

CHAPTER 1

A Passion to Prevail

Assessing the leadership quandary confronting modern presidents, Bert Rockman avers that “a [political] system designed to rein in the opportunities for temporary majorities to achieve their goals, in practice, tends to prevent presidents from achieving theirs.”¹ Indeed, recent scholarly research is replete with pessimism concerning the ability of any chief executive to successfully propose, enact, and implement a coherent domestic policy agenda without constitutional reform, uncommon bargaining skills, or uncanny good luck.² Scholarly references, however, to the “hemorrhaging of presidential power,” the “illusion of presidential government,” and the “no-win presidency” in no way diminish popular expectations that incumbents will “provide leadership in defining the policy options available to us, [make] the appropriate choices among these options, and [transform] those choices into effective government action.”³ Indeed, as Theodore Lowi suggests, the “personal president” has become the epicenter of public accountability in the Second American Republic.⁴

With bureaucratic responsiveness to their objectives problematic, with executive–legislative stalemate almost routine, and with the federal judiciary a formidable competitor in agenda setting, chief executives now resort regularly to the “administrative presidency” to energize their domestic policy agendas. As portrayed by Richard Nathan, this presumably “low-visibility, low-political-cost” administrative strategy for executive leadership is based largely on three interrelated premises.⁵ First, congressional and bureaucratic opposition to presidential initiatives is the rule rather than the exception, and must be countered aggressively by incumbents lest their agendas be beached on the shoals of indifference, inertia, or outright sabotage. Second, presidents can nimbly sidestep congressional and bureaucratic intransigence by pursuing

their policy goals administratively rather than by statute as they effect agency rule making, budgetary, personnel, and reorganization decisions. Finally, strong, decisive, and unrelenting presidential control of the career bureaucracy and its administrative processes is a necessary condition for presidential success since agency operations constitute policy.⁶

Upon assuming the presidency, Ronald Reagan relentlessly applied an administrative strategy to the pursuit of his policy goals in a fashion and to an extent unprecedented in terms of its strategic significance, scope, and philosophical zeal. Broadly speaking, his administration attempted to alter the size, scope, and ends of the federal government by simultaneously (1) changing budget and personnel patterns in ways supportive of the President's agenda; (2) amending, rescinding, or relaxing the enforcement of administrative regulations to suit Reagan's deregulatory instincts; (3) appointing "movement" conservatives, intimate associates, and kindred philosophical spirits to key posts throughout the bureaucracy to direct and control its operations; (4) pursuing major intra-departmental reorganizations designed to symbolize and institutionalize the purposes of the president; (5) monitoring agency performance through elaborate managerial control systems; and (6) devolving policy, enforcement, and financial responsibility for various federal programs to the states. Referred to as "supply-side management" by some, and as the "dismantling of America" by others, Reagan's strategy was the epitome of Nathan's administrative presidency.⁷

Not surprisingly, the administrative strategy pursued by Ronald Reagan and his more recent predecessors has proven quite controversial. At issue is the quintessential dilemma of the contemporary administrative state: How can a polity best reconcile its needs for bureaucratic responsiveness and accountability; presidential leadership of the bureaucracy; and nonpartisan, professional, and effective administration? To some, the administrative presidency affords an overdue restoration of presidential leadership, purposiveness, and prerogative.⁸ To others, the strategy represents an untoward assault on congressional intent; the U.S. Constitution; and politically neutral, expertise-based policymaking and enforcement.⁹ And to still others, the approach signifies only missed

opportunities to effect more permanent policy reform through a vigorous legislative strategy.¹⁰

Despite the salience of the administrative presidency as a tool for executive leadership, and the magnitude of the issues it raises for a democratic society, significant gaps remain in our understanding of its processes, potential, and pitfalls. First, while a rich and often insightful literature on the topic is evolving, analysts have focused on certain aspects of the approach and slighted others. For example, the policy formulation and legitimation processes of the administrative presidency in Washington have attracted a great deal of popular and scholarly attention during the Reagan years.¹¹ In contrast, analysts rarely have focused on the triumphs, travails, and consequences of its implementation processes in the field.¹² As a consequence, we are relatively well-versed in how political appointees, the Congress, and the federal courts have influenced presidential initiatives. However, we know little about the political machinations, managerial nuances, and implications of the administrative presidency once its initiatives have evaded or weathered early legislative or judicial challenges.

