President Taft's Conservation Speech

Following is President Taft's speech before the Conservation congress at St. Paul yesterday. The speech was merely summarized for The Journal in yesterday's issue owing to lack of space:

Gentlemen of the National Conservation Congress—Conservation as an economic and political term has come to mean the preservation of our natural resources for economical use, so as to secure the greatest good to the greatest number. In the development of this country, in the hardships of the pioneer, in the energy of the settler, in the anxiety of the investor for quick returns, there was very little time, opportunity or desire to prevent waste of those resources supplied by nature which could not be quickly transmuted into money; while the investment of capital was so great a desideratum that the people as a community exercised little or no care to prevent the transfer of absolute ownership of many of the valuable natural resources to private individuals, without retaining some kind of control of their use.

The impulse of the whole new community was to encourage the coming of population, the increase of settlement, and the opening up of business; and he who demurred in the slightest degree to any step which promised additional development of the idle resources at hand was regarded as a traitor to his neighbors, and an obstructor to public progress. But now that the communities have become old, now that the flush of enthusiastic expansion has died away, now that the would-be pioneers have come to realize that all the richest lands in the country have been taken up, we have perceived the necessity for a change of policy in the disposition of our natural resources so as to prevent the continuance of the waste which has characterized our phenomenal growth in the past. Today we desire to restrict and retain under public control the acquisition and use of the capitalist of our natural resources.

Perils of Wastefulness.

The danger to the state and to the people at large from the waste and dissipation of our national wealth is not one which quickly impresses itself on the people of older communities, because its most obvious instances do not occur in their neighborhood, while in the newer part of the country the sympathy with expansion and development is so strong that the danger is scoffed at or ignored. Among scientific men and thoughtful observers, however, the danger has always been present; but it needed some one to bring home the crying need for a remedy of this evil so as to impress itself on the public mind and lead to the formation of public opinion and action by the representatives of the people. Theodore Roosevelt took up this task in the last two years of his second administration, and well did he perform it.

As president of the United States I have, as it were, inherited this policy, and I rejoice in my heritage. I prize my high opportunity to do all that an executive can do to help a great people realize a great national ambition. For conservation is national. It affects every man of us, every woman, every child. What I can do in the cause I shall do, not as president of a party, but as president of the whole people. Conservation is not a question of politics, or of factions, or of persons. It is a question that affects the vital welfare of all of us—of our children and our children's children. I urge that no good can come from meetings of this sort unless we ascribe to those who take part in them, and who are apparently striving worthily in the cause, all proper motives and unless we judicially consider every measure or method proposed with a view to its effectiveness in achieving our common purpose and wholly without regard to who proposes it or who will claim the credit for its adoption. The problems are of very great difficulty and call for the calmest consideration and clearest foresight. Many of the questions presented have phases that are new in this country, and it is possible that in their solution we may have to attempt first one way and then another. What I wish to emphasize, however, is that a satisfactory conclusion can only be reached promptly if we avoid acrimony, imputations of bad faith, and political controversy.

The Public Domain.

The public domain of the government of the United States, including all the cessions from those of the 13 states that made cessions to the United States and including Alaska, amounted in all to about 1,800,000,000 acres. Of this there is left as purely government property outside of Alaska something like 700,000,000 acres. Of this the national forest reserves in the United States proper embrace 144,000,000 acres. The rest is largely mountain or arid country, offering some opportunity for agriculture by dry farming and by reclamation and containing metals as well as coal, phosphates, oils, and natural gas. Then the government owns many tracts of land lying along the margins of streams that have water power, the use of which is necessary in the conversion of the power into electricity and its transmission.

I shall divide my discussion under the heads of (1) agricultural lands; (2) mineral lands—that is, lands containing metalliferous minerals; (3) forest lands; (4) coal lands; and (5) oil and gas lands.

I feel that it will conduce to a better understanding of the problems presented if I take up each class and describe, even at the risk of tedium, first, what has been done by the last administration and the present one in respect to each kind of land; second, what laws at present govern its disposition; third, what was done by the present congress in this matter; and fourth, the statutory changes proposed in the interest of conservation.

Agricultural Lands.

Our land laws for the entry of agricultural lands are now as follows:

The original homestead law, with the requirements of residence and cultivation for five years, much more strictly enforced than ever before.

