Oral History 227-25

Robert Wolf Oral History Project

Speaker: Robert Wolf

April, 1989

Summary: Wolf lectured on the background of the Act, Momongahela Forest issues, strict interpretation of the 1897 organic act, and the roles of Senators Talmadge, Humphrey, Randolf, and Metcalf He describes James Watt, the roles of the lobbyists, and the application of the act.

Wolf: I guess I'm supposed to put this thing on [because] they want to record, but I am going to sit down because I've been running at a pretty fast pace and I think it ought to be reversed, you should stand and I should sit. Then I'd know when to quit when you all sat down. That would mean I'd done more than I should. I did get involved in legislation quite by accident and wound up having a role in the enactment of a lot of legislation.

I'm a forester who never intended to have anything to do with policy and never intended to work for the federal government. But that's the way life is; it's full of surprises. You don't know what's going to happen and if you planned it, it probably wouldn't work that way anyway. I was going to talk, though, tonight about the National Forest Management Act.

But first I want to point out that there's been a significant series of changes occurring over the last couple of decades. When I look back to when I first went into Washington, when I went to work at the Bureau of the Budget in 1953 in the Eisenhower Administration, there were two political appointees in the Bureau of the Budget, the director and the associate director. The rest were career civil servants who, because they worked in the Bureau of the Budget, felt they had an absolute duty to help the president balance the budget and to guard against the wasteful spending that every Federal agency wanted to engage in. Now there's a whole tier of people well

down into the Bureau of the Budget who are political and that's a major change, a major shift in the way in which that agency functions. The same is true of most of [the] executive agencies. The number of political appointees was far less. The staffs in Congress were much smaller. When I first went to work on the Interior Committee on loan from the comptroller general's office in 1956, there were five professional staff members on the Senate Interior Committee. By 1960 there were eight of us. And now there are three major Senate office buildings full of staff, and there are still only 100 senators. So there are significant changes taking place. I can't tell you whether it's good or bad. I can just tell you it's happened.

In the Truman years, a lot of people don't realize that Truman reduced the national debt by $12 billion and he balanced four out of seven budgets. Eisenhower had two balanced budgets, and because of circumstances he couldn't control Y the national debt went up $16 billion. We now think that it's commonplace and natural to have $200 billion deficits and we pretend they're only $150 billion with the "funny man."

So significant changes have occurred in my career. The way things were when I started out and the way things are now are quite different. So I can't tell you that I'm going to give you a picture of what the future will be like and I hope that as I tell you how things happened, you won't feel that I'm saying "that's the way it ought to be," and that we ought to go back to the good old days, because we don't go back to them.

The National Forest Management Act is a law that, from my standpoint, didn't need to happen, at least if my advice had been followed [chuckles]. In 1974 when there was litigation going on [in] the Monongahela National Forest on their cutting practices, I suggested to Senators Talmadge and Humphrey, who were working on the Resource Forest and Range Amendment ... Resource Planning Act (also known as the RPA Act) and I suggested that since the court had not

decided that case, we ought to rewrite a part of the 1897 act and modernize it. The 1897 act to govern the national forest, the part I'm talking about, said that the Forest Service could cut trees that were dead, down, mature or large growth (whatever that meant), and all trees had to be marked before being sold.

That was what the lawsuit was about. People say it was about clear-cutting. The lawsuit was about those issues. The plaintiffs may not have liked clear-cutting, but they were suing over the strict interpretation of the law and its abuse by the Forest Service for 70 years. The Forest Service defense was, "We violated the law for 70 years, and having violated for 70 years, it must be the law." And the court said, "No. Seventy years of violating the law doesn't make it the law. If it's a bad law go back to Congress and change it."

But before the court reached its decision, I suggested we modernize the 1897 act by saying that the Forest Service should cut timber in an environmentally and economically sound manner instead of the "dead, down and mature." And language was put in the Resource Planning Act, in the subcommittee version, that said that. The forests products industry and the Forest Service said, "Oh, please, take it out. We don't need it. The court isn't going to go with the plaintiffs in the West Virginia case. They're going to agree that 70 years of violating the law makes it the law."