Second, we have not systematically developed and applied what Bruce Buchanan calls “competent process standards” to the administrative presidency.¹³ That is, most scholars studying the topic have left unexplored the extent to which presidents have wielded the managerial levers of power with strategic savvy and ultimate policy accomplishment. Early studies of the Reagan years, for example, were necessarily speculative and assumed implicitly that if administrative objectives were accomplished—e.g., budget cuts were enacted—successful policy reorientation could not be far behind. To some degree, researchers have subsequently tested these expectations, but largely without linking specific administrative strategies and implementation processes to policy outcomes.¹⁴ Some, for example, focus exclusively on the intraorganizational consequences of the administrative presidency (i.e., the managerial effect of personnel reductions-in-force),¹⁵ while others address its policy effects either speculatively or tangentially.¹⁶ Still others rely exclusively on time-series analyses or aggregate data comparisons (e.g., the number of enforcement actions taken by regulators) to measure outcome differences across administrations or between

federal and state implementation patterns.¹⁷ As students of evaluation might properly insist, however, inferring presidential “savvy” and program effectiveness solely from performance measures or pretest-posttest research designs is fraught with hazards.

Finally, while an impressive multidisciplinary effort to study the administrative presidency has occurred, we still lack an empirically grounded theoretical foundation for understanding, implementing, and critically evaluating this strategy. Students of the presidency, of court-agency relationships, and of public administration generally have increased significantly our understanding of the logic, tactics, and issues involved in an administrative strategy. They have done so, however, mostly by focusing on and describing the processes of the “institutional presidency”—i.e., the staffing, strategy, and policy initiatives of the White House Office, the Executive Office of the President, and (occasionally) political appointees within the federal bureaucracy.¹⁸ In contrast, scholars have yet to concentrate on developing theoretical frameworks that capture the implementation dynamics of the administrative presidency both in Washington *and* in the field. This omission is significant. It is in the field that the administrative presidency’s ultimate success or failure is typically decided, and where its consequences for democratic values are profoundly felt.

This book seeks to contribute to our evolving understanding of the administrative presidency by using natural resource policy as a “window” for doing three things: (1) exploring the strategy’s implementation dynamics; (2) assessing its implications for the larger organizational life of government; and (3) advancing theory development in this increasingly important area of governance. Specifically, this book chronicles and assesses aspects of the Reagan Administration’s efforts to implement administratively a drastic reorientation of natural resource policy in the West. During his tenure in office, President Reagan relied primarily on an administrative strategy to shift public land policy from the Carter Administration’s emphasis on environmental protection and conservation to an agenda of resource production, economic development, and states’ rights. To provide a novel, manageable, yet informative analytical focus for understanding this effort, this book systematically examines how and with what consequences Reagan’s policy, management control, and retrenchment initiatives interacted during

their implementation in a single yet pivotal western state. Specifically, the study places in a regional context and examines in detail five disparate and illustrative cases culled from the implementation experiences of the Bureau of Land Management (BLM) in New Mexico. In the process, the purposes, logic, and dynamics of resource policy reorientation are reviewed across several major issue areas: public rangeland management, energy leasing, water resources management, wilderness preservation, urban economic development, and public land acquisition.

The purposes of this study are fourfold. First, it seeks to chronicle what can happen, and why, when a president tries to reorient policy significantly by using an administrative strategy. Second, it assesses the degree to which the particulars of Reagan's administrative strategy were linked effectively to his resource management goals in the West. In the process, this examination suggests an alternative to the conventional bureaucratic approach to resource management, to "top-down" implementation strategies, and to the policy prescriptions of the New Resource Economics.¹⁹ Third, this study uses the Reagan Administration's implementation experiences in New Mexico—along with the findings of prior research—to begin developing a comprehensive theoretical foundation for grasping the promise, performance, and pitfalls of the administrative presidency as a device for executive leadership within the federal bureaucracy. Finally, this book explores the consequences of the administrative presidency for the core values of public administration in a democratic society.

A focus on the implementation experiences of the BLM seems especially promising given its checkered past, its turbulent task environment during the Carter Administration, and the salience of its operations to President Reagan's deregulatory agenda for the West. Indeed, as Jeanne Clarke and Daniel McCool contend, Reagan's deregulatory initiatives affected the Bureau more drastically than they did any other natural resource agency in the federal government.²⁰ Created in 1946 when two failing and suspect agencies—the General Land Office and the Grazing Service—were combined by executive reorganization within the Interior Department, the BLM assumed responsibility for managing more land than any other agency in the federal government.

