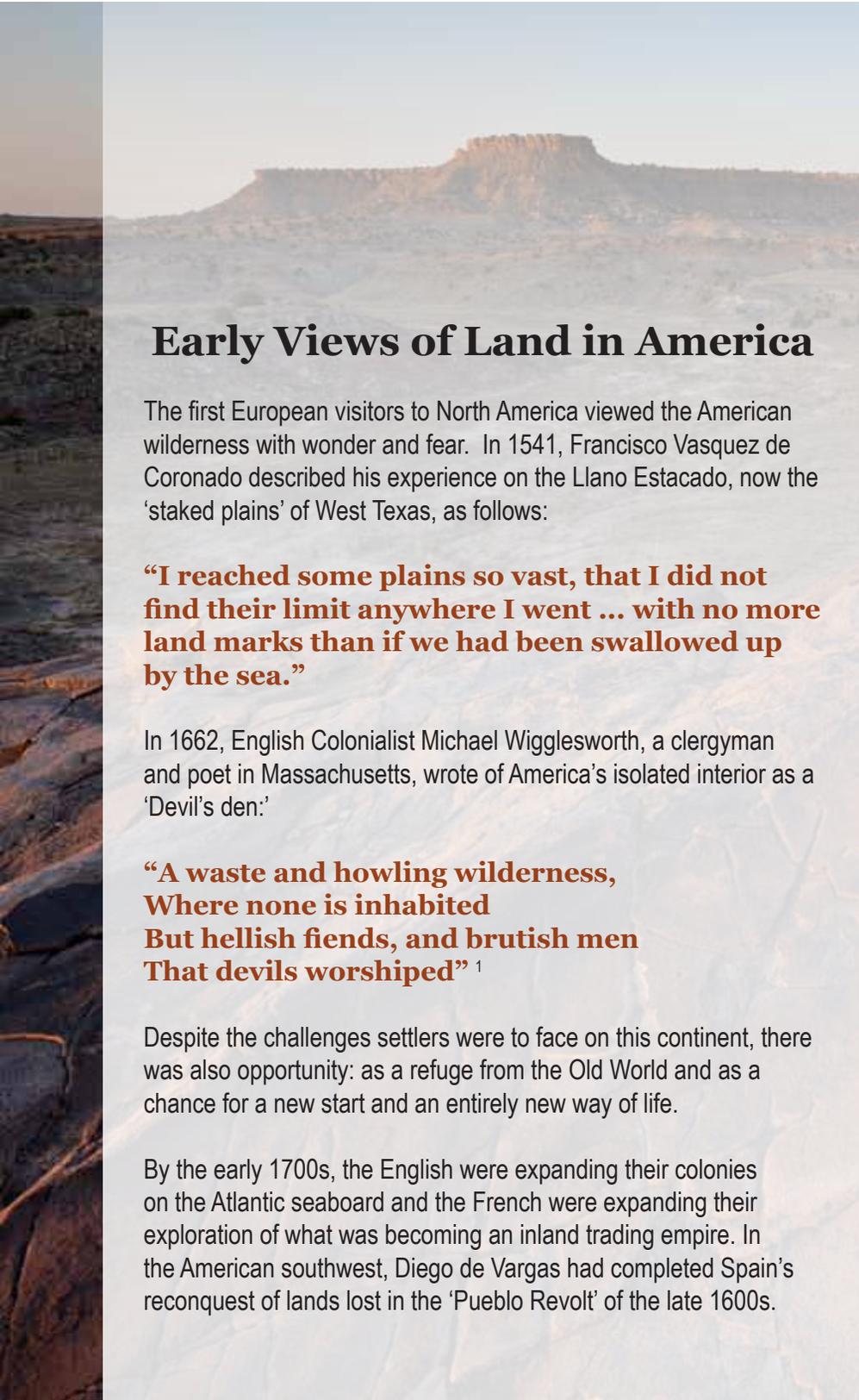




# The Public Domain to the Creation of the BLM 1812 – 1946





## Early Views of Land in America

The first European visitors to North America viewed the American wilderness with wonder and fear. In 1541, Francisco Vasquez de Coronado described his experience on the Llano Estacado, now the 'staked plains' of West Texas, as follows:

**“I reached some plains so vast, that I did not find their limit anywhere I went ... with no more land marks than if we had been swallowed up by the sea.”**

In 1662, English Colonialist Michael Wigglesworth, a clergyman and poet in Massachusetts, wrote of America's isolated interior as a 'Devil's den:'

**“A waste and howling wilderness,  
Where none is inhabited  
But hellish fiends, and brutish men  
That devils worshiped”<sup>1</sup>**

Despite the challenges settlers were to face on this continent, there was also opportunity: as a refuge from the Old World and as a chance for a new start and an entirely new way of life.

By the early 1700s, the English were expanding their colonies on the Atlantic seaboard and the French were expanding their exploration of what was becoming an inland trading empire. In the American southwest, Diego de Vargas had completed Spain's reconquest of lands lost in the 'Pueblo Revolt' of the late 1600s.





## Colonies and Empires

The English, however, were primarily focused on controlling the seas; there was little reason to colonize the 'blank and remote' interior lands because their harvests would be difficult, if not impossible, to transport to coastal ports.



Benjamin Franklin

By 1763, many colonists disagreed with this view. Benjamin Franklin predicted that in only 100 years the English population would be greater in the colonies than in Britain, and spoke about the 'portentous role' America would play in the future development of British power.<sup>2</sup>



CAVALIER.

PURITAN.

HOLLANDER.

FRIEND.

The question of integrating these visions took on added urgency when the English defeated the French during the French and Indian War and took sovereignty over the eastern portion of the Mississippi Valley in 1763. The colonies had long enjoyed 'near self-government' as a result of England's preoccupation with domestic troubles and a series of European conflicts. The Americans had acquired experience that "made them resentful of the attempts of the Imperial government after 1763 to establish common policies applying to all thirteen Colonies."<sup>3</sup>