The enlarged homestead act, applying to nonirrigable lands only, requiring five years' residence and continuous cultivation of one fourth of the area.

The desert land act, which requires on the part of the purchaser the ownership of a water right and thorough reclamation of the land by irrigation, and the payment of $1.25 per acre.

The donation or Carey act, under which the state selects the land and provides for its reclamation, and the title vests in the settler who resides upon the land and cultivates it and pays the cost of reclamation.

The national reclamation homestead law, requiring five years' residence and cultivation by the settler on the land irrigated by the government, and payment by him to the government of the cost of the reclamation.

There are other acts, but not of sufficient general importance to call for mention unless it is the stone and timber act, under which every individual, once in his lifetime, may acquire 160 acres of land, if it has valuable timber on it or valuable stone, by paying the price of not less than $2.50 per acre, fixed after examination of the stone or timber by a government appraiser. In times past a great deal of fraud has been perpetrated in the acquisition of lands under this act; but it is now being much more strictly enforced, and the entries made are so few in number that it seems to serve no useful purpose and ought to be repealed.

The present congress passed a bill of great importance, severing the ownership of coal by the government in the ground from the surface and permitting homestead entries upon the surface of the land, which, when perfected, give the settler the right to farm the surface, while the coal beneath the surface is retained in ownership by the government and may be disposed of by it under other laws.

There is no crying need for radical reform in the methods of disposing of what are really agricultural lands. The present laws have worked well. The enlarged homestead law has encouraged the successful farming of lands in the semi-arid regions. Of course, the teachings of the agricultural department as to how these sub-arid lands may be treated and the soil preserved for useful culture are of the very essence of conservation. Then conservation of agricultural lands is shown in the reclamation of arid lands by irrigation, and I should devote a few words to what the government has done and is doing in this regard.

Concerning Reclamation.

By the reclamation act a fund has been created of the proceeds of the public lands of the United States with which to construct works for storing great bodies of water at proper altitudes from which, by a suitable system of canals and ditches, the water is to be distributed over the arid and subarid lands of the government, to be sold to settlers at a price sufficient to pay for the improvements. Primarily, the projects are and must be for the improvement of public lands. Incidentally, where private land is also within the reach of the water supply, the furnishing at cost or profit of this water to private owners by the government is held by the federal court of appeals not to be a usurpation of power. But certainly this ought not to be done except from surplus water, not needed for government land. About 30 projects have been set on foot distributed through the public land states in accord with the statute, by which the allotments from the reclamation fund are required to be as near as practicable in proportion to the proceeds from the sale of the public lands in the respective states.

The total sum already accumulated in the reclamation fund is $60,273,258.22, and of that all but $6,491,955.34 has been expended. It became very clear to congress at its last session, from the statements made by experts, that these 30 projects could not be promptly completed with the balance remaining on hand or with the funds likely to accrue in the near future. It was found, moreover, that there are many settlers who have been led into taking up lands with the hope and understanding of having water furnished in a short time, who are left in a most distressing situation. I recommended to congress that authority be given to the secretary of the interior to issue bonds in anticipation of the assured earnings by the project, so that the projects, worthy and feasible, might be promptly completed, and the settlers might be relieved from their present inconvenience and hardship. In authorizing the issue of these bonds, congress limited the application of their proceeds to those projects which a board of army engineers, to be appointed by the president, should examine and determine to be feasible and worthy of completion. The board has been appointed and soon will make its report.

Suggestions have been made that the United States ought to aid in the drainage of swamp lands belonging to the states or private owners, because, if drained, they would be exceedingly valuable for agriculture and contribute to the general welfare by extending the area of cultivation. I deprecate the agitation in favor of such legislation. It is inviting the general government into contribution from its treasury toward enterprises that should be conducted either by private capital or at the instance of the state. In these days there is a disposition to look too much to the federal government for everything. I am liberal in the construction of the constitution with reference to federal power, but I am firmly convinced that the only safe course for us to pursue is to hold fast to the limitations of the constitution and to regard as sacred the powers of the state. We have made wonderful progress and at the same time have preserved with judicial exactness the restrictions of the constitution. There is an easy way in which the constitution can be violated by congress.

Mineral Lands.

