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COOPERATIVE FOREST FIRE CONTROL

A History of its Origin and Development Under The

Weeks and Clarke-McNary Acts

U. S. Department of Agriculture

Forest Service

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Preface

The purpose of this publication is to bring together the historical facts relating to the legislative actions and the efforts of conservation-minded individuals and organizations to establish an effective cooperative forest fire control program for non-Federal lands.

There have been three major phases of the battle against fire through cooperative efforts on the State and private forest lands of the Nation. The first phase began with the initial activities to start a program. It was climaxed by the approval of the Weeks Law on March 1, 1911. The second phase includes the establishment of cooperative fire control under the Weeks Law and the realization that further legislation was needed in order to do a more effeciive job. This led to the enactment of the Clarke-McNary Act on June 7, 1924. The third phase has been the work carried on and intensified under the Clarke-McNary Act. This last phase is continuing today.

In arranging this material the three major phases of cooperative forest fire control have been dealt with in chronological order. The reader will find that these three phases have been categorized in Parts I, II and III in the text.

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CONTENTS
Cooperative Forest Fire Control

Part I — Page

Events Leading to Enactment of the Weeks Law of March 1, 1911 . . . 1
Early Efforts in Natural Resource Conservation 1
Chronological List of Actions 8

Part II

The Weeks Law and Its Era 10
Organized Fire Control Prior to the Weeks Act 11
Policies and Administration of the Weeks Law 13
Federal Appropriations 21
Progress Made During the Life of the Weeks Law 25
Events Leading to the Passage of the Clarke-McNary Act 28
Senate Resolution 311 (66th Congress, 2nd Session) 29
The Snell Bill, H.R. 15327 (66th Congress, 3rd Session) 35
Snell Bill, H.R. 129, 67th Congress 39
Capper Bill, S. 1435, 67th Congress 40
Hearings on Snell Bill, H.R. 129, 67th Congress, 2nd Session . . . 40
Development 42
Senate Report 28, 68th Congress, First Session 44
Conclusions of the Committee .46
Development of the Clarke-McNary Act 49

Part III

Forty Years of Cooperative Fire Control Under the Clarke
McNary Act. 64
Extent of Federal Financial Aid to the States 68
Federal Administration 72
The Washington Office Organization 72
Field Inspection Districts 73
Philosophy and Policies in Program Direction 75
Meetings and Conferences 77
Allotment of Federal Funds 77
Area and Cost Estimates 82
Level of Protection 84
Financial Plans 84
Reimbursement Procedure 85
Participation of Private Forest Land Owners 86
Noteworthy Supplementary Programs 87
Civilian Conservation Corps 87
Nationwide Forest Fire Prevention Campaign 88
Interstate Forest Fire Protection Compacts 89
Summary of Progress 90

COOPERATIVE FOREST FIRE CONTROL
(Its Origin and Development)

PART I

EVENTS LEADING TO ENACTMENT OF THE WEEKS LAW OF MARCH 1, 1911

Early Efforts In Natural Resource Conservation

Federal cooperation with the States in protecting forest lands from fire originated with the act of March 1, 1911, commonly known as the Weeks Law. Although the main objective of this act was to enable the Federal Government to purchase forest lands on the headwaters of navigable streams in the Southern Appalachian and White Mountains in order to protect their navigability through forest preservation, cooperative fire control was included in the act.

The idea of Federal acquisition of forest lands in the East was first advanced around 1885 by two medical men, Dr. Henry O. Marcy of Boston, Massachusetts, and Dr. C. P. Ambler of Asheville, North Carolina.

These men were disturbed by the increasing destruction of the forests in the Southern Appalachians and believed that the Federal Government should take action to preserve the beauty and health-giving qualities of this mountainous region. Dr. Marcy read a paper at a meeting of the American Academy of Medicine on October 29, 1885, entitled "Climatic Treatment of Disease - Western North Carolina as a Health Resort." His paper, published in pamphlet form, was the first advocacy in writing of the establishment of a National Forest Reservation in the Eastern States.

Gifford Pinchot, a dominant figure in the early development of American forestry, stated in his book "Breaking New Ground" that the suggestion for the purchase of eastern forest reservations was first made to him in 1892 or 1893 by Professor Joseph A. Holmes, then State Geologist of North Carolina.

The Division of Forestry in the Department of Agriculture, in cooperation with the U. S. Geological Survey, examined some 9,600,000 acres in the Southern Appalachian forests and on January 1, 1901, submitted a comprehensive report to the Secretary of Agriculture. The Secretary transmitted the report to the Congress with strong recommendations that the Federal Government acquire portions of the area surveyed. The report and recommendations were printed as Senate Document No. 84, 56th Congress. The report emphasized the influence of forest cover on the flow of streams originating in the area and the economic value of the woodlands and their adaptability to forestry.

Senator Pritchard lost no time in following up the recommendations of the Secretary of Agriculture and nine days later introduced a bill authorizing $5 million for establishing a Southern Appalachian Forest Reserve. On January 19, 1901, President McKinley sent a special message to the Congress urging favorable consideration of the forest reserve measure. The appropriate committees of both branches of the Congress promptly reported favorably on the proposal but the 56th session ended without any further action on it.

While attending a Pan-American Exposition at Buffalo, N.Y. on September 6, 1901, Mr. McKinley was felled by an assassin's bullet. The Vice-President, Theodore Roosevelt, took the oath of office as the 26th President of the United States on the evening of September 14. It was inevitable that the new Chief Executive, due to his personality and background, would wholeheartedly support the cause of conservation. With the President's vigorous backing, conservation of natural resources became one of the great issues throughout the two terms of the Roosevelt administration.

Most of the early bills for the extension of forest reserves, which were first established in 1891 from Public Domain, appear in the chronological list of actions of the end of Part I. Only a few received much consideration. The more important bills upon which congressional hearings were held warrant some comment, because these discussions played an important part in formulating the policy for Federal-State cooperation in fire control.

Early in January 1905 the American Forestry Association, which had been organized in 1875 and for many years had vigorously espoused forest conservation, called together at Washington the second American Forest Congress. This was the most important forestry convention held in America up to that time. This meeting reflected public sentiment for forest conservation throughout the Nation and is credited with having had substantial influence upon the Congress. No doubt it was a potent factor in obtaining a few weeks later the passage of the Act of February 1, 1905, which was an important milestone in American forestry. This legislation transferred the jurisdiction of the forest reserves from the Interior Department to the Department of Agriculture. This action had long been advocated and it paved the way for the establishment of the Forest Service and for the protection and administration of the forest reserves.

There had been large forest fires, such as the one which wiped out Peshtigo and other Wisconsin lumber towns in 1871, swept over 1,280,000 acres and took a toll of 1500 lives. This fire started on the same day as the great Chicago fire, which according to rumor was started by Mrs. O'Leary's cow kicking over a lantern. At about the same time several large fires in Michigan burned over two million acres and destroyed many small settlements. Much of the same area

was reburned in 1881. In 1894 disastrous conflagrations at Hinckley, Minnesota, and at Phillips, Wisconsin, destroyed many homes and took many lives. The large Yacolt fire in Washington and Oregon in 1902 laid waste some 700,000 acres of timberlands. The 450,000 acre fire in the Adirondacks in 1903 and many other less spectacular forest fires throughout the country also caused great losses. Although these catastrophes made the headlines only for a day or so, nevertheless they all had some part in building up a public sentiment for preserving the forest resources.

The House Committee on Agriculture began consideration of the several revised forest reserve bills but the viewpoints of its members varied so widely that agreement was impossible. The bill which would meet best the desire of forest reserve proponents, known as the "Currier-Lever" bill, was voted down by a small margin. However, pressure for doing something was so strong that it was decided to appoint a special subcommittee consisting of Scott, Currier, Lever, and Pollard to draw up a substitute measure. The result was Bill H. R. 21986, representing largely the views of Chairman Scott and Pollard. It became known as the "Scott Bill" and was reported favorably to the House on May 19, 1908, accompanied by printed Report No. 1700.

The Scott bill was aimed at forwarding conservation through cooperation with the States and with private landowners in lieu of outright purchase of forest lands by the Government. The committee in recommending the bill briefly explained its objectives as follows:

> The first section gives the States the right to enter into agreements or compacts for the purpose of conserving the forest and the water supply. It has often been urged by those who insist the Government should purchase the forests that the problem is interstate and in view of the constitutional inhibition against a State entering into any agreement or compact with another State the proper treatment of the problem by the State alone is impossible. Section 1 of this bill is designed to remove that obstacle. Section 2 appropriated $100,000 to enable the Secretary of Agriculture to cooperate with the States when requested to do so by supplying expert advice on forest preservation, utilization and administration and upon reforestation of denuded areas. It also authorizes the Secretary to enter into agreements with owners of private forest lands situated upon the watersheds of a navigable river to administer and protect such forest lands upon such terms as the Secretary may prescribe. It is believed that under the authority given in this section many thousands of acres of forest lands will be brought as effectively within the jurisdiction of the U. S. for forestry purposes as if these lands were actually owned by the Government.

Section 3 of the bill provides for the appointment of a commission to be composed of 5 members of the Senate and 5 members of the House of Representatives and Section 4 makes it the duty of this commission to investigate all questions tending to show the direct and substantial connection, if any, between the preservation of forests within the watersheds of the navigable rivers having their sources in the White Mountains and Southern Appalachians, and the navigability of said rivers. In case the commission decides that such direct and substantial connection exists it shall then be its duty to ascertain to what extent it may be necessary for the U. S. to acquire land within the watersheds referred to, the number of acres of such land, the probable cost or whether it may be desirable, if within the power of the U. S. to exercise without purchase such supervision over such watersheds as may be necessary. It is true that the last Congress authorized the Secretary to report and he did report upon the watersheds of the Southern Appalachians and White Mountains.

Without intending any reflection on those who prepared this report it does not present such detailed and accurate information as a careful businessman would insist upon having before entering on a policy which would involve the expenditure of many millions of dollars. It does not indicate the extent of the navigable portions of the rivers which it is desired to protect nor the value of the forests upon them. It presents no data showing to what extent if at all the volume or the steadiness of stream flow has been influenced by the destruction of the forests. It shows in only the most general way the location, area and probable cost of the lands it is proposed to purchase. While it recommends that the Government acquire 600,000 acres in the White Mountains and 5,000,000 acres in the Southern Appalachians it states also that an area of 75,000,000 acres will have to be given protection before the watersheds and important streams are adequately safeguarded. This suggests that it might ultimately be necessary to purchase 75,000,000 acres. Your committee believes that if a commission of 10 members of Congress, responsible to their constituents and to the country is directed to investigate the subject its report will be sufficiently comprehensive and exact to enable Congress to intelligently legislate upon the subject.

Believing this bill, by opening the way for the States to cooperate with one another, puts it within their power to contribute much to the solution of this important problem; that the provision it makes for cooperation between the United States, the States, and private owners of forest lands must contribute greatly to the rapid extension of scientific forestry; and that by means of the commission for which it provides the most careful study of the whole problem with a view to future

> legislation is made possible, and that for these reasons the proposed legislation (H.R. 21986) will be of great public advantage, your committee respectfully reports the bill back to the House with the recommendation that it do pass.

Representatives Currier and Lever, although strong advocates of National Forest reserves, went along with this substitute measure reluctantly. They consider it wholly inadequate to meet the needs, but nevertheless they believed it was a step in the right direction and the best legislation which could be obtained at that time.

The Scott bill arrested the forest reserve movement for the first session of the 60th Congress, but it received little further consideration. When it reached the Senate it was referred to the Commerce Committee and pigeon-holed. Nevertheless, it served a useful purpose in paving the way for later enactment of more effective and satisfactory legislation -- the Weeks Law. Furthermore, it furnished the original idea and pattern for cooperation with the States in forest fire control which was later enacted.

It was apparent from the congressional hearings in 1908, the press and other sources that there was a strong and growing country-wide public demand for Federal forest reserves in the East. Presidents from 1900 to 1908 had endorsed the movement and the roster of supporters for it was impressive.

Some of the viewpoints are briefed in House Report 1700 (60th Congress, 1st Session) as follows:

> First, it has been held by many that the problem belongs exclusively to the States concerned. Those holding this view argue that the Federal Government has no constitutional authority to purchase lands for the purpose of conserving the forest upon them, even though such preservation may conserve the supply of water in navigable streams. They hold that the matter is one over which the States have exclusive jurisdiction, and that if the right exists it is the duty of the State to assume the responsibility of meeting it. Second, another view is while it is neither the right nor the duty of the Federal Government to purchase the forests it may properly cooperate with the States or with private owners in their preservation by furnishing expert advice and assistance in their proper utilization and administration. Third, still another view is that when it is shown that the forests of a given watershed have a direct and substantial connection with the navigability of the navigable rivers flowing from that watershed the Federal Government has the right to exercise jurisdiction over the forests therein, although they remain in private ownership, and prescribe the method which shall be followed in utilizing the forest within such watershed.

The questions of some committee members, especially Scott, indicated they held an unshaken belief that farm lands on the lower slopes were more important in regulating stream flow than the upper slopes or mountain tops.

The importance of fire preventionwas emphasized in the testimony of Dr. Van Hise who said: "You must have three things - prevention of fire, retention of forests on areas best adapted to forests, and restoration to forests of areas which never should have been denuded of their timber."

Supporters of forest reserve legislation and especially Weeks (Mass.) Currier (N.H.), and Lever (S.C.) of the House Agricultural Committee realized that in order to obtain the support of Scott and the majority of his committee to satisfactory legislation it would be necessary to make some concessions. Although they placed little reliance on the effectiveness of the cooperative approach of the Scott bill in meeting the needs, nevertheless, it was decided to go along with some of its provisions. With this idea in mind they devised a new bill, H.R. 26923, which was introduced by Congressman Weeks and became known as the "Weeks Bill." Its title was lifted verbatim from the Scott bill and a slightly modified version of Federal-State cooperation under Section 2 of that bill was used.

At an executive session on January 28, 1909, the House Committee agreed to substitute the provisions of the Weeks Bill for all sections of Senate Bill 4825 (Brandegee bill), except its enacting clause.

Congressman Weeks was able, under a suspension of the rules, to bring the Senate bill, as revised by his committee, before the House on March 1, 1909, during the closing days of the session. Debate, which was limited to two hours, was spirited and at times acrimonious. Weeks ably managed the case for the measure and was assisted materially by his associates, Lever, Currier, and Lamb. Scott, also, ably handled the opposition. Other congressmen who spoke in favor of the bill were Brownlow (Tenn.), Sulzer (N.Y.) Heflin (Ala.), Peters (Mass.), Sturgiss (W.Va.), Webb (N.C.), Reeder (Kan.), and Davis (Minn.). The bill was passed 157 to 147. It was sent to the Senate where it was considered and referred back to the Committee on Forest Reservations and Protection of Game.

It was recognized by Weeks and his associates that there was considerable objection to Section 3 and 4 of S.4825 as it passed the House. There were, respectively, the sections providing for a pattern of public regulation or control over private lands and utilizing gross receipts from existing National Forests to finance the proposed acquisition program. Accordingly, these vulnerable items were eliminated and a revised "Weeks" Bill, H.R. 11798, otherwise similar to House revised S. 4825, was introduced on July 23, 1909, by Congressman Weeks in the first session of the 61st Congress. It

came before the whole House on June 24 and a few very minor amendments were made. As in the committee, the opposing forces on the floor of the House lined up just about the same in 1909. Weeks, Lever, and Currier strongly supported the bill, while others just as aggressively opposed it. When the bill came to a vote, it was passed 130 to 111.

In the Senate, Gallinger (N.H.) had introduced a bill (S.4501) embodying the provisions of H.R. 11798, which became known as the "Gallinger Bill." This bill came up for consideration by the Senate on June 25, 1910. Senator Brandegee (Conn.) requested that H.R. 11798 (the Weeks Bill) be substituted for the Gallinger bill. Again Congress was about to adjourn. As in 1909, it was hopeless to press the bill further. Senator Brandegee did, however, obtain unanimous consent that the Senate would vote on the measure at the next session and a definite date, February 15, was agreed upon.

On February 15, 1911, Senator Brandegee laid the Weeks Bill before the Senate and he and Senator Gallinger led the supporting forces. When the roll was called the bill passed by a vote of 57 to 9.

On February 17 it was presented to President Taft and signed by him on March 1, 1911, thus becoming Public Law No. 435 (36 Stat. 961).

This law established the objective of encouraging the States to control forest fires. This activity, as carried on in the years that followed, established the cooperative forest fire control pattern. The action taken under the Weeks Law is covered in Part II.

Chronological List of Actions

Nov. 22, 1899 - Appalachian National Park Association organized at Asheville, North Carolina.

Dec. 20, 1899 - Appalachian National Park Association prepared memorial to Congress requesting Federal acquisition of forest lands in Southern Appalachians.

Jan. 2, 1900 - Senator Pritchard (N.C.) presented above memorial to U. S. (Senate Document 58, 56th Cong.).

April 17, 1900 - Committee from Appalachian National Park Association appeared before Senate Committee in support of the memorial.

April 21, 1900 - Senator Pritchard (N.C.) introduced bill (S.5518) authorizing Secretary of Agriculture to investigate need for national park in Appalachians.

July 1, 1900 - Above bill, with $5,000 appropriation for preliminary investigation, became law.

Jan. 1, 1901 - Secretary of Agriculture James Wilson reported results of Department's investigation to Congress. (Senate Document 84, 56th Cong.)

Jan. 10, 1901 - Senator Pritchard (N.C.) introduced bill authorizing $5,000,000 for establishing Southern Appalachian forest reserve.

Jan. 19, 1901 - President McKinley in special message to the Congress recommended favorable consideration of the forest reserve proposal.

Jan. 28, 1901 - Forest reserve bill reported favorably by House Committee.

Feb. 12, 1901 - Forest reserve bill reported favorably by Senate Committee.

Dec. 4, 1901 - Senator Pritchard introduced a bill carrying $5,000,000 appropriation for purchase of 2 million acres in Southern Appalachians.

Dec. 6, 1901 - Congressman Brownlow (Tenn.) introduced somewhat similar bill but carrying appropriation of $10,000,000 for acquisition of 4 million acres.

Dec. 19, 1901 - President Theodore Roosevelt in special message urged Congress to pass forest reserve legislation.

Jan. 25, 1902 - Pritchard bill passed Senate.

June 24, 1902 - Forest Acquisition bill (S. 5228) introduced by Senator Burton (Kan.) passed Senate.

Jan. 1903 - Senator Burton reintroduced his forest reserve bill in 1st session, 58th Congress.

Nov. 11, 1903 - Representative Brownlow (Tenn.) reintroduced forest reserve bill

58th Congress (1903-04) Burton Forest Reserve bill passed by Senate but companion Brownlow bill in House failed to pass. Also a White Mountain bill introduced by Congressman Currier (N.H.) failed to pass.

Jan. 2-6, 1905 - American Forest Congress meeting in Washington, D.C. endorses movement for forest reserves in Southern Appalachians and in White Mountains.

Dec. 1905 - Representative Currier (N.H.) and Brownlow (Tenn.) introduced bills for forest reserves in White Mountains and Southern Appalachians respectively.

Jan. 1906 - American Forestry Association devised a "Union" bill, providing for acquiring forest reserves in both Southern Appalachians and White Mountains.

April 11, 1906 - Senate committee reported favorably on Union Bill (S. 4953).

April 25 & 26, 1906 - House held hearings on "Union Bill" (H.R. 19573).

May 22, 1906 - House committee reported "Union Bill" favorably (Report 4399), no further action by Congress.

March 4, 1907 - Agriculture Appropriation Act directed Secretary of Agriculture to investigate watersheds of Southern Appalachians and White Mountains and make $25,000 available.

Dec. 3, 1907 - Pres. Roosevelt in special message to Congress recommended purchase of forest lands in Southern Appalachians and White Mountains.

Dec. 11, 1907 - Secretary made report (Senate Document 91, 60th Cong. 1st. sess.).

Dec. 1907 - Forest Reserve Bills H.R. 10456 and H.R. 10457 introduced.

Jan. 30, 1908 - House held public hearings on H.R. 10456 and H.R. 10457.

Feb. 27, 1908 - House Judiciary Committee held hearings and by Resolutions 208 and 365 referred above bills to Committee on Judiciary with request for advice as to their constitutionality.

April 20, 1908 - House Judiciary Committee Report 1514 - declared bills H.R. 10456 and H.R. 10457 unconstitutional.

May 16, 1908 - Senate passed S. 4825 (Brandegee bill).

May 18, 1908 - H.R. 21986 introduced by Scott (Kan.).

May 19, 1908 - House Committee on Agriculture reported H.R. 21986 (Scott bill) favorably, (H. Report 1700, 60th Cong., 1st sess.).

May 1908 - H.R. 21767 (also H.R. 21986) introduced by Representative Pollard (Nebr.).

May 21, 1908 - "Scott Bill" H.R. 21986 passed by House - (vote 205 to 41, 124 not voting). In Senate this bill referred to Committee on Commerce.

Dec. 9, 1908 - House Committee held hearings on S. 4825.

Jan. 22, 1909 - H.R. 26923 introduced by Congressman Weeks (Mass.).

Jan. 28, 1909 - House subcommittee agreed to substitute provisions of H.R. 26923 for S. 4825, except for enacting clause of senate bill.

Feb. 3, 1909 - House majority reported on revised bill (S.4825) - Report 2027 (60th Cong., 2nd. sess.). (Majority 11 members, minority 7 members).

March 1, 1909 - Revised bill, S. 4825, introduced in House by Congressman Weeks. Passed by vote of 157 to 147, with 82 members not voting.

March 3, 1909 - Bill S. 4825, as revised and passed by House debated in Senate, but objected to and referred back to committee.

July 23, 1909 - H.R. 11798 (similar to ultimate Weeks Law) introduced by Congressman Weeks.

Feb. 23 and March 1&2, 1910 - House Committee held hearings on H.R. 11798 (Weeks bill).

April 15, 1910 - House Committee reported H.R. 11798 favorably, with Report 1036 (61st.Cong., 2nd sess.).

June 1908 - Senator Gallinger (N.H.) introduced S. 4501, companion bill to H.R. 11798. Some minor changes made by committee.

June 24, 1910 - House debated and passed H.R. 11798.

June 25, 1910 - Senate agreed to substitute H.R. 11798 for slightly revised S.4501. Debated but failed to vote on measures. Agreed to vote on H.R. 11798 on Feb. 15, 1911.

Feb. 15, 1911 - H.R. 11798 passed by Senate.

March 1, 1911 - H.R. 11798 signed by President and became P.L. 435 (36 Stat. 961) commonly known as the Weeks Law.

PART II

THE WEEKS LAW AND ITS ERA

The Weeks Law of March 1, 1911, inaugurated a new and then untried national policy of cooperation with the States to control forest fires. The Federal Government had been protecting Federal forests where they were under administration, but about 80 percent of all forest land in the country was privately owned and was almost wholly unprotected. The major forest fire problem centered in these areas.

One objective of the Weeks Law was to encourage, and to assist financially, the States to control forest fires on designated portions of non-Federally owned lands. Since the basis on which the law was drawn was improvement of navigation, the areas where Federal funds could be used were limited to "forested watersheds of navigable streams."

The act embodies 14 sections but only the first 2 sections relate to fire control. They are:

> Act of March 1, 1911 (36 Stat. 961), to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers.
>
> That the consent of the Congress of the United States is hereby given to each of the several States of the Union to enter into any agreement or compact, not in conflict with any law of the United States, with any other State or States for the purpose of conserving the forests and the water supply of the States entering into such agreement or compact.
>
> Sec. 2. That the sum of two hundred thousand dollars is hereby appropriated and made available until expended, out of any moneys in the National Treasury not otherwise appropriated, to enable the Secretary of Agriculture to cooperate with any State or group of States, when requested to do so, in the protection from fire of the forested watersheds of navigable streams; and the Secretary of Agriculture is hereby authorized, and on such conditions as he deems wise, to stipulate and agree with any State or group of States to cooperate in the organization and maintenance of a system of fire protection on any private or State forest lands within such State or States and situated upon the watershed of a navigable river: Provided, That no such stipulation or agreement shall be made with any State which has not provided by law for a system of forest-fire protection: Provided further, That in no case shall the amount expended in any State exceed in any fiscal year the amount appropriated by that State for the same purpose during the same fiscal year.

The idea underlying the first section of the act, which authorizes cooperative agreements or compacts between the States, was first advanced by opponents of Federal acquisition to answer the argument that forest fire control is largely an interstate problem that cannot be handled adequately by any one State alone. It was believed that the removal of the existing inhibition against such interstate compacts would, to some extent, eliminate the need for purchasing lands for National Forest reserves. Actually this authorization was not utilized during the effective life of the Weeks Law. The plan was first tried out, under a later Federal enabling act passed in 1949 (Public Law 129, 81st Cong.) when the "Northeastern Interstate Forest Fire Protection Compact" was created.