John Trumbull's painting, *Declaration of Independence*



## American Revolution

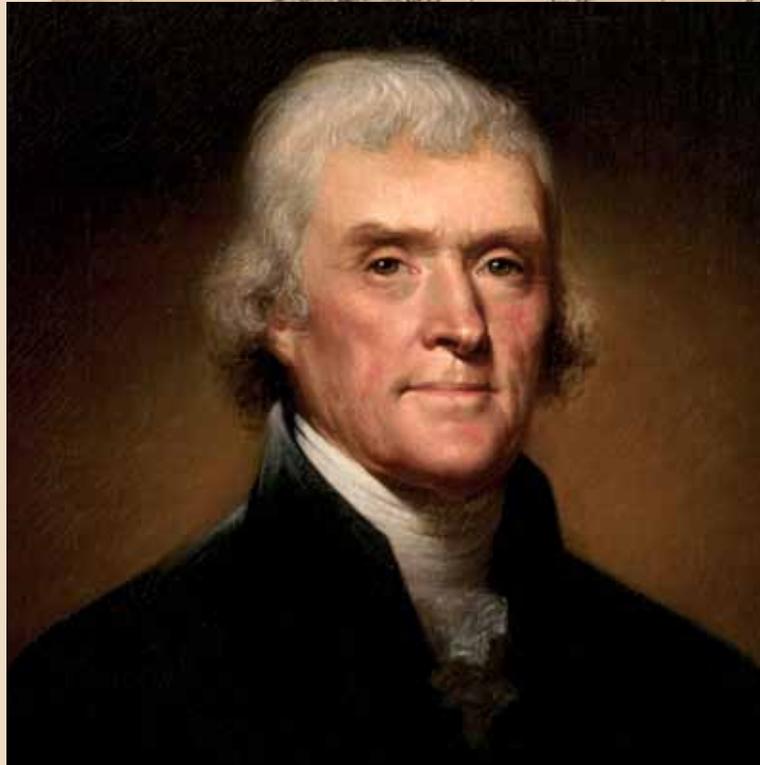
To make matters worse, in 1774 Parliament passed the Quebec Act, which halted all land grants by colonial governors. In the future, surveys were to be made of this land, which would then be sold at public auction to benefit the English Crown. Thomas Jefferson wrote a resolution in protest, stating that the Crown did not have the right to grant lands or to withhold the right from the Colonies.<sup>4</sup>

Within a year, the American Revolution began. In 1783, the "United States of America" was formally recognized under the Treaty of Paris, in which England ceded to the thirteen colonies their original boundaries plus 237 million acres of land west to the Mississippi River – land that became America's public domain.

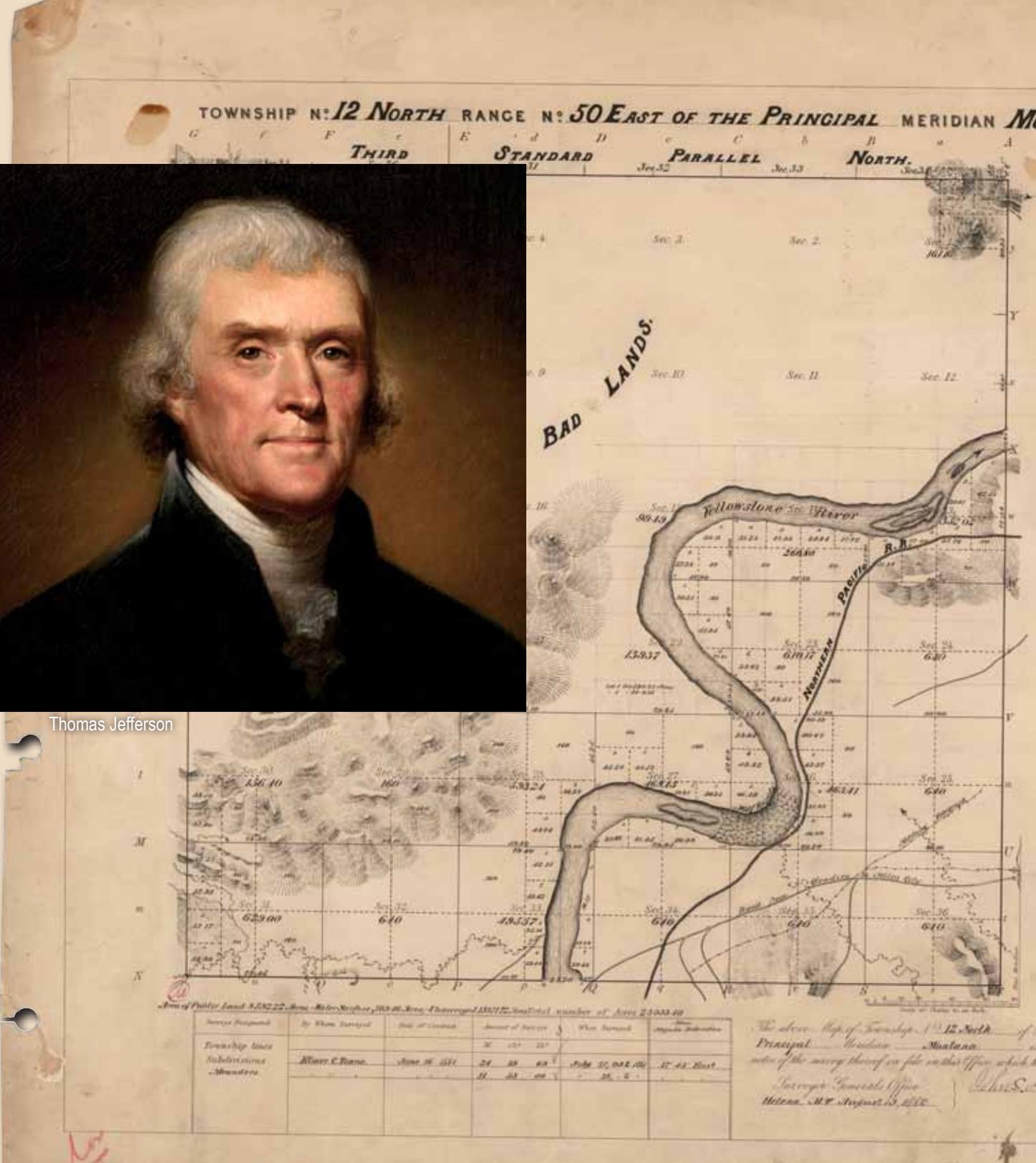
# The Public Domain

The nation's public domain was to include these 'western' lands and all further land acquired by the United States, when it was under federal ownership, except for the State of Texas, which entered the Union as a sovereign nation. Major federal acquisitions include the Louisiana Purchase, Mexican Cession and Alaska. Today, the public domain comprises all such lands that have not been transferred out of federal ownership, including BLM-managed public lands, National Forests, Parks, Wildlife Refuges, military lands and more, which total about 20 percent of America's total land mass.

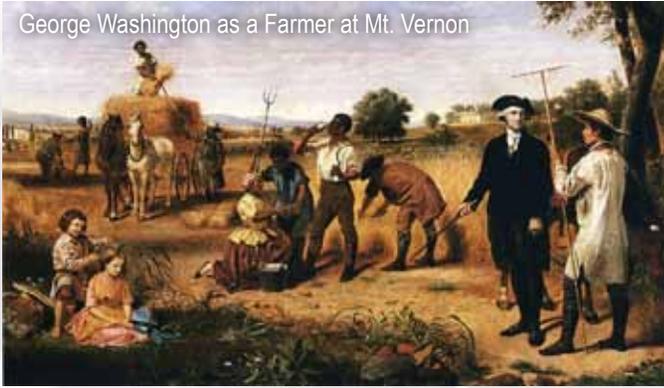
On May 20, 1785, three years before the U.S. Constitution was ratified by the states, the Congress of the Confederation passed a Land Ordinance that called for orderly settlement of these lands, following their survey and sale. Thomas Jefferson, who had worked as a land surveyor in the past, helped design a rectangular survey system for these lands so they could be "disposed of for the common benefit of the United States," and raise badly needed funds for the new government to operate.



