nor water availability justified the entry being sought -- yet we seemed unable to get to the heart of the matter. We've begun to do something about this, with the adoption of regulations which make more clear that the question of the suitability of the land will be determined before wasting everybody's time with details which matter not at all unless the land is classified as available and suitable for entry.

Our mineral cases represented, and still represent, a massive commitment of bureaucratic energy. The mining laws have not really been amended in almost a hundred years; but administrative interpretations have unquestionably imposed more onerous requirements for patenting -- such concepts as "marketability", to take one example, is now a criterion of the indispensable discovery. This concept takes our mineral examiners down the tortuous path of market analyses, of corporate good faith, of developing technology, and of corporate finance.

These and many other aspects of the administration of the public land laws will be studied by the Public Land Law Review Commission, when it is established. The Department and the administration support the commission, and my own support is based upon the experiences I have had like these.

Grazing administration is not so complex, but it seems to be tinged at least with some of the same tendencies to emphasize procedure rather than substance, form rather than fact.

It seems to me that we can make some improvements along these lines. Our own regulations can reflect some changes which should tend to reduce the burden of appeals and extended consideration of certain types of grazing actions. I think we can allow leeway in some areas, and under some circumstances, in the season-of-use permitted. I think trespass control can be efficiently accomplished, much cheaper.

In a word, I think we can return to the original concept of the users assuming responsibility for much of the compliance work.

Whether we really can depends upon a lot of things. On our part, it means that we must agree that the consumptive conservationists are as truly conservationists as the public conservationists or the recreation conservationists.

During the past three years of our work together, this concept has come to be widely accepted. One definition of conservation is leaving the land in a condition as good as or better than it was when we found it;
truly those whose livelihood depends upon the stability of forage have
the strongest kind of economic self-interest in conservation of the
federal lands they use. This concept truly motivates the responsible
users of public forage -- the ones whose main business is livestock,
who have spreads large enough to be economically self-sustaining, who
have their own capital invested. Such operators have a far greater
interest in maintaining the condition of the land than in its abuse.
The Taylor Grazing Act provided continuity; education has kept operators,
particularly the upcoming generation, abreast of modern techniques; the
era of waste has passed.

On your part there must be a genuine and generous recognition that the
public conservationists, by which I mean those State, local and Federal
officials whose duty it is to execute the park, wildlife and other con-
servation programs and laws of our land, and the recreation conservationists,
do have a stake in the public lands. These lands are not private property;
they belong to all the people of the United States; they support many values
besides livestock and grazing.

Public lands of the United States must be accessible to the public, even
when this represents inconvenience and disruption to you. The public
finds some of its better recreation opportunities on these lands. This
seems to put BLM in the recreation business, although I think you will
agree that protecting the land from the destructiveness of the most de-
structive of all animals -- human beings -- can often be taken care of
best by building a few privies, trails, and the like, and channeling and
controlling the people so that the land is protected. Otherwise even
dire health nuisances can be created.

In the sheep business, economic forces are dictating new techniques.
One of these is sheep-tight fences, the mention of which raises the
hackles of some, who assert that they are destructive of wildlife values.

Such controversies require studies, hearings and expensive administrative
reviews. Perhaps this is unavoidable but if the livestock men and the
wildlife people could get together at the beginning, as they surely must
do in the end, the Department of the Interior might have a little more
money available for building the fences after the controversy is over.

It costs a thousand dollars to handle any grazing appeal which must be
referred to a hearing examiner, not counting any of the preparation time
or the time of any reviewing process after the hearing has been held, or
any of the costs to the private litigant. In this State, there have been
few hearings. I do not know whether this is because men like Floyd Lee
and Dee Brownfield undertake to see that these matters are resolved with­
out going to formal hearing, but I rather think it may be. If this kind
of saving is possible in New Mexico then it ought to be possible in the
other States.
Over the next few months we are going to bend every effort to put our administrative house in better shape, to conform with the letter and the spirit of the orders which President Johnson has given us. If the livestock industry, as consumptive conservationists, and the public and private conservationists sharing an interest in the public lands will work with us, we can do some of these things:

-- We can permit greater flexibility in season of use where the operator and the range manager have agreed upon a management plan.

-- We can change our regulations to permit management agreements calling for restrictions of grazing for one or more seasons as an alternative to reductions in the licensed use, in accordance with an agreed-upon management plan.

-- We can turn more of the trespass control functions to the districts, subject to appropriate checking procedures, and under a plan which holds all the users responsible for violations, rather than leaving it as a private controversy between the violator and the government.

-- We can become more precise on the allocation of AUMs for wildlife, thus avoiding the necessity of running in common of livestock and big game in situations where this is not desirable from either point of view.

-- And we can give rational attention to basic economics of ranching operations, including the question of tenure. A year ago we raised fees; our research since has shown that this has not upset the economic balance of the range livestock industry. Insecurity, including insecurity of tenure, is upsetting the economic balance. The lesson to us is obvious.

In a real sense what I am suggesting is that we should move toward regulation based upon mutual trust and confidence and away from the formula-ridden pseudo-precision which now seems to dominate our regulatory structure.

I believe it can be done. I pledge you that from our side we will try.