It will be noted that section 2 stipulated three fundamental requirements:

(1) The protection must be confined to the forested watersheds of navigable streams.

(2) The State must have provided by law for a system of forest fire protection.

(3) The Federal expenditures in any State must not exceed in any Federal fiscal year the amount appropriated by the State for the same purpose and for the same period.

Organized Fire Control Prior to the Weeks Act

Before describing the operation of the fire control provisions of the Weeks Act, it will be helpful to summarize briefly the status of organized fire protection at the time the act was passed. Up to 1911 the States themselves had made little effort or progress in protecting privately owned forest lands from fire. In fact State forestry had not yet found itself, save in New York and Pennsylvania, where State forestry organizations had been organized primarily to administer and protect areas set aside as State Forests. Although 25 States had forestry organizations of some kind in 1911, their functions were mainly to gather information and give advice to private woodland owners. Financial support was meager and progress uphill and slow. Only 16 States had forest fire protection organizations which were headed by either a State Forester or a Chief Fire Warden. The total area of State and private forest lands then being given some measure of protection was estimated at about 60 million acres. The fire control organizations and the degree of protection in 1911 were, of course, primitive compared to present day standards.

Probably the best forest fire protection job on an extensive scale was being performed by a few private protective associations, mainly in the Northwestern States. There some of the larger timberland owners had pooled their individual fire control activities and had organized so-called "protective associations" to handle patrols and fire fighting for all their members, each member paying his share of the cost according

to the acreage he owned. The first of these associations was formed in 1906 by operators in the Coeur d'Alene drainage in northern Idaho. The group action worked out so well that during the next summer three other similar associations were organized in Idaho. The Western Washington Protective Association, covering the major portion of the Douglas fir region in Washington, soon followed. The Western Forestry and Conservation Association was set up in 1909, largely through the efforts of George S. Long, western manager for the Weyerhaeuser timber interests, as a parent organization for these four associations. Among its forestry functions it took an active part in promoting cooperative effort in fire control among Federal, State, and private interests. This association was instrumental in the development of western fire codes and in persuading State legislatures to pass laws requiring reasonable fire prevention measures on the part of timberland owners and operators. About this time, E. T. Allen, formerly with the Forest Service, became closely associated with forest industries in the Northwest and was named manager of the W.F.C.A. In a statement before a congressional committee in 1921 Allen described the functions of the association: "The Western Forestry and Conservation Association, which I represent, is the clearing house of 30 private organizations in Idaho, Montana, Oregon, Washington and California with 20 million contributing acres and about 30 million acres that they patrol, and last year, which was a bad fire year, they spent $2 million. That is entirely outside the National Forests. Of that $2 million private interests put up 79 percent the Government 6 percent, and the State 15 percent."

At about this time several smaller private protective associations were being organized in the Northeastern States, but in general they only collected assessments from their members and turned the funds over to the State forestry department which handled the protection work. The New Hampshire Timberland Owners Association formed in 1910 or 1911 is believed to be the first association in the East which followed the western pattern of maintaining a protection organization directly.

The disastrous 1910 forest fires in the Northwestern States, and especially in North Idaho, stimulated the organization of additional private protective associations and also strengthened those which had been recently organized. Among these were the Northern Montana Forestry Association and six or seven county associations in western Oregon. Other parent organizations, although closely affiliated with the W.F.C.A were also being formed, such as the Northern Idaho Forest Fire Association and the Oregon Forest Fire Association covering the various individual associations in their respective areas.

One early difficulty which private protection associations encountered was the existence within their protection units of intermingled tracts of forest lands belonging to non-members. It was necessary for the association to fight fires on these non-contributing lands in order to protect association holdings but there was no way to require such owners to pay their just share of the protection costs. Largely through the

efforts of W.F.C.A., so-called "compulsory patrol" laws varied somewhat in the different States, they all required that non-resident timberland owners must either provide their own protection or else pay the State or an association for protecting them. The general ' practice was to assess on the tax rolls a specific amount per acre against all private owners who did not contribute voluntarily through protective associations, collections being made by the county treasurer and turned over to the appropriate protection agency. Oregon was the first State to enact such a law, in 1913. Washington was the next (1917), followed by California (1923), Idaho (1925), and Montana (1939). California repealed its compulsory patrol law in 1941 when the State assumed the responsibility for State-wide protection. The other 4 States continue the compulsory patrol law.

Allen and others who had the western picture primarily in mind believed that the pattern of private protective associations, with financial assistance from the Federal Government and the State, was the best solution to the forest fire problem. They expected this system would be used generally in all important timber States. However, private protective associations have gradually declined both in number and in protected acreage. Today there are only 16 private associations which spend their funds directly on protection.being located in Idaho, Montana, and Oregon. This pattern of protection has declined for a number of reasons. An important one is that originally the predominating interest of private landowners was in protecting merchantable timber values and this interest waned as the old growth timber was logged. Although this attitude has changed in recent years, the strengthening of the State fire services has reduced the number of private associations.

As public support, local, State and Federal, for fire control has strengthened and as State forestry departments have grown in stature and in responsibility, public agencies have assumed a larger part of the whole protection job. About half the States, expecially those in the Northeast and in the Lake States, from the very start have maintained that protecting forest lands against fire is a public responsibility and have organized and operated on that basis. The general trend has been and still is in that direction.

In Georgia, as in the far West, organized fire control was initiated by a number of private protective associations. They started in about 1924 but the effort was greatly stimulated in 1933 in order to quality for Civilian Conservation Corps camps and for the protection benefits from the CCC program.

Policies and Administration of the Weeks Law

The cooperative fire control provisions of the Weeks Law were administered by the Forest Service under a written agreement between the Secretary of Agriculture and each State. The agreement followed a standard form with such variations in detail as local conditions required. It specified briefly what each party was to do as its share of the cooperative enterprise. Each State was to supply the Forest Service with a fire

plan which would include maps showing the areas to be protected, the headquarters and approximate routes of patrolmen, and all features necessary to a clear understanding of the State's plan of fire control.

Since the course to be followed was uncharted and there were a few legislative directives, the first job was to formulate basic policies to serve as standards.

The question of what constitutes a "navigable river" called for early decision. Local courts had handed down widely varying opinions on the subject. Some had even held that streams which at any time would float a sawlog, a pulpwood stick, a canoe, or a row boat were navigable. The Forest Service placed a broad but less liberal interpretation on "navigability" in the belief that Congress had in mind larger objects of commerce and more substantial mediums of transportation. As a general basis for decisions on the question of navigability the reports of the Chief of Engineers, U. S. Army, were used. "Navigable" rivers were selected largely on the basis of tonnage records. The qualifying areas on which Federal funds could legally be spent were the forested watersheds of the rivers so designated.

A computation made early in 1913 showed that the 15 cooperating States contained 139,500,000 acres of non-Federal land in need of organized protection, 53 percent of which was classified as navigable watersheds. On the basis of the area actually being protected at that time the proportion of watershed lands would probably be considerably higher, so the statutory limitation affected only a few of the States then cooperating. It was most restricted in Wisconsin, which could claim only 1-1/4 million acres of navigable watersheds out of a total of 15 million acres which the State was protecting. Other States with large areas of relatively flat timberlands, such as Michigan and the Southern States, were not then cooperating under the Weeks Law.

In view of the small initial Federal appropriation and in realization that it would not go far in financing fire protection measures as such, the Forest Service started out with the fundamental idea that the primary purpose of the law was education. The greatest need at the time was to encourage and help promote forest fire prevention by the States, counties, and private landowners. Fire laws were inadequate and law enforcement was weak in most States. There was an urgent need for more care in preventing fires and organized fire control forces generally were either lacking entirely or were too weak in manpower and equipment to be effective. The objective in the use of the Federal contribution was to stimulate local effort in as many States as possible. As far as the Federal money would permit, each cooperating State was to be assisted, more especially those States which were having difficulty in providing efficient protection. In order to receive Federal help the States must at least have started effective protective organizations and must secure reasonable cooperation from private forest landowners in meeting their obligations. A State which could make only a small appropriation might receive an amount equal to that sum, while

a State whose appropriation was relatively large and which could itself provide at least some protection would receive a relatively small allotment. Other things being equal, the more important watershed, or the larger area, or the more valuable forest, received the larger Federal allotment, consideration being given in each case to the relative fire hazard.

The policy was not to allot Federal funds to the States for direct expenditure by them (the procedure established later), but rather to earmark the Federal funds which would be expended by the Federal Government within any one State. Federal funds were to be used solely for the salaries and expenses of Federally employed watchmen at lookout stations and men patrolling more or less regular routes on foot or horseback. These men were to work under the direction of the State Forester or comparable official and to function as a part of the regular State fire organization, except that their services were by law confined to forested watersheds of navigable streams. State Foresters were given Forest Service appointment as Collaborators at a nominal salary, in most cases $1 per month. in order that they could hire the Federal employees and certify to their services on Federal payment vouchers. Government checks were sent by the Forest Service direct to the watchmen or patrolmen. In some cases other State or local officials of similar rank and duties as State Foresters, such as the Chief of fire wardens of cooperating private protection associations were appointed Collaborators. The general policy of limiting Federal salary payments, as far as feasible, to watchmen located at stationary lookout towers was to encourage the States to initiate or expand a desirable and more permanent phase of fire control.

The allocation of funds to be spent in any State in a single year was of course limited by the annual Federal appropriation. At first the limitation was $10,000 but as new States applied for cooperation and the appropriation remained the same it became necessary to reduce the maximum individual allotment to $8,000. It was considered advisable to reserve a small emergency fund which might be drawn upon by any cooperating State for some justified reason such as a bad fire season.

The Secretary of Agriculture was given considerable leeway to cooperate with the States "on such conditions as he deems wise." In exercising this authority Secretary James Wilson delegated to the Forest Service the responsibility for administering the Weeks Law. Chief Forester Henry S. Graves assigned the job of handling the cooperative fire control work to J. Girvin Peters, Chief of a Division of State Cooperation, set up in the Branch of Silviculture. William B. Greeley was Assistant Forester in charge of silviculture at the time the Weeks Law was enacted and continued up to October 1917 when he was appointed District Forester at Missoula, Montana, and was succeeded in Washington by E. E. Carter. ("Districts" later became "Regions"). Greeley in his recent book "Forest and Men" states he "had an able associate in Girvin Peters, diplomat-extraordinary and master strategist in unlocking the right door to a complicated State situation." In 1923 the

name of the branch was changed from "Silviculture" to "Forest Management" and two divisions were established -- Eastern and Western. Weeks Law activities were administered by a section of State and Private Forestry in the Eastern Division. Peters continued to head up cooperation with the States under Carter's over-all supervision and from the enactment of the law in 1911 until his death in October 1928 he took the lead in formulating policies and procedures and served as the principal Federal representative in Weeks Law cooperation with the States.

Peters had two assistants, Louis S. Murphy and J. A. Mitchell. During the early life of the Weeks Law inspections were carried on from Washington. In the later years, however, several field inspection headquarters were established. The first field inspector was Crosby A. Hoar, who in February 1922 was transferred from the District Office at Denver, Colorado, to Duluth, Minnesota, and was assigned to Weeks Law work in Minnesota, Wisconsin, and Michigan. Several months later Gordon T. Backus was assigned as Weeks Law Inspector for the South Atlantic States, being stationed first at Charlottesville, Virginia, but moved the next year to Asheville, North Carolina. During this time he was working under direction of the Regional Forester but in the fall of 1923 Backus was transferred to the Washington Office and E. Murry Bruner took over the inspection work at Asheville. Claude R. Tillotson joined Peters' staff in May 1922 and was assigned to Weeks Law inspections in the New England States in New York.

Inspections in the far western States were carried on by the regular Forest Service District Officers, in general by the men who headed fire control on the National Forests.

The work of a Federal Weeks Law inspector was not easy. In many important respects it required a different approach than inspection of Federally administered projects on Government-owned land. These inspectors had to effectively persuade, without offense, State administrators to make needed changes in their policies, ideas or methods.

Federal inspectors were technically trained foresters and they had more or less of the crusading spirit derived or carried over from Gifford Pinchot and his early associates. In their daily work they observed the great need for a broad application of forestry principles and they recognized that this could only be accomplished through support of an informed citizenry. That they were expected to have some of the crusading zeal and ability is apparent from suggestions the Forester sent to resident field inspectors May 12, which stated in part:

> In connection with your work as Inspector in a group of States cooperating with the Forest Service in fire protection, it is my desire to have you utilize the opportunities available for informing the people of these States about their forestry situation, their forestry needs, and what the State and Federal agencies are doing. Your main job, of course, is to inspect the fire

> protection work of the States to which the Federal Government contributes and to cooperate with State forestry officers in making that work as effective as possible. To the extent, however, that you can supplement this principal duty by educational and informative work, in a systematic way, the net accomplishment will be the greater. We must all recognize that forestry development in the United States rests fundamentally upon the rate and degree to which the public can be educated as to the needs of the situation, what is now being done, and what further things need to be done. It is up to all of us to contribute to this educational work to the extent that we can, and to do so intelligently and systematically.

An enlightening view of early conditions was recently given by the first resident inspector assigned in 1922 to the three Lake States of Minnesota, Wisconsin, and Michigan, Crosby a. Hoar. Also it contained certain philosophy which he derived from many years work in cooperative fire control. In his words:

"It was easy to see that there were good reasons for establishing a resident inspector at Duluth. Inspections in previous years had been limited to a few weeks each, which was inadequate in a forested area of some 50,000,000 acres."

The Lake States had a long history of disastrous forest fires culminating in those of October 1918 which had taken some 400 lives in Minnesota. After feeble starts and long delays fire control was commanding greater public interest and support and was ripe for expansion. Logging was declining rapidly, but it had left a huge area of cutover land, not yet reforested, ripe for fire. More than 5,000,000 acres of cutover land in Michigan were tax-delinquent, and tax-delinquency was serious in Wisconsin and Minnesota. Most of the logging slash was burned before it could rot. It had been found that most of the cutover land was not adapted to agriculture or grazing, but to growing another forest, Fires had to be reduced before natural reseeding could be fully effective or artificial reforestation justified. Far-seeing people realized the situation and urged better protection from forest fires, both to promote public safety and to begin relieving the uneconomic condition of the cutover waste lands. Development bureaus, forestry associations, lumbermen, sportsmen, and others strongly urged better protection. The press generally favored it. At least one magazine of national circulation, The Country Gentleman," published a series of articles explaining the cutover land situation and pointing to forest fire control as the first step in restoring such land to production. Legislatures were listening and acting favorably upon fire laws and fire appropriations. It was a time of justified 'viewing with alarm.' Yet the actual State protection forces were weak and poorly equipped. There had been no experience with really good protection. Many residents of the cutover areas were indifferent to the burning of young forest growth, or felt hopeless of preventing it. All deplored the loss of life and the destruction of improved property by forest fires, but many were careless in the use of fire or reluctant to serve as fire fighters on crews that were poorly led, poorly equipped, and

poorly paid. It took many years for protection practice to catch up with the vision which leaders of public thought had in 1922, and indeed long before then.

"State fire wardens of that time in the Lake States were often lonely. Some of those in the wilder areas found themselves the only outspoken advocates of real fire control. The farmers wanted to burn over their peat lands and were careless about letting their fires escape. Loggers would try to evade disposing of their slash. People objected to getting burning permits and often burned without them. There were still many who thought that fire on the cutover lands was beneficial, by paving the way for more settlers and farmers, not realizing that the land was unsuited for farming. Local justices and juries were reluctant to enforce the forest fire laws.

"There have been critics of Federal cooperation with the States in fire control who held that the Forest Service was too lenient in its requirements upon the States. Such criticism was aimed more at Federal administration than at alleged weaknesses of some of the States. It is useless at this time to speculate upon what increase in State development and efficiency might have been brought about by greater Federal insistence, backed by the threat to withdraw or curtail Federal help. Probably some of the States should have made faster progress than they did. In general, however, the State Foresters were ahead of their legislators, politicians, and general public in their desire for better forest fire control and did their best to secure it. They were best able to understand and cope with their local obstacles.

"It is significant that the States have made very substantial progress in controlling forest fires. Under the supervision of their own leaders they have built strong agencies responsibe to local needs and inspiring the maximum local pride and satisfaction. The real success of Federal cooperation has been in helping the States to help themselves."

In administering the cooperative fire control program the U. S. Forest Service early established the practice of working out policies and procedures, as far as feasible, through consultation with the cooperating States.

On January 9 and 10, 1913, an important conference was held at Washington, D.C., with the then 18 collaborators and a few forest officials of other States which might become interested in joining the program. Also attending the meeting were a number of other forest officials or individuals associated with forestry. The group included:

F. W. Besley, State Forester, Md.
R. S. Conklin, Commissioner of Forestry, Pa.
W. T. Cox, State Forester, Minn.
F. A. Elliott, State Forester, Oreg.
W. O. Filley, State Forester, Conn.
Alfred Gaskill, State Forester, N. J.
A. F. Hawes, State Forester, Vt.

E. C. Hirst, State Forester, N.H.
J. S. Holmes, State Forester, N.C.
M. C. Hutchins, State Fire Warden, Mass.
R. C. Jones, Assistant State Forester, Md.
J. B. Mowry, Commissioner of Forestry, R.I.
C. R. Pettis, Superintendent of Forests, N.Y.
F. W. Rane, State Forester, Mass.
E. Secrest, State Forester, Ohio
J. A. Viquesney, Forest Game and Fish Warden, W. Va.
C. P. Wilber, State Fire Warden, N. J.
George H. Wirt, Forest Inspector, Pennsylvania Department of Forestry
E. T. Allen, Forester, Western Forestry and Conservation Association
I. W. Bailey, Assistant Professor, Harvard School of Forestry
H. P. Baker, Dean, New York State College of Forestry
J. F. Baker, Professor of Forestry, Michigan Agricultural College
G. Dawe, Managing Director, Southern Commercial Congress
J. H. Finney, Chairman, Forestry Committee, Southern Commercial Congress
John Foley, Forester, Pennsylvania Railroad
J. H. Foster, Professor of Forestry, New Hampshire College
J. M. Goodloe, Big Stone Gap, Va.
G. A. Gutches, Indian Office, Departmett of Interior
Newbold Hutchinson, Georgetown, N.J.
F. F. Moon, Professor of Forestry Engineering, New York State College of Forestry
H. A. Reynolds, Secretary, Massachusetts Forestry Association
P. S. Risdale, Secretary, American Forestry Association
M. C. Rorty, Commercial Engineer, AT&T Company
G. O. Smith, Director, U. S. Geological Survey (also representing Kinnebeck Valley Protective Association of Maine)
E. A. Sterling, Consulting Forester
W. L. Sikes, President, Emporium Lumber Company, Buffalo, N.Y.
H. S. Graves, Forester, U. S. Forest Service
W. B. Greeley, Assistant Forester, U. S. Forest Service
J. G. Peters, Chief of State Cooperation, U. S. Forest Service
E. H. Clark, Forest Inspector, U. S. Forest Service
W. L. Hall, Assistant Forester, U. S. Forest Service
R. Y. Stuart, Forest Inspector, U. S. Forest Service
L. S. Murphy, Forest Examiner, U. S. Forest Service

The objectives of this conference were:

(1) To provide for an informal discussion of the administration of Section 2 of the Weeks Law and of the various methods of fire control which have been adopted by the States.

(2) To determine the results of the cooperation to date.

(3) To encourage States to enact legislation enabling them to qualify under the weeks Law.

(4) To determine whether the experiment had been a success and if so the annual appropriation which should be asked of Congress in order to continue it.

The opening remarks of Chief Forester Graves sheds some light on the early thinking with respect to the program. He said in part:

"Gentlemen: We have called this conference to discuss that section of the Weeks Law authorizing cooperation by the Federal Government with the State in protecting from fire the forests situated on the watersheds of navigable streams. We have before us for consideration not only the details of carrying out this law, but also the results which have already been accomplished as bearing on the wisdom of the appropriation which has been made and the desirability of extending the policy through subsequent appropriations by Congress.

"The appropriation of $200,000 for Federal assistance in fire protection initiated a new policy. When the Weeks Law was under consideration it was maintained by some persons that greater results from a given expenditure of money would be accomplished by annual appropriations to aid the States in fire protection than by the establishment of National Forests by purchase. The appropriation of $200,000 was, in a way, an experiment to test the efficacy of this kind of Federal aid. There was recognition of the principle that there is a national interest in these great areas of forest lands, and that there is not only a justification but a duty on the part of the Federal Government to see to it that these national interests are protected.

"In administering the cooperative clause of the Weeks Law the Forest Service has clearly in mind the principles which I have indicated. It has been the effort so to distribute the money that it would last through about three seasons and to expend it under sufficiently diversified conditions to insure conclusive results.

"The question comes before us now of what has been accomplished during the two seasons of cooperation which have already passed. Has it resulted in the stimulus to the States to meet their responsibility in forestry? Has it resulted in securing better protection than otherwise would have been the case of the forests on navigable streams; and if so, have the results from this standpoint alone justified the expenditures of the $200,000? In securing such protection, have other national and interstate interests been secured aside from mere protection to navigation? In short, before we go to Congress and request an extension of this appropriation we must be able to show that this new policy, which was in a measure inaugurated as an experiment, has produced certain definite results which justify the Nation in continuing the work.

"I want to emphasize over and over again this national feature of the work, because we are asking the National Government to provide the money, and while the protection of navigation is the constitutional reason for the appropriation, the general national and interstate interests are a tremendous additional justification.

"Mr. Peters has many facts which demonstrate to my mind that the results obtained are of an importance even greater than could have

been anticipated. We want to know, and Congress wants to know, what th the experience has been in the States, both from the viewpoint of the State and from that of the Nation."

Peters explained several proposed amendments to the last year's agreements with the States. One was to specify the maximum number of Federal patrolmen to be employed. Another made the agreement a continuing one unless terminated by either party upon 30 days' written notice to the other party, the purpose being to eliminate the need for preparing a new agreement each year. Probably the most important amendment was one providing that the expenditure of Federal funds would be in the same proportion as the expenditure of State Funds. In other words, if the actual expenditure of State funds fell below the amount contemplated to be spent by the State, the amount of the Federal expenditure would be decreased proportionately. There followed an informal discussion of the fire control problem in each of the cooperating States and the manner in which the States were carrying on the work. Many good suggestions for improving the program resulted from these discussions. Peters explained the reason why the Forest Service desired that the Federal funds be used as far as feasible in employing watchmen at stationary lookouts and asked the collaborators if this policy had handicapped them in their work. The concensus was that this restriction had not inteferred with the program and that it should be continued. It was also the concensus of the meeting that cooperation in fire control under the Weeks Law had been highly successful and that the program should be continued on a permanent basis. Further, that Congress should be requested to make annual appropriations of at least $100,000 to underwrite the Federal part of the cooperative project.

Federal Appropriations

The act carried an appropriation of $200,000 for cooperative fire control which originally was to be available until expended but Congress in 1912 limited its use to June 30, 1915. The reason the law did not stipulate an annual authorization, customary in Federal legislation of this type, was that the cooperative approach to the fire problem was new and untried. The value of the experiment had to be demonstrated before it would be considered a permanent Federal policy and program.

For several reasons, one being the necessity for enabling legislation by most States, the project was slow in getting started except on a very limited scale. By June 30, 1913, only $106,536 or a little more than one-half the available funds had been spent. The original appropriation of $200,000 lasted for 3 years. An additional $75,000 was made available for the fiscal year 1914 and for the following 6 years annual appropriations were $100,000. The appropriation was increased to $125,000 for the F.Y. 1921.

During the summer of 1920 a survey was made to determine what it would cost each year to protect non-Federal forest lands from fire and the amount the States themselves were prepared to spend. This survey resulted in the initial Area and Cost report, which has been renewed periodically to keep figures current.

The study showed that cooperation should be extended to 35 States estimated to contain 315 million acres of State and privately owned forest land in need of protection against fire. Less than one-half of the area was then receiving any organized protection. Based on a minimum average cost of 1-1/2 cents per acre, the yearly cost of fire control would be $4,725,000. In response to Senate Resolution No. 311 (66th Cong., 2nd.Sess.) a report had recently been made by the Forest Service on the forest situation of the United States. This report called attention to the tremendous losses caused by forest fires on non-Federal lands and emphasized the urgent need to do something about it.