Thomas Jefferson



George Washington as a Farmer at Mt. Vernon



## What is an American?

‘What is an American?’ asked Hector St. John de Crevecoeur before the Revolution, and, according to historian Henry Nash Smith, the question has been repeated by every generation from his time to ours.

Crevecoeur served as a cartographer with the French during French and Indian War, but married an American. In his *Letters from an American Farmer* he answered his question:

**“We are a people of cultivators, scattered over an immense territory . . . united by the silken bands of mild government, all respecting the laws, without dreading their power, because they are equitable.”**<sup>5</sup>

Jefferson focused on the political implications of the agrarian ideal. “Small land holders,” he wrote, “are the most precious part of a state.” “Power always follows property,” added John Adams. Land, widely distributed among the people, would “hold the line against pernicious concentrations of power.”<sup>6</sup>

But others, including Alexander Hamilton, the nation’s first Secretary of the Treasury, believed in a strong central government and sales of large blocks of public lands to corporations or other large landowners who would have the resources to properly plan and develop the frontier.

The new nation’s public domain provided the opportunity for its leaders to debate both these ideals of property and put them into practice, underscoring the fact that *land* and the people’s relationship to it was the most important factor in defining the American character.



St. John de Crevecoeur



John Adams



Alexander Hamilton



Continental Divide National Scenic Trail, Colorado (photo by Bob Wick)

## New Views of the Land

From the late 1700s forward, many highly favorable views were published about America's vast land holdings, including this letter from a "European traveler" passing through Kentucky:

**“. . . here in the wilderness, I had found in what the greatest happiness in life consisted: for here was civil and religious liberty in perfection – here was independence, as far as the nature of human life would admit – here fullness was enjoyed without retirement.”**<sup>7</sup>

A new idea was being forged, that American society was being shaped by the pull of an 'empty' continent drawing the population westward. As American historian Henry Nash Smith noted:

**“The image of this vast and constantly growing agricultural society in the interior of the continent became one of the dominant symbols of nineteenth-century American society – a collective representation, a poetic idea ... that defined the promise of American life.”**<sup>8</sup>

## Settlement of the Public Domain

In 1796 public lands were still sold in tracts no smaller than 640 acres. People were pouring into the lands west of the Appalachians to settle the frontier before the land was even surveyed. Squatters were creating a precedent that would be hard to ignore; the government needed to deal with them and the idea of 'pre-eminence,' that the first people to arrive on a parcel of land and develop it should have the right to own it once it was surveyed and offered for sale. Indeed, "a skirmish line of squatters was as sure a sign of the need for surveys as swallows are of spring."<sup>9</sup>

But it was not until 1841 that Congress finally addressed the issue of squatters and preemption by passing the Preemption Act of 1841 that provided for sale of 160 acres of public lands to actual settlers.<sup>10</sup> As this and other examples will show, an important part of the public lands story is how Congress and the Executive Branch responded to public land issues – and how fast they were able to respond – as conditions on the public domain changed.

America's settlement of the "Northwest" (today's Midwest) was rapid and dramatic. Farmers were becoming highly successful and, no longer content with subsistence agriculture, began using the Mississippi River as a route for bringing their crops to market.



# Louisiana Purchase

However, access to the French port of New Orleans was not always granted. When France closed New Orleans to Americans during the early part of President Jefferson's term, the president sent a delegation to Napoleon seeking American rights in the city. Needing money to finance his army, Napoleon proposed to sell all remaining French territory in North America in 1803 – an offer Jefferson quickly accepted.

This one action, the Louisiana Purchase, almost doubled America's size, adding 530 million acres of land to the nation's public domain. As historian Bernard DeVoto observed over a century later, "the achieved West had given the United States something that no people had ever had before, an internal, domestic empire."<sup>11</sup>

Napoleon Bonaparte



Devil's Gate Trail, Wyoming (photo by Bob Wick)



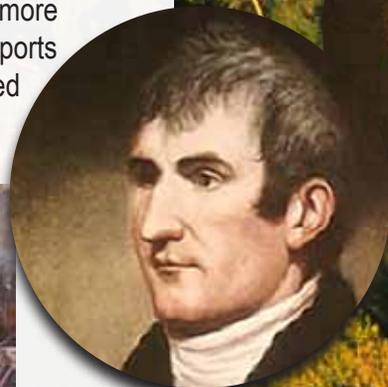
## Land Acquired in the Louisiana Purchase



## Lewis and Clark and the “Corps of Discovery”

How, indeed, would America deal with this vast, uncharted frontier? First it must be explored and documented. President Thomas Jefferson gave the assignment to Meriwether Lewis who asked William Clark to help him lead the expedition.

From May 1804 until September 1806, Lewis and Clark’s “Corps of Discovery” explored the lands and rivers of the new acquisition, and beyond. They started in the Midwestern plains and traveled beyond the Rocky Mountains to the Pacific coast, covering 3,700 miles, round trip. In search of an elusive water route to the Pacific, they made observations and discoveries along the way that helped paint a more accurate picture of the Western lands. The reports from their famous journey were closely followed by the American public.



Meriwether Lewis



William Clark

### Lewis and Clark’s Trail



Thomas Jefferson commissioned the Lewis and Clark Expedition, also known as the Corps of Discovery Expedition (1804-1806)



Early Surveyors

## The General Land Office

But first, the Louisiana Purchase had to be integrated into the new nation. In 1812, Congress created the General Land Office within the Treasury Department, an idea suggested by Alexander Hamilton two decades earlier. And despite the War of 1812 with Britain, the Land Office was doing a 'land office business.' From 1789 to 1834 Congress passed more than 375 land laws; land surveys and distribution of patents could not keep up with settlement.

In 1832, Commissioner Elijah Hayward was determined to create order in the Land Office; he had 17 clerks to help process 40,000 patents a year. Despite his efforts to increase the agency's effectiveness, the GLO fell further and further behind. Perhaps because he was unsuccessful, Hayward took to drink.

Andrew Jackson personally ordered Hayward "that he must desist entirely from taking any spirits; unless it was a table wine,"<sup>12</sup> which also proved unsuccessful. Hayward resigned in 1835, but Congress, aware of the problem, authorized a significant increase in the GLO's budget. Then, as with the BLM today, the GLO was a prime source of revenue for the government.



Andrew Jackson

From this point forward, however, the Land Office could barely meet its obligations; more often it fell further behind in its business. In 1836 there were already 10,000 squatters in Iowa; the first two land offices were opened in 1838, but by then its territorial population had grown to over 25,000.

