

When President Thomas Jefferson purchased the Louisiana Territory from France in 1803, thereby doubling the size of the United States, many of his contemporaries felt he had exceeded his Constitutional authority in so doing. Nevertheless, Jefferson's purchase of the Louisiana Territory was added to the public domain and further fueled his countryman's insatiable desire for land and resources. To handle the rapidly growing public land business, Congress created the General Land Office in 1812 and placed it within the Treasury Department. The General Land Office was given the responsibility to superintend, execute and perform all such acts and things touching or respecting the public lands of the United States. The primary business of the GLO was to auction off the public lands as a source of revenue for the National Treasury.

The federal government's policy of auctioning public lands had always placed frontier settlers at a disadvantage compared with monied capitalists and speculators. Frontier farmers found money hard to come by, forcing many to build a home, clear land and eke out what income they could on unsurveyed public lands. The government's policy of orderly settlement, however, sought to dissuade such squatting activity. The Confederation used troops to remove trespassers who settled north of the Ohio River. The federal government used the same tactic, and an 1807 law provided for the removal, imprisonment and fining of trespassers. These efforts, however, did little to deter squatters. Utilizing the military to remove squatters from their homes proved costly, impractical and unpopular. Congress decided it was more efficient to allow

squatters to keep the land and preempt survey and sale by the GLO. The first general grant of preemption came in 1830, but applied only to those who had settled on public lands prior to the law. The law was extended temporarily several times until 1841, when Congress passed a permanent preemption measure.

While Congress and the GLO focused on the orderly settlement of the public lands, oak trees, essential for shipbuilding, and the piney woods of the old Northwest were rapidly being wiped out by speculative lumbermen. Congress responded to this crisis by enacting the Timber Trespass Act in 1831. The Timber Trespass Act provided criminal penalties up to three times the value of the timber stolen and up to one year in jail. The General Land Office hired timber agents in 1832 to enforce the provisions of the Timber Trespass Act, but the timber agents were political appointees who received up to half the assessed fines. As a result, timber theft continued unabated.

The United States took possession of the Southwest and California from Mexico in 1848 by the Treaty of Guadalupe Hidalgo, which ended the Mexican-American War and none too soon, as gold had recently been discovered in California. The economic and strategic importance of maintaining a hold on this vast territory and the riches it provided did not escape the attention of the nation as a whole, and Congress specifically. It became readily apparent that the public lands were more than a source of revenue, they were a means to an end, the fulfillment of

the prophecy of manifest destiny. As a result, public land policies began to change. In 1849 congress created the Department of the Interior, transferring the General Land Office out of the Treasury Department and to Interior.

With settlement and development of the West now a priority, Congress enacted one public land law after another designed to encourage private ownership and development of the public lands and to transfer ownership to the people. Some of the most notable of the public lands laws enacted during the last half of the 19th century not only transferred millions of acres of public lands into private hands, but also left a legacy of patchwork, jigsaw and scattered public land status we manage today include the Homestead Act of 1862, which allowed heads of households, widows and single persons over 21 years of age to apply for and receive patent of 160 acres of public land after five years residence and cultivation, and a \$15 filing fee. The Union Pacific Act, the first of several Congressional grants in which odd numbered sections of public lands from 10-40 miles on either side of a right-of-way were granted to railroads in order to finance a national transportation network. The Morrill Act gave states 30,000 acres of public lands to finance agricultural and mechanical arts colleges. In the 1870s the General Mining Law of 1872, still in use today, the Timber Culture Law, the Desert Land Entry Law, and the Timber and Stone Law all allowed for the development and transfer of small tracts of public land to private individuals.

Even as it did everything in its power to transfer ownership of the public lands into private hands, Congress responded to the cries of a fledgling conservation movement in 1872 and created Yellowstone National Park, the nation's first national park. Congress even provided troops to patrol the park and protect its resources.

But in spite of the government's best efforts to transfer land and resources into private hands for little or no cost, land fraud and resource exploitation continued unabated. In response, the General Land Office established a law enforcement division in 1883 and hired 70 agents tasked with investigating homestead and mineral fraud and timber depredation. By 1890 the General Land Office employed two types of investigators, special agents tasked with investigating unlawful enclosures and fraudulent entries, and special timber agents tasked with investigating timber depredations and trespass. In 1890 the National Census Bureau concluded, as had historian Frederick Jackson Turner, that the Western frontier had finally closed. The nation began to realize that the public lands and their resources were not limitless after all. A new and dramatic public land policy emerged with the passage of the General Public Lands Reform Law in 1891. The last section of this law allowed the president to withdraw and reserve public lands, wholly or in part covered with timber and undergrowth, whether of commercial value or not, from settlement and location.

After several failed attempts to expand Yellowstone National Park as a member of Congress, President Harrison used this newfound authority to create the first Forest Reserve adjacent to Yellowstone, effectively expanding protection of Yellowstone National Park. By 1893 eighteen million additional acres of public lands were set aside nationwide in 16 forest reserves. The General Land Office issued regulations in 1894 in an attempt to prohibit all uses of forest reserves and to hold violators financially responsible for any intentional or negligent waste or damage. These prohibitions were ineffective as few law enforcement officers were employed to enforce the closure.