On November 29, 1920, the Secretary of Agriculture, with the approval of the President, asked Congress for a supplemental appropriation of $1,000,000 for cooperation with the States in fire control and in other needed forestry measures. Coupled with this request was a recommendation for authority to extend the cooperation to any non-Federal forest lands within the cooperating States, which would remove the existing Weeks Law limitation with respect to navigation. The wording was substantially the same as Sections 1 and 2 of the first Snell Bill (H.R. 15327 - 66th. Cong., 3rd. Sess.), referred to later. Since such a change would require new legislation the House Committee on Appropriations refused the request for authority to use Federal funds on other than watersheds of navigable streams. However, it did agree to consider in the regular appropriation bill for the next year an increase in the fire control item under the existing authorization. A strong case was presented to the Bureau of the Budget for a substantial increase in the Federal cooperative fire control appropriation for F.Y. 1922. Apparently the Congress was impressed for it raised the annual appropriation to $400,000 for that year. It remained at that figure for the next four fiscal years or until the Weeks Law became inoperative and the cooperative fire control program was absorbed and expanded under the Clarke-McNary Act. This act was passed June 7, 1924, and Federal appropriations for F.Y. 1926 and thereafter were made under the new act.

In all, $2,439,826 of Federal funds (total appropriations $2,600,000) had been expended under Section 2 of the Weeks Law, of which 7 percent or $171,471 was used for Federal administration of the program. State and private protection expenditures during the same period were $12,652,985 or nearly five times the participation of the National Government. These non-Federal expenditures, however, covered all classes of State and private forest lands whereas the Federal sharing was by statute restricted to forested watersheds of navigable streams.

On November 12 and 13, 1920, another major policy meeting with the cooperating States was held at Atlantic City, New Jersey. One of the proposals discussed was a basic change in the method of allotting Federal funds. Heretofore the small size of the Federal appropriation led to its allocation chiefly on the basis of encouraging the States to establish and maintain forest fire protection organizations. This system gave no recognition to the relative size of the protection job in the various States nor to the respective amounts of money spent by the States on fire control.

William B. Greeley, who the preceding April had succeeded H. S. Graves as Chief Forester, suggested and the State representatives agreed that in the event of substantially larger Federal appropriations major consideration in allocating Federal funds should be given to the cost of an adequate system of fire protection in each State. They recognized that it probably would be necessary to limit the amount any State could receive to roughly the ratio between the Federal appropriation and the aggregate estimated cost of protection in all cooperating States. Another suggestion which met favor from the group was that a small portion of the Federal appropriation, possibly as high as 25%, should be allotted to the States on the basis of what the States and local agencies had themselves spent on fire control.

A third important conference with Weeks Law collaborators was held at Washington, D.C., on April 28 and 29, 1922, to decide the questions raised at the meeting at Atlantic City in the fall of 1920. All the 26 cooperating States were represented except Wisconsin. A major purpose of the meeting was to reach an agreement on the most equitable method of allotting Federal funds in the event of the hoped-for expanded program. A formal vote was taken as to whether some portion of the Federal funds should be allotted on the basis of State expenditures, as had been suggested, and if so, what proportion. The question was considered from two angles:

(1) on the basis of the current Federal appropriation, then $400,000, and

(2) in the event of a substantial increase in the Federal appropriation, having in mind $1,000,000.

The vote on the point of whether allotment should be on the basis of State expenditures in situation (1) was a tie. It was 2 to 1 in favor of that basis in situation (2). The concensus was that about one-fourth of the Federal funds should be allotted on the basis of State and local expenditures on fire control. Since there was no further increase in Federal appropriations under the Weeks Law, the factor of State expenditures was not considered in allocating Federal moneys under that act. In fact it was not incorporated into the allotment formula until F.Y. 1928.

The question was raised as to thether the relative fianncial ability of a State to meet its fire control obligation should be considered in allotting funds. It was agreed that if this index were used at all it should be on the basis of relative total taxable wealth in the various States. However, after considerable discussion the idea was voted down by the States chiefly because they believed this element was not directly related to the fire control job and furthermore that applying such a factor would be complicated and difficult.

On the question of qualified "matching" expenditures by the State and private protective associations, Greeley stressed the importance of maintaining a protection system on a permanent basis. He pointed out that it would be a foolish waste of public money for the National Government to participate in a protection plan for 3 or 4 years and then have that plan terminate. In order to give reasonable stability the Forest Service believed that protection expenditures to be recognized must be those that rest on State law, rather than upon voluntary local effort. Greeley said "We have seen a good many instances where there will be a spasmodic effort at forest protection for a season or two and then be discontinued. We cannot ask Congress to appropriate money to cooperate in that kind of forest protection. There has got to be a reasonable measure of stability in it . . . which to us is expressed by State legislation. Under our existing law we can only recognize local fire control expenditures which represent State appropriations. As a matter of policy, I think that we can go beyond the strictly legal definition, and recognize any funds that are put into forest protection as the result of a requirement of State law. The Solicitor might hold that the funds spent on forest protection under the compulsory patrol laws of Washington and Oregon do not amount to a State appropriation, but I feel that we should recognize such expenditures because they are made as a result of a specific requirement of State law and they have got to be made as long as that State law stands on the statute book. An association expenditure that is not required by State law, however, could be eliminated at any time the landowners decided to do so. It does not seem to me, therefore, that we can consider such expenditures in connection with our general policy, because they do not represent a sufficiently stable form of forest protection."

Girvin Peters pointed out that some States, such as Virginia and North Carolina, were making a strong bid for county cooperation and that they considered county participation a cardinal feature of the State protection program. He added that in such instances "funds derived from county appropriations which are authorized by State law may automatically become a State appropriation. Consequently, county appropriations may be recognized as an offset to Federal funds when the State law specifically provides for such cooperation and the counties have actually made the money available for fire fighting and other protection expenditures."

Progress Made During the Life of the Weeks Law

When the Weeks Law was enacted in 1911 twenty-five States had forestry departments but only sixteen had appropriated money to engage in the protection of forests from fire. Upon passage of that act eleven of these sixteen States promptly entered into agreements with the Federal Government to cooperate in forest fire control. The area of State and Private lands protected at the time was approximately 60 million acres. The States which joined the program during the first year were Connecticut, Maine, Maryland, Massachusetts, Minnesota, New Hampshire, New Jersey, New York, Oregon, Vermont, and Wisconsin. Each year thereafter under the Weeks Law one or more new States were added to the list of cooperators, excepting F. Y. 1918. In the last year of the Weeks Law program (1925) the Federal Government was cooperating with twenty-nine States, which were protecting about 178 million acres. During the active life of the Weeks Law both the number of States cooperating and the total area protected had roughly trebled. (See Table 1.)

Organized fire protection in the remaining fourteen States which had forestry departments in 1911 was established in large measure as a result of Federal cooperation. Furthermore, it is generally agreed that in all the States systematic forest protection was stimulated by the Federal aid and encouragement made ppssible by the Weeks Law.

In July 1921 an important change was made in the method of Federal cooperation with the States. Heretofore Government funds had been used to pay federally employed lookout observers and patrolmen, although these men were hired by and functioned under State direction. This meant that the Federal participation and interest was limited to only one phase of the cooperative effort. This procedure was satisfactory in the early days of the program, but as the State fire control operations expanded it became apparent to both the Forest Service and the States that it would be better for the Federal Government to share in the complete State fire control program rather than in only one of its segments. Accordingly the direct Federal employment procedure was terminated and in its stead each cooperating State was given a specific Federal allotment which it could use, on a reimbursement basis, for any legitimate fire protection obligation. In order, however, to meet the requirement of the Weeks Law Federal funds still had to be confined to forested watersheds of navigable streams.

Cooperating States

Calendar Year in which the Various States Entered the Weeks Law Program

1911 - New Hampshire, Minnesota, New Jersey, Wisconsin, Maine, Vermont, Connecticut, Oregon, Maryland, Massachusetts, New York

1912 - Washington
Montana) Agreements not executed because of favorable fire
Idaho) season.
Cooperation with Kentucky, Alabama, and California considered. Postponed in latter two States since neither had funds or an administrative fire protection system in operation.
Kentucky (no allotment until 1913)

1913 - Idaho and Montana - portions of Snake and Missouri Rivers

1914 - West Virginia, South Dakota, and Michigan

1915 - Virginia and North Carolina

1916 - Texas

1917 - No new States - Southern States showing interest. Many requests for help in drafting laws.

1918 - Louisiana

1919 - Rhode Island - Agreement with California underway.

1920 - California and Pennsylvania. (Kentucky withdrew its support from forestry and fire control.)

1922 - Ohio and Tennessee

1924 - Alabama and New Mexico

1925 - Kentucky readmitted.

Table 1

Progress Under Weeks Law*

Fiscal year	Federal appropriation	No. of States cooperating	Total State & private lands protected (Million A.)	Federal Administration & inspection	Federal expenditure	State expenditures (fiscal year)
1911-12	$200,000	11	61	--	$53,288	$350,000
1913	--	14	68	--	53,248	380,000
1914	75,000	17	83	$1,290	79,708	415,000
1915	100,000	18	95	1,201	69,582	505,925
1916	100,000	21	98	5,652	90,481	408,087
1917	100,000	21	103	4,925	90,580	435,328
1918	100,000	22	104	8,081	98,530	565,625
1919	100,000	23	110	7,140	99,921	625,446
1920	100,000	25	129	8,182	95,108	860,919
1921	125,000	24	140	11,098	119,530	1,066,027
1922	400,000	27	166	25,792	398,899	1,896,920
1923	400,000	26	173	27,523	395,211	1,826,431
1924	400,000	28	175	32,406	396,480	1,473,085
1925	400,000	29	178	38,181	399,260	1,844,192
Total	$2,600,000	--	--	$171,471	$2,439,826	$12,652,985

*Figures based on Annual Reports of the Chief of the Forest Service.

Events Leading to the Passage of the Clarke-McNary Act

The enlarged program for cooperative fire control under the Clarke-McNary Act evolved largely from the active controversy in the early twenties over what type of public control of timber cutting on privately owned forest lands, if any, should be included in a broad forest policy for the Nation. The developments and the various legislative proposals which led up to and finally culminated in the passage of the Clarke-McNary Act in 1924 will be briefly sketched.

A more adequate national forestry policy became a prominent subject of public concern and political discussion almost immediately following the end of World War I. Col. Henry S. Graves, Forester, who had only recently returned from Europe where he commanded the 10th Engineers (Forest Regiment), struck the clarion note in an address made at Boston in February 1919 before a New England Forestry Conference. Thereafter he made many speeches throughout that year in all parts of the country, at gatherings of forester, timberland owner, and operators. Graves believed it was high time that further devastation of the Nation's forests be stopped and that practical forest management measures should be applied to all forest lands, both private and public, in order to keep them productive. A part of his proposed program and its most controversial phase related to his suggested Federal-State cooperative approach to the problem. His views aroused much interest and considerable controversy even among foresters who, although concurring in principle as to the need for better forest practices, were unable to agree among themselves as to the best means of bringing it about. The proposals met considerable opposition from timberland owners, due partly to uncertainty as to the extent and method of public control contemplated.

In the spring of 1919 the Society of American Foresters appointed a committee for the "application of forestry" whose chairman and most vigorous member was Gifford Pinchot. This committee prepared and, near the end of the year, widely circularized an elaborate report to the Society membership. In it was outlined a proposal which included as a major provision direct Federal control over the management of privately owned timberlands. Since this reflected the well-known viewpoint of Pinchot the committee was commonly called the "Pinchot Committee" and the program the "Pinchot Plan."

In the meantime other agencies had become interested in a national timberland program. In November 1919 the Committee on Forest Conservation of the American Paper and Pulp Association formulated "Suggestions For a National Forest Policy With Especial Reference to the Pulp and Paper Industry" which was given wide publicity. Among its recommendations was one that the Federal annual appropriation for cooperation with the States in fire control be increased to at least $1,000,000. Its most significant difference from the Pinchot Plan was in its elimination of any public regulation. With respect to cutting practices on private lands it favored voluntary cooperation with the States, but with some Federal assistance and cooperation. It provided

"that the State, upon request, shall assist the private owners of forest lands to make them continually productive through the preparation of working plans, supplying of printed material and supervision of silvicultural operations free of charge, or at cost."

The National Lumber Manufacturers Association had also drawn up a proposed forestry program, which was being aggressively sponsored by E. T. Allen, who, in April 1920, had become Forester for that association. Allen had been active in the Western Forestry and Conservation Association and for a long time had been advocating better protection against fires, especially in the Pacific Northwest. The NLMA program was very similar to that proposed by APPA but, in a measure at least, it was more mandatory. It favored the proposition that any regulatory legislation should originate with and be administered by the States rather than by the Federal Government. It contained some other less controversial features which were more or less common to all the plans then being advanced.

William B. Greeley succeeded Henry S. Graves as Chief Forester of the U. S. Forest Service on April 15, 1920, and he actively followed up the educational campaign which his predecessor had started. Like Graves, but unlike Gifford Pinchot, he believed any initial program involving public control over timber cutting practices on private lands should be a joint Federal-State cooperative undertaking. This fundamental difference in opinion between the three men who, up to that time, had headed the Federal Forest Service no doubt played a large part in the controversy with respect to public regulation which became especially acute over the next four years.

Senate Resolution 311 (66th Congress, 2nd Session)

This resolution, introduced by Senator Arthur Capper of Kansas and approved by the Senate on February 21, 1920, directed the Secretary of Agriculture to make a comprehensive investigation and report of the forest situation of the Nation. The resolution read:

> Resolved, that the Secretary of Agriculture be, and he is hereby directed to report to the Senate on or before June 1, 1920, on the following matters, using what information the Forest Service now has available, or what may be obtained readily with its existing organization; (1) the facts as to the depletion of timber, pulpwood, and other forest resources in the U. S., (2) whether, and to what extent, this affects the present high cost of materials, (3) whether the export of timber, especially of hardwoods, jeopardizes our domestic industries, (4) whether this reported depletion tends to increase the concentration of ownership in timberlands and the manufacture of lumber, and to what extent; and if such concentration exists, how it affects or may affect the public walfare.

The Forest Service made its report on June 1, 1920, which became popularly known as the "Capper Report." The publication of this document gave the Forest Service an excellent opportunity to get the timber

supply situation before the public in an authoritative way and to suggest a concrete program for Federal forestry legislation. This report consisted of two parts. The larger edition covering 73 p printed pages entitled "Timber Depletion, Lumber Prices, Lumber Exports, and Concentration of Timber Ownership." Its distribution was rather limited and free copies were furnished mainly on specific requests but anyone could obtain a copy from the Government Printing Office for 25¢. The smaller edition (USDA Circular 112, "Timber Depletion and the Answer") was very widely distributed during the summer of 1920. This circular concluded with an outline of a proposed forest program which represented the Forest Service viewpoint. The first recommendation concerned cooperation with the States and read:

"Legislation is needed, as an extension of section 2 of the act of March 1, 1911 (Weeks Law), which will enable the Forest Service to assist the respective States in fire protection, methods of cutting forests, reforestation, and the classification of lands as between timber production and agriculture. It should carry an initial annual appropriation of not less than $1,000,000, expendable in cooperation with the States, with a proviso that the amount expended in any State during any year shall not exceed the expenditures of the State for the same purposes. The Secretary of Agriculture should be authorized, in making such expenditures, to require reasonable standards in the disposal of slashings, the protection of timbered and cutover lands from fire, and the enforcement of equitable requirements in cutting or extracting forest products which he deems necessary to prevent forest devastation in the region concerned, and to withhold cooperation, in whole or in part, from States which do not comply with these standards in their legislative or administrative measures. Federal activities under this law should not be restricted to the watersheds, of navigable streams but should embrace any class of forest lands in the cooperating States.

"This law, greatly extending the very limited Federal aid now given to the States in fire protection, will enable the Forest Service to organize and carry forward a Nationwide drive against the chief cause of devastation--forest fires; and to secure adoption of such other measures as may be needed in particular forest regions to stop denudation. It will also aid States and private owners in restocking lands already denuded, where tree growth will not come back of itself."

With respect to needed State legislation it recommended:

"State laws should provide for the organized protection of all forest lands in the State, during periods of fire hazard, the protected areas to include all cutover and unimproved land as well as bodies of timber. The protective system should include patrols during dry weather, lookout stations, fire breaks and roads where effective, and organized fire-fighting forces. Every forest owner, large or small, should bear his proportionate share of its cost, about half of which may be properly borne by the State itself with the aid of the Federal Government. Policy regulations for the control of fire during dry periods in

connection with railroad or industrial operations near forest land, land clearing or slash disposal, hunting, etc., and for the control of incendiarism, form an essential feature of the protective system.

"State laws should establish the responsibility of owners of forest land for complying with such equitable requirements as may be determined upon and promulgated by the proper State agency, dealing with precautions against forest fires, the disposal of slashings, methods of cutting timber or of extracting particular forest products, such as naval stores or pulpwood, and such other equitable requirements as the authorized State agency shall determine upon as necessary to prevent devastation. All timber and cutover land in State or private ownership, which is not now required for other uses than timber growing, should be classed as 'forest land' and placed under the control of the State forest organization, as far as it deems measures of control necessary to prevent devastation.

"The agency in each State charged with the administration of the laws dealing with forest fires and devastation preferably should be a nonpartisan commission exercising wide latitude under the general authority of the State in determining equitable regulations applicable to various classes of forest lands. It should have authority, backed by penalties prescribed in the law, to enforce its regulations, subject to appeal by landowners to a judicial review. It should have authority to investigate any questions concerning the forests and forest industries of the State and to advise and assist forest owners in carrying out the most effective technical methods on their land. It should have authority and funds for growing planting stock and distributing it to landowners in the State at cost. It should have charge of the acquisition and administration of State forests, and of the classification of receded tax lands to segregate areas which should be incorporated in State forests. It should unify in one body all forest activities of the State. The makeup of this commission should represent the general public, its forest owners, its wood-using industries, and other interests or organizations concerned with timber production."

The recommendations quoted above were supported in more detail by Greeley during the summer at various meetings throughout the country. In general, the Forest Service program was not materially at variance with the American Paper and Pulp Association program, although it differed on two important points. First, it provided that the Secretary of Agriculture shall set the standards under which the Federal Government will cooperate with the States in fire control and other forest activities, and secondly, it emphasized that adequate fire control should cover cutover lands as well as stands of merchantable timber.

On May 19, 1920, Senator Capper introduced bill S. 4424 (66th Cong., 2nd. Sess.). This bill put into legislative form the recommendations of the "Pinchot Committee." In essence the bill would empower a three-member Federal Forest Commission (Secretaries of the Departments of Agriculture and Labor and the Chairman of the Federal Trade Commission) to establish and enforce regulations governing the harvesting

of forest products from privately owned commercial forest lands. In addition to a $5,000 fine for violation of the commission's orders a violator would be subject to a 10 percent tax on net income derived from the sale of forest products which were not harvested in accordance with the regulations established by the Forest Commission.

The Forest Commission would have authority to use such portions of the appropriated Federal funds as it deemed advisable for cooperation with the States in fire control but not to exceed equal sharing of costs. There was to be an appropriation of $1 million for this purpose.

The period following World War I and up to the passage of the Clarke-McNary Act in 1924 was characterized by especially close cooperation between the U. S. Forest Service and important men in the wood-using industry and leading foresters and forestry associations. There were numerous meetings and conferences and a continuous exchange of ideas in an effort to work out a practicable national forestry policy and program which would stand a reasonable chance of adoption. It is doubtful whether the Clarke-McNary Act could have been enacted in 1924 without this close relationship among nearly all interested agencies and individuals.

On October 15, 1920, a noteworthy conference, of interested agencies and individuals was held in New York City to discuss the whole forestry legislation situation and to attempt to reach a common platform which would enlist the general support of the landowners, forest industries, large consumers of forest products, various forestry associations and the general public. The outgrowth of this meeting played a significant part in the formulation and the ultimate adoption of the first essentials of a national forestry policy. Those in attendance at this meeting were:

Organization	Representatives
American Forestry Association	Charles L. Pack, President P. S. Risdale, Secretary
American Newspaper Publishers	Elbert H. Baker, Chairman, Forest Conservation Committee S. P. Weston, Committee Member
American Paper and Pulp Association	George W. Sisson, Jr., President D. A. Crocker, Forest Reservation Comm. W.CE. Haskell " " " R. S. Kellogg " " " C. H. Worcester " " "
Association of Wood-using Industries	John Foley
U. S. Chamber of Commerce	E. W. McCullough
Nat'l. Lumber Manufacturers Assoc.	George S. Long, Chairman, Forestry Committee

Organization	Representatives
Western Forestry and Conservation Association	E. T. Allen, Forester
National Wholesale Lumber Dealers Association	E. F. Perry, Secretary
U. S. Forest Service	William B. Greeley, Forester

The minutes of the meeting reported a thorough and harmonious discussion followed by unanimous agreement that national legislation to establish an adequate National Forest Policy should embrace the following essential points:

1. Authorization for the Secretary of Agriculture, after consulting appropriate local agencies, to approve an adequate policy for each State, covering the essentials of fire protection on timbered and restocking lands, reforestation of denuded lands, and, where and to the extent necessary, the cutting and removing of timber crops so as to promote continuous production of timber on lands chiefly suitable therefor, and authority for the Secretary to cooperate with the State in the work required, provided there is also satisfactory local compliance in State legislation or administrative practice. Chief, although not entire emphasis for the time being, should be on fire prevention as the most important single step, and not less than a million dollars annually for such cooperation with States.

2. A survey to obtain necessary information as to forest resources, forest production, and forest requirements of the Nation.

3. Provision for studies and experiments in forest reproduction methods, wood utilization, timber tests, wood preservation, development of by-products, and other steps to bring about the most effective use of the Nation's forest resources.

4. Provision for a study of forest taxation, to assist States in devising tax laws which would encourage the conservation and growing of timber. Also of methods of insuring against forest losses by fire.

5. Provision for more rapid replanting of the vast areas of denuded lands within the National Forests.

6. Appropriation of 10 million dollars a year for 5 years for the purchase of lands which should be added to the National Forest system, whether or not on the headwaters of the navigable streams.

7. Authority to acquire forest lands by exchanges of land or timber when clearly in the public interest.

8. Authority to add to National Forests lands now in other forms of Government ownership which are chiefly suitable for permanent forest production.

At this meeting or soon afterwards representatives of the forest industries formed the National Forestry Program Committee to further the proposed program. The committee was R. S. Kellogg, Secretary of the News Print Bureau, and its Secretary was Warren B. Bullock of APPA.

Other members were:

E. T. Allen	Western Forestry and Conservation Association
Philip W. Ayres	Society for Protection of New Hampshire Forests
Elbert H. Baker	American Newspaper Publishers Association
Wilson Compton	National Lumber Manufacturers Association
Hugh B. Baker	American Paper and Pulp Association
John Foley	Association of Wood-using Industries
P. S. Risdale	American Forestry Association
J. Randall Williams	National Wholesale Lumber Dealers Association

This committee, and especially its chairman, did its job well and was instrumental in promoting Federal forestry legislation up to and including passage of the Clarke-McNary Act.

The primary interest of the forest industries was in obtaining more Federal funds for fire control, the forest survey, research in forestry, and other forestry measures which did not involve public controls over private timber cutting operations. On December 9, 1920, the National Forestry Program Committee held a meeting in Washington, D.C., at which it was decided to ask the Chamber of Commerce of the United States to take a referendum of its members for the endorsement of the committee's legislative proposals for a national forest policy, an important element of which was better fire control. All members of the committee were present at this meeting and E. A. Sherman represented the Forest Service. The Chamber of Commerce later complied in part with this request and submitted to its membership a program which its own National Forestry Policy Committee had endorsed and which was essentially similar to that of the NFPC. David L. Goodwillie of the National Lumber Manufacturers Association was chairman of this committee and Hugh B. Baker of American Paper and Pulp Association was its vice chairman. Both individuals were forceful advocates for a national forestry policy of the Federal-State cooperative pattern.