## Native American Lands and the Public Domain

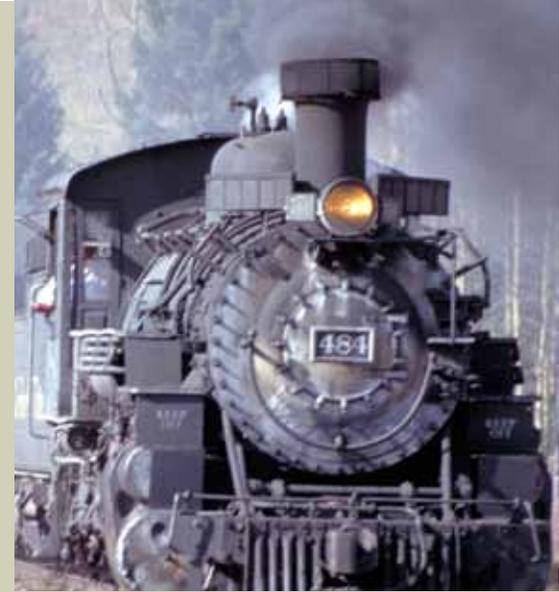
Even before the Nation acquired its lands west of the Mississippi River, its leaders found themselves politically and physically unable to stem the tide of illegal settlement of Indian lands by the growing number of American settlers. Land treaties that had been negotiated between the U.S. Government and native tribes in good faith were repeatedly broken as the nation pushed westward.<sup>13</sup>

In 1856, for example, the Commanding General of the Department of the Pacific instructed his troops to ensure that emigrants not “be permitted to settle or remain in the Indian country, on land not ceded by treaty confirmed by the Senate and signed by the President of the United States.” The Territorial Legislature of Washington sought congressional intervention with this policy that it claimed “unlawfully assumed to issue orders prohibiting citizens of this Territory from settling certain portions thereof, and ... have driven citizen settlers from their claims and homes acquired under the laws of the United States,” a policy it characterized as “a highhanded outrage upon the rights and liberties of the American people... proclaimed by tyrants not having the feeling in common with us.”<sup>14</sup> By 1857, U.S. troops were moving native American peoples in the Pacific Northwest onto reservation lands for their protection.





Hagan Mower, Montana



## Growth and Change in America's Agricultural Utopia

Other forces of change were at work: cities were growing rapidly, presaging a time when the Ohio Valley and the Great Lakes region would no longer be predominantly agricultural. An industrial revolution was under way with steam power first used in boats and locomotives, and later in factories. "Steam power hastened the transition from subsistence to commercial agriculture," and also "caused the accumulation of capital in units of unprecedented size."<sup>15</sup>

In the long run, the farmer could no more stand his ground against the merchant and banker of the 'Northwest' than he could against the rapidly growing plantation system in the South. But the disparity between the agrarian ideal and the force of economic change was not yet clear to the contemporary observer.<sup>16</sup>

An 'agrarian utopia' was firmly fixed in the American mind, especially in the North and Midwest. Providing land to settlers would soon become a platform in the newly formed Republican Party. The South, meanwhile, was increasingly dominated by slavery and its plantation systems; many slaveholders felt their way of life was threatened, especially as more of its poor farmers moved west.

## Mexican Cession and Creation of the Department of the Interior

In 1848, with the end of the Mexican War, yet another massive holding of land (almost 340 million acres) was added to the nation's public domain. President Polk's Secretary of the Treasury Robert Walker knew the GLO and the Treasury Department would be overwhelmed by even more land issues, including the need to settle legitimate land claims by long-time Mexican and Spanish residents of the lands gained by the Mexican Cession of 1848.

Walker recommended the establishment of a 'Home Department,' a Department of the Interior, which Congress created in 1849. While the idea was not new (it was first suggested in 1789 and several times in the early 1800s), only with the much-increased need for such a function would Congress overcome the Jeffersonian ideal of a small and limited federal government devoted to its citizen-farmers – an ideal that no longer reflected reality. The GLO was transferred to the new Department of the Interior in 1849.

Despite the many challenges facing the GLO, appointments to head the agency were among the most sought after in the nineteenth century. Abraham Lincoln was said to be 'much irritated' in 1849 when he was passed over for the job.



Aerial view of Interstate 25, a railroad track and the old El Camino Real de Tierra Adentro National Historic Trail. Established in 1598 by Juan de Onate, this trail from Mexico City to Santa Fe provided vital communications and trade between Mexico and the frontier lands of New Mexico for over 300 years.

Eviction during Irish Potato Famine

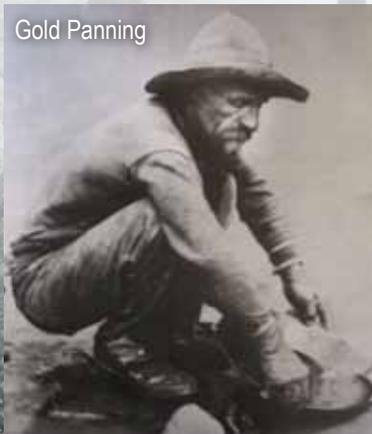


## Seeds of Change

The year 1849 was also significant for the nation in what was to come from Europe: the Revolutions of 1848 in the German states ended in failure and the Irish 'Potato Famine' was in its fourth year. Soon, huge new waves of immigrants would be looking for a better life in America. German immigrants, especially, yearned for land they could farm and call their own.

In addition, a 'gold rush' was occurring in the California Territory, raising the question of how to deal with mineral claims and mineral settlement on federal lands. The '49ers established their own mining codes patterned after Spanish colonial mining law, except Spanish law required a royalty payment. Miners were eventually given the right to purchase public lands under mining claims at the rate of \$2.50 an acre for placer claims and \$5.00 for lode claims under Mining Act of 1872.

Gold Panning



By the early 1850s, the ideal of 'a western utopia' of yeoman farmers had also acquired strong antislavery overtones. George Fitzhugh of Virginia summed up the South's repudiation of the Western agrarian ideal in 1857:

**“Agricultural labor is the most arduous, least respectable, and worst paid of all labor. Nature and philosophy teach all who can to avoid and escape from it, and to pursue less laborious, more respectable, and more lucrative employments. None work in the field who can help it.”**<sup>17</sup>

In addition, because of the rapid development of America's public lands – and clearcutting of Appalachian and Midwestern forests – the nation recorded its first expressions of wilderness preservation. According to Henry David Thoreau:

**“The curious world we inhabit is more wonderful than convenient; more beautiful than useful; it is more to be admired and enjoyed than used.”**<sup>18</sup>

And in his book, *The Maine Woods*, Thoreau called for the establishment of national preserves of virgin forests, “not for idle sport or food, but for inspiration and our own true recreation.”<sup>19</sup>



Henry David Thoreau



## Challenges Faced by the GLO

The the 1850s, the GLO assigned the first federal timber agents to protect forests in the West. However, the agents' territories were massive and GLO's mission remained the rapid and efficient disposal of the public domain. (In 1856, Commissioner Thomas A. Hendricks reported that the agency was four years behind in its paperwork.)

Without reliable forces to back it up, federal authority suffered from an ongoing lack of respect: "The settlers of the West took the view that the land was there to be taken, and that the rules and regulations of the government did not change their natural rights as citizens."<sup>20</sup>



Thomas Andrews Hendricks



Abraham Lincoln with soldiers during the Civil War

## Homestead Act and Other Land Grants

One of the main issues in the election that brought Abraham Lincoln to the presidency was passage of a Homestead Bill, which had been vetoed by President Buchanan, a Democrat, in 1858. Republicans had translated their repudiation of slavery on moral grounds into a doctrine of 'free soil.'<sup>21</sup>

With the outbreak of the Civil War – and the secession of the southern states – Congress was able to pass the Homestead Act in 1862. The government also provided massive grants of public lands (just over 30 million acres) to the Union Pacific and Central Pacific Railroads to build a transcontinental railroad. In addition, the Morrill Act granted states 30,000 acres for each congressman and senator to fund the establishment of agricultural and mechanical arts colleges (known as land-grant colleges and universities).