And so Senator Humphrey said, "Go see Senator Talmadge about that." And he [Talmadge] said, "If you want [the language] out, we'll take it out." No sooner had it come out and the bill came out of subcommittee when Judge Maxwell and the Fourth Circuit in District Court level decided the case and he decided it as I've described it. Then they came rushing back in unison saying, "Oh, put the language back in."

Senator Humphrey sent them to Senator Talmadge, and I was in Senator Talmadge's office when some of the forest products industry people came in and Senator Talmadge said in his good solid Georgia accent. "You wanted to stay in cou't? You stay in cou't. You go to the Cou't of Appeals." We took it out and it's not going back in. Because from his standpoint now it was a different issue, besides which he'd just taken it out at their request. He wasn't going to dance around and put it in.

So off they went to the Court of Appeals and the Court of Appeals upheld the District Court in no uncertain terms and so the question was whether there ought to be something done. The case was in West Virginia. But there was a predecessor. Dean Bolle from Montana who had issued the Bolle Report. There was the same issue in Wyoming. There was the same issue in Oregon and the same issue in Alaska. That was the Fourth Circuit, and for those of you who are lawyers or would be lawyers, Judge Clement Haynesworth, who had been rejected for the Supreme Court, was the Chief Judge in the Fourth Circuit, and he was a strict constructionist, and the strict constructionist was what we don't want in many cases.

A strict constructionist says the law may be lousy, but that's the law. Get Congress to fix it. Don't bring it to the Court. Now if there are ambiguities in the law, where the Court can adjudicate those differences and seem to find what the language is, they're willing to do that. But in this case the language was so clear that the Court found that there was no question about it. At any rate, the Ford administration was reluctant, would not support the Forest Service request that the law be revised. Senator Jennings Randolph of West Virginia was working on a bill that was popularly known as the "Randolph Bill" and he had a committee of people who were working on it to write a new law that would severely limit clear-cutting and do a number of other things.

The question was whether to do nothing, to try to deal with the Randolph Bill when it was perfected and introduced, or to see whether the Ford administration could be persuaded to do something. After some consideration and some discussion (and I was involved in it), Senators Humphrey and Talmadge decided that a bill should be drafted that would deal with modernizing the way in which the Forest Service sold its timber. I drafted the bill with Mike McCleod, the counsel for the [Agriculture] Committee, and we made it as short and as concise and straightforward as possible, knowing full well that as the process unfolded, there were going to be changes. Because, having won that lawsuit, the environmental groups were not about to settle for walking backward. The bill was introduced and Senator Talmadge reached some decisions that are significant, I think, and again they helped demonstrate how an experienced chairman and a member of Congress operates.

I was in the meeting with them when it was decided. He said, "We're going to have the Interior Committee (it was then the Interior Committee) participate in the hearings and in the markup because that's a western committee." Now again we're dealing with a nuance here. The Agriculture Committee has jurisdiction over forests and forestry. The Interior Committee are what's now environment and energy [and] has jurisdiction over public lands and national forests created from the public domain. There has never been a firm decision in Congress as to what that means.

So you have the Wilderness Bill that came through the Interior Committee, not the Agriculture Committee. But Senator Talmadge was looking at it as a pragmatist. Most of the National Forests are in the West. And that committee was full of western members, and he wasn't going to bring a bill out that dealt with problems that were largely in the West without having them participate in it. And besides, as he said once, as he leaned back in his chair, "There's a couple of those fellows running for the presidency, too. We want them to be on

record." [Laughter] And if you remember, Jimmy Carter was getting ready to run, from Georgia. But the other thing he said was, "We're going to invite Senator Randolph to participate in the hearings and in the markup."

I remember Mike McCleod, the counsel for the committee, objecting, saying, "We don't want to do that, do we, Senator?" And Talmadge just looked at him and he said, "Yes, we do, Mike. Yes, we do." What he was saying, without communicating the exact words, is, "Here is a person who served in the House, starting in 1934, went out in 1976. Now he's in the Senate. He's the chairman of the Public Works Committee. He's a power in his own right. One old lion doesn't try to kick another old lion. He tries to get him into the law with him and they work together rather than chewing each other up. And so that was, in essence, [Talmadge's] decision. Did it work?