The Snell Bill, H. R. 15327 (66th Congress, 3rd Session)

On December 22, 1920, Congressman Bertrand H. Snell (N.Y.) introduced Bill H.R. 15327. This proposed legislation put in legal form the program advocated by the U. S. Forest Service and endorsed by the National Forestry Program Committee of forest industries. The essential features of the Bill were based on cooperative effort between the Federal and State Governments and the private timber landowners. Section 1 and 2 provided for protection and renewal of forests on non-Federal lands, as follows:

> A Bill to provide through cooperation between the Federal Government, the States, and owners of timberlands for adequate protection against forest fires, for reforestation of denuded lands, for obtaining essential information in regard to timber and timberlands, for extension of the National Forests, and for other purposes, all essential to continuous forest production on lands entirely suitable therefor.
>
> Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that the Secretary of Agriculture, through the Forest Service, is hereby authorized and directed, in cooperation with appropriate officials of the various States or other suitable agencies, to recommend for each forest region of the United States the essential requirements in protecting timbered and cutover lands from fire, in reforesting denuded lands, and, where and to the extent necessary, in the cutting and removing of timber crops by such methods as will promote continuous production of timber on lands chiefly suitable therefor; and the Secretary of Agriculture is further authorized on such conditions as he may determine to be fair and reasonable in each State to cooperate with the various States and through them with private and other agencies within the States in bringing into effect such essential requirements favorable for forest protection and renewal with a view to furnishing a continuous supply of timber for the use and necessities of the people of the United States.
>
> Sec. 2. That in no case other than for preliminary investigations shall the amount expended by the Federal Government in any State during any fiscal year under the foregoing section exceed the amount expended by the State for the same purposes during the same fiscal year, including the expenditures of forest owners required by State law, and the Secretary of Agriculture is authorized to withhold cooperation, in whole or in part, from States which do not comply in legislation or in administration practice with such requirements as shall be established in accordance with section 1 of this Act. In the cooperation extended to the several States, due consideration shall be given to the protection of the watersheds of navigable streams, but such cooperation may, in the discretion of the Secretary of Agriculture, be extended to any forest lands within the cooperating States.

Section 3. Authorize a survey of forest resources and timber requirements of the Nation.

Section 4. Appropriate $2,000,000 yearly for 5 years to carry out Sections 1, 2, and 3, of which not less than $1 million must be for forest protection.

Section 5. Appropriate $1 million yearly for 5 years for forest research and investigations in wood utilization, including a study of forest taxation.

Section 6. Appropriate $1 million yearly for 5 years for reforestation of denuded lands in National Forests.

Section 7. Appropriate $10 million yearly for 5 years for acquiring additional land for National Forests.

Section 8. Define procedure for acquiring land for National Forests.

Section 9. Authorize acquisition of similar lands by exchange of land or timber, when clearly in the public interest.

Section 10-12. Provide for classification of public lands, valuable chiefly for timber production or watershed protection, appropriate $250,000 annually for 5 years, and provide procedure for this purpose.

The House Committee on Agriculture held public hearings on January 26, and 27, 1921, on the Snell Bill. Congressman Gilbert N. Haugen (Ia.) who had long been a member of the committee had become its chairman with the opening of the 66th Congress in 1919.

Congressman Snell in explaining his bill to the committee said in part:

> For more than 20 years the people of this Country have been realizing that one of our greatest sources of national wealth -- the Nation's forest -- were fast disappearing, but not until the last few years, when the beginning of the end appeared in sight, have we entirely wakened up and all agreed that something definite must be done in the way of improved lumbering operations, better forest management and reforestation if we are going to perpetuate an adequate timber supply for the future needs of the country . . . I want you to know the people who are back of this bill and fully endorse its main provisions include the U. S. Forest Service; nearly all State forestry departments; the National Lumber Manufacturers Association; the American Paper and Pulp Association; the National Wholesale Lumber Dealers Association; the Association of Wood-Using Industries; the American Forestry Association; and the American Newspaper Publishers Association.

This group comprises landowners, manufacturers, consumers, and public forest authorities from every part of the U.S. This is the first time in the history of forest legislation that representatives of all these groups have gotten together and unanimously asked Congress for consideration of a forestry measure.

Those who personally appeared before the committee and supported the Bill were:

Col. W. B. Greeley, Chief, U. S. Forest Service
Alfred Gaskill, State Forester of New Jersey
E. T. Allen, Western Forestry and Conservation Association and National Lumber Manufacturers Association
R. S. Kellogg, Chairman, the National Forestry Program Committee
Henry S. Graves, Consulting Forester (former Chief, U. S. Forest Service)
Philip W. Ayres, Society for Protection of New Hampshire Forests.

Written endorsements of the bill were filed with the Committee in behalf of:

Elbert H. Baker, American News paper Publishers Association
David L. Goodwillie, Union League Club of Chicago, National Association of Box Manufacturers, and Michigan Manufacturers Association
George W. Sisson, American Paper and Pulp Association
Charles Lathrop Pack, President, American Forestry Association
J. Randall Williams, Jr., National Wholesale Lumber Dealers Association
William L. Hall, Consulting Forester of Chicago, Illinois (with U. S. Forest Service from 1911 to 1918)
Edward E. Parsonage, President, Association of Wood Using Industries.

Greeley in explaining the purposes of the Bill pointed out that the first step to a continuous supply of timber is adequate control of forest fires. He said in part:

"The largest and most important field for cooperation in all States containing extensive forest areas is in the prevention of forest fires. In this regard, the proposed bill is an expansion of the work done by the Forest Service in cooperation with States on the watersheds of navigable streams since the enactment of the Weeks Law in 1911; and our experience in this work gives us a basis on which to gauge the success of the larger cooperative policy now proposed.

"Thirty-nine States in the Union contain approximately 325 million acres of timbered and cutover lands in State and private ownership, requiring protection from fire. This is the first step to a continuous supply of timber . . . Effective protection of these 325 million acres of forest land lies at the bottom of any national reforestation policy. Once this vast area of land is really protected from forest fires, three-fourths of our timber supply problem is solved.

"The cost of protecting these forest lands from fire, as reported by 26 States, averages 2-12¢ per acre. A forest protection budget for the United States excluding the Federal holdings would thus aggregate $8,125,000 a year. As against that requirement the sums regularly available aggregate $1,885,000, of which State and county appropriations represent $1,060,000 private expenditures $700,000 and the Federal appropriation but $125,000. In other words, only about 25 percent of the necessary task of protecting our forest lands from fire is being done in the U. S. today. We are short 75 percent of efficient nationwide forest fire prevention. It is both reasonable and necessary that the National Government take the lead in making good this deficit. In view of the vital national interest in an assured supply of timber for the future, an expenditure of one million ($1,000,000) dollars a year for the prevention of forest fires, or 12 percent of the total cost, is a ridiculously small item. The cost of forest protection should be shared by the public and the private owner.

"I am satisfied that a policy of cooperation represents the most effective way by which the Federal Government can bring about the growing of timber on private forest lands . . . after careful study of the whole subject for several years, with discussions embracing practically every region and group of people interested in timber production, and after the experience of the Forest Service in cooperation with States for nine years. I am satisfied that the first two sections of the bill now before this committee, supported by the appropriation carried in the 4th section, represent the most effective step that the National Government can take to secure the growing of timber on the private forest lands of the country."

Graves in his testimony stated in part:

"I am chiefly interested in this measure because it is in line with the policy for meeting the forest situation in this country which I myself proposed during my service as Chief Forester. In the winter of 1918 I set forth in various public speeches and in published pamphlets what I believed to be a very urgent situation in this country resulting from the continued destruction of our forests and I proposed certain principles which seemed to me should underlie an adequate national Forest policy. I propose we should take this matter up primarily from the standpoint of land utilization. Our forests cover over one-fourth of the area of the country, and the manner in which these forests are handled, whether they are to be made productive or turned into wastes, is a matter of very great public concern. I did not introduce into this question of the forest policy the questions of any public control over the lumber industry or the distribution of lumber. I confined the policy purely to the question of maintaining the production of forests. My idea was to go back to the raw resources and find a way to insure the production of timber on the land which is best suited for that purpose, to keep such land productive in order to provide forest products for the needs of our people, to protect our watersheds, and in other ways to meet the very vital public interests in forests."

Among the more active agencies working for the Snell Bill were the National Forestry Program Committee, sparked by its Chairman, R. S. Kellogg and its Secretary, W. B. Bullock; the Forestry Committee of the National Lumber Manufacturers Association, headed by Wilson Compton; the American Forestry Association; and the Chamber of Commerce of the United States, mainly through the efforts of D. L. Goodwillie, Chairman of its Forestry Committee. Among other organizations which supported the Snell Bill and were more or less active in the campaign to further it were the Union League Club of Chicago, the Federations of Women's Clubs, and the Daughters of the American Revolution.

Although the organized forest industries generally endorsed and supported the Snell Bill, not all timberland owners and operators approved the measure. Charles S. Keith of the National Forestry Policy Committee of the U. S. Chamber of Commerce, and a large and influential timberland owner, was one of its outspoken critics. He represented a relatively small group of individual lumbermen who felt that the authority which the Snell Bill would confer on the Secretary was too broad and indefinite and might be used to regulate private industry unduly. On the other hand there were others, chiefly foresters and some Congressman, who believed that the Secretary's authority under the bill was insufficient to meet the needs adequately.

The two forestry bills before the Congress at the time (Capper and Snell) differed widely in their approach to the maintenance of the productivity of private timberlands. There was thus little chance of resolvement. Furthermore, some of the best-known foresters were so far apart in their viewpoints as to the best solution to the forest problem that it could hardly be expected that the congressional committees would agree on either bill. Consequently, the 66th Congress ended with the forest bills still in their respective committees.

Snell Bill, H.R. 129, 67th Congress

On the opening day of the 67th Congress April 11, 1921, Congressman Snell reintroduced his bill (H.R. 129) in the House. In all essentials the new bill was the same as H.R. 15327 of the preceding Congress.

At the time no proposed legislation comparable to the Snell Bill had been placed before the Senate. Senator I. L. Lenroot (Ill.) had been approached by Congressman Snell, R. S. Kellogg, and others with the idea of persuading him to introduce a companion bill in the Senate. The Senator said that although he favored the objectives of the Snell Bill he did not at the time want to sponsor a similar proposal in the Senate chiefly because it involved large Federal appropriations -- $14 million for F.Y. 1921 -- and this did not square with his position for economy in Government expenditures. Furthermore, he stated that the present working of section 1 and 2 of the Snell Bill was too vague and indefinite. He believed that before the Secretary should be authorized to spend large sums of Federal money there should

be greater assurance that the States would impose reasonable restrictions on the cutting of timber on private holdings. He made concrete suggestions as to how these two sections should be revised.

Capper Bill, S. 1435, 67th Congress

This bill was introduced in the Senate on May 2, 1921 by Senator Capper.

The fire control section of the bill "authorized and directed the Secretary to recommend for each forest region of the United States the essential requirements in protecting timber and cut-over lands from fire "and" on such conditions as he may determine to be fair and reasonable in each State to cooperate with the States, and through them with private or other agencies, in forest protection." It further directed the Secretary "to withhold cooperation from States which do not comply in legislation and in administrative practice with such recommendations as shall be made in accordance with this section."

Other sections of the bill dealt with the mechanics for carrying out its regulatory provisions including a fine of not to exceed $5,000 or imprisonment for not more than 1 year or by both such fine and imprisonment in the discretion of the court for willful refusal to pay or truly account for and pay any taxes imposed by the bill. Except for fire control the provisions of the bill concerned merchantable timber only, which reflected Pinchot's ideas as to what constituted the major forest problem of the country. It did not cover other important needs, such as reforesting denuded lands, forest research, a survey of timber resources, and acquisition of lands for National Forest purposes -- all of which were included in the Snell Bill and some of which were embraced in the original Capper Bill.

Both before and after the elections in 1920 a number of influential proponents of the Snell Bill contacted President Harding in an effort to enlist his support for the measure. He publicly expressed his agreement with its objective and in general with its provisions.

Hearings on Snell Bill, H.R. 129, 67th Congress, 2nd Session

An effort to have congressional hearings held on the Snell and McCormick Bills prior to the adjournment of the first session of the 67th Congress, in the early summer of 1921, failed, so the matter was carried over to the second session. On January 9-12, 1922, the House Committee on Agriculture held public hearings on the new Snell Bill, H.R. 129. Gilbert N. Haugen (Ia.) was chairman. Other members of the committee who took an active part in the hearings were:

James C. McLaughlin (Mich.)
Melvin O. McLaughlin (Nebr.)
James B. Aswell (La.)
Davis H. Kincheloe (Ky.)
Fred S. Purnell (Ind.)
Edward Voigt (Wis.)
John D. Clarke (N.Y.)
Peter G. Teneyck (N.Y.)
J. N. Tincher (Kan.)
John W. Rainey (Ill.)
Marvin Jones (Tex.)

The testimony in the main was a repetition of the hearings on the first Snell Bill of the year before. The proposed legislation was again strongly supported by the Forest Service, forestry associations, and most of the organized forest industries. The contrary viewpoint was confined chiefly to Gifford Pinchot.

Congressman Snell and U. S. Forester Greeley gave most of the testimony in explanation and in support of the bill. Others who personally testified for the measure were:

George S. Long, representing National Lumber Manufacturers Association
Alfred Gaskill, State Forrster of New Jersey
Philip W. Ayres, Forester, Society for the Protection of the New Hampshire Forests
Ray E. Danaher, President, California White and Sugar Pine Manufacturers Association; member California State Board of Forestry
J. W. Toumey, Dean, Yale Forest School
Henry C. Campbell, Chairman, Western Forestry Association
William A. Babbitt, Chairman, Committee of Standardization, Association of Wood Using Industries; General Secretary of the National Association of Wood Turners
George W. Sisson, Jr., Timberland Owner and Paper Manufacturer, Pottsdam, New York
E. A. Sherman, Associate Forester, U. S. Forest Service
Elbert H. Baker, Publisher of the Cleveland Plain Dealer; representing American Newspaper Publishers Association
William L. Hall, Secretary, Central States Forestry League, representing the Union League Club of Chicago.
Huntington Taylor, General Manager, Edward Rutledge Timber Company; Secretary-Treasurer Coeur d'Alene Timber Protective Association, Idaho
Mr. Bennett, chief legal advisor for Park Falls (Wis.) Lumber Company and Edward Hines Yellow Pine Trustees, Mississippi; also Virginia and Rainey Lake Company, Minnesota
Charles Lathrop Pack, President, American Forestry Association
Joseph Hyde Pratt, Director, North Carolina Geological and Economic Survey
Henry S. Graves, Consulting Forester, Washington, D.C. (qualified approval - opposed present wording of Sections 1 and 2 and offered substitute phraseology)
John H. Kirby, President, NLMA, Houston, Texas (qualified support -- as being the lesser of two evils, referring to the two bills then before Congress)
R. S. Kellogg, Chairman National Forestry Program Committee
E. T. Allen, Western Forestry and Conservation Association

There were written statements supporting the bill from:

Samuel T. Dana, Forest Commissioner of Maine
A. L. Osborn, Northern Hemlock and Hardwood Manufacturing Association
C. M. Taylor, President, American Wood Preservers Association
J. V. Norcross, Union League Club of Chicago

Except for the objection of H. S. Graves with respect to sections 1 and 2 of the bill the only person who opposed the measure was Gifford Pinchot. There were however several opposition statements filed with the committee from:

C. S. Barrett, President, National Farmers Union
Lewis F. Hart, Governor of Washington
F. E. Pape, Supervisor of Forestry, Washington

Because of the conflicting viewpoints, both in and outside of Congress, the committee understandably found it difficult to agree upon the form of national forestry policy it should approve.

Development

Interesting questions began to be raised concerning the requirements for Federal cooperation. Should Federal assistance be made contingent on the adoption by the States of a form of taxation which would not deter the growing of timber crops? Does the bill give the Secretary of Agriculture too much or not eenough control over State administration of fire control? Will it permit the Government to dominate State Forestry Departments? Does the bill go far enough to assure that the States would enact and endorse adequate laws governing cutting practices? Does it try to cover too much territory? If so, would it not be better to confine it to a few basic forestry measures, such as fire control, which are most urgently needed?

Both sides of these questions had outspoken champions. A number of suggested changes were advocated in meetings and through correspondence. Some additional items were suggested for inclusion, such as the forest survey and provision for reforestation of denuded lands in the National Forests. To meet opposition on grounds of economy it was suggested that some of the proposed appropriations might be reduced. It became clear that the first two sections of the Snell Bill attempted to cover too many different forestry measures in one package -- fire control, reforestation and cutting practices. As a result objection to one item or activity meant opposition to the whole section. As a remedy Greeley suggested to the House Committee that the proposals be segregated and each item be dealt with in a separate section. This would enable the committee to consider only such of the three activities as it then deemed appropriate. Accordingly, a proposed substitute for sections 1-4, inclusive, of the Snell Bill was furnished the committee on February 3, 1922: section 1 dealt exclusively with fire control, section 2 covered tree planting only, and sections 3 and 4 dealt with the regulation of timber cutting.

There was also developing a feeling that it would be impossible to obtain at the time all the forestry measures proposed in the bill and that it would be better to concentrate on a few fundamental items and let the more controversial proposals go until some later time. This thesis was first expressed in a letter of April 22, 1922, from the Secretary of

Agriculture Henry C. Wallace to Chairman George W. Norris of the Senate Committee on Agriculture and Forestry, in response to a request from him for a report on the Capper Bill. In this letter the Secretary said:

> "With regard to this bill (S. 1435) its objectives are undoubtedly desirable and have my hearty support. I do not undertake to discuss the matter of constitutionality. If the methods proposed by this measure are found to be in advance of what it may be possible to secure acceptance for at this time, then I hope that the committee will consider the prompt enactment of a partial program of reforestation covering the following features:
>
> (1) Extension of the Federal cooperation with the States in forest protection.
>
> (2) Initiation of Federal cooperation with the States in growing and distributing forest trees or tree seeds for planting.
>
> (3) Extension of the National Forests."

Under date of June 8, 1922, Secretary Wallace wrote President Harding, enclosing a copy of his letter to Senator Norris, stating:

> "I think it is quite evident that neither the Snell Bill nor the Capper Bill has much prospect of passage, but I believe that a program which includes the basic propositions (the three mentioned in the letter to Senator Norris plus an additional item for forest research) would receive quite general support, both from the people who are most urgent in the conservation and development of our forest resources, and from a very large percentage of private timber owners who in the past have resolutely opposed government activity in this direction, but more and more of whom are coming to see the need for it."

In an effort to resolve the differences of opinion which were blocking the adoption of any public forest program and, if possible, to find a common ground on which all advocates of such a policy could agree, Chairman Norris appointed in mid-July 1922 a subcommittee on forestry. It was reported that this action resulted from a conference between Congressman Snell -- considered the forestry expert of the House -- members of the House Agricultural Committee, Dr. Wilson Compton, Executive Secretary of the National Lumber Manufacturers Association, and several other forest industry representatives. Members of the sub-committee were:

G. N. Haugen (Ia.), Chairman
J. C. McLaughlin (Mich.)
John D. Clarke (N.Y.)
J. W. Rainey (Ill.)
Marvin Jones (Tex.)

It was, however, too close to the adjournment date for the Congress to take any further action during the 3rd Session of the 67th Congress.

As the 67th Congress opened its 4th Session in January of 1923 there were two forestry bills for the Senate Committee on Agriculture and Forestry to Consider -- the amended Capper Bill and the McCormick Bill, a companion to the Snell Bill then pending in the House.

On February 7, 1923, Congressman John D. Clarke (N.Y.) introduced Bill H.R. 14241 (67th Cong., 4th Sess.), an abbreviated form of the second Snell Bill on which hearings had been held the previous year. The main difference was in the elimination of provisions for a timber survey and for reforestation on National Forests. Also omitted was the former proposal for removing the Weeks Law limitation that purchases must be solely for improvement of navigation.

Charles L. McNary (Oreg.) had come to the U. S. Senate in 1917 and his keen interest in land and farming placed him in the Committee on Agriculture where he soon became its Chairman. He had become very much interested in all phases of forestry and throughout his 27 years of service his name became associated with all constructive forestry legislation. He and his committee were anxious to have Congress adopt a sound and feasible forest policy. However, the only proposals before it differed so widely in their approach that the committee felt that in order to act intelligently it must have more firsthand information on just what the major forest problems of the country were and how they could best be met nationally.

Senate Report 28, 68th Congress, First Session

In order to obtain the essential facts Senator McNary offered on January 22, 1923, and the Senate approved, Resolution 398:

> Resolved, That the President of the Senate appoint a committee to consist of five members of the Senate, three from the majority party and two from the minority party, to investigate problems relating to reforestation, with a view to establishing a comprehensive national policy for lands chiefly suited for timber production in order to insure a perpetual supply of timber for the use and necessities of citizens of the United States. The commendations to the Senate not later than April 4, 1924, for the purpose of this resolution, the committee is authorized to sit and act at such times during the sessions or recesses of the Sixty-seventh and Sixty-eighth Congresses and in such places within the United States, to hold such hearings, and to employ such clerical and stenographic assistants as it seems necessary. The committee is further authorized to send for persons, books, and papers, to administer oaths, and to take testimony. The expenses of the committee shall be paid from the contingent fund of the Senate.

Pursuant to this resolution a "Select Senate Committee on Reforestation" was promptly appointed, consisting of:

Charles L. McNary (Oreg.), Chairman
George H. Moses (N.H.)
James Couzens (Mich.)
Duncan V. Fletcher (Colo.)
Pat Harrison (Miss.)

The committee held hearings in every important forest region of the United States -- brass-tack discussions with lumbermen, farmers, State and Federal foresters, and forest educators. All together there were 24 hearings in 16 States and in the District of Columbia. In the words of the Chief Forester, "It was the first time Congress has taken off its coat and dug into the roots of the forest problem." Hearings were held during 1923 at: Washington, D.C., March 7 and 8; Jacksonville, Fla., March 20; Pensacola, Fla., March 21; Wiggins, Miss. March 22; Hattiesburg, Miss., March 22; Bogalusa, La., March 23; New Orleans, La., March 24-26; Washington, D.C., April 2-6; Bay City, Mich., May 8; Grand Rapids, Mich., May 9; Chicago, Ill., May 10; Madison, Wis., May 11; Cloquet, Mich. May 12; San Francisco, Calif., September 6; Portland, Oregon, September 8; Olympia, Wash., September 10; Seattle, Wash., September 12; Spokane, Wash., September 14; Missoula, Mont., September 17; Albany, N.Y., September 21; Boston, Mass., September 22; Bangor, Maine, September 27; Harrisburg, Pa., November 19; Washington D.C., November 22 and 23.

Forester Greeley accompanied the committee on most of its trips and participated actively in its meetings. At the Washington, D.C., hearings he furnished a large part of the testimony and it was plain that the committee had confidence in his statements and opinions. The committee also relied largely on E. T. Allen of the Western Forestry and Conservation Association for reflecting the viewpoints of private timberland owners. He testified at the New Orleans and Portland hearings and was requested by Senator McNary to come to Washington for the final hearings and "to discuss with the committee what he thought the Government could do to aid in the solution of the problem."

In reading the statements made before the committee at the various hearings one is impressed with the emphasis which was placed on the importance of protection from fire as the first basic forestry need.

The printed report of the hearings consists of 8 parts and covers 1447 pages. It is a veritable encyclopedia of forestry and related subjects. The 274 persons who testified before the committee would constitute "Who's Who" of forest landowners and operators; foresters in Federal, State and private employ and forestry educators. The roster included also a number of governors and many other high State officials.

The committee's final report, S. Report 28 (68th Cong., 1st Sess.) was published January 10, 1924. In its pages it summarized the forest situation and needs of the country by important forest regions and outlined its key recommendations for a national forestry program.

Conclusions of the Committee

"The immediate aim of the forest policy of the United States should be to increase as rapidly as possible the rate at which timber is produced on the land suited to this form of use. The committee believes that the main lines of attack in accomplishing this purpose should be:

"(1) To extend public forest ownership in areas where special public interest or responsibilities are involved, like the protection of navigable rivers; and also where the natural difficulties, costs, and hazards attending reforestation render it impracticable or remote as a private undertaking.

"(2) To remove the risks and handicaps from private timber growing as far as practicable, in order to give the greatest possible incentive to commercial reforestation.

In its recommendations for the "encouragement of private reforestation" the committee wrote, "While the proposals looking to the extension of public forest ownership are regarded as essential, the committee believes it is equally important to provide such forms of Federal aid as offer the greatest promise of reducing the handicaps and limitations upon the private growing of timber, with a view to giving commercial reforestation the greatest possible momentum.

"Foremost among such practicable forms of assistance is the extension of Federal aid in the protection of forested and cutover lands from fire. If the hazard of loss from this source can be reduced to an insurable risk, a large part of the forest problem of the United States will be solved. Not only will many owners of forest land be encouraged in the systematic use of their properties for the production of timber, on vast areas a new forest growth will be established, whatever the purpose or design of the owner, which ultimately will contiibute to the timber needs of the country.

"The limited cooperation thus far offered by the National Government to the States in the protection of forested lands on the watersheds of navigable streams has been exceedingly fruitful in extending the acreage receiving systematic protection and in enlisting both State and private interest and organized effort. It is impossible to define an exact proportion of the cost of protecting the private forest lands in the United States which may properly be borne by the Federal Government. It is the belief of the committee, however, that for the purposes of a national policy during the formative period while the commercial growing of timber is becoming established, it is equitable that national agencies contribute not over one-fourth of the cost, provided that the remaining funds needed are furnished by the cooperating States and the owners of forest land. To carry out such a policy would require a maximum authorization for annual expenditures of $2,500,000, with the current appropriations adjusted

in accord with the funds contributed by cooperating agencies and the practicability of adequate Federal supervision. An immediate appropriation of $1,000,000 annually will meet these requirements, with the anticipation that the Federal quota should be increased as the facilities for cooperation are extended.