By mineral lands I mean those lands bearing metals, or what are called metalliferous minerals. The rules of ownership and disposition of these lands were first fixed by custom in the west, and then were embodied in the law; and they have worked, on the whole, so fairly and well that I do not think it is wise now to attempt to change or better them. The apex theory of tracing title to a lode has led to much litigation and dispute and ought not to have become the law, but it is so fixed and understood now that the benefit to be gained by a change is altogether outweighed by the inconvenience that would attend the introduction of a new system. So, too, the proposal for the government to lease such mineral lands and deposits and to impose royalties might have been in the beginning a good thing, but now that most of the mineral land has been otherwise disposed of it would be hardly worth while to assume the embarrassment of a radical change.

Forest Lands.

Nothing can be more important in the matter of conservation than the treatment of our forest lands. It was probably the ruthless destruction of forests in the older states that first called attention to a halt in the waste of our resources. This was recognized by congress by an act authorizing the executive to reserve from entry and set aside public timber lands as national forests. Speaking generally, there has been reserved of the existing forests about 70 per cent of all the timber lands of the government. Within these forests (including 26,000,000 acres in two forests in Alaska) are 192,000,000 of acres, of which 166,000,000 of acres are in the United States proper and include within their boundaries something like 22,000,000 of acres that belong to the state or to private individuals. We have then, excluding Alaska forests, a total of about 144,000,000 acres of forests belonging to the government which is being treated in accord with the principles of scientific forestry. The law now prohibits the reservation of any more forest lands in Oregon, Washington, Idaho, Montana, Colorado and Wyoming, except by act of congress. I am informed by the department of agriculture that the government owns other tracts of timber lands in these states which should be included in the forest reserves.

I expect to recommend to congress that the limitation herein imposed shall be repealed. In the present forest reserves there are lands which are not properly forest land and which ought to be subject to homestead entry. This has caused some local irritation. We are carefully eliminating such lands from forest reserves or where their elimination is not practicable, listing them for entry under the forest homestead act. Congress ought to trust the executive to use the power of reservation only with respect to land covered by timber or which will be useful in the plan of reforestation. During the present administration 6,250,000 acres of land, largely nontimbered, have been excluded from forest reserves, and 3,500,000 acres of land principally valuable for forest purposes have been included in forest reserves, making a reduction in forest reserves of nontimbred land amounting to 2,750,000 acres.

Forest Statistics.

The bureau of forestry since its creation has initiated reforestation on 5600 acres. A great deal of the forest land is available for grazing. During the past year the grazing lessees numbered 25,400, and they pastured upon the forest reserves 1,400,000 cattle, 84,540 horses, and 7,580,400 sheep, for which the government received $986,715—a decrease from the preceding year of $45,470, due to the fact that no money was collcted or received for grazing on the nontimbered lands eliminated from the forest reserve. Another source of profit in the forestry is the receipts for timber sold. This year they amounted to $1,043,000, an increase of $307,000 over the receipts of last year. This increase is due to the improvement in transportation to market and to the greater facility with which the timber can be reached.

The government timber in this country amounts to only one-fourth of all the timber, the rest being in priatve ownership. Only 3 per cent of that which is in private ownership is looked after properly and treated according to modern rules of forestry. The usual destructive waste and neglect continues in the remainder of the forests owned by private persons and corporations. It is estimated that fire alone destroys $50,000,000 worth of timber a year. The management of forest not on public land is beyong the jurisdiction of the federal government. If anything can be done by law it must be done by the state legislatures. I believe that it is within their constitutional power to require the enforcement of regulations in the general public interest, as to fire and other causes of waste in the management of forests owned by private individuals, and corporations. Exactly how far these regulations can go and remain consistent with the rights of private ownership, it is not necessary to discuss; but I call attention to the fact that a very important part of conservation must always fall upon the state legislatures, and that they would better be up and doing if they would save the waste and denudation and destruction through private greed or accidental fires that have made barren many square miles of the older states.

I have shown sufficiently the conditions as to federal forestry to indicate that no further legislation is needed at the moment except an increase in the fire protection to national forests and an act vesting the executive with full power to make forest reservations in every state where government land is timber covered, or where the land is needed for forestry purposes.

Coal Lands.