Likewise, a focus on specific experiences of the Reagan Admin-

istration in New Mexico seems especially appropriate and useful. On the eve of the Reagan presidency, one-third of New Mexico's land was under BLM stewardship; its statute books contained one of the West's first federal land divestiture laws; and its Texas, Arizona, and Colorado neighbors unabashedly coveted the state's scarce water supplies. As a result, New Mexicans were profoundly interested in, affected by, and instrumental in developing aspects of the Administration's reorientation agenda.

As the "decade of the environment" dawned in 1970, the BLM confronted a task environment poised for rapid, convulsive, and profound change. By mid-decade, federal legislation had wrought a resource management agency assaulted by diverse interests engaged in an epic struggle for the organization's mind and soul. And by decade's end, the "sagebrush rebellion"—a grassroots political movement averse to BLM policy, management, and enforcement styles—dominated the resource agenda of many Western states. Among other things, members of the movement demanded that Congress expeditiously transfer all unappropriated BLM lands to state ownership. Their rationale: Federal stewardship created serious natural resource conflicts; distorted state priorities; and imposed arbitrary and unreasonable limits to community, agricultural, mineral, and energy resource development.²¹ A professed "sagebrush rebel" during the 1980 presidential campaign, Ronald Reagan relished and promised to implement a fundamental change in the BLM's regulatory mission, management priorities, and enforcement style.

The remainder of this chapter sets the stage for analysis. First, it presents an abbreviated review of the leadership quandary facing contemporary presidents in the administrative state. Next, it identifies the origins of President Reagan's agenda for natural resource policy by examining the evolution of public land management in the West. The chapter concludes by presenting the central research questions and methods framing the study.

PRESIDENTIAL LEADERSHIP: AN ANALYTICAL
PERSPECTIVE

While the concept of executive leadership has long intrigued scholars in a variety of disciplines, its essence remains largely elusive and enigmatic. Even sympathetic observers conclude that, "After years of trying, we have been unable to generate an understanding of leadership that is both intellectually compelling and emotionally satisfying."²² Witness, for example, four perspectives presently claiming to capture best the essence of presidential leadership in the United States. For convenience, one might refer to these as the "heroic," the "deterministic," the "substitutionist," and the "attributionist" models of executive leadership.²³

Clearly, recent scholarship reflects the "heroic" tradition by viewing the president as either "savior" (FDR, Kennedy, and Johnson prior to 1966) or "satan" (Nixon as well as Johnson after 1966).²⁴ Thus, while researchers in this tradition differ over how well- or ill-served the Republic is as a result, they all portray the presidency as a strong, purposive, and premiere force in our political system.²⁵ In contrast, other scholars offer a more deterministic perspective that emphasizes vexing economic, sociocultural, and political forces that constrain presidents from exercising much, if any, influence.²⁶ More specifically, secular trends such as presidential-congressional relations and partisan realignment interact with moderate-term business cycles, issue-attention cycles, and foreign policy cycles to condition significant policy changes. As a consequence, "No leader [is] more than a catalyst for events . . . which would have occurred with or without [the] heroic personality."²⁷

The substitutionist and attributionist schools of leadership are also well-represented in the literature on the American presidency. In substitutionist terms, the "perpetually dickering" president is either "Samson" (weak, which is bad for the Republic) or "Seraph" (weak, which is good for the Republic).²⁸ Specifically, scholars in this genre see presidents as persuaders whose success or failure depends on their ability to be transactional leaders—e.g., coalition builders—who adroitly influence and broker the interests of disparate actors within our Madisonian system of frac-

tionated problems and fragmented authority. Complicating this task, however, are factors that variously substitute for and thwart executive leadership. These include (1) bureaucratic rules, routines, and cultures; (2) professional norms and values; and (3) policy communities and issue networks. Thus, while researchers in this tradition disagree over how good or bad presidential weakness is in promoting the public interest, each disabuses us of the notion that presidents reign supreme in a tidy system of hierarchical relationships.