"Cooperation in the protection of forest lands in private ownership should not be limited to the watersheds of navigable streams, as at present, but should be based upon the broad national requirement of promoting the growth of timber. It should be conditioned upon the appropriation by the cooperating States of sums not less than those advanced by the National Government, including the expenditures of private forest owners made in accordance with the requirements of State law or in pursuance of the forest-protection system of the State.

"The main purposes of this Federal participation are:

(1) To encourage the development of effective fire-protection organizations by all the States which contain important areas of forest land along lines which promote stability and effectiveness. This includes the fullest practicable participation of landowners in meeting the cost.

(2) To include in the protective work of the various States the large areas of cutover or denuded land which contain little or no material of merchantable value, and the incentive for protecting which on the part of private owners is small or wholly lacking, but whose protection is essential to the future needs of the country.

"In drafting legislation designed to accomplish these objectives it is not deemed advisable on account of the great diversity in the physical conditions bearing upon the protection of forest lands and in State legislation and methods of financing to impose specific limitations upon the discretion vested in the Federal administrative agency to which this work is entrusted. Consequently, the bill which has been framed by the committee provides simply for a recommendation by the Secretary of Agriculture of protective measures adapted to the forest conditions prevailing in the various States, with authority to cooperate with States which meet the fiscal requirements and whose protective organizations are found by the Secretary to accomplish substantially the purposes set forth in the law.

"Probably the second development of general importance in encouraging private production of timber is an adjustment of the methods of taxing forest-growing lands so as to avoid an undue burden of current taxation. Obviously, as to State and local taxation, such reforms can be effected only by State legislation. The subject is, however, of such wide importance in all of the forest regions of the United States and has such a universal bearing upon the success of a national policy which seeks to promote timber growth that the committee believes it should be covered by a comprehensive Federal investigation. The purpose of this study should be to disclose the present methods and practices

in the taxation of timber and forest growing land and their actual effect upon the use of land for the growth of timber. The investigation should be conducted, as far as practicable, in cooperation with the States and other suitable local agencies; and the Federal representatives should be authorized to collaborate with the States in devising tax legislation adapted to particular situations which will give reasonable encouragement to reforestation.

"Immediate results from a project of this nature can not be anticipated but in the long run it should prove an important factor in eliminating obstacles which now stand in the way of private timber growing. Reforms in forest taxation can only be brought about by an extended process of public education, first, as to the present facts and their effect upon timber growth and, second, as to equitable means of modifying the existing conditions. The importance of the subject is so great that the Federal Government may wisely take the lead in an inquiry of this nature.

"Large areas of denuded land in the United States will have to be planted with forest trees before a valuable growth of timber can be reestablished. To the extent that this can be brought about through the self-interest of landowners, the purchase of such land by public agencies, which otherwise might ultimately be compelled, can be avoided. There are many millions of acres within farm holdings whose planting with forest trees will not only enhance the opportunities for profitable farm enterprises but, in the long run, supply a substantial part of the national timber requirements. Forest planting in the United States is now curtailed by the scarcity of planting stock available at a cost sufficiently low to justify its use on an extended scale. The committee advocates meeting this situation by authorizing the Department of Agriculture to cooperate with the States, under such conditions as are deemed equitable and wise, in procuring, growing, and distributing forest planting material. The effect of this provision should be to materially increase the extent to which land now idle is profitably employed in the production of timber.

"The committee also advocates a provision which will enable the Department of Agriculture to cooperate with the States in educational activities which seek to encourage the growing of timber by farmers and other owners of suitable land. In many parts of the United States where timber growing is profitable it is not nearly as extensive as it should be because of ignorance on the part of landowners. This applies with special force to the 150,000,000 acres of farm woodlands in the United States, many of which can be made much more productive through the employment of intensive methods of forest culture.

"In order to bring timber growing about in the United States on a general scale there is need for an educational drive similar to that which has proven so effective in agriculture and livestock production. The Federal Government may wisely take the initiative, as in the extension work in agriculture, by cooperating with the States in educational and demonstration work in the practice of forestry by farmers and other owners of suitable land.

"A bill has been drafted by the committee and heretofore introduced, known as S. 1182, which covers the proposals enumerated for the encouragement of timber growing by private agencies and for the extension of National Forests. The bill contains authority for current appropriations to a total of $2,700,000. Of this amount, $2,500,000 constitutes the maximum authorization for appropriations enabling the Secretary of Agriculture to cooperate with the States in the protection of forest lands from fire. In the judgment of the Committee, the current appropriation for this purpose under section 2 of the Weeks Law should be increased from $400,000 to $1,000,000, with the expectation that subsequent appropriations will be increased in amount, up to the maximum indicated, as the opportunities for cooperation are extended. Authorizations are provided of $100,000 for cooperation with States in the procurement and distribution of forest planting material and of $100,000 for cooperation with the States in educational work to promote timber growth. Both of these authorizations should, in the judgment of the the committee, be taken up by immediate annual appropriation.

"The committee favors liberal provisions by the Federal Government for the study of destructive forest insects and tree diseases and for aiding State and other local agencies in the control of dangerous or threatened outbreaks of these pests. It also favors liberal Federal appropriations for research to promote the growth of timber and economy in its use. Appropriations providing for these subjects are now made currently in the supply bills. There appears to be no need for additional legislation or specific authorizations for such activities.

"In the same manner appropriations are now made currently in the supply bills for the purchase of forest lands under the terms of the Weeks Law; and there appears to be ample legislative authority for any appropriations for this purpose which the Congress may deem wise from time to time. Consequently, no legislative proposal is offered in relation to the purchase of forest land by the National Government other than a modification of the basic law which is regarded as desirable to permit needed expansion in the kinds of land that may be acquired. It is the judgment of the committee, however, that not less than $3,000,000 should be provided annually for such purchases."

Development of the Clarke-McNary Act

Bill S. 1182, referred to by the Select Senate Committee, was introduced in the Senate by Senator McNary on December 15, 1923. It was similar in many of its provisions to the second Snell Bill and the initial Clarke Bill of the previous Congress. Where variations occurred they reflected the comprehensive study of the forestry situation by the

Senate Select Committee on Reforestation. The first two sections of the McNary Bill, like the two former bills mentioned, provided for expansion of cooperation between the Federal Government and the States in protection from forest fires. These sections dealt solely with fire control and did not enter the controversial field of public control of timber harvesting which was included in the corresponding portions of the Snell Bill. Protection of forests and water resources was mentioned as an objective as well as the continoous production of timber. Section 2 defined more definitely the prerequisites for cooperation with the States in fire control:

(a) That the Secretary must first have found that the system and practice of forest fire prevention and suppression provided by any State substantially promotes the objects mentioned in Section 1, namely, the protection of forests and water resources and the continuous production of timber on lands chiefly suitable therefor.

(b) The maximum expenditure by the Federal Government, other than for preliminary investigations, must not exceed the amount expended by the State for the ame purpose during the same fiscal year, and

(c) In computing the State expenditures, those of forest owners or operators which are required by State law or which are made in pursuance of the forest protection system of the State may be included if that system is under State supervision and if the State renders a satisfactory accounting for its expenditures.

Section 3 authorized the use of a part of the $2,500,000 to be appropriated annually for cooperation with the States to study the effects of local tax laws, methods, and practices upon forest perpetuation, to cooperate with the States or other suitable agencies in devising tax laws designed to encourage the conservation and growing of timber and to investigate and promote practical methods of insuring standing timber against losses by fire and other causes.

Similar language was carried in the Clarke Bill, but it contained a stipulation that the Secretary would be authorized to withhold cooperation in fire control in whole or in part from States whose prevailing tax laws, methods, or practices prevent or retard the growing of timber. The omission of this restriction in S. 1182 removed what might well have proved to be an undesirable barrier to cooperation in controlling fires pending action by a State to change its tax laws. The Snell Bill authorized taxation studies and insurance investigations as specific research projects but did not correlate them with cooperation in controlling fires. Section 4 of the McNary Bill provided for cooperation with the States in the distribution of forest planting stock to private owners "under such conditions and requirements as the Secretary may prescribe" and authorized an appropriation of $100,000 annually for that purpose. Again it eliminated the corresponding provision of the Clarke Bill which authorized the Secretary "to withhold cooperation from

any State which does not comply in legislation or in administrative practice with such conditions and requirements as he shall prescribe." The Snell Bill did not include any provision for cooperation in growing young forest trees. Section 5 of the McNary Bill provided for cooperation with the States or other suitable agencies, public or private, in assisting private owners in the management of their forest lands. It was similar to the corresponding section of the first Clarke Bill except that the authorization was broadened to cover large holdings of forest lands as well as farm woodlands. The authorization of $100,000 annually was the same for both bills. The Snell Bill contained no corresponding provisions.

Section 6 of the McNary Bill modified the Weeks Law to permit Federal purchase of lands for the production of timber but made no authorization since appropriations for land purchases were by that time carried in the annual supply bills under a general authorization. The pending Clarke Bill included authorization for an annual appropriation of $2 million for continuing land purchases under the existing Weeks Law navigation limitation. The Snell Bill authorized appropriations for continuing land purchases to a total of $50 million and went even further than the McNary Bill by authorizing Federal acquisition of forest land in any part of the continental United States -- not limited to watersheds of navigable streams. Because there still were some constitutional doubts concerning the unlimited authority for Federal acquisition of forest lands the amendment to the Weeks Law proposed in section 6 of S. 1182 retained the limitation with respect to watersheds of navigable streams. In other words, where the first Clarke Bill would have authorized the pruchase of lands chiefly suitable for forest production wherever located, the McNary Bill would still limit the purchase of forest lands to watersheds of navigable streams and then only if it was determined that the control of such lands by the Federal Government would promote or protect the navigation of streams or promote the production of timber thereon. In both bills the facts necessary to such determination were to be ascertained by the Secretary of Agriculture.

Section 7 of the McNary Bill had not appeared in any general forestry bill heretofore. It authorized the Secretary to accept donations of lands chiefly valuable for the growing of timber where they are so located as to be economically administered as National Forest lands.

Section 8 of the same bill authorized the President to add public lands to existing National Forests. Corresponding language did not appear in the Clarke Bill but was included in the Snell Bill with some modifications.

Section 9 of the McNary Bill authorized the President to establish as National Forests or parts thereof, any lands within the boundaries of Government reservations other than National Parks, National Monuments and Indian Reservations, which in the opinion of the Secretary

of the Department now administering the area and the Secretary of Agriculture, are suitable for the production of timber. The substance of this section did not appear in the Clarke Bill but somewhat similar language was included in section 11 of the Snell Bill.

The McNary Bill did not include a provision for forest research, as did the Clarke and Snell Bills, since this work was being conducted under the authority of existing law and provision for it was made in the current supply bills. Consequently, new authority to conduct it was considered to be unnecessary.

Representative Clarke had taken an active part in several of the hearings of the Senate Select Committee and he had been consulted in the preparation of the Committee's report. He revised the bill he had introduced in 1923 to conform to the McNary Bill and introduced it in the House on February 7, 1924, (H.R. 4830 - 68th Cong., 1st Sess.).

The House Committee on Agriculture held public hearings on the revised Clarke Bill on March 25-27, 1924. Gilbert N. Haugen (Ia.) was chairman. Other active members of the committee were:

John D. Clarke (N.Y.)
James B. Aswell (La.)
J. N. Tincher (Kan.)
David H. Kincheloe (Ky.)
George W. Johnson (W.Va.)
John C. Ketcham (Mich.)
John McSweeney (Ohio)
Thomas L. Rubey (Mo.)
Fred S. Purnell (Ind.)
Edward Voight (Wis.)

On March 25 and 26 arguments for the bill were made by:

Congressman Clarke
R. S. Kellogg, Chairman, The National Forestry Committee
George D. Pratt, Conservation Commission, New York
Philip W. Ayres, Society for the Protection of New Hampshire Forests
Harris A. Reynolds, Secretary, Massachusetts Forestry Association
Major Gardner S. Williams, Vice-President, Federated Engineering Society, Ann Arbor, Michigan
John S. Holmes, State Forester of North Carolina
Hon. Henry C. Wallace, Secretary of Agriculture
Hon. Willis C. Hawley, Congressman (Oreg.)

Written Statements in favor of the bill were submitted to the Committee from:

The Boston Chamber of Commerce
The Pittsburgh Flood Commission and the Merchants Association of Pittsburgh
Charles L. Pack, President, Anerican Tree Association

Wilson Compton, Secretary Manager, NLMA
Chamber of Commerce of U. S.
Warren B. Bullock, representing American Paper and Pulp Association
J. R. Bibbins, American Society of Mechanical Engineers, Washington, D.C.

Congressman Clarke in explaining his bill stated that sections 1, 2 and 3 are based on the assumption of the fullest cooperation, not alone with State agencies, but with private owners as well. He added

> that section 6 authorizes the Secretary, subject to the national reforestation committee to take over cutover or denuded lands within the watersheds of navigable streams whose acquisition is necessary for the regulation of the flow of navigable streams or for the production of timber. It simply enlarges the power under the Weeks Act. You have got to keep Federal acquisition of lands within the constitutional authority under the Weeks Act. This bill contemplates giving such added power as we can, and that has been very carefully considered by the Solicitor in the Forest Service.

Secretary Wallace told the committee:

> This bill modifies the Weeks Law so that forest lands may be acquired not only on the headwaters of navigable streams where a forest cover exerts a clearly demonstrable benefit upon navigability but also on their lower reaches where the restoration of productive forests is extremely urgent in meeting the general situation. I favor a policy under which key areas, or areas adequate to afford an effective demonstration, can be acquired by the Federal Government, made National Forests and restored to timber growth by such measures as may be needed, including forest planting on a large scale. Since all of these areas will be chosen on the headwaters of navigable streams, and since the flow of navigable rivers will undoubtedly be benefitted by such a program, no question appears to be raised as to the constitutional ground for this proposal . . . By a letter dated February 12, 1924, addressed to the Chairman of the Senate Committee on Agriculture and Forestry I expressed my approval of Senate Bill 1182 which is the same as House Bill 4830. In my judgment the bill does not necessarily cover all the matters that ultimately may be desirable features of our National Forest policy. It does not attempt to settle the controversial question as to what extent public authority should control the methods of cutting timber in private ownership with a view to assuring reforestation. I believe that sooner or later that question must be dealt with; but since we doubtless must acquire more experience in forestry practice and much more fully developed public opinion on this subject before legislation dealing with it can wisely be attempted, I am in agreement with the purpose

> of this bill, which provides for the most obvious and urgent steps which are needed and regarding which public opinion is practically unanimous . . . I do not want to take up any more of your time. I want to just say in brief that I am thoroughly committed to this bill. While it doesn't go as far as we would like to have it, while it does not go as far as I would go if I had authority, in regard to controlling private lumbering, yet it goes perhaps as far as practical at the present time, and if you can get favorable action by Congress I think it will be the biggest step that has ever been made toward the solving of these forests and lumber problems. I hope in time there will be Government control of lumbering methods on privately owned land.

Kellogg stated:

> There is nothing new or revolutionary or untried proposed in this new legislation. It is entirely the logical outcome of 50 years' work to establish somewhere near an adequate National Forest policy for the United States. This long course of discussion and publications and hearings and addresses all over the United States that has been going on has clearly crystallized a practical, workable program and has clearly set up in the minds of people who have paid any attention to the subject that there are certain things that we absolutely have to do. The first step is effective fire prevention on both the public and privately owned forest lands of this country. It makes no difference who owns it. The first thing is fire prevention.

At this point Congressman Tincher asked whether the bill had been submitted to his friend, Gifford Pinchot. Mr. Clarke replied, "Yes, Mr. Pinchot approves it." Greeley added "that it does not go as far as Mr. Pinchot thinks we ought to go but he approves the bill as a partial step." A statement by Mr. Elbert H. Baker, Chairman of the Committee on Conservation of Natural Resources of the American Newspaper Publishers Association said in part:

> Our organization has continually advocated the policy of Federal leadership and cooperation with the States and timberland owners as the only practical and reasonable basis for the solution of the problem of a future timber supply. It is therefore with special gratification that we note the approval of this principle in the recent referendum of the Chamber of Commerce of the U.S., the reaching of the same conclusion by the McNary Committee of the Senate, and the proposed application of this principle in the Clarke Bill. We earnestly urge you to make an early and favorable report on this bill and that you press for its enactment during the present session of Congress.

Ayres said in part:

> I think there is no opposition in New England to this bill. Among the lumbermen, among the manufacturers, among the foresters, and among the commercial organizations it is generally and altogether approved.

Mr. Pack in his written statement said:

> The American Tree Association with a membership of 80,000 throughout the United States is active in support of the Clarke Bill. It represented the sentiment of a body of citizens aroused to the vital need of conserving our natural resources in general.
>
> The select committee of the Senate, with which Congressman Clarke collaborated to a valuable extent, did a great work. It presented to Congress a report which shows unmistakably that we are using our forest assets far faster than we are building them up, that we are allowing more than 80 million acres of natural forest land to exist as a liability economically; that fires are exacting an enormous annual toll; that consideration must be given to encouraging timber growing by revision of taxation as applied to forest areas; that research in wood utilization and other phases of forestry is essential.
>
> . . . The contemplated extension of forest fire protection in the Clarke Bill is perhaps its most important feature . . . Public sentiment is aroused in support of the forestry movement. Progress has been made by the Federal Government and the majority of our States.

The last day of the House Committee hearings, March 27, 1924, was wholly taken up by the testimony of Chief Forester Greeley who explained in detail the provisions of the Clarke Bill and why the Federal Forest Service strongly endorsed the measure as meeting the first and most urgent needs in a National Forestry program. He outlined the favorable results accomplished to date under the existing Weeks Law but stressed the point that cooperation in fire control had necessarily been too limited by the wording of that act. Greeley emphasized the need, which the Clarke Bill recognized, for extending cooperation in fire protection to the large areas of forest land not located on the watersheds of navigable streams. He had especially in mind extensive cutover areas in the Southern States and in the Lake States. Asked whether there was any question as to the authority of Congress to go outside of the headwaters of navigable streams Greeley replied:

> I think not. I see no distinction between appropriations by the Federal Government to cooperate with the States in promoting the growth of timber and appropriations to cooperate

> with the States in promoting the growth of farm crops. . . The authority of Congress to enter many of these fields has been sustained by the Supreme Court over and over again.

The Chief Forester pointed out the important differences between the provisions of the Clarke Bill and the existing system under the Weeks Law. With reference to State and local matching funds he remarked:

> It is our belief that we should not attempt by law to prescribe the exact method that any particular State shall choose to follow in providing the funds for Federal cooperation. Each State wishes to do it in its own way . . . but we do feel that any expenditures on the part of forest owners which are required by State law, which are under State supervision, and for which a State renders a satisfactory accounting, should be included in the cooperative budget. The policy of the Forest Service from the outset has been to encourage State legislation under which the forest owners of the State are required to contribute to the cost of protection. In order to encourage that, we believe that where States enact such laws and the funds are forthcoming from the private owners under laws of the State's quota under the cooperative budget.

In answer to a question as to the propriety of using Federal funds for helping to protect valuable merchantable timber, Greeley said:

> We have in the United States about 370 million acres of forest land in private ownership. Only 20 percent of that land still contains virgin forests. The rest is in various stages of cutover land, land that is totally denuded, land that contains more or less young timber, and some lands that contain second growth that is now approaching merchantable size. The big protection problem is the protection of this cutover land, this 80 percent of our privately owned forest area, mostly land which has little if any material on it of present commercial value but which should be producing timber for future requirements. Because the protection problem is so largely a problem of protecting the cutover land, on which the private owner must wait for a good many years before he can harvest anything of value, it is our judgment that Federal participation in meeting the cost of protection is not only necessary but entirely justified. In our agreements with the cooperating States we make it a uniform requirement that the protection system of the State, in consideration of Government assistance must cover the cutover forest lands of the State as effectively as it covers the standing timber. In the States of the Northwest where there are still large areas of valuable virgin timber we have insisted that in consideration of the Federal contribution to their protection systems, not less than the

> amount that the Federal Government contributes must be devoted to the protection of cutover lands in those States. We tell them it is their responsibility and the responsibility of the private owners to protect the valuable commercial stumpage, that the Federal Government is not going to contribute materially to the protection of that commercial stumpage, which would be equivalent to protecting a valuable building in a city, but that what the Federal Government is interested in primarily is the protection of these enormous areas of cut-over land where we have got to get a new crop, if we are going to have forest products in the future.
>
> We estimate that to protect the forest lands of the country in private ownership adequately would cost about $10 million a year, as compared with the $3 ¼ million which is now being spent for that purpose. We believe that in view of the enormous problem of protecting the cutover lands, which is a matter of very great public interest, it is reasonable as a policy that the Federal Government should stand ready to contribute ¼ of the total cost of adequate forest protection.

In this connection Congressman Kincheloe remarked:

> I am not in favor of a dollar of this Federal money going to protect from fire the assets of big corporations that own hundreds of thousands of acres of virgin timber, because I think they ought to protect their timber just as you have to protect your homes, by insurance.

Greeley, in reply to an inquiry whether the Secretary would have the right to make regulations over cutting practices a prerequisite for securing Federal cooperation, replied:

> Not under this bill... the question of regulatory methods of cutting have been left out of this bill. That is another story which should be taken up separately on its own merits. We should deal first with the problem of protection. My personal ideas are that we ought to provide reasonable requirements and regulations with regard to the methods of cutting but that question has created a great deal of controversy and because of the controversial phase of it I advised Mr. Clarke to keep it out of this bill in order that we might secure this obvious necessity of forest protection first and then take up the other one later.

Some members of the committee were afraid that under the current wording of section 5--providing for advice to woodland owners--all the funds might be used to give assistance to large timberland owners. After considerable discussion the concensus was to eliminate the phrase "lands suitable for timber production: so as to limit the benefits under this section to farmers.

The testimony presented at the hearing occupied the full session of the committee and there was no opportunity for the members to take up the bill in executive session.

On March 28 and 29, 1924, the Senate Committee on Agriculture and Forestry held hearings on the McNary Bill (S. 1182). Chairman of the Committee was Senator Georg W. Norris (Nebr.). Other committee members who took an active part in these hearings were:

Charles L. McNary (Oreg.)
Arthur Capper (Kan.)
Samual M. Ralston (Ind.)
Ellison D. Smith (S.C.)
John B. Kendrick (Wyo.)
Joseph E. Ransdell (La.)
Magnus Johnson (Minn.)
Henry W. Keys (N.H.)

No testimony in actual opposition to the bill was presented. Forester Greeley, who, as before, carried the major share of the testimony, took the position that the McNary Bill covered the most obvious and urgent forestry steps, regarding which there was practically no controversy and no constitutional issue. He pointed out the substantial extent to which economic forces would, in his opinion, respond to the need for timber production, if the handicaps of fire hazard and tax burdens could be removed or alleviated. He expressed his belief in public regulation in principle but not in the form advocated by the adherents of the Capper Bill. In his words, "Public regulation must come slowly and gradually after the essentials of fire protection and tax adjustments are provided for." He apparently realized that a few members of the committee leaned toward the principles of the Capper Bill and consequently he urged the committee to report out the McNary Bill as it stood without blocking its enactment by injecting a very large and controversial question and one which would raise very serious constitutional objections. He apparently had in mind a recent ruling of the Supreme Court in the so-called Child Labor Law which it was generally believed would prohibit the Federal Government from imposing the type of excise taxes provided for in the Capper Bill. Greeley suggested that the committee deal with the two subjects separately, reporting out the McNary Bill immediately and then taking up the Capper Bill as they saw fit.

Gifford Pinchot, then Governor of Pennsylvania, painted a very strong picture of the necessity for immediate and positive action. On the premise that "half a cake is better than no cake at all" he said he would not oppose Bill S. 1182 as he had all former forestry bills of the same general type, but added "the McNary Bill is good as far as it goes but it does not get to the heart of the problem, which can only be solved by Federal regulation of timber cutting." He advocated the Capper Bill as a necessary supplement to the McNary

Bill. Pinchot did not specifically urge that the two bills be combined but stated very positively to the committee that the forest program (under the McNary Bill alone) would be but partial and largely ineffective unless the provisions of the Capper Bill were included. He contended that direct Federal action under the Capper Bill would be effective because its taxing provisions would make it economically unprofitable for lumbermen to go on with the devastation that was then in progress all over the United.States. He main concept was apparently based on the remaining stands of virgin timber. Asked whether there was any question about the right of the Government to impose the taxes contemplated in the Capper Bill, he stated that he had two legal briefs holding that the Government did have such power. These briefs were left with the committee. They were written by George W. Woodruff and Philip P. Wells, Attorney General and Deputy Attorney General of Pennsylvania,respectively. Both men were formerly law officers in the Department of Agriculture.