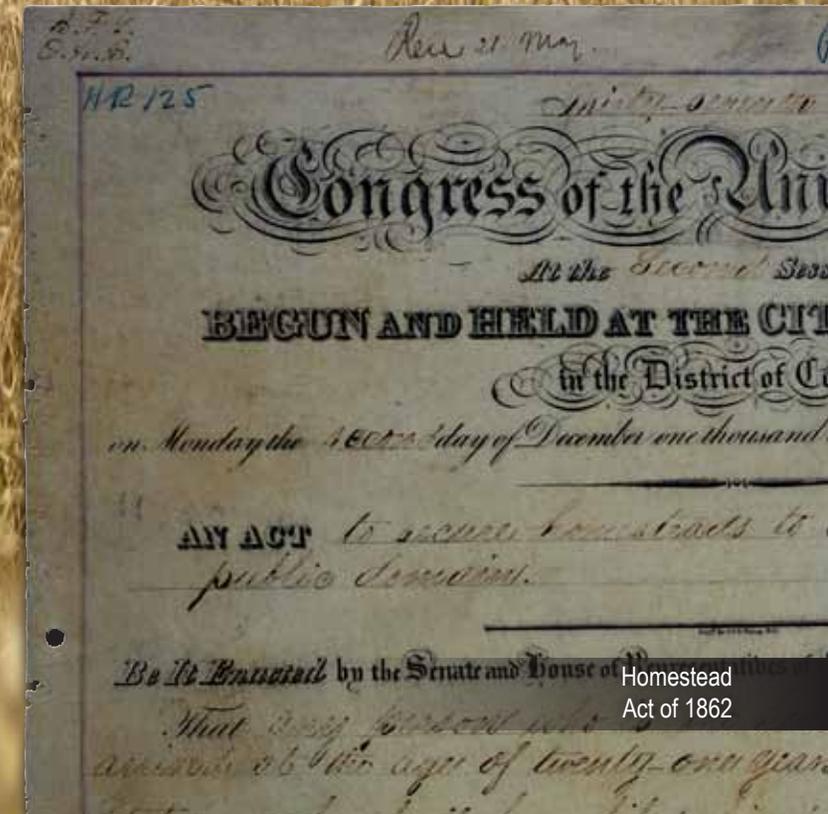
The disposal of the nation's vast holding of public lands took a quantum leap forward after passage of the Homestead Act. Indeed, through 24 acts passed in the 21 years following 1862, Congress granted 130 million acres of the public domain to only a few railroad companies for the construction of railways; at the time, many people argued that land was worthless without transportation. As American historian Paul Wallace Gates noted:

**“The United States Congress was the greatest ‘land office’ in the world during the nineteenth century as it granted millions of acres of [the] public domain to promote the construction of railroads considered necessary for the development of the nation.”<sup>22</sup>**

In hindsight, there was another issue tied to the Homestead Act which limited its effectiveness: the government did not end auctions or cash sales of land; speculation and monopolization continued “within as well as without the law.”<sup>23</sup> And, using the Homestead Act to acquire lands under falsified claims, ‘dummy entrymen’ allowed speculators plus timber, mining and cattle interests to take much desirable land from the reach of homesteaders.



Workers joining the tracks for the first transcontinental railroad



Homestead Act of 1862



## The Great American Desert versus the Myth of the Garden

By 1860, settlement of the public domain had breached the eastern edge of America's Great Plains; earlier visitors, such as Zebulon Pike and Francis Parkman described the region as a barren, trackless wilderness. Reporter Edwin Bryant proclaimed it to be 'uninhabitable by civilized man,' with the idea of 'civilized' relating to the ideal of agriculture.<sup>24</sup>

These views would have to be countered before further agricultural settlement could take place. The American 'myth of a garden' had to be extended west to overcome the earlier reports. In an early move toward reestablishing the myth, Josiah Gregg asked:

**“Why may we not suppose that the genial influences of civilization – that extensive cultivation of the earth – might contribute to the multiplication of showers, as it certainly does of fountains?”**<sup>25</sup>



The idea was given little notice until after the Civil War. Ferdinand V. Hayden, heading the Geological and Geographical Survey of the Territories, adopted the theory that “the planting of ten or fifteen acres of forest-trees on each quarter-section will have a most important effect on the climate, equalizing and increasing the moisture and adding greatly to the fertility of the soil.”<sup>26</sup> Because of a series of wet years in the early 1870s, several western prophets proclaimed that ‘rain follows the plow.’

When the Civil War ended, agricultural settlement had reached eastern Kansas and Nebraska. By the middle 1870s, lands were being settled in areas where the rainfall was highly variable, but likely to decline every few years – or sometimes for many years – below the level needed for ‘traditional’ farming. Between 1870 and 1890, settlement advanced west upon the plains in periods of higher rainfall, only to be forced back by the dry periods that always followed.

## Against the Grain: John Wesley Powell and Carl Schurz

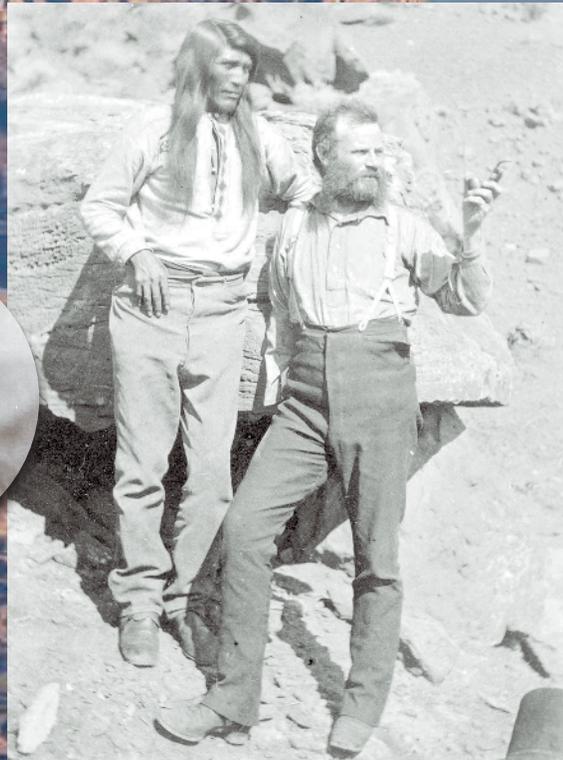
John Wesley Powell, the second director of the U.S. Geological Survey (and famous explorer of the Colorado River), warned that the old methods of agricultural settlement could no longer be relied on west of the 100th meridian. Livestock grazing should become the dominant land use, he argued, since 160 acres was woefully inadequate for agriculture in 'subhumid' regions. Powell became an early voice recommending that homesteads be enlarged to 2,560 acres or more.