The next subject, and one most important for our consideration, is the disposition of the coal lands in the United States and in Alaska. First, as to those in the United States. At the beginning of this administration there were classified coal lands amounting to 5,476,000 acres, and there were withdrawn from entry for purposes of classification 17,867,000 acres. Since that time there have been withdrawn by order from entry for classification 77,648,000 acres, making a total, withdrawal of 95,515,000 acres. Meantime, of the acres thus withdrawn, 11,371,000 have been classified and found not to contain coal, and have been restored to agricultural entry, and 4,356,000 acres have been classified as coal lands; while 79,788,000 acres remain withdrawn from entry and await classification. In addition 336,000 acres have been classified as coal lands without prior withdrawal, thus increasing the classified coal lands to 10,168,000 acres.

Alaska Coal Lands.

The investigations of the geological survey show that the coal properties in Alaska cover about 1200 square miles, and that there are known to be available about fifteen billion tons. This is, however, an underestimate of the coal in Alaska, because further developments will probably increase this amount many times; but we can say with considerable certainty that there are two fields on the Pacific slope which can be reached by railways at a reasonable cost from deep water—in one case of about 50 miles and in the other case of about 150 miles—which will afford certainly six billion tons of coal, more than half of which is of a very high grade of bituminous and of anthracite. It is estimated to be worth, in the ground, one-half a cent a ton, which makes its value per acre from $50 to $500. The coking coal lands of Pennsylvania are worth from $800 to $2000 an acre, while other Appalachian fields are worth from $10 to $386 an acre, and the fields in the central states from $10 to $2000 an acre, and in the Rocky mountains $10 to $500 an acre. The demand for coal on the Pacific coast is for about 4,500,000 tons a year. It would encounter the competition of cheap fuel oil, of which the equivalent of 12,000,000 tons of coal a year is used there. It is estimated that the coal could be laid down at Seattle or San Francisco, a high grade bituminous, at $4 a ton and anthracite at $5 or $6 a ton. The price of coal on the Pacific slope varies greatly from time to time in the year and from year to year—from $4 to $12 a ton. With a regular coal supply established, the expert of the geological survey, Mr. Brooks, who has made a report on the subject, does not think there would be an excessive profit in the Alaska coal mining because the price at which the coal could be sold would be considerably lowered by competition from these fields and by the presence of crude fuel oil. The history of the laws affecting the disposition of Alaska coal lands shows them to need amendment badly.

The Cunningham Claims.

On November 12, 1906, President Roosevelt issued an executive order withdrawing all coal lands from location and entry in Alaska. On May 16, 1907, he modified the order so as to permit valid locations made prior to the withdrawal on November 12, 1906, to proceed to entry and patent. Prior to that date some 900 claims had been filed, most of them said to be illegal because either made fraudulently by dummy entrymen in the interest of one individual or corporation, or because of agreements made prior to location between the applicants to cooperate in developing the lands. There are 33 claims for 160 acres each, known as the "Cunningham claims," which are claimed to be valid on the ground that they were made by an attorney for 33 different and bona fide claimants, who, as alleged, paid their money and took the proper steps to locate their entries and protest them.

The representatives of the government in the hearings before the land office have attacked the validity of these Cunningham claims on the ground that prior to their location there was an understanding between the claimants to pool their claims after they had been perfected and unite them in one company. The trend of decision seems to show that such an agreement would invalidate the claims, although under the subsequent law of May 28, 1908, the consolidation of such claims was permitted, after location and entry, in tracts of 2560 acres. It would be, of course, improper for me to intimate what the result of the issue as to the Cunningham and other Alaska claims is likely to be, but it ought to be distinctly understood that no private claims for Alaska coal lands have as yet been allowed or perfected, and also that whatever the result as to pending claims, the existing coal land laws of Alaska are most unsatisfactory and should be radically amended.

Oil and Gas Lands.

In the last administration there were withdrawn from agricultural entry 2,280,000 acres of supposed oil land in California; about a million and a half acres in Louisiana, of which only 6500 acres were known to be vacant unappropriated land; 75,000 acres in Oregon and 174,000 acres in Wyoming, making a total of nearly four millions of acres. In September, 1909, I directed that all public oil lands, whether then withdrawn or not, should be withheld from disposition pending congressional action, for the reason that the existing placer mining law, although made applicable to deposits of this character, is not suitable to such lands, and for the further reason that it seemed desirable to reserve certain fuel-oil deposits for the use of the American navy. Accordingly the form of all existing withdrawals was changed, and new withdrawals aggregating 2,750,000 acres were made in Arizona, California, Colorado, New Mexico, Utah and Wyoming. Field examinations during the year showed that of the original withdrawals, 2,170,000 acres were not valuable for oil, and they were restored for agricultural entry. Meantime, other withdrawals of public oil lands in these states were made, so that July 1, 1910, the outstanding withdrawals then amounted to 4,550,000 acres.