It was apparent that Pinchot's views were beginning to be shared by several members of the committee, among them Senators Norris (Nebr.) and Johnson (Minn.) and, of course Senator Capper (Kan.) who sponsored the bill.

Others who testified in favor of the McNary Bill were L. W. Wallace, Executive Secretary, American Engineering Council, Washington, D.C., and David T. Mason, Consulting Forest Engineer, Portland, Oregon.

The House Committee on Agriculture made a favorable report on the Clarke Bill on April 3, 1924 (H. Rept. No. 439, 68th Cong., 1st.Sess.) Several minor amendments in language of sections 4, 5, and 6 were offered. The most important one eliminated the words "or of lands suitable chiefly for timber production" in section 5, thus restricting cooperation in educational work to woodlots or reforestation projects in farm ownership. This elimination reflected the chairman's view that since the first three sections of the bill were designed primarily to aid large owners of commercial timberlands, the benefits of sections 4 and 5 should be primarily, or exclusively, to farmers. There was no serious opposition to other sections of the bill and most of the committee members were heartily in favor of the provisions of the bill.

On April 23, 1924, the Clarke Bill was called up in the House of Representatives for debate. Congressman Raker (Cal.) offered an amendment to provide for payment by the Government to the counties in lieu of taxation on lands purchased by the Government. Congressman Blanton (Tex.) concurred, but the chairman ruled that the proposed change was not germane to the bill. Congressman Snell, in supporting the bill, said:

> I have been interested in general reforestation legislation for the last 25 years . . . I believe I introduced in the House one of the first general measures introduced on this subject.

> My proposed bill was given extensive hearings by the Committee on Agriculture in the 66th and 67th Congresses.. . . While the present bill does not go quite as far as the bill I originally introduced, I think it embodies its main principles and I shall support the present bill, although it does not bear my name . . . I am sure that the bill as a whole is a start in the right direction.. . . It establishes a safe and sane forest policy for the United States and I hope it will be passed.

Congressman Kincheloe (Ky.) moved to amend section 4 by eliminating the word "forest" --the effect of which would limit cooperation in growing and distributing forest tree planting stock to lands in farms.* In support of his motion he stated:

> I am very much for the principle of this bill, but I do not want to see it weakened, and as it is section 4 would provide for the distribution of forest tree seeds and plants for the purpose of establishing forest, windbreaks, shelterbelts and farm woodlots. I do not think Congress should say that parties who own forest lands shall be furnished forest tree seeds and plants. I think it is highly important to enable the reforestation of windbreaks, shelterbelts and farm woodlots and it should be encouraged to the extent if necessary to give tree seeds and tree plants for that purpose . . . but I think we are going pretty far afield when we undertake to say to the owners of the forest land in order to encourage them we are going to give them free seeds, shrubs, etc.

The amendment was agreed to. Congressman McLaughlin (Mich.) objected to the committee's recommendation to eliminate the words "advise and" under section 5, maintaining that the word "assist" should be eliminated and the word "advise" left in. Although there seemed to be considerable support for retaining both words, the recommendation of the committee to eliminate the words "advise and" was agreed to by a vote of 43 to 8. Congressman Rankin (Miss.) suggested that the bill be made to apply to Puerto Rico. The committee's recommendation to limit the benefits of section 5 to farmers by striking out the phrase "or of lands suitable chiefly for timber production" was approved by a vote of 50 to 4. Congressman Blanton offered an amendment to strike out the word "annually" with respect to appropriations in sections 3, 4, and 5. There followed considerable discussion on the distinction between authorizations and appropriations. Mr. Blanton's point was that Congress is always under pressure to appropriate the full authorization and that the two words are in effect synonymous. His amendment was rejected 48 to 10. Again the question of whether the National Government had the constitutional right to purchase lands for forestry purposes was raised and the decision of the House Committee of the Judiciary came in for considerable discussion. In this connection

*The word "forest" was put back in this section by Public Law 392 (81st. Cong., 1st. Sess.), approved October 26, 1949.

Congressman Snell expressed the opinion that almost all of the land which would be purchased under section 6 of the Clarke Bill would come within the watersheds of navigable streams. Congressman McLaughlin did not agree and believed:

> this bill would go far beyond the Weeks Law and would provide for purchases in places other than at the sources of navigable streams and for purposes other than for the protection of the sources of such streams. It would mean purchase of large areas of cutover lands in the Lake States.

Mr. Snell asked the Congressman from Michigan: "Would not the purchase and reforestation help some streams in that locality?" Mr. McLaughlin replied:

> Indirectly or remotely, but that would be an evasion of the constitution . . . I am not opposed to it, I am just asking if the legal phases of the proposition have been investigated by the committee and if a conclusion has been reached.

Congressman Clarke answered:

> In the first place, the gentleman from Oregon (Mr. Hawley) who is a member of the National Forest Reservation Commission came before the committee and strongly endorsed the bill and this particular paragraph. In the second place, regarding the supplementing of the Weeks Act by the added authority in this bill, I have in my hand a letter from the Solicitor of the Forest Service, who has given serious thought to this question and he says there is no doubt as to the constitutionality of the paragraph.

Mr. McLaughlin replied:

> I am pleased to have the information. I heartily approve the bill, but I thought the question ought to be asked and answered.

Congressman Raker offered a number of limiting amendments--requiring annual congressional approval of purchases, etc., but they were all rejected. Congressman Box (Tex) stated that although he was in full accord with the purposes of the bill he objected to section 7 and offered an amendment to strike it out. His point was that private owners could denude their lands and then convey them to the Government, retaining the grazing, mineral and timber rights and thereafter have the Government reforest the lands. A number of other minor amendments were offered, having to do mainly with section 7, which resulted in more or less debate. A few amendments involving minor changes in phraseology were agreed to. Representative Smith (Ida.) stated he was in favor of this legislation and the forest reserve

policy of the Government, but he objected to section 8 which he believed would destroy the policy adopted by Congress nearly 20 years ago, providing that new reserves or additions to existing reserves should not be made by Executive Order but by direct authority of Congress.

He added:

> When the forest policy was first adopted, in 1891, the President was given authority to withdraw public lands which were valuable for timber or for stream protection and by Executive Order establish the boundaries of these National Forests. A great quantity of land was withdrawn as forest reserves in all public land States . . . until in some States, notably Idaho, nearly 59% of the public domain was withdrawn from the application of the land laws and placed in National Forests . . . There was a great deal of objection to this policy, and on March 4, 1907, Congress took away from the President the authority to establish these forests by the following amendment to the Agricultural Appropriation Act: "Provided further, that hereafter no forest reserve shall be created nor shall any additions be made to one heretofore created within the limits of the States of Oregon, Washington, Idaho, Montana, Colorado, or Wyoming, except by act of Congress."

On August 24, 1912, California was also protected in this way, and there were bills pending in the public lands committee providing that this act be applied to other States. A motion by Congressman Box to recommit the bill to the Committee on Agriculture with instructions to report the bill with an amended section 7 was rejected. The Clarke Bill was then passed by a vote of 193 to 32. (H.R. 4830, 68th. Cong. 1st. Sess.).

On June 6, 1924, the McNary Bill came up for debate in the Senate. Senator McNary described in considerable detail the objectives and provisions of this bill. He said, in part:

> This bill passed the House almost unanimously. It is the product of a long study and survey made by a special committee on reforestation appointed last year. The committee made a nationwide survey of the situation, holding 24 hearings in 16 States and in the District of Columbia. Beyond that, it went out into the forests and investigated logging operations, observed forest practices, and studied the various aspects of the problem. The report of the subcommittee was also supplemented by a favorable report of the Committee on Agriculture and Forestry.

Senator Fletcher (Tex.) suggested that the Senate consider the almost identical Clarke Bill as recently passed by the House. Senator McNary agreed to the substitution but explained that there were a few minor

differences between the two bills, the most important ones were restricting cooperation under sections 4 and 5 to farmers. A motion to substitute the Clarke Bill for the McNary Bill was agreed to. Several Senators including Shepard and Fletcher, both of Texas, objected to section 7 on the grounds that Federal acquisition would take away taxes from the counties. A motion by Mr. Shepard to eliminate section 7 was rejected. The Senate then passed by voice vote the Clarke Bill. The measure was signed by President Coolidge on June 7, 1924, and became Public Law No. 270 (68th Cong.) more commonly known as the Clarke-McNary Act.

PART III

FORTY YEARS OF COOPERATIVE FIRE CONTROL UNDER THE CLARKE-McNARY ACT

The Clarke-McNary Act opened a new era in national forestry policy. It was hailed as the third milestone in the progress of forestry. The other two were (1) the act of March 3, 1891, which authorized the President to create forest reserves from public lands and (2) the Weeks Law of 1911, which committed the Federal Government to a policy of acquisition of forest reserves by purchase and of cooperation with the States in controlling forest fires. The two former acts were primarily concerned with public forest ownership, whereas the chief purpose of the Clarke-McNary Act was encouragement to private timber growing, although it provided also for expansion of publicly owned forests. The cardinal feature of this third milestone was its recognition of the importance of private forestry in meeting the heart of the Nation's forest problem. Its primary approach was to cooperate with States in removing the risks and handicaps from private timber growing, as far as practicable, in order to give the greatest possible incentive to commercial forestry.

More specifically the provisions of the original Clarke-McNary Act were:

Section 1 authorized the Secretary of Agriculture to cooperate with the States in devising and recommending efficient systems for protecting non-federally owned forest lands against fire.

Section 2 authorized the Secretary of Agriculture to expand Federal aid to the States in carrying out their protection systems. It removed the former Weeks Law restriction that Federal cooperative fire control funds could be used only on forested watersheds of navigable streams. Under the new act consideration was to be given to the protection of watersheds of navigable streams, whether forested or not, but Federal cooperation might, in the discretion of the Secretary of Agriculture, be extended to any timbered or forest producing lands, other than those in Federal ownership. Federal funds used in any State must at least be matched with State expenditures, including (for the first time) certain expenditures of private landowners for the protection of their forest lands.

Section 3 authorized an annual appropriation of $2½ million for Federal cooperation in carrying out this nationwide system of forest protection. In addition the Secretary of Agriculture might expend such portions of the appropriation as he deemed advisable for a study of the tax laws applicable to land growing timber crops and for developing methods of insuring standing timber and growing forests.

Section 4 authorized Federal cooperation with the States in the procurement and distribution of forest tree seeds and plants for the purpose of reforesting denuded lands on farms.

Section 5 authorized cooperation with the States in advising and assisting farmers in establishing, improving, and renewing woodlots, shelterbelts, and other valuable forest growth.

Section 6 amended the Weeks Law of 1911 by authorizing the purchase of forest lands for the production of timber as well as for the protection of navigable rivers, but it still required that the land be on the watershed of a navigable stream.

Section 7 authorized the Secretary of Agriculture to accept gifts of land chiefly valuable for timber crops, subject to certain conditions and reservations.

Section 8 authorized a survey and classification of the vacant public lands which should be incorporated in a sound program of National Forests. Approval by the President and Congress was necessary in order to make such additions effective.

Section 9 authorized the President to create National Forests from military and other public reservations which are suitable for timber production, where this form of use will not conflict with the needs of national defense or other purposes for which the reservation was established. It did not apply to National Parks, National Monuments, or Indian Reservations.

With respect to cooperative fire protection the new act differed from the old Weeks Law in a number of significant ways, aside from the contemplated increase in Federal financial participation. Federal cooperation under the new legislation could be extended to any nonfederally owned timbered and forest growing lands which are included under the State's fire control program.

Another significant addition was to allow the States to include certain private fire control expenditures for matching Federal reimbursement to the State. It should be noted, however, that in order to so qualify the private expenditures must (a) be required by State law, or (b) be made in pursuance of the protection system of the State under State supervision.

Early in the life of the Act several amendments were found to be advisable or necessary. The first one concerned nontimbered watershed lands.

There are large areas of brush and grasslands in the Western States, and especially in southern California, which need to be protected from fire in order to safeguard high watershed values. Water from these areas is in great demand for municipal and domestic uses, for irrigation,

and in the development of hydroelectric power. The streams on or originating in the areas are not navigable. The chaparral ground cover cannot be classed as timber although it may be used locally for fuel wood. The importance of large portions of these areas for watershed protection purposes, however, can scarcely be overestimated. Agricultural development of most intensive character and, in places, suburban and even urban settlements and the utility and productiveness of the land depend upon reasonable control of the drainage from the adjacent watersheds. The danger of floods and silting is tremendously increased on burned-over drainages. Fire control is exceedingly difficult because of the steep slopes and the high inflammability of the thick brush and heavy grass cover, coupled with long periods of drought. Some parts of the region have experienced repeated disastrous floods as the direct result of forest fires.

Although Federal assistance under the Clarke-McNary Act would be extremely helpful to the State and local agencies in controlling fires on these private brush and grass lands it was doubtful whether the law authorized such aid. In fact, the Solicitor for the Department of Agriculture had informally held that under the wording of the act the Secretary is without authority to apply its provisions to lands on the watersheds of unnavigable streams or nontimber producing lands.

To correct this situation Senator Shortridge of California introduced Bill S. 3922 (68th Congress, 2nd. Session) on January 13, 1925, which would include lands of this character in the act. This bill would, however, have changed the law in several of its basic provisions and would have gone considerably further than needed to accomplish the desired objective. Accordingly, he introduced on February 3, 1925, an abbreviated bill, S. 4224, which would permit these privately owned nontimbered areas of the Western States to qualify for Federal cooperation in fire control. A companion bill, H. R. 12332, was introduced in the House on February 18, 1925, by Congressman Fredericks of California. These two proposed measures would add to the qualifying areas originally specified under section 2 of the Clarke-McNary Act the following phrase: "or watersheds from which water is secured for domestic use or irrigation."

These bills were passed by the Congress and thus what is known as the "nontimbered watershed amendment" became law on March 3, 1925 (43 Stat. 1127).

The second amendment was designed to facilitate the financial handling of cooperation with the States under the first five sections of the Act. Previously the Comptroller General had ruled that the original wording of section 2 of the Act required as a precondition of reimbursements to the States either (1) a full audit of each claim by the State auditing officer in advance of submission to the Department of Agriculture for settlement, or (2), the submission by the State of a complete schedule of expenditures both by the State and private agencies for the periods covered by each individual claim. In complying with either o these

requirements the States were put to a great deal of extra work, and in some instances, notably in the case of private expenditures in the Northwestern States, either method was found to be impracticable. The States encountered delays in submitting vouchers for Federal reimbursement, which worked a hardship upon them, and the cost of the additional work in complying with the Comptroller General's requirement was irritating to the State authorities. The unnecessary delays and expenses materially reduced the effectiveness of the cooperative effort and made cooperation with some States impossible.

In order to remedy this unsatisfactory situation Senator Norris of Nebraska introduced on February 1, 1926, Bill S. 3108 which would amend section 2 of the act by substituting for the words "and for which in all cases the State renders satisfactory accounting" the following: "and the Secretary of Agriculture is authorized to make expenditures on the certificate of the State Forester, the State Director of Extension, or similar State official having charge of the cooperative work for the State that State and private expenditures as provided for in this act have been made."

In endorsing this bill Acting Secretary of Agriculture R. W. Dunlap wrote Senator Norris as Chairman, Senate Committee on Agriculture and Forestry, on February 6, 1926, concluding with the following statement:

> For fifteen years prior to July 1, 1925, the Department of Agriculture cooperated with the States in forest fire protection under the Act of March 1, 1911 (36 Stat. 961), known as the Weeks Act, and found that it was entirely satisfactory for the State Forester or corresponding official to certify that expenditures had been made as provided for in that Act. In addition to such certification, the Department inspected the cooperative work from time to time not only in the office of the State forestry department examining the account books, but especially in the field, meeting the patrol men, and other members of the protective force, seeing the improvements made and equipment purchased, and inspecting every phase of the State's fire protective work. Such inspections which, of course, are continued under the Clarke-McNary Act, give the Department a much better insight into the efficiency and cost of the cooperative work than any mere office audit of expenditures could possibly accomplish. The proposed bill amending Section 2 of the Clarke-McNary Act would enable the Department to follow the procedure which proved so successful under the Weeks Act.

This bill was enacted April 13, 1926, and became Public Law 102 (69th Congress). Thus direct responsibility was placed on the State Forester or other appropriate State official for verification of matching expenditures and the former burdensome and impractical fiscal procedure was removed.

On the same day, April 13, 1926, Public Resolution No. 13 (44 Stat. 250) was approved. This amendment, which was initially introduced in the first session of the 69th Congress as House Joint Resolution 52 and as Senate Joint Resolution 27, extended cooperation under sections 3, 4, and 5 of the Clarke-McNary Act to territories and possessions of the United States.

Extent of Federal Financial Aid to the States

The expanded scope of Federal cooperation authorized by the Clarke-McNary Act encouraged the States already cooperating under the Weeks Law to intensify their protection efforts and stimulated other States to enter the program.

The former Federal appropriation for cooperative fire control was increased by $260,000 to a total of $660,000 during the first year of operation under the new act (F.Y. 1926), and it reached the $1,000,000 mark in the third year. During the next decade, however, expansion in Federal participation was slow; not until F.Y. 1939 did the appropriation reach $2,000,000. In the same period fire control expenditures made by the State and private owners had risen from $1,874,894 in 1926 to $6,616,909 in 1939. Commencing in 1943 and extending through 1946 there were substantial increases in the annual Federal appropriations, mainly because additional war emergency funds were provided for intensified protection of areas of special military significance. This intensified protection to help meet wartime problems was successfully established in:

(a) Coastal areas which conformed to dim-out areas as proclaimed by the military. These were roughly all forested areas in a 3-mile strip along the seacoast.

(b) Strategic facilities and smoke blanket areas. These included both military and industrial areas and establishments directly contributing to war efforts which were located in interior forested areas.

The amounts of these supplemental emergency war funds were as follows:

F.Y. 1942 - $1,000,000 appropriated for both National Forests and State and private lands. Of this total $445,605 was used on State and private lands. The appropriation act required matching by the States.

F.Y. 1943 - $1,500,000 - All for S&P lands on matching basis. $5,000,000 Sixth Supplemental Appropriation for both National Forests and S&P lands. Of this total $2,295,000 was allotted for intensified protection of S&P lands on a matching basis.

F.Y. 1944 - $2,300,000 appropriated for S&P lands on a non-matching basis.

F.Y. 1945 - $1,000,000 appropriated for S&P lands on a non-matching basis.

The above wartime emergency funds were in addition to the regular Clarke-McNary appropriations for these same years. (See Table 2, following.) It was of course recognized by the Congressional appropriation committees which approved these emergency fire control funds that when they were added to rhe regular appropriations the aggregate amounts for 1943 and 1944 exceeded the $2.5 million authorization then specified in the act.

Effective use was made of these supplemental wartime funds. State protection agencies successfully suppressed many fires threatening military establishments, ammunition depots, training centers, and the like. The military authorities were liberal in praise of this project.

Senate Bill introduced on June 28, 1943, in the first session of the 78th Congress by Senator McNary of Oregon proposed to increase the Federal authorization from $2.5 million to $9 million for F.Y. 1948 in four annual progressive steps. A survey at the time had shown that it would cost each year approximately $21 million to perform a reasonable satisfactory protection job on all State and private lands in need of organized protection. This bill was approved as Public Law No. 296 (78th Congress) on May 5, 1944. In conformity with the provisions of this amendment the Congress appropriated the full authorized amount of $6,300,000 for F.Y. 1945; $7,300,000 for F.Y. 1946; $8,300,000 for F.Y. 1947; and $9,000,000 for F.Y. 1948. In the absence of further amendment Federal appropriations remained at the full authorization of $9,000,000 for the following two years.

During 1945 and early 1946 a new survey was made of the fire control job on non-Federal lands which resulted in a total estimated annual cost of $31,442,000, exclusive of Federal administration. In 1949 sample checks of the increased cost of major fire control items during the last three years indicated that the work contemplated in the estimate completed in 1946 would cost at least $40,000,000 at 1949 prices. On a 50-50 matching basis the Federal share of this amount would therefore be $20,000,000.

On October 26, 1949, Public Law 392 (81st Congress) was approved which again increased the authorization by $2 million annual steps from $9 million to $20 million for F.Y. 1955 and thereafter.

The trend in Federal appropriations for cooperative forest fire control and the amounts made available to the States for the period 1926 to 1964, inclusive, are shown on Table 2.

Total expenditures in F.Y. 1963 amounted to $65,828,266. The Federal funds made available to the States amounted to an 18 percent sharing of the expenditures for the entire program. The amounts expended by the Federal-State-private cooperators in the cooperative forest fire control program for 1926 to 1963, inclusive, are shown on Table 3.

Table 2

Federal Appropriations
(For Cooperative Forest Fire Control under Clarke-McNary Act showing administrative distribution.)

Fiscal Year	Total Appropriation	Allotted to States	Administration and Studies
1926	$ 660,000	$ 575,885	$ 84,115
1927	710,000	607,670	102,330
1928	1,000,000	876,911	123,089
1929	1,200,000	1,045,800	154,200
1930	1,400,000	1,237,203	162,797
1931	1,700,000	1,531,000	169,000
1932	1,775,000	1,585,800	189,200
1933	1,611,580	1,458,125	153,455
1934	1,587,513	1,448,328	139,185
1935	1,573,619	1,444,487	129,132
1936	1,578,632	1,430,020	148,612
1937	1,655,007	1,460,917	194,090
1938	1,655,007	1,458,417	196,590
1939	2,000,000	1,793,410	206,590
1940	2,200,000	1,986,790	213,210
1941	2,200,000	1,980,059	219,941
1942	2,870,605 1/	2,610,870	259,735
1943	6,295,000 2/	5,544,172	750,828
1944	6,300,000 3/	5,860,259	439,741
1945	6,300,000 4/	5,794,787	505,213
1946	7,300,000 5/	6,929,750	370,250
1947	8,300,000	7,895,000	405,000
1948	9,000,000	8,590,000	410,000
1949	9,000,000	8,575,000	425,000
1950	9,000,000	8,550,000	450,000
1951	9,500,000	9,025,000	455,000
	Recision under Sec. 1214 -		20,000
1952	9,449,500	8,948,000	501,500
1953	9,449,500	8,940,000	509,500
1954	9,449,500	8,940,000	509,500
1955	9,449,500	8,940,000	509,500
1956	10,000,000	9,485,000	515,000
1957	10,025,000	9,480,000	545,000
1958	10,043,000	9,440,000	603,000
1959	10,043,000	9,410,000	633,000
1960	10,085,000	9,400,000	685,000
1961	10,120,000	9,375,000	745,000
1962	12,465,500	11,654,000	811,500
1963	12,465,500	11,634,000	827,500
1964	12,514,500	11,600,000	914,500
1965	12,758,000	11,853,650	904,350
TOTALS	$246,689,463	$230,395,310	$16,290,153

1/ Includes $445,605 War Emergency Approp.
2/ Includes $1,500,000 Special C-M Emergency Approp. and $2,295,000 6th Suppl. Nat'l Def. Approp.
3/ Includes $2,300,000 War Emergency Approp.
4/ Includes $1,000,000 Wartime Forest Fire Coop. Approp.
5/ Includes $1,000,000 Wartime Forest Fire Coop. Approp.

Table 3

Expenditures
(On Cooperative Forest Fire Control Program
by Cooperators under Clarke-McNary Act.)

