A decade ago, as I was doing the homework preparatory to taking office as Assistant Secretary of the Interior, holding a conference in Syracuse to discuss the Federal public lands would not have been considered. Parks and recreation management, forestry practices and wildlife preservation—yes, those were beginning to emerge as subjects of general concern to the urban east. But the public lands were familiar to and largely left to the eleven contiguous western states and Alaska where they were concentrated.

At that point in time also, the Department of the Interior was still the "Department of the West." To some, indeed, that remained the case as recently as two years ago. You may recall that President Nixon explained his selection of a cabinet officer on the basis that Interior belonged to the West and that he was nominating the governor of our most western state. Such is the pace of change, for the nominee to succeed Mr. Hickel is a long-time resident of the eastern shore of Chesapeake Bay, which passed from public ownership by royal charter to Lord Baltimore in 1632.

With all due respect to the President's interpretation of history, whether in 1968 or 1970, I suggest that the process of change was already at work when I first assumed official responsibility for public land management. Vastly increased mobility made easterners conscious of the values contained in the heritage of the western public lands. Conversely, more leisure and the need to escape urban pressures made it imperative that the open space needs of the east be met with Federal participation. Cape Cod, Fire Island, Assateague, Indiana Dunes, Pictured Rocks, and a long list of other additions to the National Park System—all east of the Mississippi—followed in orderly procession. The Land and Water Conservation Fund and Wilderness Preservation Acts have nationwide focus and impact. Our national land policy concerns had obliterated the hundredth meridian as a frontier of separate interests.

To put the matter more squarely within the target area of this conference, the functioning of the Public Land Law Review Commission itself reflects the expanding and
integrating development of a national interest. Initially conceived as a technique for review and modernization of that specialized body of law affecting the disposal, use, or management of the original public domain, the scope of review was broadened before the organic act was passed to include not only reservations previously created from the public domain, but also national forests, wildlife refuges, and the Outer Continental Shelf. Geographically, therefore, the Commission's jurisdiction extended to practically every state and region.

Even more significantly, I think, the membership of the Commission reflects the legitimate national involvement in public land decisions. Although the Senate chose to select its six members exclusively from the western states, both the House membership and the presidential appointees included at least three members from eastern states at all times. Thus, no less than six and at times as many as eight of the nineteen members represented non-public land states throughout the Commission's deliberation. Nor was this eastern representation short on quality or influence. Laurance Rockefeller and Maurice Goddard are conservation statesmen of the highest order. Congressmen John Saylor and Roy Taylor have advanced to positions of great respect and authority in the operation of the House Interior Committee. Governor Hoff was in the forefront of the modern conservation movement at the statehouse level.

Finally, of the 17 public meetings held by the Commission to hear the views of the various localities, six occurred in mid-western, southern, or east coast cities.

All of these influences are reflected in the Commission's report. It is anything but a provincial document concerned only with the narrow questions that dominate in the communities most directly affected by public land policies. The overwhelming concern with public control of land use policies through the Congress is a clear reflection of a national interest. The dominant theme of management and use consistent with maximum environmental controls is wholly consistent with the direction of public opinion in natural resource issues.

The work of the Public Land Law Review Commission should gain the attention of people who may have relatively little interest or concern with its substantive content.
Its history, indeed, is a fascinating study in executive-legislative relations at the Federal level. The constitutional and public affairs overtones which attended the creation of the Commission are deserving of a wider audience than the rather select group that has thus far read the report.

In the historical perspective which I perceive, this effort at modernization of our public land laws had its inception in a particularly articulate and revealing exchange of correspondence between the Chairman of the House Interior Committee and the President of the United States in 1962 and 1963.

Congressman Wayne Aspinall, then as now Chairman of the House Committee on Interior and Insular Affairs, took a characteristically direct approach in raising with the Chief Executive some very central issues of Executive-Legislative responsibility. In late 1962, he invited and urged his friend and one-time House Office Building next-door neighbor, President John F. Kennedy, to submit his views "as to legislation which would permit the Congress to fulfill its constitutional responsibility to make rules governing the use and disposition of Federal property and at the same time not hamper the effective administration of that property in accordance with the time honored conservation principle of effecting the maximum good for the maximum number."

President Kennedy responded to this invitation personally. He projected the discussion beyond the issues reflected in pending legislative proposals. Noting the increasing complexity of public land management and the limited amount of time that Congress could devote to the detail of that subject matter, he observed that "the public land laws constitute a voluminous, even forbidding, body of policy determinations within which the land management agencies must operate"; he described the uncoordinated and disjointed, conflicting and inconsistent state of the statutory framework; and he concluded by saying that the system warranted comprehensive revision. He interpreted Chairman Aspinall's invitation as "evidence of substantial agreement that the standards of the past are not adequate to the challenge of the present or future."
This exchange of views occurred as the 88th Congress was preparing to take up its duties. Before that Congress adjourned, three major pieces of public land legislation had been enacted, thus hurdling an impasse that had existed for several sessions. Two of these laws were interim in form, but the Classification and Multiple Use Act and the Public Sale Act nevertheless stated broad policies of continuing validity. Both of these were approved the same date as the statute creating the Public Land Law Review Commission.

