All of us who have journeyed from the city of Washington to the State of Washington for your convention feel, I am sure, that whatever slight was given the Father of His Country in naming a capital city of such wretched summer climate for him was amply atoned when his name was selected for the Evergreen State. You fortunates who haven't endured the last few weeks in Washington, D. C., cannot really understand how much we all mean it when we begin our statements by saying we're glad to be in the cool, green, great Washington State.

Last April I undertook to talk a little about public land policies at ceremonies at the Jefferson Memorial in observance of his 218th birthday anniversary. In the hopes that it will interest you, I would like to repeat some of that speech.

Both as an expert—we'd probably call him a consultant if he were around today—and later as the President, Jefferson had clear ideas about what was then virtually the prime national resource: The land to the west. Then, as now, there were differences as to how we should manage the public domain. Jefferson stood with those who considered it vital to the infant Nation's growth that the West be opened to settlement by outright gift or sale at nominal prices to those who would clear and settle the land. Arrayed against this social objective was the narrow self-interest of the propertied few which sought, and successfully, to use public land sales as a source of revenues—the 19th century version of avoiding taxation to pay the national debts.

The wisdom of Jefferson's view was not long in being proved. He had accurately summed up the frontier spirit when he warned:

"By selling land you will disgust them and cause an avulsion of them from the common union. They will settle the lands in spite of anybody."

This prediction was, of course, very soon to become fact. The pioneers looked upon the undeveloped land as a free gift from a beneficent Providence. Subjugation of the wilderness was to them an act of patriotism. In their pragmatic view the superabundant wilderness had no value until it was tamed by the axe and the plow. Why, then, should they have to pay for a thing of no value?
Jefferson spoke of the right of each individual to appropriate to himself such lands as he found vacant, and he argued that occupancy carried title. With him, possession went beyond nine points of the law in this regard and took in the 10th point, too. Before the Revolution, Jefferson had come to understand the pioneer spirit of America as few except the settlers themselves understood it, and as even fewer have comprehended it in the intervening century and three-quarters.

The very first Congress squabbled about whether there should be one price for all land--public land, we're talking about--or should it be graduated to fit the quality; about the peril of speculation; about the merits of selling for cash or on credit; of selling in big or little bits; or having one land office or several. Hamilton's plan to sell the land to pay the public debt was adopted in 1790, but it never worked, as Jefferson had warned.

A little more than a century ago this country had a Free Soil Party. The election of 1860 quite likely turned on the issue of a Homestead Act.

These two facts point up the sharp division between the people from the settled areas in the older sections of the country, and the settlers themselves and their partisans. The former group saw land selling at good figures, and they believed that the fertile soil of the West was worth to the settler as much as the settler, or the speculator, could be induced to pay for it. This faction held out for all the market would bear.

But the man on the frontier viewed the land, not as a finished farm, but as raw material out of which farms could be made. Whether the price was $2 an acre, or $1.25 or 50 cents, the pioneer was convinced it was by all means expensive enough, and usually too high.

All this is familiar, and it has the ring of current debates, but with some important differences.

A hundred years ago our country had 31 million people and a billion acres of public land. Now we have about six times as many people but less than half as much public land. The ratio of public land to people is decreasing. We have left behind forever the era when new States could be created through settlement of new land.

Our laws, despite all the years that have passed, still don't reflect these changed circumstances.

All through our history, the country as a whole has seldom faced up to the need for broad policies of managing our lands and their resources. Even more seldom has the country taken action on it.

The conflict between Jefferson and Hamilton went the wrong way, but temporarily. Passage of the Mining Law of 1872 was a more limited policy determination, but still highly significant. The reservation of Yellowstone as a pleasing place for the people was the forerunner of our National Park System, and a decision to set aside for present and future generations some of our irreplaceable natural wonders and historic sites.
After a great Secretary of the Interior, Carl Schurz, hollered for years about the vast waste of national timber, the country at long last woke up and in 1891 launched the effort to preserve what are now our national forests. Schurz, by the way, also had to talk the Congress into giving him enough money to pay the salary of Yellowstone's first superintendent.