It had to work because when you voted on the final passage in the Senate on the bill, Jennings Randolph voted for it, not against it. And it also worked because Lee Metcalf, who served on the Senate Interior Committee, was a co-sponsor of the Humphrey Bill, not the Randolph Bill. That meant that Talmadge was fashioning a group of people who would work together to find solutions to these issues rather than simply have a divisive issue. Hopefully they would wind up with a bill that, when it got on the president's desk, would be signed.

And where was President Ford in this? He didn't want to offend either side. He didn't want to support a bill or condemn a bill. I don't say this in derogation of Ford. This was a political decision that he reached, that his people reached. Rightly or wrongly, that's the way it played out.

The House was not the major actor in the bill because of another neighbor of Montana.

That's Tom Foley. Anyone who's watched Congressman Foley in operation knows that he is a consensus builder. He is not a table thumper. He's a guy who likes to get people working together, who's cautious, who takes his time and it may not be the style some people like and you can't change the qualities that a person brings to the job, but again that's the Foley style. He was the chairman of the House [Agriculture] Committee then because, in the revolt of 1974, when the seniority rule was battered in the House, Foley was raised to be chairman of that committee when the new crop of democratic members knocked off Bob Poage of Texas, who'd been the chairman, because he very astutely addressed some of the new members, several of whom were women, "Well, boys and girls, what can I do for you?" [chuckles]

So the National Forest Management Act has a lot of provisions in it. I think I've just tried to tell you about the political process. I believe it was Bismarck who is supposed to have said that watching legislation enacted is like watching sausage being made -- after you've watched it, you don't want to eat it. It really isn't that messy. It's a very human process and every bill has its own set of actors and actresses in it and they put together that piece of legislation and there's no hard and fast rule that says because it happened this way on that law, it's going to happen the same way on the next law.

Again, it's partly the actors that are in that particular play at that particular time that I think produce whatever the result may be. Every major piece of conservation legislation I've worked on, and even the minor ones, as I look back on it, that's what happened. And you couldn't write a script to show how it would happen. And I've never met anyone who could write a script on how you go about getting a piece of legislation enacted. You can do it in the textbook sense. You can't do it when you start down the road with a piece of legislation that you think is, you know, you've just invented Swiss cheese and now you're going to make it. It doesn't come out that way. But there are people who believe that the process has to be that way.

I'll tell you one quick story that's unrelated but related, and you can ask all the questions you want. I was in the Department of Interior when President Nixon was elected and Walter Hickel became Secretary of Interior and he brought a young fellow in with him to help get himself started. I was in a meeting with this fellow, who I'd worked with when he worked for Senator Simpson of Wyoming --the senior one, the father of the current one. And I remembered there, he and I knew each other. He'd left the Congress and was working for the National Chamber of Commerce as a lobbyist. Therefore he ought to know what's what in Washington. He came to one point and I said, "Well, on that you've got to go talk to what was then called the Bureau of the Budget. They're the people who handle that." He said, "What have they got to do with it?" I thought, "My God, hasn't this fellow learned anything?" That was James Watt. [laughter]

Watt saw things in a different framework. He was an absolutist. And I don't say this in derogation. That's just the way he is. There are different kinds of people and they work in different ways and they have different degrees of success. Maybe some people think that Watt was successful. But my experience has been that it's the consensus-builders, in the long run -¬ that's probably my bias -- that do more to advance their position than those that are what I call the bomb-throwers. They want to scare the heck out of you and do it that way. But I assume that some of you have some questions [and] don't feel bashful about asking me any question you'd like to about that act or any other part of the conservation legislation that I may be able to tell you a little about.

Questioner: Bob, could you tell us a little bit about the political action groups or the pressure groups that made their presence felt in any way in this process of ...