In addition, Powell and Secretary of the Interior Carl Schurz advocated for classification of the remaining public domain based on its economic potential, one of the first steps taken to initiate land use planning on public lands. Secretary Schurz (1877-1881) became the first cabinet member to advocate for conservation of the public lands; he worked diligently to prosecute land fraud but his efforts to remove political patronage met with limited success.

Commissioners of the GLO and Secretaries of the Interior had complained repeatedly, but to no avail, of their inability to enforce the land laws as written, to prosecute fraud, and protect the public domain against trespass. Congress was unwilling to appropriate the sums required or to take decisive – but often unpleasant – actions.<sup>27</sup> However, despite these problems, land was still being granted or sold to settlers.



John Wesley Powell



John Wesley Powell with Native American  
at the Grand Canyon, Arizona

Grand Canyon-Parashant National Monument,  
Arizona (photo by Bob Wick)



Carl Schurz

**Carl Schurz, the first German-born  
American elected to the U.S. Senate,  
and Secretary of the Interior from  
1877 to 1881, was famous for saying:**

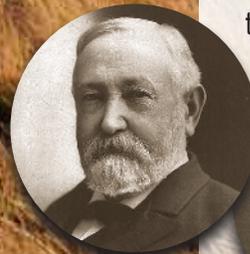
**“My country,  
right or wrong;  
if right, to be kept right;  
and if wrong,  
to be set right.”**

# Reservation of the Public Domain

By the last two decades of the nineteenth century, strong sentiments arose for devising an entirely new way of handling the public domain, including the permanent reservation of significant parts of it. As several historians have noted, it was the excesses of the disposal process that led to the permanent reservation in federal ownership of portions of the public domain.

There was also the issue of how to deal with Native Americans. While treaties provided for lands to be reserved and services to be provided, issues involving Indian rights and claims were not fully addressed or settled; some remain today.

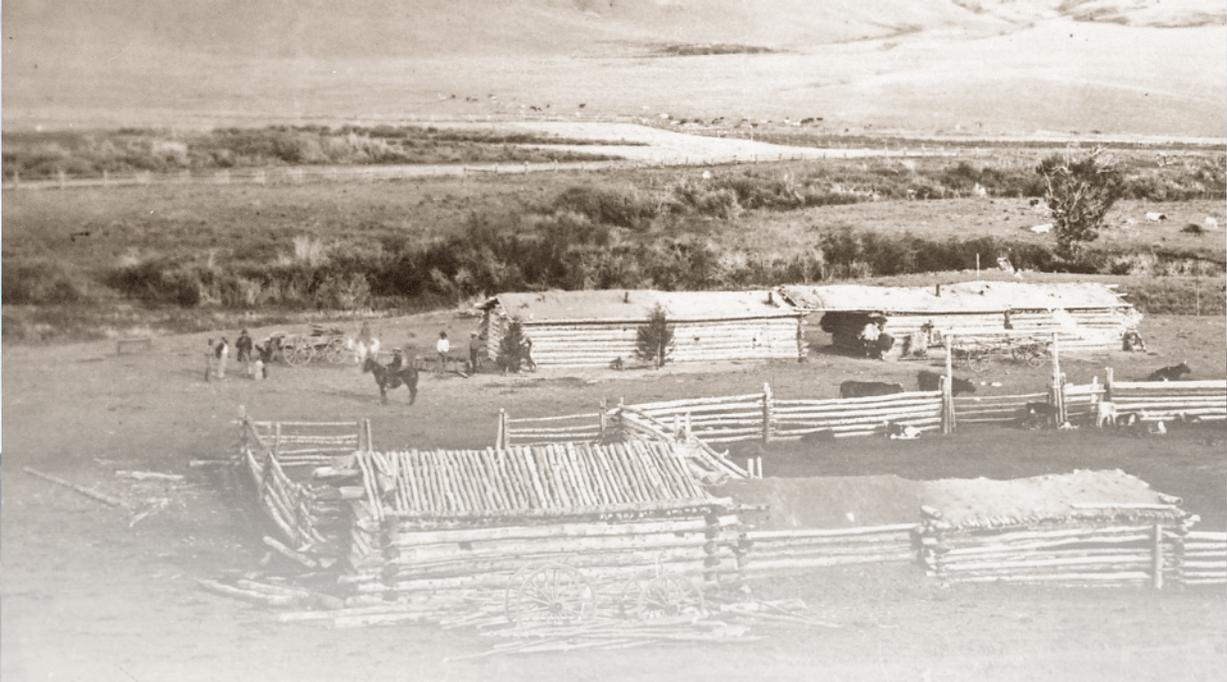
In 1832, Congress established the first federally-protected area, Hot Springs Reservation in Arkansas. It became a National Park in 1921. But the first National Park was Yellowstone, established in 1872, the year the General Mining Act passed, but such protections were still rare. The first *system* of permanent federal land reservation involved forest reserves, whose creation was authorized by the General Public Lands Reform Act of 1891. By 1897, Presidents Benjamin Harrison and Grover Cleveland had withdrawn nearly 40 million acres for inclusion in the forest reserves.



Benjamin Harrison



Grover Cleveland



## Continuing Settlement and Increasing Disappointment with the Myth of the Garden

Waves of settlement on the drier, 'subhumid' plains continued to occur until the catastrophic winter of 1885-86. Together with drought in the 1870s and 1890s plus periodic plagues of locusts (an estimated 3.5 *trillion* swarmed the Plains in the summer of 1875), the era of homesteading was drawing to a close. However, the open range cattle industry was expanding into Wyoming and Montana during this time, and in particularly 'good years' between 1878 and 1880, the population of Kansas, Nebraska and Colorado tripled.

One of the unforeseen consequences of America's myth of the garden was its vulnerability to economic disaster. The myth would serve only to "intensify the sense of outrage on the part of men and women who discovered that labor in the fields did not bring the cheerful comfort promised them by so many prophets of the future of the West . . . Indeed, 'the shattering of the myth by economic distress marked, for the history of ideas in America, the real end of the frontier period.'" <sup>28</sup>

The Homestead Act had its successes; it remained a tribute to the ideal of the yeoman farmer, but was lodged "in an incongruous land system."<sup>29</sup> Between 1862 and 1890, 372,659 entries were perfected. About two million people comprising the families of actual settlers benefited from the Act, especially the earliest Homesteaders on the eastern plains. However, railways sold more land than was conveyed under the Homestead Act due to the prime location of their lands, and in many places, alternate sections of public lands were not opened to homesteading.