Viewed in retrospect, the observations of President Kennedy and Chairman Aspinall in the early 1960's were prophetic of what that decade was to bring. They communicated in the classical terminology of conservation and resource use. "Environment" and "ecology" were then still locked in the lexicon of scientific specialization. But it is clear that the terms of reference of the Aspinall-Kennedy letters comprehended the very issues that have brought us to the brink of national crisis. The "decade of the environment" did not spring suddenly over the horizon in 1970 except in the fertile imagination of public relations.

This review of some events of the last decade may seem overly simple when we contemplate the sheer volume of the results of the long and earnest labors of the Public Land Law Review Commission. We have had in the past six years the most searching assessment, the most fundamental public exposure and discussion ever concentrated on a broad natural resource issue. Much of the best talent of the country has been marshalled to make its contribution in study reports and consultative effort.

Through this process, the issues in public land policy have been identified, defined, clarified, and inventoried in comprehensive terms. The surrounding facts and conditioning circumstances have been enumerated, described and analyzed. Reasonable alternatives for the resolution of every policy issue have been formulated and weighed pro and con. One might say, even, that even if the ultimate report of the Commission were to be disregarded, the basic analytical background structure exists for a de novo judgment on the merits by the public and the Congress.
When Congressman Aspinall wrote to President Kennedy, he crammed many ideas into one sentence. He invited President Kennedy to submit his views "as to legislation." It would have been possible (other administrations had taken the position consistently) for a White House reply to tell the Chairman that, in due course, any legislation deemed necessary would be transmitted, and in the meantime we are managing nicely, thank you. Instead, the reply was Presidential and responsive, and there followed a remarkable and unprecedented pattern of executive-legislative cooperation in devising the plan to create the Commission.

By no means did President Kennedy yield any executive prerogative for the future, nor apologize for what some might have characterized as encroachment upon legislative prerogatives in the past. Two strong and patriotic statements were the foundation of the Commission's creation.

I think it important that we remember the same lessons as we begin the next phase. Competition as fundamental as that between President and Congress can lead to sterile impasses, or to prodigies of accomplishment. Mutual respect is the starting point if impasse is to be avoided.

A second lesson is that complexity need not overwhelm us. Mr. Aspinall and President Kennedy could master and articulate the fundamentals. In a real sense, the Commission's final report document illustrates the same point. The Commission refused to be frightened by the awesome bulk of the data before it.

Whether or not the formal report is to be implemented per se, in whole or in part, the task of dealing with its subject matter must proceed promptly. It is unlikely that we shall have another opportunity for constructive action on such an informed basis in this generation or ever. The promise of systematic legal and policy reform will be forfeited if action does not proceed promptly.
If the PLLRC concept hadn't been foreseen in 1964, it would have to be undertaken now. At a time when wide segments of the public are beginning to comprehend some of the resource and environmental problems facing our society, we have a vital head start. The unanswered question is whether the necessary conviction to act is present.

At least as far as I have been able to sample and assess it, public reaction to the Commission's report has been a disappointment. In the first place, and despite the broad interest being displayed in resource and environmental issues, only narrow segments of the public have given evidence of exposure to the Commission's work. And those who have reacted have done so pretty much in line with predictable bias, and in obvious contradiction.

On the one hand, the so-called preservationists see the report as having one central point of emphasis: commercial exploitation of public land values. As exemplified by a New York Times editorial which appeared within hours after the report was released, the miners, grazers, and timber harvesters were provided with a roadmap to the undeveloped resources on a third of the nation's acres. According to that reading of the report, public land values are to be determined by the standards of the market place rather than the environmental requirements of the future.

While lacking the nationwide audience of the New York Times, the opposite end of the spectrum has also been heard. The Commission's recommendations are criticized as anti-West, anti-progress, destructive of community development—another step toward the lock-up of a national resource base.

Quite obviously, both of these reactions can't be right. A balanced study of the entire report will show that neither of them is. The Commission has acted responsibly, reflecting a maturity that is badly needed in this decade of screaming absolutes. Whether you call it compromise or pragmatism, the overall effect is a realistic diagram for intelligent use of resources under
protective conditions that will avert ecological calamity. In the context of my training and experience at least, this is the function of government, indeed of all institutional processes in a democracy.

I would be less than candid if I did not confess that I, too, have been a little negative and cynical. In the discipline of preparing these remarks, I have analyzed my own reactions, and concluded that it is not the report, but the follow-up of the report, which elicits my negativism. At both ends of Pennsylvania Avenue, there was application, respect for facts, willingness to make hard choices, and a sense of responsibility for public land stewardship of a very high order. In a way not experienced since, we had infused the idea that users, too, could be conservationists.