Fiscal Year	Federal Funds to States	State Funds	Private Funds	Total expenditures
1926	585,375	1,611,381	263,512	2,460,268
1927	607,154	1,852,787	684,142	3,144,083
1928	867,955	2,074,706	997,843	3,940,504
1929	1,068,847	2,119,659	922,674	4,111,180
1930	1,252,445	2,885,724	1,231,928	5,370,097
1931	1,536,903	3,910,310	1,101,111	6,548,324
1932	1,572,829	3,276,329	1,093,945	5,943,103
1933	1,452,108	2,492,520	648,925	4,593,553
1934	1,468,315	2,965,991	828,731	5,263,037
1935	1,457,146	2,935,565	1,195,507	5,588,218
1936	1,427,240	2,671,130	1,123,339	5,221,709
1937	1,472,350	4,151,642	1,227,675	6,851,667
1938	1,463,246	4,013,876	1,433,672	6,910,794
1939	1,793,318	4,724,560	1,892,349	8,410,227
1940	1,987,537	5,154,940	2,045,243	9,187,720
1941	1,979,309	5,086,923	2,211,841	9,278,073
1942	2,700,006*	6,271,946*	2,193,374*	11,165,326*
1943	4,624,154*	6,713,383*	2,405,287*	13,742,824*
1944	5,870,497*	6,350,557*	1,739,113*	13,960,167*
1945	5,924,773*	6,562,316*	2,113,590*	14,600,679*
1946	7,012,231*	7,497,466*	2,389,200*	16,898,897*
1947	7,889,477	9,477,376	2,236,194	19,603,047
1948	8,604,955	12,830,532	2,064,527	23,500,014
1949	8,572,593	17,200,919	2,101,948	27,875,460
1950	8,550,890	18,121,195	2,261,440	28,933,525
1951	8,996,176	21,884,522	2,279,355	33,160,053
1952	8,960,230	23,733,999	2,902,877	35,597,106
1953	8,946,327	26,459,731	2,309,970	37,716,028
1954	8,934,188	28,394,919	2,105,685	39,434,792
1955	8,945,085	28,168,296	2,102,903	39,216,284
1956	9,484,733	30,636,884	2,271,604	42,393,221
1957	9,385,652	33,801,838	2,149,016	45,336,506
1958	9,410,078	40,917,806	1,909,759	52,237,643
1959	9,401,413	43,070,549	1,912,981	54,384,943
1960	9,400,959	45,059,205	2,180,862	56,641,026
1961	9,383,605	48,510,915	1,918,456	59,812,976
1962	11,674,447	51,194,045	1,445,405	64,313,897
1963	11,632,266	52,586,365	1,609,635	65,828,266
1964	11,588,954	59,751,087	1,070,818	72,410,859
TOTAL	$217,885,766	$677,123,894	$66,576,436	$961,586,096

*Emergency funds included.

The extent of Federal aid to the States in fire control is not measured in terms of financial help alone. It is much more than that. The Clarke-McNary cooperative fire control program, as will be seen later, is not a Federal "grant-in-aid" as that term is generally construed. Rather it is in the true sense a mutually cooperative enterprise in which the member States (together with their cooperators) and the Federal Government work as a team to protect wildlands from forest fires. In this work the Federal officials strive to help the State officials in all phases of their fire control programs from preliminary planning to fighting fires. It is the aim of the Federal Clarke-McNary men through consultation with the State forestry officials and through analyses and observance of their problems and accomplishments to offer constructive suggestions for strengthening fire control wherever needed. The Federal men, because of their familiarity with fire control organizations and activities in many States as well as on the National Forests, are in an excellent position to perform these functions.

Federal Administration

Federal administration of the cooperative fire control effort with the States under the Clarke-McNary Act followed in general the pattern set up for the Weeks Law. However, as additional States came into the program and as the project work expanded it became necessary to make changes in the Federal administrative staff both in the Washington and the field offices.

The Washington Office Organization

In the Washington Office, the Branch of Forest Management (E. E. Carter, Assistant Chief) continued to exercise over-all direction of State cooperation with J. Girvin Peters, Chief of its Division of State and Private Forestry, in direct charge. Under the new law cooperation with the States in the growing and distribution of forest tree planting stock and added to cooperation in fire control and the Federal work involved was handled by the same staff. Peters was assisted on inspection work by Claude R. Tillotson, Gordon T. Backus, and Louis F. Murphy, although the latter was beginning in 1925 to specialize on forest taxation matters. J. A. Mitchell, who did considerable inspection work under the old Weeks Law, had transferred to the Lake States Experiment Station in the fall of 1923.

Alfred B. Hastings, who had resigned from the Forest Service in 1916 to serve as Acting State Forester in New Hampshire and later as Assistant State Forester in Virginia, reentered the Forest Service in August 1925 and joined the Washington Office inspection staff.

Harry Lee Baker also joined the Washington staff in 1925 and specialized largely on studies under section 1 of the act until he resigned in 1928 to become State Forester of Florida.

In April 1926 the Branch of Public Relations was created with Paul G. Redington as its Chief. This branch had two divisions, one designated "State and Private Forestry" with Peters in charge; the other "Information" under Ward Shepard. Administration of the cooperative phases of the Clarke-McNary Act was placed under the Division of State and Private Forestry. A year later Redington was made Chief of the Biological Survey and R. Y. Stuart, then Commissioner of Forests and Waters in Pennsylvania under Governor Gifford Pinchot, reentered the Forest Service and became the new Public Relations Chief. When W. B. Greeley resigned from Government service on March 1, 1928, to become Secretary-Manager of the West Coast Lumberman's Association, Stuart was made Chief of the Forest Service and Peters became Chief of the Branch of Public Relations. His duties as head of the Division of State Cooperation were turned over on May 1, 1928, to Hastings, who continued to be prominently associated with Clarke-McNary work up to the time he retired from the Forest Service in the fall of 1944.

In October 1928 Peters died and Fred Morrell, Regional Forester at Missoula, Montana, was called to Washington the following spring to become Chief of the Branch of Public Relations. When the Civilian Conservation Corps program was launched in the spring of 1933, Morrell was appointed assistant to C. M. Granger as advisor on Forest Camps to CCC Director, Fechner. The next year Granger was assigned other Forest Service duties and Morrell became Fechner's chief Forest Service advisor on the CCC Program.

In November 1935 a Branch of State and Private Forestry was created in the Washington Office to direct Federal cooperative activities with the States. Earl W. Tinker, Regional Forester at Milwaukee, was appointed its first Chief on January 1, 1936. Tinker resigned in January 1940 to accept a position as Executive Secretary of the American Paper and Pulp Association. He was succeeded by E. I. Kotok (1941-1944). R. E. McArdle took over in July 1944, W. S. Swingler in 1952 and Boyd L. Rasmussen in 1964. The Branch started with two divisions.- "State Cooperation" and "Private Timberland Cooperation."

Administration of Federal cooperation with the States in fire control was centered in the Division of State cooperation; it is now in the Division of Cooperative Forest Fire Control.

Field Inspection Districts

During the early life of the Clarke-McNary Act there were two distinct types of field inspection districts: (1) Washington Office Districts and (2) National Forest Districts. The former were supervised directly from the Division of State Cooperation in the Washington Office, while the latter were handled by or from the Forest Service Regional Offices.

A 1927 chart outlines the following Federal cooperative fire control organization:

Division of State Cooperation

(1927)

Chief - J. G. Peters
Chief Inspector - A. B. Hastings
Forest Fire Studies - H. L. Baker
Farm Forestry - W. R. Mattoon
Lecture Work - H. N. Wheeler
Law Compilation - Jeannie S. Peyton

Washington Office Districts		National Forest Districts	
District	District Forest Inspector	District	District Forest Inspector
Northeastern District	C. R. Tillotson	N.F. District 1	R. N. Cunningham
Maine		Montana	
New Hampshire		Idaho (N)	
Vermont			
Massachusetts		N.F. District 2	C.A. Hoar
Connecticut		Michigan	(Duluth, Minn.)
Rhode Island		Minnesota	
New York		Wisconsin	
		So. Dakota (F.M.)	

Washington Office Districts		National Forest Districts	
District	District Forest Inspector	District	District Forest Inspector
Middle Atlantic & Central District	G. T. Backus	N.F. District 3	(Division of Operation)
New Jersey		New Mexico	
Pennsylvania			
Maryland		N.F. District 4	(Division of Forest Management)
Ohio		Idaho (S)	
		N.F. District 5	(Division of Operation) E.I. Kotok
		California	E. I. Kotok
Gulf District	C.F. Evans	N.F. District 6	E. H. MacDaniels
Alabama		Oregon	
Mississippi		Washington	
Louisiana			
Texas		N.F. District 7	E. M. Bruner
Oklahoma		Virginia	
Missouri		West Virginia	
		North Carolina	
		South Carolina	
		Tennessee	
		Kentucky	
		Georgia	

During the more than 50 years of operation of cooperative fire control many employees of the U.S. Forest Service have played an important part in the program. Mention has been made of a few. No attempt will be made to give a complete roster which includes those now connected with the project. Rather will be listed those former employees who were closely associated with Federal-State cooperative fire control over a considerable period. At the Washington Office level, in addition to those already mentioned were Earl S. Peirce, who was Chief of the Division of Cooperative Forest Protection from 1936 to 1951, James N. Diehl, Director of the Division from 1952 through 1963 and E. M. Bacon 1964.

Among Clarke-McNary Regional Inspectors who were actively connected with the program with unbroken service for 20 years or more are:

Name	Years
Crosby A. Hoar	1922* - 1950 - 28 years
Claude R. Tillotson	1922* - 1948 - 26 years
Everett H. McDaniels	1922* - 1942 - 20 years
E. Murray Bruner	1923* - 1945 - 22 years
Charles F. Evans	1926 - 1950 - 24 years
S. H. Marsh	1927 - 1951 - 24 years
H. J. Eberly	1931 - 1953 - 23 years
J. W. K. Holliday	1936
W. J. Stahl	1939 - 1964 - 26 years
Edward Ritter	1939 - 1962 - 24 years
T. H. Burgess	1940 - 1963 - 24 years

* Appointed under the Weeks Law.

Philosophy and Policies in Program Direction

It is clear from both the Weeks Law and the Clarke-McNary Act themselves and from their legislative histories, that it was the intent of Congress that the function of the Federal Government should be cooperation with the States without any attempt to dominate State programs and activities. The theory is that if the Secretary of Agriculture is satisfied with the fire control program and actions of a State he will cooperate with and assist that State. Otherwise, Federal assistance will not be initiated; once started, its continuation is contingent on satisfactory State performance.

The Secretary of Agriculture and the Forest Service have consistently taken the position that Federal participation in the cooperative fire control undertaking with the States should be more than the conventional Federal financial grant-in-aid--that is, sharing of costs only. This position was based on the premise that the National Government has a definite interest and stake in safeguarding the Nation's forest resources because of their many public benefits. Consequently, the Federal Government in entering into cooperation with a State becomes, in a sense, a nonresident partner in a mutual enterprise and thereby assumes some degree of responsibility in assuring its success. The Forest Service believes that as a minimum it has a duty to make sure that the Federal funds are

spent wisely and that the Nation is getting value received for the financial assistance it gives to the States. Federal personnel working in the program have the responsibility to coordinate the fire control activities of all States; to give to the States guidance, counsel, and leadership; to give other special services which the State cannot or will not provide. However, they must not exercise a degree of supervision or control over detailed aspects of administration which will preclude the development of a strong and able State administration. They should help in developing sound policy, improveing standards of operation, suggesting new ideas, and analyzing and exchanging experiences gained through Region-wide and nationwide travel.

Now that the Federal funds are integrated with the entire State fire control budget, rather than being earmarked for a limited part of the program as was the procedure in the early stages under the Weeks Law, it is necessary that Federal personnel be fully informed on all essential phases of a State's fire control operation. They need to have this full picture if they are to be of real help to a State. This familiarity with State work is largely accomplished through periodic field examinations.

One of the early Administrative Manuals, dated April 15, 1924, outlined the purpose of Federal review of State programs:

(1) To satisfy the Federal Government that the terms of the law and the cooperative agreement are being complied with.

(2) To determine how effectively the State is handling the cooperative fire protection work.

(3) To help coordinate and standardize State effort and to assist State officials through advice and suggestions in organizing and developing fire protection to the best advantage.

The thesis that the Federal role would be one of cooperation, involving financial assistance, leadership, and advice, and that "on the ground" administration of the joint effort would be left to the States, was stressed in all the early written instructions covering Federal administration of cooperative fire control under both the Weeks Law and the Clarke-McNary Act. For example, the Administrative Manual of April 15, 1924, states:

> "While inspectors should not hesitate to make suggestions or to call the attention of the proper State authorities to weaknesses or failures in the organization, there must be no interference with the State's administration of the work or any assumption of administrative responsibility."

The work of the Federal inspector during the early years of the Clarke-McNary program followed closely that of the Weeks Law inspector described briefly in Part II. As the program developed and the fire control plans

and operations of the States expanded and became more complex, the duties of the Federal inspector likewise broadened. He had to keep well informed on all important new developments in the field of forest fire control--improvements, planning, organization, equipment, and fire fighting techniques. Federal employees working in the program need this background knowledge, for it is their job not only to detect weaknesses but to be able to offer sound and constructive suggestions for improvement.

Meetings and Conferences

In the conviction that successful cooperation rests largely on mutual confidence and understanding among the parties concerned the U. S. Forest Service early adopted the policy of holding frequent meetings with the cooperating State Foresters. Important policies and procedure decisions governing Federal-State cooperation in fire control have invariably been preceeded by full and frank discussions between appropriate Federal and State officials. Meetings and conferences have been held, as needed, for this purpose. These include a yearly conference with all cooperating State Foresters and meetings with the Executive Committee of the Association of State Foresters. In addition, group meetings between Regional Office men and the State Foresters are scheduled regularly or are held when needed.

Allotment of Federal Funds

The method of distributing Federal money among the cooperating States was relatively simple during the first two years since allotments were then based on the factor of relative State needs. However, in 1928, pursuant to the agreement reached with State Foresters in Washington in the spring of 1922, it was decided so encourage State and local effort by giving some recognition to what the States and private owners were themselves spending on fire control. This change in the policy of distributing Federal funds to the States made it necessary to devise an allotment formula which could be applied uniformly to all States. Such a formula should:

(a) Treat all cooperating States as equitably as possible.

(b) Properly recognize the two most directly related factors--(1) extent of the protection job and (2) State and local performance as represented by expenditures.

(c) Be easy to apply, explain, and defend.

The original plan was to limit the portion of Federal funds to be allotted to the States on the basis of State and private expenditures to 25% of the total Federal appropriation leaving 75% to be distributed

in accordance with the respective size of the protection job of each State, as determined by the most recent "area and cost" survey. This latter portion of the total amount which a State would receive would be called the "regular allotment" and would have a preferential status. In order to assure a qualifying State a reasonable degree of stability from year to year the "regular allotment" would be reduced from the previous year unless such action was necessary because of a substantial reduction in the total Federal appropriation.

Each cooperating State would receive as its regular allotment a uniform percentage of the estimated cost of Statewide protection regardless of the proportion of its forest lands which were actually being protected. In its simplest form the formula would operate in the following manner. (a) Assume there are $1,000,000 of Federal funds to be distributed among the cooperating States, then three-fourths or $750,000 would be available for "regular" allotments to all cooperating States. (b) Assume the estimated total cost of fire control in all the States is $10,000,000. Then the percentage to be used in computing "regular allotments would be $\frac{\$750,000}{\$10,000,000}$ or 7½%, which would be applied uniforml to all States. Thus each State would receive 7½% of its total estimated cost of protection, as its "regular" allotment.

The remaining 25% of the Federal money would be allocated to the States on the basis of what the States themselves were actually spending on fire control. This so-called "extra allotment" would again be based on a uniform percentage representing the ratio between the total State and private expenditures (minus total "regular" allotments) and the amount of Federal funds available for extra" allotments. In the above theoretical case, if all cooperating States were spending $2,000,000 of State and private funds in controlling fires, the extra allotment percentage would be:

$$\frac{\$1,000,000 - \$750,000 \text{ (Regular allotments)}}{\$2,000,000 - \$750,000 \text{ (Regular allotments)}} = \frac{\$250,000}{\$1,250,000} \text{ or } 20\%$$

Thus each State would receive in addition to its "Regular" allotment a further portion of Federal funds equal to 20% of the amount that particular State itself spends over and above its regular allotment. Where qualified private fire control expenditures are recognized as a part of the Clarke-McNary project they may be added to the expenditures from State funds.

The extra allotment to each State would normally fluctuate from year to year even though the Federal appropriation remains the same. This is because there may be wide yearly variations in State fire control expenditures both collectively and individually. Although the general trend has been upward the increase in any one State in relation to the aggregate increase for all States changes from year to year. Another reason for fluctuation, which pertained more to the earlier years, was the need for financing cooperation with new States as they came into the program. The amount required for this purpose, of course,

varied from year to year and so influenced the "extra" allotments to all cooperating States. The "extra" allotment is considered to be subordinate in status to the more stable "regular" allotment.

In order to partially iron out fluctuations in yearly suppression expenditures the average during the preceding 10-year period is used. Even so, a large increase in expenditures in any year by one or a group of States may substantially affect the "extra" allotments to all States.

The allotment formula contains two limitations both of which are principles that have been consistently applied since the passage of the Clarke-McNary Act. One is that an allotment will not exceed the matching provision prescribed by the law. The other is an administrative ruling that the total Federal allotment ("regular" plus "extra") to any State will not exceed one-half of the currently approved estimated cost of the total protection job in that State. This represents the contemplated degree of Federal sharing in the over-all protection program. When the Clarke-McNary Act was passed this limitation was set at 25%. At that time a rough survey indicated it would cost about $10 million a year to protect the non-Federal forest lands from forest fires. It was believed that about one-half of this cost would be for protecting privately owned merchantable timber, which obligation should be borne by the landowners. The other half would represent the protection of immature timber and cutover lands, the cost of which should be shared equally by the Federal Government and the cooperating States. In other words, the Federal share would be one-fourth of $10,000,000 or $2,500,000, the amount authorized in the Act.

The original expectation concerning cost sharing and more particularly that private landowners would pay one-half of the total cost of the program did not work out for the reasons mentioned later, under "Participation of Private Forest Landowners." As a result the public was obliged to carry a larger share of the load and there is ample reasons to expect that the need for public participation will increase rather than diminish. This fact has been recognized by the Congress on a number of occasions. For example, in 1941 the Joint Committee on Forestry, appointed in June 1938 pursuant to Senate Resolution No. 31 (75th Congress) and House Resolutions No. 11, 23, and 51 (76th Congress) made a comprehensive study of the Nation's forestry situation. The committee's first recommendation (House Report No. 323, March 24, 1941, 77th Congress, 1st Session) was to increase the C-M Act cooperative fire control authorization from $2.5 to $10 million. At that time the estimated cost of the total protection job on State and private lands was about $20 million, so the committee obviously had in mind a 50% Federal participation. Public Law 296 approved May 5, 1944 (78th Cong. 2nd Sess.) and again Public Law 392 approved October 26, 1949 (81st Cong., 1st Sess.), officially reaffirmed the policy of 50% sharing of protection cost by the National Government.

Although the original idea was to distribute to the States 3/4 of the Federal funds as "regular" allotments and the ¼ as "extra" allotments, the actual division between the two items has varied considerably. "Extra" allotments amounted to 12½% of the total appropriation the first year after expenditures were recognized as an allotment index (F.Y. 1928). Gradually, however, the percentage has increased as Federal appropriations have risen and as the need for providing for new States has diminished. Furthermore, some States were unable to match their regular allotments and the resulting surpluses were redistributed to the States which could match them.

The State Foresters were aware that any shifting of relative weight accorded the two controlling factors affects materially the allotment to each cooperating State. The States which spend more on fire control naturally advocated that greater consideration should be given to expenditures, while the States with relatively limited income and large areas in need of protection favored greater emphasis on the size of the fire control job. This individual interest and human element led to spirited discussions at the yearly allotment conferences with the State Foresters. Usually the perennial controversy on the subject was resolved on a 50/50 split as the best compromise between the conflicting viewpoints.

During the 10-year period 1928 to 1937 the distribution of Federal funds averaged 73% as "regular" and 27% as "extra." From 1938 to 1942 the corresponding percentages were 63 and 37. Beginning with F.Y. 1943 the Forest Service and the Executive Committee of the Association of State Foresters have agreed on an equal division of Federal funds between "regular" and "extra" allotments.

The same basic allotment formula has been used over 35 years although it has been the subject for continued discussion and study. Annually the Forest Service and the Executive Committee of State Foresters agree upon the allotment formula factors for the coming fiscal year. Over the years certain factors have been devised and added to the basic features of the formula in order to make a more effective and equitable distribution of Federal Funds. These are:

(a) No State allotment may exceed one-half its current estimated cost of basic protection. (Has been exceeded in unusual circumstances).

(b) Whenever the C-M-2 appropriation is increased no State will be allotted less than it received the previous fiscal year.

(c) No State will receive a reduction in its allotment in excess of 7% of the amount allotted the previous year. This is now 3½% having been changed in 1954.

(d) A minimum of $25,000 will be allotted each State which can qualify with an equal amount of State and private matching funds. The minimum was changed to $30,000 in 1957 and to $47,000 in 1962.

(e) The computation of allotments to States in F.Y. 1953 included a sliding scale reduction on excess expenditure, accomplished by use of a $300,000 unit. The first $300,000 is given a value of 100%, the second unit 90%, the third 80% until 10% is reached, then all excess expenditures over $3 million are given a value of 5%. In 1959 this same procedure was applied to the "estimated Cost of Protection." The sliding scale reduction levels the costs and expenditures to broaden the distribution of Federal funds between States.

Occasionally other suggestions have been advanced as to how the method of distributing Federal funds might be improved, but most of the suggestions have been generalizations or have related to modifications in the existing basic formula given above rather than to fundamentals which would require an entirely new principle.

At various times it has been contended that components other than the two controlling elements now used should be added to the formula. One criticism has been that no recognition is given to the relative financial capacity of the individual States to underwrite their fire protection obligations. This issue first came up briefly at a meeting with State Foresters in 1922. The question apparently stems from a belief that recognition of the financial conditionsof the respective States would more effectively fulfill the objectives of the program by giving greater relative aid to those States most in need of Federal help. Furthermore, a more recent contention is that such a change would be more consistent with current thinking and action of the Congress with respect to aids to the States in education and other public welfare measures. Experience over many years has indicated that the influence of income on a State's ability to underwrite fire protection needs is more theoretical than real.

The present formula by computing the regular allotments on the total estimated cost of statewide protection, regardless of the acreage actually being protected, has materially favored those States with relatively small incomes and large areas in need of protection. This fact is not generally understood or appreciated by the proponents of adding a financial status factor to the present allotment formula.

On two occasions, in 1945 and in 1948, specific studies were made to determine whether the allotment formula should be changed and if so, in what way. They included comparative analyses of all existing and proposed Federal programs for aid to the States. Also considered was the desirability of lifting the present legislative restriction which requires matching of costs between the Federal Government and the States.

The conclusions of these studies were (1) that the matching provision should be retained and (2) that the two controlling allotment factors (representing need and performance) are the two most clear-cut elements which relate directly to the fire control job. In other words, it was believed that the fundamental principles of the present formula are sound and their use should be continued in allotting Federal funds to the cooperating States. It was re-emphasized, however, that within

the framework of the formula there is considerable leeway for needed adjustments to meet changing needs by varying the relative weight accorded each of the two basic allotment factors.

Area and Cost Estimates

Since one-half of the Federal funds are allotted to the States on the basis of estimates of their fire control needs it is essential not only to keep the estimates up-to-date but, what is more important, to obtain the best possible correlation between the estimates of the various States. For these purposes "area and cost" estimates have been made at intervals of about 5 years to determine (a) the areas of State and privately owned forest and watershed land in need of organized fire control, and (b), the annual cost of protecting such areas against forest fires. These periodic estimates are made by the State Foresters, in cooperation with private owners to the extent feasible, with assistance from Federal Clarke-McNary representatives.

More specifically, the surveys have a number of objectives, among them:

(1) To evaluate the character and size of the job.
(2) To appraise relative progress and future needs.
(3) To determine the extent of Federal cooperation.
(4) To serve as a basis for "regular" allotments to the States.

It is the last purpose to which this discussion is now primarily directed.

The first "area and cost estimate" worthy of the name was made in the summer of 1920. Its purpose in part was to obtain information needed for the Capper Report. This survey revealed that there were 315 million acres of non-Federal lands to be protected in 25 States at an annual estimated cost of $4,725,000, based on an average cost of 1½¢ per acre. For this purpose there was then available $800,000 of State appropriations, $700,000 of private funds, and a Federal appropriation of $125,000, making a total of $1,625,000 or about a third of the amount required. This was the first reasonably accurate approximation of the cost of controlling fires on non-Federal lands in the States with which the Federal Government was cooperating.

A more thorough survey was made in 1922 in 27 States when the acreage was estimated at 427 million and the annual protection cost $9,263,000. This was revised to an even $10 million in 1924 and served as the basis for the original authorization under section 3 of the Clarke-McNary Act. On the then prevailing principle that the private forest landowners would pay one-half of the protection costs with the other half divided equally between the States and the National Government, the Federal authorization was set at $2½ million.

A third computation was completed in 1930. This showed 419,633,000 acres of non-Federal forest lands needing organized protection at an annual cost of $13,386,000, in 40 States and Hawaii.

A fourth calculation made in 1938 gave 413,589,000 acres as needing protection at an estimated cost of $18,729,000. This figure was used as a basis for increasing the Federal authorization to $9,000,000 (Public Law 296, approved May 5, 1944, 58 Stat. 216).