The "contrast between image and fact, the ideal and the actual, the hope and the consummation, defines the bitterness of the agrarian revolt that made itself felt with increasing force from the late 1870s onward."<sup>30</sup> Novelist Hamlin Garland declared in a story published in 1892 that "Writers and orators have lied so long about 'the idyllic' in farm life, and said so much about the 'independent American farmer,' that he himself has remained blind to the fact that he's one of the hardest working and poorest-paid men in America."<sup>31</sup>



Hamlin  
Garland

# Theodore Roosevelt and American Conservation

When President Theodore Roosevelt opened the first White House Conference on Conservation in 1908, he declared that the wise use of the nation's natural resources was the "great material question" of the day. "In the past," he continued, "we have admitted the right of the individual to injure the future of the Republic for his own present profit... The time has come for a change."<sup>32</sup>

By 1908, Roosevelt had already been busy changing the way that the nation dealt with its natural resources. To help protect the nation's game birds from overhunting, he used the power of the Executive Order to create the first Federal Bird Reserve, which would later become known as the nation's first National Wildlife Refuge, on Pelican Island, Florida in 1903.<sup>33</sup>

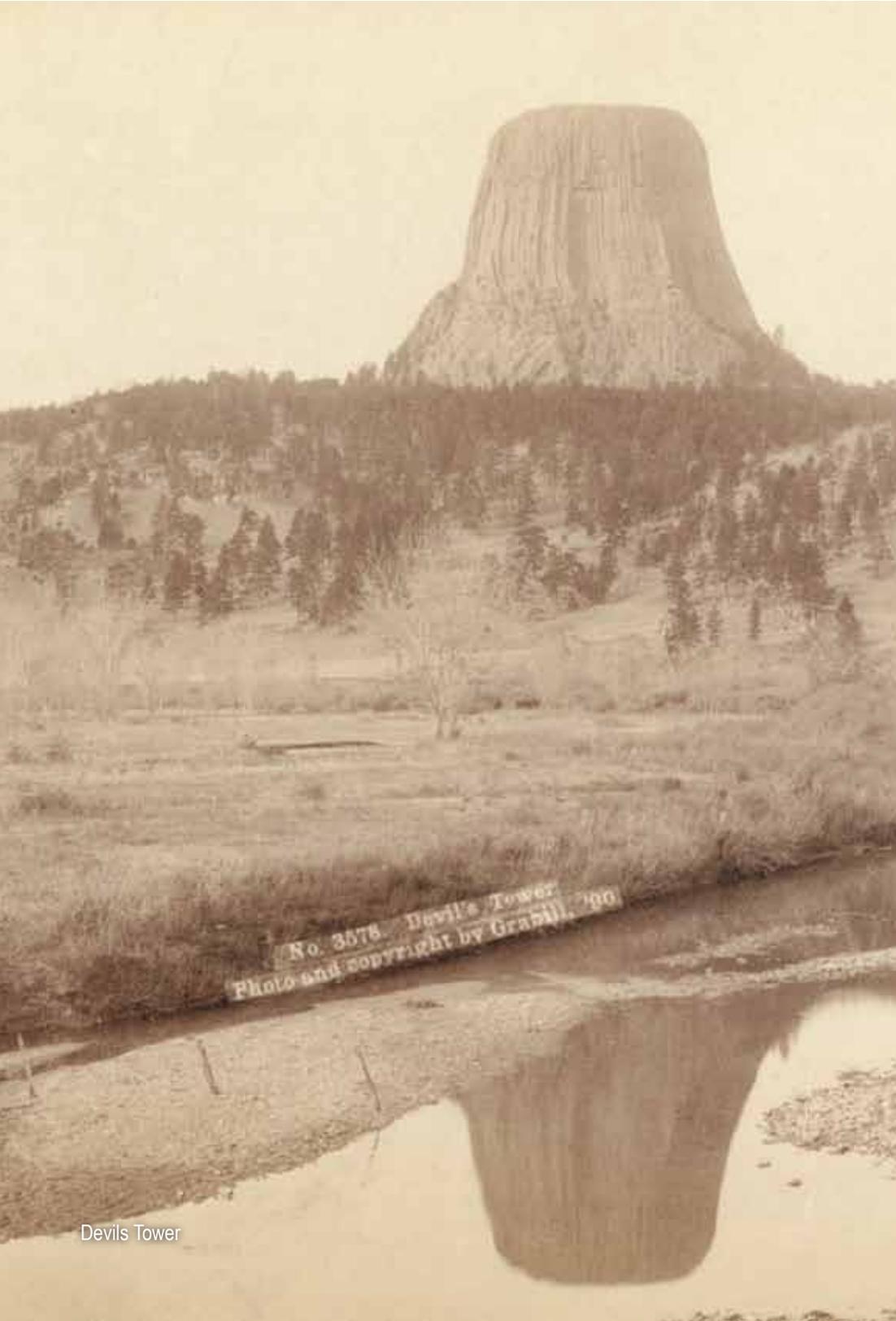
Although the Forest Reserve Act of 1891 authorized the creation of "reserves" on GLO-managed forested lands, indiscriminate cutting of the trees in these areas was widespread. In 1905, the Transfer Act moved the administration of these lands to the Department of Agriculture's new Forestry Service, which was charged with managing these forest lands and conducting timber sales on them. Roosevelt appointed Gifford Pinchot, now recognized as one of history's pioneering conservationists, to lead the new agency.



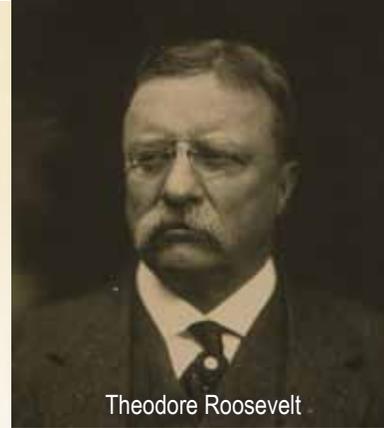
Logging, Oregon 1911



Theodore Roosevelt and John Muir  
at Yosemite in 1906



Devils Tower



Theodore Roosevelt

## Antiquities Act and the Growing Conservation Movement

In 1906 Congress passed the Antiquities Act, which gave the President authority to protect Indian ruins, artifacts and other scientifically valuable resources by designating national monuments. The impetus for the Act came from the GLO's commissioner, William A. Richards, who sought to protect the cliff dwellings of the southwest and sites like Arizona's Petrified Forest from despoliation by ambitious private collectors.<sup>34</sup> Roosevelt used the act quickly and often; he created Devils Tower National Monument on September 24, 1906, and Chaco Canyon and Grand Canyon National Monuments shortly thereafter.

During his tenure, President Roosevelt created 150 National Forests, more than 20 National Parks and Monuments, and 55 bird and wildlife reserves, leaving a permanent mark on the nation's public domain.

Under the Administration of Roosevelt's successor, the equally conservation-minded William Howard Taft, Congress would subsequently pass the Pickett Act. This law gave the President the ability to "temporarily withdraw from settlement, location, sale, or entry any of the public lands of the U.S., and such reservations shall remain in force until revoked by him or by an Act of Congress."

