

# The Public Domain



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ONE of the matters to be considered by the upcoming (93rd) Congress in the US is the policy with respect to the public domain.

At one time most of the land of the nation was in the public domain. Outside of the land in the possession of the thirteen original states and the private owners therein, all the land acquired afterwards was initially the property of the federal government. This included the vast acquisition of the Louisiana purchase, territory ceded by Spain, Mexico and Britain, and the Alaska purchase from Russia.

The main business of federal agencies during the 19th century was the disposal of the bulk of the vast national estate. In the rush for land as the nation pushed westward, "doing a land office business" became a byword. It was easy to get land for settling and farming; unfortunately, it was also easy for speculators to acquire land on which they frequently made a killing. There were also reckless land grants to railroads, a practice which called Henry George's attention to the land question. A few good things emerged, such as the use of public land to support higher education - the "land grant colleges." But by and large land was given out as though there were no tomorrow, and lo and behold, the frontier vanished by 1880.

By the end of the century some public officials became concerned at the squandering of the public domain. It had previously been supposed that there would always be more land for newcomers, but now it was beginning to be realised that further generations would keep coming and no provision had been made for them. The emphasis shifted to preserving what was left of the public domain. Even such a conservative president as William Howard Taft expressed disapproval at the private monopoly of natural resources.

Although the best lands have long since passed into private hands, there is still a surprisingly large amount of land in the public domain. In fact, in recent years it has increased, usually by acquisition of abandoned and forfeited lands. There are now approximately 800 million acres in the federal domain, more than one-third the area of the nation. Most of this land consists of national forests and grazing districts, national parks and monuments and wildlife refuges; and land

in Alaska, much of which is still in the federal domain. To this may be added the Outer Continental Shelf where oil development has taken place in recent years.

The US Department of the Interior, charged with the management of the public domain, has shown an inclination to hold on to this substantial remainder and to conserve and manage it in the public interest. The importance and possibilities of public lands are increasing. A growing number of people visit the national parks year by year. Production of lumber from national forests is rising substantially. Mineral extraction on public lands is increasing. Multiple uses of federal lands are becoming more frequent.

The Department of the Interior presented three measures to the 92nd Congress (1971-72) calling for reform of the mining laws, mineral leasing and public land management. The idea was to tighten up procedures and rules which had accumulated over the years and which revealed inconsistencies and deficiencies.

The proposed reform of mineral leasing would unify and extend rules to minerals not now included, introduce requirements to protect the environment, concentrate responsibility in the Department of the Interior and extend the principle of competitive bidding. The proposed reform of the Mining Law would require prospecting licences and development permits, the payment of rent and royalty on minerals extracted, and protection of the environment.

The National Resources measure sought to preserve and manage in perpetuity the public domain in the interest of all the people, and considered multiple use, recreation and use of the Outer Continental Shelf.

These proposals were not acted upon in the 92nd Congress and so they will have to be reintroduced in the 93rd Congress. The intention of these proposals appears to be irreproachable. Whether they can get past a Congress that caters to a variety of special interests remains to be seen.

It is encouraging to see an attitude building up that would preserve the public domain for all the people for generations to come. It would be even more encouraging to see this attitude extended to a concern for the rights of all the people to the rest of the land of the nation - which is, after all, the land they must use most of the time.