The fifth revision, completed in the spring of 1946, in 44 States and Hawaii increased the acreage needing protection to 438,993,000 acres and the annual cost to $31,442,000. These acreage increases were the result of adding about 16 million acres of non-forested watershed lands to the program and the availability of more accurate forest survey data on non-Federal forest acreages. In 1949 the cost was raised to $40 million as a result of an office revision considering the decreased purchasing power of the dollar.

The sixth study completed in 1950 showed a cost of $48,250,000 to protect 426,694,000 acres. This estimate was amended in 1954 as a result of revised official forest area data in Alabama and Georgia. The amended estimate showed 431,109,000 acres and a cost of $48,781,000. This covered 45 States and Hawaii..

The seventh study completed in 1957 was designed to show in each State the fire problems and the State Forester's plan for meeting the problems, This is in contrast to previous studies which had as the main objectives the justification of Federal authorizations and appropriations, and allotments of Federal funds to States. This 1957 fire planning job in 46 States and Hawaii showed a cost of $83,509,000 to protect 434,700,000 acres; holding the burn to not more than 0.35% of the area protected.

The cost estimates in all the surveys represent project operations in the cooperating States. They do not include cost of Federal administration and inspection or of special services to all States, such as the "Nationwide Fire Prevention Campaign" to be described later.

Although each of the six studies was based on the most accurate information available at the time, the quality of the estimates improved as more and better basic data became available. Experience gained every year in handling the fire control job has helped each State Forester to determine more accurately his needs in organization, manpower, improvements, equipment, and all other essential fire control items.

The greatest difficulty with respect to the "area and cost" estimates is to obtain accurate, reliable correlation between State estimates. Because Federal allotments to the States depend partly upon estimates of protection costs, much thought and effort have been devoted to securing the best possible correlation in State estimates. As far as

is feasible, guides have been agreed upon in advance and followed. Conferences have been held at field, regional, and Washington Office levels, including many meetings of adjoining States or groups of States. Final correlation is worked out in conference with the Executive Committee of the Association of State Foresters. Precise correlation appears impossible for many reasons - among them, variations in State conditions, problems, laws, and policies and the different concepts and viewpoints of the State Foresters as to what they need in order to meet their problems. A balancing feature is achieved by the sliding scale reduction on estimated cost of protection, and excess expenditures in allotment computation.

Level of Protection

Under the Act the Secretary of Agriculture is responsible for deciding the amount of Federal funds that the National Government is justified in spending in each State -- in other words, the level of State-wide protection in which the Federal Government will share. This standard of fire control is termed "adequate protection" and may well be below the standards which some States, counties, and private owners desire or believe justified.

"Adequate protection" is defined as follows:

> "Adequate protection" is the protection of non-Federal forest land, including certain non-forested watersheds, that will hold fire damage below the level at which it will seriously interfere with the expected yield of products and social public benefits from these lands.
>
> Adequate protection requires an organization capable of holding the burned area within the fire loss index goal established for the State under expected average bad fire danger. The organization must be capable of rapid expansion and statewide flexibility of operation to successfully meet expected emergency situations. It does not envision absolute maximum protection with all refinements of fire control operations, but rather a basic organization supplemented by planned use of cooperative forces during emergencies.

Financial Plans

When the Forest Service, acting for the Secretary, has determined how much Federal money a State is entitled to as its share of the appropriation made by Congress, the State is so informed through the Regional offices. Each State then prepares an annual financial plan or budget, on a standard form, listing all funds available including the Federal allotment and itemizing planned expenditures for fire control for the fiscal year commencing July 1. The total amount budgeted is segregated into four major classifications: (a) administration, (b) field expense, (c) capitol outlay, and (d) suppression.

Federal personnel work with the State men in preparing the annual budget or financial plan. This affords an excellent opportunity for mutual discussion of policies, plans, and programs. The annual budget is more than a brief statement of financial needs since it outlines the contemplated organization and personnel, both office and field; the requirements for purchase of equipment; and the construction and maintenance or improvements as well as all other pertinent items and activities relating to the State's programs for this year. Since the Forest Service is responsible for effective use of the Federal funds, the Federal men must be familiar with the need for all important items in the plan. When the State Forester and his personnel have duties other than fire control, agreement must be reached as to the proportion of the salaries and expenses which should properly be charged against cooperative fire control. This also applies to office and living quarters, improvements, equipment, and the like. Where private funds are involved, decisions must be reached as to the legitimate items and amounts which can be claimed by the State for reimbursement.

Prior to F.Y. 1964 financial plans were sent first to the appropriate Forest Service Regional office and then to the Chief for final approval, after which the State could claim reimbursement up to the full amount of its allotment.

Beginning with F.Y. 1964 the format of the financial plan was changed. It includes all the cooperative forestry programs conducted by the State Forester. The Regional Forester has the authority to give final approval to the plan, after which States can claim reimbursement.

Reimbursement Procedure

It will be recalled that Federal funds in the early life of the Weeks Law were spent directly by the U. S. Forest Service for federally employed lookout towermen and patrolmen. Since 1920 the Federal cooperation has been handled on the basis of reimbursement to the States. This means that the State must first spend its own money and then at intervals, usually every three months, report to the Regional Forester by reimbursement voucher how much it has expended, and at the same time request Federal reimbursement of one-half of these expenditures, up to the full amount of its current allotment. Upon approval of the request, reimbursement in the proper amount is made to the appropriate State agency or official.

Although a specific allotment of Federal cooperative fire control funds has been earmarked for each cooperating State, the law requires that the Federal money must be at least matched by the State. Occasionally a State may not qualify for its full allotment and any resulting surpluses become available for redistribution to other States which can qualify. This, however, seldom occurs since State and private expenditures usually exceed Federal allotments by wide margins.

Participation of Private Forest Landowners

Both the Weeks and the Clarke-McNary Acts sought to accomplish fire control on non-Federal lands through cooperative effort in which the Nation, the States and private forest owners would all participate. Although the Weeks Law did not recognize protection expenditures of private owners and operators as eligible for Federal reimbursement, it nevertheless contemplated that the States would in their programs obtain the fullest possible cooperation from private landowners. In the many meetings that the Senate Select Committee on Reforestation held throughout the country in 1923 forest landowners and convinced the committee that a portion, at least, of private fire control costs should be recognized in a new expanded program.

The Clarke-McNary Act was therefore drawn to permit the States to use as offsets to Federal funds not only their own fire control expenditures but also, under certain conditions those incurred by private owners and operators; these approximate $2 million annually. The conditions were that the private expenditures must either be required by State laws (such as the compulsory patrol laws of some of the Northwestern States) or be made as a definite part of the State's protection system and under direct State supervision. Furthermore, it has been administrative policy not to recognize for Federal reimbursement the private fire cost which are incidental to, or are caused by logging operations, and should therefore be considered as a charge against those operations.

Consequently, by far the larger part of all private fire control costs are outside the Clarke-McNary program because they relate to logging operations; they concern private protection effort not performed under supervision of the State forestry officials; or they involve a standard of protection above the adequate level in which the Federal Government can justifiably participate. It is estimated that such private expenditures amount to about $15 million per year.

In 1924 private owners were expected to share one-half the cost of the entire program because private owner participation in fire control was largely in the Western States, then developing their protection programs under compulsory patrol laws requiring private owners to pay for protecting their lands. It was anticipated that this pattern would spread to other States. However, compulsory fire patrol laws were not adopted in other parts of the country and today only 4 of the 49 cooperating States have such laws -- Oregon, Washington, Idaho, and Montana. California had a compulsory patrol law but repealed it in 1941. Many States consider the protection of non-Federal forest lands a public responsibility and with the help obtained from the Clarke-McNary program assume the entire protection job, except for supplementary fire control efforts by private owners on their own lands. This trend in public policy is apparently increasing as public use risks increase and "off site" values, especially for water, became more important.

Total private fire control expenditures recognized in the C-M program have never even approached the 50% of total protection costs originally anticipated. The relatively small amount of private funds in the Clarke-McNary program should not be interpreted to depreciate the present substantial interest shown by many large landowners in protecting their cutover lands and immature growth as well as their merchantable timber. In many instances private owners desire and practice more intensified protection as a feature of very intensified forest management than public agencies can or should logically provide. Unfortunately this does not apply to the great bulk of the private forest land, most of which is in small holdings. Certainly, public funds should not be used either to replace or to diminish private effort, but long experience indicates that if there is to be adequate fire control nationwide it must be financed primarily with public funds.

Although from a national standpoint private funds play a relatively small part in the Clarke-McNary program, they are important in some of the Western States - Montana, Idaho, Oregon, and Washington. In Washington and Oregon they include expenditures of both organized protective associations and individual landowners. In Idaho and Montana the only direct private expenditures recognized are those made through organized protective associations.

Noteworthy Supplementary Programs

Worthy of mention are three developments that have made outstanding contributions to the Cooperative Fire Control Program. They are:

The Civilian Conservation Corps

The Nationwide Fire Prevention Campaign

Interstate Forest Fire Protection Compacts.

Civilian Conservation Corps

Soon after Franklin D. Roosevelt was elected President in the fall of 1932, he stated, "I propose to create a Civilian Conservation Corps to be used in simple work. . . and confining itself to forestry, the prevention of soil erosion, flood control and similar projects. Within a month after his inauguration the Congress, at the President's request passed the Emergency Conservation Work Act (Public Law No. 5, 73rd Cong., 1st Sess., approved March 31, 1933). This legislation authorized the Civilian Conservation Corps camps -- at first called "E.C.W." camps but later more commonly referred to as "CCC." This program was born of the severest unemployment situation in the Nation's history.

Although the "Triple C" was wholly underwritten from Federal funds, its conservation activities were not restricted to Government-owned lands. Largely because of the close relationships between the Forest Service and the State Forestry Departments, resulting from cooperation under the Weeks and the Clarke-McNary laws, it was possible to bring the States, and to a lesser extent private forest owners, into the CCC program right from the start. Under general supervision of the Forest Service, the State Forestry Departments, and through them also private forest landowners, became actively concerned with CCC camps and their work. In 1935 there were 390 State Forest camps and 243 camps working primarily on private forest lands.

The work authorized on State-owned lands was almost identical to that on the National Forests, including all phases of protection and management of forest and range lands. On private lands the activities were limited by law to fire control improvements and activities. Under a special ruling of the Director small demonstrations of timber-stand-improvement work and reforestation were, however, allowed on private lands.

The inventory of fire control improvements constructed on State and private holdings by the CCC is impressive. It includes 1,314 lookout towers; 315 lookout dwellings; 39,431 miles of telephone lines; 43,782 miles of truck trails; 8,247 miles of foot trails and 42,708 miles of firebreaks. Fire hazard reduction work covered well over a million acres. Perhaps the outstanding contribution of the CCC in fire control was that it furnished, trained, and equipped fire suppression crews which served as a first line of attack on nearly all fires within striking distance of the camps. About 1,500,000 man-days were spent on fire prevention and presuppression activities and slightly less than 2,293,000 man-days were devoted to fighting forest fires. The States owe a large, and in many cases a major, part of their fire protection improvements to the CCC.

The net result of the CCC program was overwhelmingly good and it is probably an understatement to say that because of it forest fire control throughout the country was advanced by from 10 to 20 years.

Nationwide Forest Fire Prevention Campaign

Since nine out of every ten forest fires result from human carelessness or maliciousness the most potent way to reduce unnecessary fire losses is to keep fires from starting.

In all States where forest fires are fully recognized as a serious problem and the Forestry Departments together with interested organizations, such as "Keep Green Committees," have actively promoted fire prevention, commendable progress has been made. However, an added effort has been needed in many States. Commencing in 1942 an aggressive national fire prevention campaign was launched.

Primarily the campaign is a cooperative enterprise of the Advertising Council, the U. S. Forest Service, and the State Forestry Agencies, but many other agencies, both public and private, give their active support in distributing or displaying the educational material. It is estimated that during the 22 years since the project started about $125,000,000 has been contributed in free advertising space and radio and television time $12,000,000 in 1963).

It is difficult to imagine that many persons are not familiar with "Smokey, the fire prevention bear" and his message: "Remember, Only You Can Prevent Forest Fires."

The Southern States have a special fire prevention problem with incendiary and debris burning fires. To supplement the national Smokey Bear campaign a Southern Cooperative Forest Fire Prevention campaign was initiated in the Southern States in 1959. This campaign has a more adult approach in dealing with incendiary and debris burning fires.

Interstate Forest Fire Protection Compacts

Following the disastrous forest fires in Maine in October 1947, the governors and the citizens of Maine and adjoining States became interested in better protection from forest fires. Through the New England Governors' Conference a meeting of public officials was called to work out for the Northeastern States a mutual, cooperative plan of forest fire protection in case of an emergency. It was decided at this and several followup meetings that some permanent agency be set up which would serve to integrate the forest fire protection services of the several States into a cohesive and organized pattern. Federal enabling legislation (Public Law 129, 81st Cong.) was passed by Congress in June 1949, and by January 1950 the "compact" was ratified by the seven States (6 New England States and New York). The directing agency is a commission composed of the State Forester and two other members from each State. The commission is given power to study and make recommendations to the member States with regard to problems connected with the prevention and control of forest fires and the measures, legislative and administrative, that should be taken to meet these problems. Among its specific duties is the formulation of a regional forest fire control plan which shall serve as a common plan for that area. The compact obligates each member State to put into effect a forest fire plan for that State; "to take measures as may be recommended by the commission to integrate such plan with the regional forest fire plan"; and upon the request of a member State, "to render all possible aid to the requesting agency which is consonant with the maintenance of protection at home."

The compact provides for expansion by permitting any State contiguous to a member State to become a party to it. Supplementary legislation (Public Law 340, 82nd Cong.) provides that any of the Canadian provinces adjacent to member States may participate in the Compact.

The State Foresters of the member States constitute a technical committee which functions as the working supervisory agency under the general direction of the commission.

R. M. Evans, formerly Regional Forester, U. S. Forest Service at Philadelphia, was appointed by the commission as the first Executive Secretary on May 4, 1950. He resigned in 1952 and A. S. Hopkins, formerly Director of the Division of Lands and Forests in New York, was appointed as the second Executive Secretary. The third Executive Secretary - Milton C. Stocking was appointed January 1, 1963.

The Compact has been enthusiastically supported and remarkable progress made in training and standardization of fire fighting equipment.

Functioning much like the Northeastern Compact, but organiz d later, are the Southeastern Interstate Forest Fire Protection Compa t, and the South Central States Forest Fire Protection Compacts. Instead of a paid Executive Secretary, these provide for a Coordinator, and Dispatcher respectively. The Middle Atlantic Interstate Forest Fire Protection Compact, although authorized, has not been activated.

Summary of Progress

During the past 40 years the Clarke-McNary cooperative fire control program has achieved outstanding success in promoting effective forest fire control for non-Federal lands. State Forestry organizations in all States in the program have made noteworthy advancement in reducing fire losses.

Progress can be measured by many and various yardsticks, such as the number of States in the program, the acreage being protected and the expenditures for fire control. The number of States will which the Federal Government is cooperating in fire control has increased from 29 in 1925 to 49 in 1963. The only State not now (1964) in the program is Arizona.

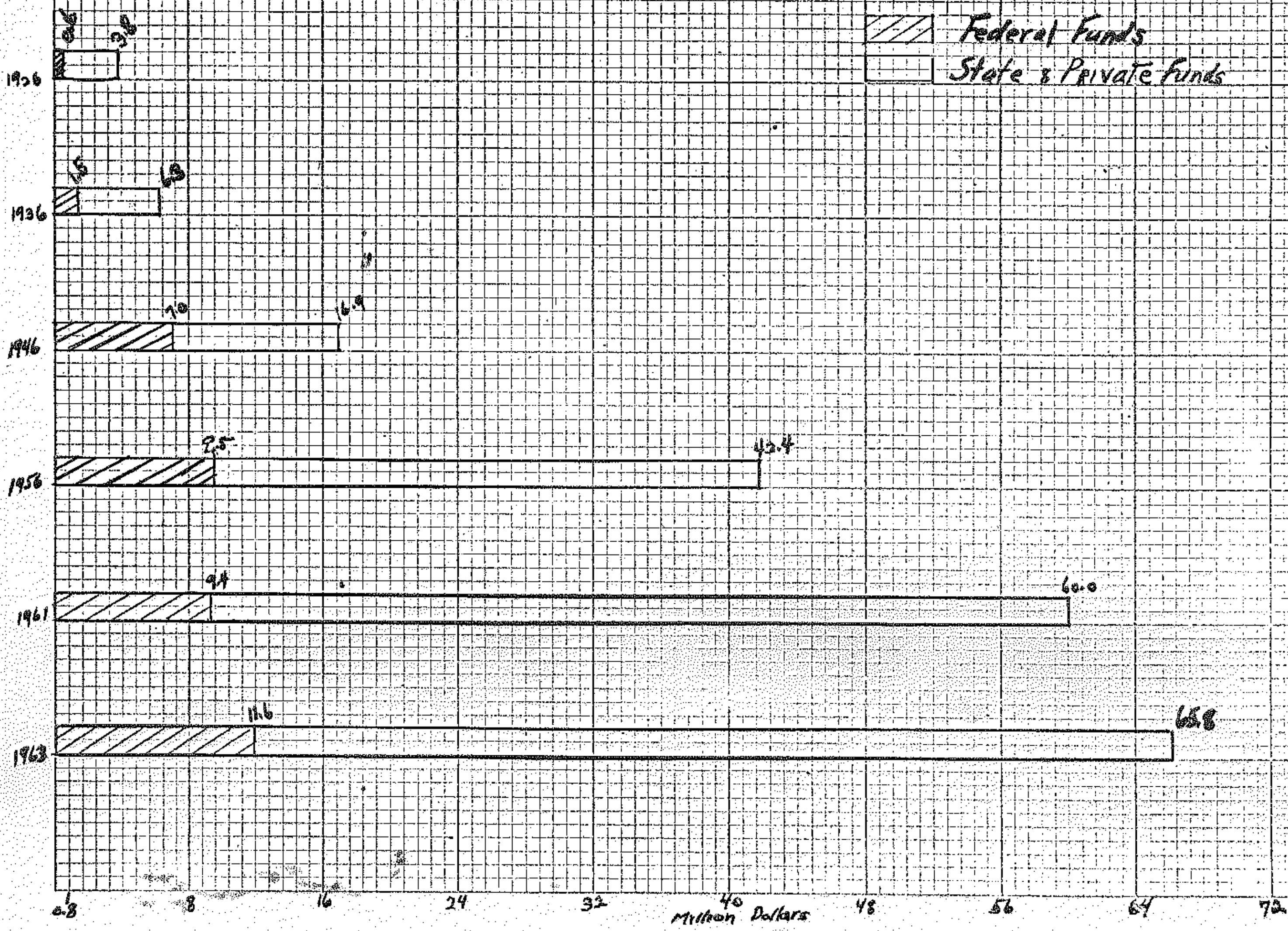
From the financial standpoint, the total funds expended for fire control increased from about $3,800,000 in 1926 to more than $65.8 million in 1963. The increase during the past 15 years has been very rapid, especially in State appropriations. How the Federal Government and the States (together with their private cooperators) have shared fire control expenditures during this period is shown in Table 3, and Graph I.

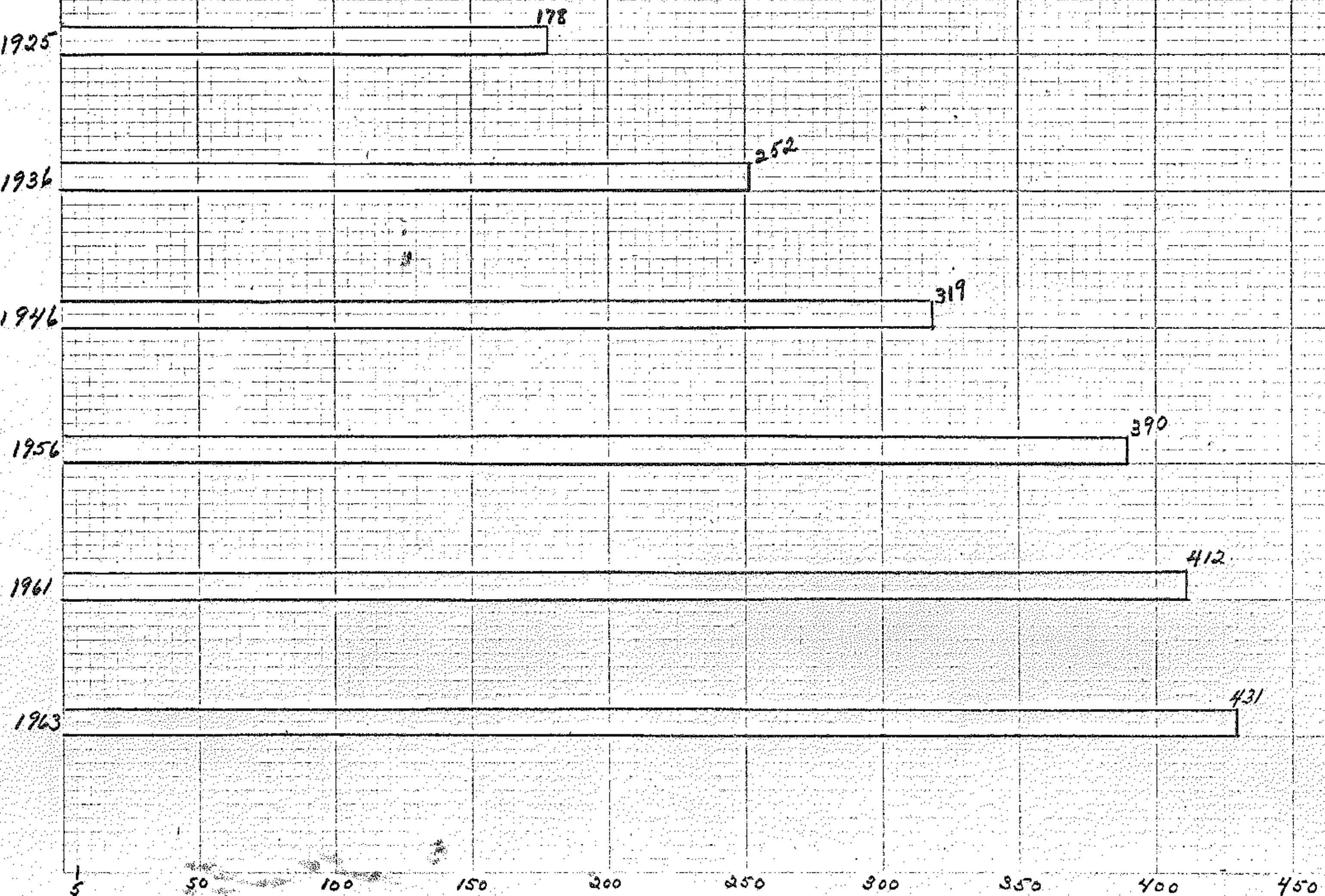
The area given protection has more than doubled, from approximately 178 million acres at the time the Clarke-McNary Act became effective in 1925 to about 431 million acres in 1963. (See Graph II).

Progress in many other phases of the program cannot be so easily depicted or described although they may be fully as important and as impressive. These phases comprise such essential fire control items

as planning, organization, personnel, training, physical improvements, equipment, communication, firefighting techniques, and fire prevention measures, including fire laws and their enforcement. In all these elements, which combined constitute the fire control job, outstanding advancement has been made and is being made each year by the States. As to be expected, the progress is more pronounced in some States than in others. Several States have now about reached their ultimate objectives, while others are still considerable distance from their goals. On the whole, the progress has been very substantial and commendable. Credit for the advances made in protecting the non-Federal lands from forest fires belongs mostly to the State Foresters and to their fire control personnel. However, the program has truly been a cooperative one and there can be little doubt that the Federal partnership has exerted a constructive and stabilizing influence and that it has been a potent factor in the success which has been achieved.

Notwithstanding the progress already made, there can be no place in fire control for complacency. This is particularly true so long as millions of acres of forest lands still do not have adequate protection and each year 100,000 fires, 96% man caused, burn over 4 million acres.


Graph I
Fire Control Funds Expended Under C-M 2 Program-Fiscal Years
Federal Funds
State & Private Funds
F.Y.
1926
1936
1946
1956
1961
1963
0.8
3.8
1.5
6.8
7.0
16.9
9.5
42.4
9.4
60.0
11.6
65.8
8
16
24
32
40
48
56
64
72
Million Dollars


Graph II
Acres Protected in the C-M 2 Program - Calendar Year
1925
178
1936
252
1946
319
1956
390
1961
412
1963
431
5
50
100
150
200
250
300
350
400
450
Million Acres