The Mineral Leasing Act of 1920 was a milestone. The Taylor Grazing Act of 1934 was a broad-gauged approach to the conservation of a wide segment of the public lands.

I have not attempted to make an exhaustive listing, but even an exhaustive listing of all the really significant land policy decisions would not be impressive.

Today we are deeply engrossed in the task of preparing proposals to Congress so the laws will reflect changed circumstances. And I think we must grapple with some basic questions just as surely as Jefferson and Hamilton did.

Everyone agrees that our public land laws are outdated. They are a hodge-podge, often ill-designed to accomplish their stated purpose when they were enacted, and many positively archaic in today's era of urbanization of much of the West. I need not go into detail before this audience regarding the farcical staking of so-called mining claims in the front lawns of homes in Tucson.

There are still outstanding scrip rights, vestiges of legislation for military bounty. Ten million acres of land were transferred from public to private ownership under the Timber Culture Act, which gave settlers a quarter-section of land in the lush Prairie States if they would plant 40 acres of trees. No forests whatever remain as monuments to this Act, and the land commissioner said he didn't believe that one timber culture filing in a hundred was made in good faith.

And the Timber Culture Act was by no means the only big umbrella under which thousands of opportunists took shelter. I need hardly remind you that some contend that upwards of two-thirds of all mining claims are filed for some purpose not connected with mining.

In the same manner, desert land entries and homesteads and the related agricultural land laws were subjected to abuses in their early years. But they accomplished much social good.

Land alone won't grow crops. Water is needed, and the water crisis has become recognized. Yet we attempt to stay abreast of a mounting tide of desert land applications, declaring moratoriums on applications, installing new record-keeping equipment, and hiring new people, for land which is no longer available in limitless quantities, and which has insufficient water to begin with.

And our land administration is divided, not only as among the Federal land managers, but as between State and Federal Governments, and county and municipal governments. In many areas the ground water is being drawn down much faster than it is being replaced. States have the full legal responsibility for protecting this great underground treasure. But some refuse to face the political heat.
involved in doing their duty. Instead they leave up to a harried Federal employee the uncomfortable task of calling a halt to the further mining of underground water via these outmoded, but still valid, entry laws.

But yours is a mining convention and you are asking yourselves what all this has to do with you.

It is self-evident that classification as a tool of land management has an effect upon mineral entries.

The United States discovered, some say it was very late, that agricultural entry laws were used to perpetrate vast frauds in the alienation of valuable coal and oil lands. Those frauds, and the national awakening early in this century to the need for conserving certain mineral resources for the people as a whole, caused the authorization in 1910 of the withdrawal of the mineral entry privilege.

Successively, lands with phosphate, potash and certain other minerals were added to coal and oil lands as not being subject to the basic principle of the mining act of 1872, which held that the public domain shall be free and open to exploration and occupation for mining. Of course, Congress subsequently passed legislation which permitted the leasing of lands containing these minerals.

It is in the mining entries under our public land laws that the image of Americanism remains, as enunciated by no less an authority than Thomas Jefferson: Each individual has the right to appropriate to himself such lands as he finds vacant, and by occupying it receive title.

Well, chinks appear in this solid wall of tradition. A couple of Congresses ago your industry won "modernizing" legislation which allowed you to count geophysical and geochemical expenditures, of a sort undreamed of in 1872, as "work" in compliance with the requirement of a hundred dollars a year annual assessment work to keep a claim alive.

Legislation which restricted the use of mining claims for nonmining purposes called attention of a lot of people to the mining law itself, and the outcries which accompany the administration of that act, particularly on forest lands, are loud and potent.

Even the 1872 Mining Law isn't invested with the permanence of the laws of the Medes and the Persians. I am not suggesting drastic changes in the mining laws, and I don't think the Department of the Interior is. But the Department is a mansion of many rooms. A loose confederation of Bureaus, I've called it.

I am responsible for the proper functioning of the National Park Service as well as the Bureau of Land Management. Since I do have responsibility in both of these areas, I hope you will let me make a few mild observations on some of the pressures I feel, and which the Administration feels, which may have at least some tangential relevance. "Pressure", here, is not a dirty word.
It's no news to you that the American people are demanding, and are going to get, national attention to urban sprawl, polluted rivers and lakes, a vanishing shoreline, overcrowded parks, disappearing open space and exploitation of the few remaining portions of this country's wilderness.