As for the attributionist perspective on presidential leadership, Lowi provides a provocative analysis of the “personal president.”²⁹ He focuses on how, why, and with what consequences the public readily attributes inordinate power to its presidents—despite compelling evidence to the contrary. Lowi argues that citizens today are overwhelmed by the complexity of government and by ill-understood socioeconomic and political forces. As a result, a perplexed public magnifies presidential prowess out of a need to feel that someone is “in charge” and can cope with these impersonal forces. For their part, presidents consciously stoke these expectations in order, initially, to gain electoral support and, subsequently, to create the “high drama” necessary to garner legislative support for their policy agendas. What is more, because they fully expect to be held accountable for their hyperbole by an impatient and unforgiving electorate, presidents unfailingly move to centralize White House control over policy issues and managerial processes.

Regardless of which model best captures the leadership quandary facing contemporary presidents, the most common assessment of their plight by public administration specialists has been Hamiltonian in its assumptions and Brownlowian in its prescriptions. To wit, scholars view “energy in the executive” as a prerequisite for a vital and purposive political system; but to effectively become such a catalyst, the “president needs help.”³⁰ What kind of help? For most studying this issue, the answer has been clear, consistent, yet ill-suited to our Madisonian system of divided authority, responsibility, and loyalty. That is, “presidentialists” have pursued a hierarchical, control-oriented vision of “efficient, executive-centered government” that resembles in retrospect a

racehound chasing a mechanical rabbit: Each reform has only obtained broader grants of authority for presidents to pursue expanded responsibilities that in turn require additional authority for them to perform successfully. Still, presidents *do* successfully enact and implement their policy objectives, with most now convinced that administrative as well as legislative strategies are essential to their success.

Perhaps at no time has the administrative presidency been more rabidly applied in pursuit of an incumbent's agenda than in the Reagan Administration. And perhaps nowhere did this Administration more enthusiastically, contentiously, and with less apology apply the strategy than in the area of natural resource policy. Here, several of the President's most passionately committed and resourceful devotees labored to increase natural resource production, enhance states' rights, and quell the strident complaints of traditional public land users by amending bureaucratic budgets, routines, and worldviews rather than congressional statutes. In Part II of this book, we shall examine what the New Mexico experiences reveal in the field about the specifics and consequences of this strategic choice. Before doing so, however, it is useful to place President Reagan's deregulatory agenda for natural resource management in historical perspective.

THE EVOLUTION OF A DEREGULATORY AGENDA

David Rosenbloom argues that public executives must strive heroically in their work to reconcile three analytically distinct traditions in public administration: the managerial, the political, and the legal.³¹ The managerial tradition stresses a hierarchical organization structure that promotes economy and efficiency, tight control of the bureaucracy, and a neutrally competent, expertise-based administration. In contrast, the political tradition values bureaucratic responsiveness, accountability, and representativeness informed by the "values, conflicts, and competing forces" of our pluralist society. Lastly, the legal tradition focuses our attention upon the equity or fairness issues involved in the exercise of agency discretion. Thus, the courts are counted upon to review and remedy bureaucratic processes and decisions to prevent agency misfea-

sance, malfeasance, or nonfeasance of duty. It is thus not surprising that these three administrative traditions, with their disparate outlooks and values, provide a most enlightening framework for appreciating the deregulatory furor confronting the BLM on the eve of the Reagan presidency.

The Political Tradition: From Dominant to Multiple Clientelism

The political plight of the BLM in the late 1970s was partly a product of secular changes in the demographic and cultural context of natural resource management in the West. Three of these developments were most telling. First, public land issues gradually turned from local management affairs into national policy issues. As recreational lifestyles changed, ecological awareness expanded, and Washington eyed energy resources on public lands as substitutes for precarious OPEC oil supplies, natural resource management in the region became a national concern and priority.³² Not surprisingly, Congress especially intensified its scrutiny of BLM's policies and operations, since lands the agency managed were among those most coveted for their natural resource bounty.³³

A second factor affecting public land politics was the demographic shift to the West during the past quarter century. With energy costs spiraling, with tax increases and expenses for land, labor, and capital depressing personal income and corporate profits, and with retirees seeking less frigid climates, frostbelt emigres flocked to urban areas in the Sunbelt. For the BLM and Western members of Congress, this immigration fashioned a more diverse constituency, one with a decidedly different public lands agenda from that held by traditional ranching, mining, and timber users in the region.³⁴ Consequently, the Bureau's prodevelopment constituency—dominated historically by the livestock and hard-rock mining industries—ran pell-mell into a more metropolitan clientele with an agenda stressing environmental, aesthetic, and amenity values over resource consumption.