Wolf: Oh, they were busy. The commodity group, particularly the timber group, the grazing people, livestock people and the mining people, didn't take much interest in it. The National Forest Management Act largely pitted the timber industry people versus the conservation organization people, and they did all kinds of things to try to influence the process. By l976 the Sunshine era was here and they had open markups, which meant that when you were marking up a bill the public was sitting in the room. Until 1974 any time a bill was marked up, in other words it was moved from the printed version, you saw when it was introduced and the hearings had been held, to what was reported. It was done in a closed room with only the members there. It depended upon the committee. Some would let people in from executive agencies and, when I was with the Interior Committee, the chairman, Clinton Anderson, never would let anyone in except those staff members who had a direct purpose for being there. He looked [in] there and didn't think you belonged in there, and you worked for Senator So-and-so. He turned to that senator and said, "Why is he there?" "Why is he in here?" [Chuckle] It wasn't because anything sinister or bad was going to happen. They just didn't think they needed a lot of people sitting around watching and gawking and doing nothing. They ought to be off doing their job, not sitting there watching.

With the open markup, lobbyists come in from all over the country and they try to jam into the room and, depending on the legislation, the room is packed with these people. Some of them were slipping notes to members trying to get their attention, standing there looking at them, glaring, smiling. Then after awhile it sort of settled down to where the members kind of get glassy-eyed and they don't see them. They're working back and forth across the table on an issue and not paying any attention to the lobbyists. But they're there. And they were there in good numbers in this bill. All the major organizations had people double-teaming, and then if a member went to go out of the room, go back to his office, or go to the bathroom, I remember Hubert Humphrey saying, talking about one of the lobbyists, he said, "The son-of-a-bitch stood

there while I was peein'!" [Laughter] "He was trying to talk to me." And the guy didn't realize he'd aggravated Humphrey. There are a few things a person ought to be able to do without being lobbied. [Laughter]

Questioner: Bob, we've seen the law work for about 15 years now. How does it work in relationship to what it was designed to do?

Wolf: I'm sure every member of that committee, as well as the staff and the people that were lobbying, had their idea of how it would work, and I certainly had some. I don't want to act like I'm ducking it, but that's one of the things I will talk about more at the Public Land Law Review -- this talk that Leif Johnson has dragooned me into giving. Overall, I think the Forest Service (and I say this with some regret), the Forest Service over the last 15 years, as things have unfolded, has forgotten what Herman Talmadge kept saying. When people would want to put more specific requirements in the bill, he would look at the member who was proposing that and say, "You know, we expect the chief of the Forest Service to use common sense." I have a feeling that they have tied themselves up in an awful lot of procedural knots in the land management plans in ways that I don't think anyone thought would occur. I am disappointed that the land management plans are as thick as the New York City telephone book and not nearly as informative. At least in the New York City telephone book, if I wanted to find out if there's anyone in there with the name of Gareth Moon, I can look alphabetically and find it. And I have great difficulty, and I've looked at a number of these kinds of plans, figuring out what they're going to do and how they're going to do it, and I think this is one of the reasons why they have all these interest groups on all sides appealing the plans. Now there may be some people here from the Forest Service who differ with me on that, but I think that's the way that I react to it. But I'm not sure I would have done better if I had been running it. I hope I would have, but I'm not sure I would have. Have I answered all the questions?

Questioner: Just on that issue, Bob. I understand there was quite a lot of argument about the specifics here, would you care to carry that a little further?

Wolf: In the main, the organizations that have been involved in the Monongahela litigation wanted, for instance, restrictions on clear-cutting. They would have liked to have had no clear-cutting on the Monongahela and none in the East. My view as a forester was that the more specific the law was from a silvicultural standpoint, the less likely it was to be responsive to new information that we got. And that there were a series of cuttings that we ought to be using, so when we came, for instance, to the so-called clear-cutting issue, the Church guidelines, which all of you may have heard of, and which Senator Metcalf was largely responsible for formulating, were incorporated, and provision was written into the law that in each forest type, the Forest Service would set the upper and lower limits that they wanted for size of cuttings, which I thought was a fairly sensible way to go about it. When you have things you can change by regulation, it's easier to change [them] when you have a solid basis for doing it as well as when you don't when it's a regulation rather than when it's a law. I think that the more things you put specifically in law, the less capable an organization is of using the research that has told you that you ought to do things differently than you had been doing them. Now it also enhances your ability to abuse the authority. But you weigh the two risks together and I think that I would always come out on taking a chance that despite the frailties of human nature, it's the best way to go. But .