As the nation became increasingly settled, the patchwork and checkerboard land ownership pattern remnant of the government's land disposal policies throughout the 19th century, caused conflict and strife as people from all walks of life competed for a piece of the American dream. Cattle barons Camfield and Drury constructed a network of fences built entirely on checkerboard private lands, effectively enclosing 20,000 acres of public lands barring access and settlement. In 1896 the government filed charges against Camfield and Drury for violating the 1885 Unlawful Enclosures Act. In summary, the United States Supreme Court found the fence constituted a nuisance and sustained the government's power to prevent the unlawful enclosure of public lands. More importantly, the court said that the United States could not permit any individual or private corporation to monopolize the public lands for private gain. The court further stated the general government doubtless has a power over its own property analogous to the police

power of several states, and the extent to which it may go in exercising such power is measured by the exigencies of the particular case.

Encouraged by the Camfield decision, Congress enacted the Forest Management Act of 1897, which gave the Secretary of Interior administered by the General Land Office authority to regulate occupancy and use within the forest reserves, develop mineral resources, sell timber and provide for fire protection. The first government employee to hold the title U.S. Ranger was hired to work in the Battlement Mesa Forest Reserve in Colorado in 1898. The 1902 Forest Reserve Manual identified the primary duties of a ranger as protective duty, fighting fires and stopping trespass, as well as assisting state authorities in the protection of game.

The ascension of Theodore Roosevelt to the presidency in 1901 ensured the federal government would mount a crusade for the conservation of public lands and resources. Roosevelt's crusade resonated throughout all three branches of the federal government during the first two decades of the 20th century.

The Legislative Branch enacted legislation to protect wildlife, cultural and natural resources, and expanded executive authority to reserve lands for these purposes. The executive branch exercised this new authority by establishing reserves within which to protect these resources and the means to enforce the laws enacted by Congress through the creation of the Forest Service in 1905, the

National Parks, Buildings and Reservations Office in 1916, which was renamed the National Park Service in 1934, and the establishment of 28 national monuments by 1911 under the authority of the Antiquities Act. In 1933 the Department of Interior created its Division of Investigations to investigate and enforce federal resource protection laws.

The U.S. Supreme Court affirmed the authority of the Legislative Branch to make rules and regulations for occupancy and use of public forests, and to prescribe penalties for violations in its 1911 Grimaud versus U.S. decision, and to prohibit or fix the terms on which its property may be used in its Light versus U.S. decision. In Light, the court said, "These are rights incident to proprietorship, to say nothing of the power of the United States as a sovereign over the property belonging to it." In its 1927 Alfred versus United States decision the court applied federal resource protection law to nonfederal land, stating, "The danger depends on the nearness of the fire, not upon the ownership of the land where it is built."

Theodore Roosevelt's conservation philosophy of providing the greatest good for the greatest number of the longest time by developing the public lands in a manner that promoted the best and highest use of resources accomplished through scientific and technical efficiency would dominate federal land management policy well into the 1960s. Employing Roosevelt's conservation philosophy included existing and historical uses on reserved and unreserved

public lands. In particular, competition, overgrazing and drought left the public rangelands in poor condition and many cattlemen faced disaster. Responding to pressure from the cattle industry, Congress enacted the Taylor Grazing Act in 1934 to stop the continuing injury to the public rangelands through overgrazing, soil deterioration and other misuses. The Taylor Grazing Act included prohibited acts and criminal penalties, and granted the newly created Grazing Service authority to promulgate rules and regulations.

World War II left the Grazing Service and the General Land Office understaffed and underfunded, as both agencies, like the rest of the national government, sought ways to contribute to the war effort. As part of President Truman's massive post-war government-wide reorganization to a peacetime administration, Reorganization Plan 3, active 1946, merged the Grazing Service with the General Land Office to create the Bureau of Land Management.

As part of the reorganization, special agents lost their law enforcement authority and became field examiners, predecessors of today's resource specialists.

During its first 30 years of existence, the BLM struggled to find an identity. Placed within the Department of Interior, BLM continued administering the public lands using outmoded and often conflicting mandates of the 3500 laws passed during the previous 150 years. The major statute directing BLM activities was

the Taylor Grazing Act, which provided for the administration of grazing pending final disposition of the public lands.

As early as 1953, BLM became aware of increased vandalism to cultural resource sites. BLM's only means of adequately protecting valuable resources was to utilize the Recreation and Public Purposes Act of 1954 and transfer cultural resources sites to the states for protection.

The 1960s brought rapid growth and fundamental change to BLM, tumultuous change that permanently altered the Bureau's course. President Kennedy took notice of the public lands, saying they were vital to the nation's economic well-being, but suffered from uncontrolled use and a lack of proper management.

A fledgling multiple use philosophy within the Bureau was legally endorsed for the public lands in the Classification and Multiple Use Act of 1964. BLM was reorganized to reflect new programs and authorities under this mandate.

Concerns for wildlife, recreation, soil and water resources were integrated into traditional programs such as range, forestry, lands and minerals through a land use planning process. At the same time BLM was classifying its lands for retention and multiple use management or disposal to the private sector, the Public Land Law Review Commission was studying the nation's 3500 land laws and federal management of the public domain to identify problems and recommend new policy, programs and legislation.

The CMU identified recreation as a value public lands would be managed for. From 1963-1968 recreational visits to the public lands more than tripled. Federal legislation of the 1960s gave BLM the legal tools to protect wilderness, wild and scenic rivers and trails, and the funding to develop recreation sites for future generations. Throughout the 1960s and into the 1970s, arguably the most significant challenge to the management and health of the public lands, facing the BLM was the uncontrolled use of off-highway vehicles. Former California State Director J. Russell Penny recognized as early as 1966 that heavily populated California presented a new dimension in public land management.