Water Power Sites.

Prior to March 4, 1909, there had been, on the recommendation of the reclamation service, withdrawn from agricultural entry, because they were regarded as useful for power sites which ought not to be disposed of as agricultural lands, tracts amounting to about 4,000,000 acres. The withdrawals were hastily made and included a great deal of land that was not useful for power sites. They were intended to include the power sites on 29 rivers in nine states. Since that time 3,475,442 acres have been restored for settlement of the original 4,000,000, because they do not contain power sites; and meantime there have been newly withdrawn 1,245,892 acres on vacant public land and 211,607 acres on entered public land, or a total of 1,456,899 acres. These withdrawals made from time to time to cover all the power sites included in the first withdrawals, and many more, on 135 rivers and in 11 states. The disposition of these power sites involves one of the most difficult questions presented in carrying out practical conservation. The forest service, under a power found in the statute, has leased a number of these power sites in forest reserves by revocable leases, but no such power exists with respect to power sites that are not located within forest preserves, and the revocable system of leasing is, of course, not a satisfactory one for the purpose of inviting the capital needed to put in proper plants for the transmutation of power.

New Legislation Needed.

The statute of 1891 with its amendments permits the secretary of the interior to grant perpetual easements or rights of way from water sources over public lands for the primary purpose of irrigation and such electrical current as may be incidentally developed, but no grant can be made under this statute to concerns whose primary purpose is generating and handling electricity. The statute of 1901 authorizes the secretary of the interior to issue revocable permits over the public lands to electrical power companies, but this statute is woefuly inadequate because it does not authorize the collection of a charge or fix a term of years. Capital is slow to invest in an enterprise founded on a permit revocable at will.

The subject is one that calls for new legislation. It has been thought, that there was danger of combination to obtain possession of all the power sites and to unite them under one control. Whatever the evidence of this, or lack of it, at present we have had enough experience to know that combination would be profitable, and the control of a great number of power sites would enable the holders or owners to raise the price of power at will within certain sections; and the temptation would promptly attract investors, and the danger of monopoly would not be a remote one.

However this may be, it is the plain duty of the government to see to it that in the utilization and development of all this immense amount of water power, conditions shall be imposed that will prevent monopoly, and will prevent extortionate charges, which are the accompaniment of monopoly. The difficulty of adjusting the matter is accentuated by the relation of the power sites to the water, the fall and flow of which create the power.

Conservation Counselled.

At the risk of wearying my audience I have attempted to state as succinctly as may be the questions of conservation as they apply to the public domain of the government, the conditions to which they apply, and the proposed solution of them. In the outset I alluded to the fact that conservation had been made to include a great deal more than what I have discussed here. Of course, as I have referred only to the public domain of the federal government I have left untouched the wide field of conservation with respect to which a heavy responsibility rests upon the states and individuals as well. But I think it of the utmost importance that after the public attention has been roused to the necessity of a change in our general policy to prevent waste and a selfish appropriation to private and corporate purposes of what should be controlled for the public benefit, those who urge conservation shall feel the necessity of making clear how conservation can be practically carried out, and shall propose specific methods and legal provisions and regulation to remedy actual adverse conditions.

I am bound to say that the time has come for a halt in general rhapsodies over conservation, making the word mean every known good in the world; for, after the public attention has been roused, such appeals are of doubtful utility and do not direct the public to the specific course that the people should take, or have their legislators take, in order to promote the cause of conservation. The rousing of emotions on a subject like this, which has only dim outlines in the minds of the people affected, after a while ceases to be useful, and the whole movement will, if promoted on these lines, die for want of practical direction and of demonstration to the people that practical reforms are intended.

Let the People Learn.

I beg of you, therefore, in your deliberations and in your informal discussions, when men come forward to suggest evils that the promotion of conservation is to remedy, that you invite them to point out the specific evils and the specific remedies; that you invite them to come down to details in order that their discussions may flow into channels that shall be useful rather than into periods that shall be eloquent and entertaining, without shedding real light on the subject. The people should be shown exactly what is needed in order that they make their representatives in congress and the state legislature do their intelligent bidding.