Remarkably, the Commission's "official family" generally retained that spirit throughout its life. But outside this island of calm and reason, the natural resource management world was polarizing. My cynicism is a product of my disappointment that the final report of the Commission cannot be taken up by a Congress and executive branch as highly motivated as in 1963 and 1964, when the Commission was created.

The public impact of the Commission's contribution is yet to be felt, really. Reaction outside a fairly circumscribed audience of public land law students, practitioners, and user interests has tended to be superficial and unappreciative of the full reach of the proposals advanced. Perhaps this means that those who gather in conferences like this make up a smaller fraternity than we had thought. Perhaps also public interest will sharpen as individual Commission recommendations are translated into specific legislative proposals.

This can be as much a danger as a virtue. Polarization and confrontation avail us little in the formulation of public policy decisions if sides are chosen on the basis of slogans and cliches, rather than informed judgment. And it is clear that much of the discussion to date has been less than well informed. This demonstrates the
wisdom of the Commission in committing the waning days of its statutory life to a program of discussion and education. This process must reach out. It is appropriate that it is launched under Commission auspices.

Before closing, I would like to comment briefly on areas that transcend the Report's substantive policy discussions. In the first place, I believe that there has been a serious misreading of the report by the preservationists and environmentalists. They have failed to see the full significance of the recommendations of the Commission that the decision-making and adjudicative procedures be open to their full participation. The temper of the times is such that, if this recommendation is fully carried out, they will win many more arguments than they will lose.

For the balance of my time, I want to talk in terms of public attitudes and public thinking as a social force in our times and to cast a mild dissenting vote to the preoccupation with planning and the preoccupation with reorganization which seems to dominate public thinking, both at the federal and state level.

Failure to recognize fallacies in some of the current public thinking on this subject will surely lead to counterproductive results. It is a fallacy to expect technological developments to eliminate the inherent inefficiencies of energy conversion, and the associated necessity of dissipating unwanted heat. In absolute terms, the amount of heat to be dissipated is going to go up, even though greater thermal efficiencies are still to be attained.

It is a fallacy to believe that today's environmental evils are entirely traceable to bad planning, or absence of planning. It is a fallacy to believe that coordination and consultation and endless studies and commissions will eventually produce solutions to these problems. An equivalent mistake associated with concern about the environment is to seek a public administration analogue of ecology itself. Seeing our environment as a single, interrelated system does not mean that governmental administration of environmentally related programs can be united into a single, interrelated system.
And it is the biggest fallacy of all to consider electric energy generation as a source of pollution without considering the pollution potential of any alternate method of supplying energy needs, and without considering electricity's vital role in eliminating other forms of pollution.

The public's concern being pervasive, a contest for leadership and control of so powerful a force is inevitable. The struggle is similar to that in the civil rights area, in poverty and welfare, in education, and in the opposition to some of our international commitments, marked by a growing militance and extremism. The subject matter of land right is complex, so the leaders or would-be leaders necessarily have to develop various kinds of oversimplification.

It is not my purpose to criticize the leadership of any group which opposes the construction of a power plant, whether fossil-fired or nuclear, on the ground that heated water will do grave damage to the environment when returned to stream or lake or estuary. They are entitled to simplify the issues in their terms.

It is my purpose to criticize the way governmental officials have reacted and responded. It is not unreasonable to expect public officials to refrain from statements which contribute to an uninformed conclusion that it is possible to generate electricity without producing heat which has to be absorbed by the environment in some fashion. Broad statements about "restoring" the environment sustain the false belief that we can have our energy-based progress without paying nature irreparable penalty.

It is irresponsible, in my opinion, for public officials to compartmentalize their responsibilities, making one group of agencies responsible for the continued reliability and adequacy of power supply, while another set of agencies assumes only the responsibility for improving the environment.

Perhaps it is acceptable rhetoric for a conservation leader to say that cost is no object; but in case of a government official, he at least must know how much cost he is talking about, and who will be paying it, and the economic and other consequences of the increased costs.
The suspicion cannot be avoided that environmental consciousness may be exploited by those whose real concern may be entirely selfish. Here, again, the prescription I make for a higher sense of responsibility on the part of government officials is applicable.

In summary, I believe that we can do a much better job. But to do so, we are going to have to acknowledge some hard facts, physical and economic. We are going to have to see the consequences of our ameliorative steps in their correct perspective, with particular attention to equitable apportionment of costs. We are going to have to exercise greater self-restraint in our rhetoric, and abandon the devil-theory in formulating and executing policy. We may need to reorganize some of our institutions, but I give a much lower priority to that approach than I give to the enhancement of responsible education of the public.