Finally, financial distress plagued the Western livestock industry during the 1970s. As a result, many ranchers either left the business or moved to more hospitable climates in the South where the humidity begets grasslands that support more cattle per acre.

Not only did this situation reduce the ratio of rural to urban residents in many Western states, but it also caused many ranchers to see competing uses of the public lands as distinct threats to their survival. In this zero-sum framework, more forage needed for wildlife management meant less grassland available for nurturing and expanding one's own herd. Similarly, the more access granted to hunters, energy companies, and recreationists, the more acute the damage to sparse rangelands and the more disruption to grazing patterns and productivity. What the ranching industry feared most, however, was a plan conservationists championed: to impose sizeable and immediate cutbacks in the amount of grazing permitted on public rangelands. With a ranch's market value linked to the number of livestock permitted to graze on adjoining federal lands, with the value of existing permits a component of a ranch's original purchase price, and with ranch values the basis for bank loans to permittees, the issue of grazing reductions aroused the passionate political ire of ranchers, real estate brokers, and bankers in the West.

Not unexpectedly, the confluence of these trends spawned a surge of legislative action in Washington. Congress repeatedly enacted legislation affecting the substance, scope, and techniques of public land management in the region (see Table 1–1). While ensuing chapters discuss the specifics of these statutes as they relate to the BLM's experiences in New Mexico, it is important to note here their most profound political effect: the legal enfranchisement of nontraditional uses and users of the public lands. In this regard, the Federal Land Policy and Management Act of 1976 (FLPMA) stands as the single most important contribution to the BLM's emergent "multiple clientelism" in the 1970s and beyond. Indeed, as Paul Culhane and Paul Friesma suggest, the Act provided "an unmistakable cue that the public lands should be managed for purposes beyond livestock grazing."³⁵

Among other things, FLPMA (the BLM Organic Act) required the Bureau to recognize the legitimacy of both market and non-market land values, and consequently to consider and reconcile the often conflicting demands of traditional and nontraditional public land users. Moreover, the Act compelled the BLM to plan and perform in ways that were as consistent as possible with state and

TABLE 1-1
Major Legislation Affecting the Management of U.S. Public Lands,
1872-1978

Statute	Description
General Mining Law (1872)	Provides for access to and location of claims for specific "hardrock" materials on the public lands, including U.S. Forest lands. Allows for exploration, development, and patenting of claims under prescribed conditions.
Antiquities Act (1906)	Prohibits removal or destruction of antiquities from public lands.
Mineral Leasing Act (1920)	Provides for leasing of oil, gas, sulphur, coal, potash, sodium, phosphate, and oil shale on public lands, including U.S. Forest lands and land where the surface may be patented (i.e., leased) but the federal government retained the minerals. Allows both competitive and noncompetitive leasing procedures.
Recreation and Public Purposes Act (1926)	Provides for the disposal of public lands through sale or lease to certain non-profit entities for the location of recreational or public purpose facilities. Examples are state parks, county sanitary landfills, boy scout camps, and buildings where public hearings are held.

(continued)

TABLE 1-1 (Continued)

Statute	Description
Color-of-Titles Acts (1928 and 1932)	Provides for granting title to public land occupied and improved by citizens inadvertently for a period of 20 years or longer. Establishes procedures for qualification and for payment of some fees for land transferred to private ownership.
Taylor Grazing Act (1934)	Provides for a tenured system of permits or leases to individuals to graze livestock on the public lands within specified conditions and carrying capacities. Also allows for range improvements, such as fences, wells, etc.
Acquired Lands Mineral Leasing Act (1947)	Provides for mineral leasing on lands acquired by the federal government, such as military reservations, Bankhead-Jones Act lands, etc.
Classification and Multiple-Use Act (1964)	Provides for a system of classification for all of the public lands into categories for management and/or disposal. This act has expired; however, the classifications made remain in effect.