The dwindling opportunities for an outdoor experience are cause for national concern. Early Americans tested themselves against the outdoors and they were better people for it, just as we are better people because of what they willed us. The outdoor experience, or the experiencing of wilderness has a profound influence upon our national character.

Thus unyielding opposition to a Wilderness Bill on the ground that it is an infringement upon a precious right of old prospectors to ply their romantic trade, or as a "lock-up" of mineral resources, is in my view shortsighted and of debatable wisdom.

Fifty years ago, 30 years ago, 10 years ago, even as mild a Wilderness Bill as recently passed the Senate would have been opposed by a solid phalanx of Western Senators. For that matter, this mild bill has been on Capitol Hill five years.

But who sponsored this bill, and carried the burden of its Senate success? It was impeccable Western patriots, as authentic as any Westerner who ever served, who got the job done. Only four Westerners voted Nay, and that includes Kansas as a Western State.

When Congress was filled with representatives of a pioneer population convinced that land ought to be free, Congress naturally was not going to let the government boost the price of land to any considerable level. That struggle was fought out and the verdict was foreordained.

Today Congress is filled with representatives of people who are voters in States once empty of people, and these voters cannot find a place to camp for a weekend within a day's drive of their home. These people love their national parks, and they want more of them; they yearn for an undisturbed shoreline where they can look at waves of water and not waves of other people. They yearn for a wilderness, and they take comfort in the existence of these places even if they never get there.

As our cities grow more and more crowded, there is going to be less and less persuasiveness in the argument that we found the last word in mining needs in 1872, or in our park system with the establishment of Grand Teton in 1929.

But I am not saying that your opposition to the Wilderness Bill or any other legislation ought to be quelled or even muted, if you feel it is against your interest or your view of the national interest. I do think, however, you ought to be giving more thought to how your own interests and those other interests can be accommodated, honestly and fairly. We had to secure such accommodations in the handling of some of the nonmetalliferous minerals.
Lest you receive the impression that I think the Interior Department ought to be a final arbiter in these policy matters, let me hasten to come to the point I set out to make in the beginning. That is that you can't have a revision of the public land laws simply through the mechanical effort of legislative draftsmanship. Before intelligible and workable laws can be written in the public land area, we will have to sit down and work out policy decisions.

These policy decisions are made by the Congress, which is as it always has been, and should and will continue to be.

Expertise is often mistaken for wisdom, but I hope I do not make this mistake. We have a lot of experts in the Interior Department, and some wise people. Occasionally the two qualities are combined, but the combination is a happy one, not an inevitable one. And we will need all the wisdom available in solving the public land problems--initially in our recommendations to the Congress, and ultimately in Congressional action or inaction on our ideas.

One of the experts in our Department, who in my view is also a wise man, tells me that policy issues with respect to the Federal public lands fall into two main categories--those having to do with the ownership and those having to do with the use of the land.

The question of how much land the Federal Government should own could more properly be phrased as how much land it should own in any particular area and for any particular purposes. Reservations of land for particular purposes have to be changed, and we are changing them, although we haven't yet gotten around to placating the people who apply for reservations of land on the moon. A good many of our citizens are moon conscious in this regard, so many that we have printed up a form letter telling them their applications are simply out of this world, at least until we get our man up there.

The problems relating to land use and management stem from the conflict resulting, on the one hand, from the desire to use land reserves for immediate economic gain, and on the other hand, from the continuing need for conservation management.

These differences are reconciled by intelligent multiple use. But let me stop right here and stress that multiple use is not truly a descriptive word, in my lexicon. I learned in high school physics (unless the scientists have repealed it) that two different bodies couldn't occupy the same place at the same time. The use that will prevail on any given land in the event of a conflict is the primary use; all other uses are auxiliary to some degree, and no amount of semantic double-talk will change this fact. You simply cannot put a mule, a miner and a picnicker on the same square foot of ground at the same time--unless it's a case of a mule-headed miner on a picnic.