[Start side 2]

... I'm quite confident that Senator Metcalf said that he thought he might come to blows with his colleagues [Congressman Melcher] if they were in the same room on the bill. But he also said

that he had discussed the matter with Senator Talmadge and Senator Humphrey and there were two provisions that, if they weren't in the bill when it came out, could very well lead to there being no bill at all. One was the language he had put in on sustained yield, and the other was the language that Senator Bumpers had developed on what became Section 6K, which pertained to taking the land out of production for a period when the signs indicated it shouldn't be used for timber harvesting.

So again you have this unspoken situation where everybody knows where things are going but then nobody is going to say it.

So we went to conference and when Congressman Melcher insisted that his language [on a minor part] be adopted in lieu of the Senate language, Senator Talmadge said, "The Senate agrees. Accept it." And Melcher thought he'd won a big victory, [but he hadn't] because when it came to the sustained yield language, which he opposed, he wasn't going to get his way, and that was that. [chuckle]

So you have these things interplaying back and forth. Now, I would argue that a mistake was made having that tight restriction in on reforestation because it's caused the Forest Service to go ahead and spend a lot of money replanting areas that they probably never should have cut. At the same time, some people don't like the sustained yield language, but that's the way it went. I remember when the timber industry people came to Senator Talmadge and told him that they didn't like either what became Section 6-K and they didn't like the sustained yield language. They made the mistake of getting a fellow by the name of John Walker, who was an economist for the Simpson Timber Company from Washington State, to come in as though he was from Atlanta, Georgia. But John Walker didn't have a Southern accent. And Talmadge, when Walker got in there with this fellow from Georgia, and he started talking, it was obvious to Talmadge

that he wasn't from Georgia. After Walker had explained why sustained yield language was such a bad thing in very good economist's lingo, Senator Talmadge asked Walker if he'd like to know what he thought. Walker said, "Yes." Talmadge had this cigar in his mouth. (Talmadge looked sort of like Walter Matthau). He looked at Walker and he said, "If I owned the National Forests, I'd cut 'em all off." Walker just beamed. Gosh, he's home free. Here's a guy that knew what it was all about. And Talmadge said, "But I don't own 'em. The American people own 'em and they don't want 'em cut off and we aint-a gonna do it."

Now I don't see how it could have been said any plainer. The language wasn't refined. But you didn't have any doubts as to where he was going and what was happening. What it meant to me was, and it proved something that I've found, you can make very good technical arguments about something to a member of Congress who's a generalist, but if his instincts tell him that that is not a sound position, tell him or her that they're not going to go that way. They just won't. And the more seniority and stability that member feels he or she has, the less likely you are to sway them. You surely aren't going to sway them with highly technical arguments. That's why Ronald Regan was so effective. He could take a complex thing and simplify it and make it sound plausible to people. So while he did a lot of things people didn't approve of, he said it nicely and people didn't get mad at him. They just didn't like his policies. That's why the polls kept showing. You list the policy, the people said, "No, we don't like that." You asked about the man: "We like him." I don't know what makes somebody a good politician. I guess if I did I might have become one. Yes?

Questioner: [inaudible]