## The General Land Office in 1912

By 1912, debates continued over conservation and management of western forests and watersheds. The GLO reported in its 1912 Annual Report that the nation had 163 National Forests covering 187 million acres, reservations for 28 National Monuments and 56 Bird Reservations. It included this summary of the Antiquities Act's implementation:

**“The national monument act of June 8, 1906 (34 Stat., 225) happily provided for the creation, by proclamation of the President, of certain classes of public reservations which theretofore had not been possible, except through acts of Congress. Many appeals had been made to create national parks, and many bills were introduced in Congress for that purpose which failed of passage. . . . The monument law eliminated all of these difficulties . . .”**

The nation was moving in a new direction. Employees of the General Land Office had done their job. According to Wallace Stegner,

**“though some men grew rich on the graft incidental to the partitioning of the land,**

**nevertheless the Land Office Surveys made out to do their practical job. They divided the land so that titles could be issued to pioneer farmers, speculators and the states . . . without having to mind the debates between advocates of free land and those who believed the government should sell off the public lands for profit and a balanced budget.”** <sup>35</sup>

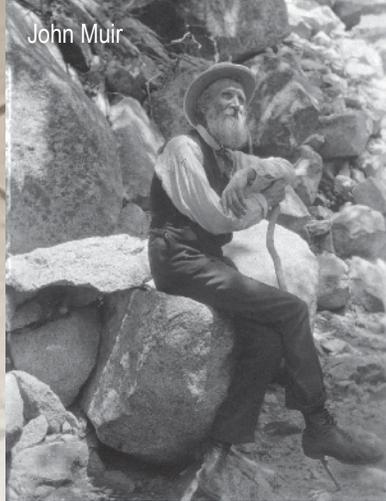
The value of the Rectangular Survey System was that surveys provided a method of relating title of ownership to an actual piece of land. “By these well-conceived plans, major controversies over land ownership were avoided; the United States was spared the almost endless litigation that has plagued other countries.” <sup>36</sup>

Other historians have addressed the issue of dealing with America's vast public lands: according to Patricia Limerick, the public domain was so massive the “distribution and control of that property would have broken down the management techniques of the most modern multinational corporation. . . . The United States took on the management of a vast nationalized resource, equipped only with an ideal of individual property owning.” <sup>37</sup>



Surveyors in Arizona, 1910

John Muir



Herbert Hoover



## What to do with America's Remaining Public Domain?

By 1912, the nation had indeed changed. Its population had grown from about 2.5 million in 1776 (not counting slaves or Indians) to almost 100 million. New Mexico and Arizona were admitted to Union, the last of the 'lower 48' states.

New ideas about America's remaining public lands continued to emerge. In addition to the Forest Service's utilitarian view of land management, there was a preservationist school of thought being voiced by people such as John Muir; they sought not to manage but preserve federal lands with unique scenic and historical significance. In 1916 the National Park Service was created to implement this ideal.

The question now became what to do with the remaining public domain. By this point, Congress and the Interior Department had recognized the values of the minerals they contained and permanently reserved their ownership to the federal government.

The remaining federal rangelands were mostly used by private ranches that controlled nearby water sources. In a manner typical of common resources, however, these public lands soon began to show the effects of overuse; overgrazing led to widespread erosion, flooding, and vegetative community changes on the public lands.

Recognizing the problem, in 1928 Congress established the Mizpah-Pumpkin Creek Grazing District in Montana as an experiment to study the idea of leasing public lands for grazing. In 1930 President Hoover created a Public Lands Commission to study the issue; the commission recommended in 1931 that the remaining rangelands (about 235 million acres) be granted to the states in which they were located – but the proposal was forcefully rejected by the states and by Congress.

As Utah Governor George Dern stated,

**“The States already own . . . millions of acres of this same kind of land, which they can neither sell nor lease, and which is yielding no income. Why should they want more of this precious heritage of desert?”** <sup>38</sup>

Dern further explained his position saying, “our ranges are being very seriously depleted ... and they have got to be built up, and built up right away, or else they will be beyond repair.” <sup>39</sup>

# The Taylor Grazing Act

The Taylor Grazing Act of 1934 was designed to curb overgrazing on federal lands and begin the process of restoring them. Farrington (Ferry) Carpenter, the first director of the Grazing Division (which was placed in the General Land Office), was charged with decentralizing federal decision-making by establishing grazing districts controlled by local advisory boards.

This action helped stabilize the livestock industry, but ran afoul of Interior Secretary Harold Ickes' desire to assert the government's 'proprietary interest' in the public lands and his views that the nation's natural resources be managed "so that each can be given its proper place." Carpenter was fired in 1938 for a perceived failure to control grazing on the public lands. Secretary Ickes renamed the Grazing Division as the U.S. Grazing Service in 1939.

Ickes also proposed that Interior be transformed into a Department of Conservation, which was strongly opposed by western representatives, but he was successful in creating a reorganized U.S. Grazing Service as an independent agency that soon became embroiled in a proposal to increase grazing fees.

New Mexico Grazing District No. 6's advisory board allocates use of the public range, 1936



Farrington (Ferry) Carpenter



## Oregon and California (O&C) Lands Act

In another crucial development, Congress passed the O&C act in 1937. After forested lands granted to the Oregon and California Railroad Company in western Oregon were revested back to the government in 1916, due to violation of the grant terms regarding the sale of lands to settlers, these lands were not returned to the public domain, but remained under the management of the GLO.

The Act stated that these lands “shall be managed . . . for permanent forest production . . . in conformity with the principle of sustained yield for the purpose of providing a permanent source of timber supply, protecting watersheds, regulating stream flow, and contributing to the economic stability of local communities and industries, and providing recreational facilities.”





Civilian Conservation Corps enrollees  
relocating beaver in Idaho, 1938

## Civilian Conservation Corps

Many other activities were taking place on the public lands. To alleviate the widespread unemployment resulting from the Great Depression, President Franklin Roosevelt convinced Congress to create the Civilian Conservation Corps, a “public work relief program” for young men aged 18-25. The CCC provided Americans with opportunities to conserve and protect natural resources on lands managed by the GLO and other federal, state and local agencies from 1933 to 1942.

Many of these young men were employed on projects to restore overgrazed lands. Others worked in firefighting programs, while still others were involved in building roads and recreation sites. With the advent of World War II, these activities drew to a close.

# The General Land Office and the Grazing Service: the End of an Era

At this point, the remaining public lands were managed by the GLO and the Grazing Service – one agency reaching the end of its mission to survey and dispose of America’s public domain and the other beginning its charge to manage and restore them. However, as was usual for the GLO, personnel and budgets were not adequate for either agency’s tasks; at several points the salaries of Grazing Service employees were paid for by the grazing boards they regulated.

Nonetheless, permanent change had occurred. Homesteading and other methods to provide land for settlement had faded; public lands were increasingly being viewed as a resource that should be retained in federal ownership for the American people. The question became how to define and meet this new mission.

World War II placed temporary but severe hardships – both in funding and personnel – on the GLO and the Grazing Service. However, the GLO developed a postwar policy that called for “continued management under progressive conservation policies.” The GLO argued that new laws were needed to manage the public lands and asked Congress for a review of the existing land laws and a restatement of the nation’s public land policy.

In the meantime the Grazing Service wanted to reinstitute range studies and range improvement projects, but their efforts to do this were frustrated by congressional opposition resulting from earlier attempts by the agency to raise grazing fees. During these postwar years, America had reached a critical juncture in its public land policy, arriving at the end of an era and the beginning of a new one with the creation of the BLM in 1946.



Iwo Jima



# End Notes

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