Certain general principles have, it seems to me, come now to be accepted by the general public, regardless of whether the principles are expressed in written law.
For example, I think no one today thinks that ultimate disposal of the public domain should be a sound objective in our management plans. On the other hand, vacant and unreserved public domain lands ought still to remain open for selective, I repeat selective, entry and appropriation. And there are other Federal lands that ought to be disposed of to non-Federal public agencies and to private owners.

Some principles which seem sound in the abstract are sound and fury when it comes to specific application. For instance, in the abstract we know that soil and moisture conservation and weed control work ought to be undertaken on an area basis, applicable to both public and private land. But just try to get the Bureaus of my own Department, much less the other Federal agencies and the State and local public land people and private owners, all to come to agreement on this as a working program!

In the same category is the matter of blocking up ownerships for efficient land management. In the northern area of my own State of Idaho, and in many other places in the United States, Forest Service land and BLM land is checkerboarded to the frustration of any decent administration. Grazing lands bearing varying Federal, State and private labels have cows eating grass in a narrow area with three or four widely varying prices on it.

The national laws governing granting of easements and rights-of-way, and for leasing and other less-than-fee transactions, are a jumble. But there are all sorts of difficulties in the way of changing them, and vested interest opposition to change.

However, we have already taken some steps, within the existing statutory authority which amount to policy changes. For example, public land is being made available to States and municipalities at reduced prices for public recreational usage for all the people.

We are paying close attention to the application of user charges for public lands and resources. This is a field in which President Kennedy is especially interested. He noted in his special message to Congress on natural resources that at some Federal sites fees and user charges have been imposed wholly inconsistent with each other, with value received and with public policy. Our goal is to bring user fees and charges much more in line with values received. Value, of course, cannot always be expressed in dollars and cents.

As matters now stand, the crazyquilt patchwork of public land laws, altered and mended and embroidered to meet the exigencies of the moment, does not add up to a national land policy and program.

From the earliest days of the Republic, we've never had a national land policy. Congress after Congress has said that the problem is too big to take up in the remaining days (however many days happened to remain when they said it) and have promised to take it up in the beginning of the next Congress. Proposals have been made to appoint Commissions, in the manner of the monumental work done to rewrite the judicial and criminal codes of the United States. The Department has promised more than one Committee that it will come up with recommendations guaranteed to straighten out the mess.
To look at the problem as one of repairing a broken piece of machinery isn't enough. You have to decide also what you want the machine to do, and which way you want it to go.

I've seen some really fine work done by members of this organization to modernize the mining law of 1872. It was a good job because it stuck like a leech to the principles of the 1872 Act. But it was also a little reminiscent of what my 16-year-old son calls "customizing". The thing may look better, run better and be better, but underneath it is still the 1939 model.

I'm a Westerner, and I'm not critical of the 1872 mining law. I'm not critical of the 1934 Taylor Grazing Act. I'd like to keep these acts as they are, and in any event keep the principles they contain. So much good for the development of the West has come from them; they are "classics", to borrow teen-age talk again, and improvement of them seems highly doubtful.

But to keep them, the miner and the grazer who've grown up with them are going to have to come to grips with the realities of the last half of the 20th century--exploding population, increased leisure, more money and fantastic mobility of the people, among other facts.

You can't confine your Association's attention to "improvements" of the Mining Act of 1872, or the Mineral Leasing Act of 1920. You have a stake also in the reform of outmoded agricultural entry laws; in improved land use programs; in better cooperation with State and private owners; in land classification. You have a stake, too, in recreation. To oppose a Wilderness Bill, or the creation of a national park or monument as inimical to mining may save you, temporarily, the privilege of doing more prospecting--at the expense, perhaps, of another straw of ill-will to the principle of the 1872 Act and your profession generally.

So we are all involved in the reexamination of our land policies. Let's try to see the issue as broadly as we can, as generously to the interests of others, as consistently with standards of fairness and equity. Let's not shrink from the hard questions, or try to conceal our indecisiveness in fine language or meaningless terminology.

We won't come up with a truly national land policy, because we never have. But we can do better.

I ask your help in the effort.

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