Wolf: Well, I think that as foresters, this is my view as a forester, that we need to make the initial decision as to whether it's wise to use the sale of the timber to change the landscape. We

then have to decide whether the regeneration pattern, and the period, and this then affects that famous thing, the allowable sale quantity of what we call the allowable cut. What we ought to do should be on a 250-year rotation, because we're not going to spend $500 an acre to get another crop of trees planted right away because it's not sound financially, or whether we're dealing with a site where, if we just go at it rather carefully, we can not only cut the trees but get a new stand growing and it'll grow 500 board feet per acre per year and produce a new crop in 80 years. We have to make those distinctions, and I'm not sure we've been as good at making them as we should be. In Dr. Bolle's report he spoke of timber mining. There are a number of situations where I would cut timber, but I wouldn't fool myself and think that I was going to have another crop of trees there in 80 years or 100 years, but I might very well justify cutting in what I call a conservative pattern that protects the land and say, "Now, this area where I'm cutting, that's not going to be back into production for 300 years, and when I figure what my total overall cutting level is, and ought to be, I'm going to treat that as an area that we will cut occasionally, but we won't count on it contributing to a regular supply." I would also feel I'd have an obligation to say, "On these acres we expect to get a regular recurrent cropping you can count on."

Questioner: [inaudible]

Wolf: Yes. I think the Forest Service hasn't made enough use of section 6-K. Section 6-K says you can take land and put it in that designation of "not suited to regular timber production." You can still go on the land and salvage the timber if necessary. You can look at that designation every 10 years and decide whether conditions have changed, whether the physical, economic or other conditions have changed sufficient to put it in the allowable cut base. Once you put it in that base, then you're in the regular cropping approach to it. But you can put it in this other one and still occasionally get some timber off it. You're not prohibited from cutting the trees. It

doesn't make it a wilderness. So that's a kind of a mid-ground, and I think as resource managers we've been reluctant to use it. I think one of the things is the Forest Service didn't like the idea to begin with, even though if you go back and look at some of the early -- if you look at the use book and look at Gifford Pinchot's first use book you'll find that he said that the first thing you do (it's around Page 32 in the 1905 use book), the first thing you do is decide whether you can get another crop of trees, and the second thing you do is you decide (and this is kind of funny language) can the timber be spared? I never could quite figure out what he meant by that. But go look at an early version of the use book and there it is.

Questioner: In section 6 again, Bob, what accounts for all the procedural requirements, starting with C and going down say through H. I can't find any other flaw in the entire history of public lands that has anything like that specificity with respect to the nature, the procedures, of agencies involved.

Wolf: It has a lot of process but it doesn't have a lot of specifics. As we started to work on the bill there was some discussion with Senator Talmadge and Senator Humphrey. They decided that they wanted to have the minimum of hard specifics -- restrictions on the Forest Service. As I recall, at one point Senator Talmadge said, "We don't want to come out like the Clean Air Act." That was kind of a left-handed aim at Jennings Randolph, who chaired the Public Works committee. It was [Talmadge's] basic view that you gave flexibility to administrators.

So, anyway, as we were putting the bill together, each of these things was put up as a sort of separate proposition that was adopted. It then fell to the Counsel of the Committee to try to organize them, and every night after the markup session, the staff would sit down and then try to fit these things into some logical place.

The people in the House had a different idea (their general counsel, Bob Bor), as to how this should be done. In addition, he decides the whole thing should be an amendment to the '74 RPA act instead of a freestanding law. So what we finally did was, it was concluded we would make it as an amendment to the '74 act. But it didn't mean anything technically. Some pe ople think it means something. It was just the way that lawyers saw things in terms of the procedural [business] of how you amended the law, so, except for the amendments to the 1930 KV Act and the 25 percent payment, which are amendments to specific laws, the other stuff -- virtually all of it -- wound up in what became Section 6. Then it was organized to try to make it reasonably orderly of the flow of what the land management planning process was going to be, with things such as the "committee of scientists" being attacked there near the end, because they were going to come and go, whereas the "content and the format of forest plans" would be up near the front. A lot of the language that was adopted that came from the Randolph Bill was a nonspecific language. It was a procedural language, you know, that the forest plan should be one integrated plan. Nobody felt that there was any problem with writing that into law. What does it mean? It means you use common sense. You should have one integrated plan, not seven disintegrated plans. Originally, you know, forest plans were discrete resource plans.

Questioner: [inaudible]

Wolf: But the Forest Service, at that point, was telling people, "Now we're into integrated land management planning." I don't think there's anything in the '76 act except Section 6-K that the Forest Service didn't say, "That's what we're doing. That's where we really want to be."

Questioner: How about Section 2 [inaudible] ...

Wolf: Well, that's a funny thing. We had findings in the Resource Planning Act of '74. We had

them in the Senate version.

Questioner: But not the law.

Wolf: But not the law. The House wouldn't agree to them. In a conference, the Senate was perfectly willing to give up the findings because they don't have any tight legal statutory meaning. So in conference that was a good thing to jettison from the Senate standpoint, because there were some other things in the House bill they weren't going to agree to. You give some, and then you get some.

And so the '76 Act, though, and I don't remember -- I think it was Jim Giltmeier on the Senate Committee staff who said, "This thing would be better if we had some findings up front [in] the RPA act." And Congressman Weaver from Oregon had the same view. At any rate, the findings were put in. Bernie Orell of Weyerhauser came in to see Senator Humphrey to object to the findings. I was in the meeting. He told Senator Humphrey that he thought there shouldn't be findings in the law. And Senator Humphrey said, "Why?" And Orell went on, "The language that says that the Forest Service should be a catalyst. That could lead to forest regulation." Humphrey said, "What? Where did you ever get that notion that a catalyst could lead to forest regulation? Is there anything we are doing of that sort?" Orell said, "No, but we're worried about it." [Humphrey] said, "Well, your worries are needless." He said, "If that's all you got, the findings are going to stay in here." [chuckle] Now maybe there will be a better case for no findings, but it was one of those things that went in and now it's in the law. And it's nice language up front that people pay no attention to, and it has no significant effect on the way the law works.

Questioner: That's Giltmeier from the [Agriculture] Committee?

Wolf: James Giltmeir. He was the professional staff member working on forest and soil conservation issues. Some people think there should be findings in legislation and others don't. That's, again, one of these, I guess, fine nuances people in the legal profession can tell me what it's all about -- that some people like findings and some don't to find anything. Yes?

Questioner: [inaudible]

Wolf: Well, that's news to me. Community stability is an old phrase among us foresters. Originally it referred to what the private people were doing in the East and the South. This was before there were national forests. People would get a block of timber and they'd build a mill, and a block of timber could be run through that mill in 10 years and in 10 years the mill would be gone and so would be the timber. It'd be written off and your investment would be recaptured. Part of the early conservation movement was that, if you cut the timber more conservatively, then you can keep that mill in operation forever and you could get regeneration on the land and have a continual crop of timber. There were people a hundred years ago who didn't believe you could get a second crop of timber. Once you cut it, that was it. A lot of land's been cut that way and won't have a second crop for a long time.

So community stability in its original term was the goal that the Bureau of Forestry had when Fernow and Pinchot were talking [before there was a Forest Service] of changing the outlook of a migrant industry that was more engaged in timber mining than in forest management. Then, as time went on, it changed in its thrust. Until World War II, the timber cuts from the national forest were only 2 percent of the timber consumed in the United States. So it hardly was stabilizing anything. Then after the war, the volume rose and the situation changed. But I would say this idea that national forest timber stabilizes the community, the

father of that would have to be David T. Mason. He was a Forest Service employee and one of the oldest consulting foresters. There's a consulting firm in Portland: Mason, Bruce and Girard. They were three early key Forest Service employees who became the first consultants.

You can get a book, The Diaries of a Forester, the story of David T. Mason, published by the Minnesota Forest History Society, which was the forerunner of the Forest History Society that now exists. It's probably in the library. Dave Mason, as you read the book, met with Longbell of Georgia, Frederick Weyerhaeuser, he names other people in the forest industry and talked "birth control" When you look at that you'd think, "My God, what are they into?" That was Mason's phrase for community stability. In the 1920s Southern timber is being cut out at a tremendous clip, so fast and so heavy that it is virtually certain that the southern industry is going to go down; and it did. Western timber is not being cut at such a big clip but ... by 1939 the state of Washington becomes the number one timber production state.

Mason's view was that the Western industry was going to be the key for the long-foreseeable future. As a forester, like Gary and me, he believed everybody should practice sustained yield. Pinchot and Greeley had split over the [regulation] issue .

[End tape]