(continued)

TABLE 1-1 (Continued)

Statute	Description
Wilderness Act (1964)	Establishes a wilderness preservation system and sets requirements for future management of these areas to protect wilderness values. Applies to most federal and managing agencies, although the BLM was not included until 1976.
National Historic Preservation Act (1966)	Establishes a system for identifying, protecting, and managing certain historic sites, buildings, etc.
National Environmental Policy Act (1969)	Requires the preparation of an environmental assessment or statement to analyze the effects to the environment of any major federal action. Current statements on livestock grazing are being done under the requirements of this act.
Land and Water Conservation Fund Act (1970)	Allows for collection of fees for certain designated federal recreation sites, the money collected to be used to purchase additional recreational areas or for major improvements to existing sites on cost sharing basis with non-federal agencies.
Rare and Endangered Species Act (1973)	Establishes a listing of and procedures for protecting specific rare and/or endangered species of plants, fishes, animals, and birds.

(continued)

TABLE 1-1 (Continued)

Statute	Description
Archaeology and Historic Preservation Act (1974)	Requires specific steps be taken to recognize and protect archaeological, cultural, and historic sites on public lands.
Federal Coal Leasing Amendments Act (1976)	Establishes procedures for leasing federal coal, which incorporate competitive leasing, land use planning, "diligent development," revenue sharing, surface reclamation, and other environmental safeguards.
Federal Land Policy and Management Act (1976)	Provides for retention of most public land by the federal government and requires that the concepts of multiple use and sustained yield be applied to the management of these lands.
Surface Mining Control and Reclamation Act (1977)	Regulates surface mining. Established the Office of Surface Mining within the Department of the Interior. Provides for surface owner consent prior to mining where privately owned surface overlies federal coal.
Public Rangelands Improvement Act (1978)	Provides for appropriations for range improvements to the public lands.

local land-use plans, and to maximize public participation in agency decision making. To be sure, since at least the early 1960s, the agency had weighed informally the preferences of these users, as changes occurred in the Bureau's task environment. FLPMA, however, provided a statutory mandate to consider specific values related to outdoor recreation; watershed protection; fish and wildlife management; and the preservation of natural, scenic, cultural, and historical treasures. In the process, the Act legally affirmed the principle that multiple, diverse, and typically competitive BLM constituencies have a justiciable right to influence natural resource policy. What FLPMA did not supply, however, was a framework for assessing the priority of uses or users in particular situations. Consequently, a prolonged and bitter conflict arose over which land management ethic—"multiple use-sustained yield" or "full-est and best use"—would prevail, in what form, and in whose interest.

The Managerial Tradition: Toward a Science of Natural Resource Management?

Woodrow Wilson—president, scholar, and activist in the early progressive reform movement—once wrote that government "must administer our resources as a good trustee would administer a great estate for the support of the living and the benefit of those yet unborn."³⁶ For Wilson, Gifford Pinchot, and other Progressive conservationists of this era, wise and disciplined use of our natural resources was essential to human survival. As such, resource management could not be left either to the vagaries of the market or the power asymmetries of the pluralist bargaining process. Instead, experts applying scientific principles and sophisticated quantitative models should husband our natural resources to satisfy both the immediate and long-range needs of a variety of resource users through apolitical, expertise-based scientific management.

For the BLM, however, implementing these multiple-use and sustained-yield principles of resource management in an apolitical fashion has proven most difficult and controversial, given the land management legacy bequeathed to it by our nation's six analytically distinct yet overlapping eras of natural resource policy: ac-

quisition, disposal, reservation, custodial, intensive management, and consultation-confrontation.³⁷ Remnants of each era doggedly confronted, complicated, and rendered adversarial the managerial responsibilities of the BLM as Ronald Reagan assumed the presidency.

Toward Privatization. The first two eras—acquisition (1792–1867) and disposal (1812–1933)—fostered a crazy-quilt pattern of land ownership and competing interests that contemporary BLMers must somehow reconcile to manage effectively the public lands. Propelled during the acquisition era by the rhetoric of “manifest destiny,” the federal government amassed nearly 1.8 million acres of land through direct purchase, peace treaties, and international agreements.³⁸ As the nation’s debts mounted, however, Congress instructed the General Land Office to sell federal lands as needed for revenue. But with ownership titles from territorial days frequently unclear, and with productive capacity only marginal on most arid lands, sales were few in number, widely dispersed, and plagued by land fraud and speculation.

Following this episode, Congress moved vigorously to encourage permanent settlement and economic development of the region. Under various iterations of a federal homestead program, settlers gained title to land at nominal fees once they had successfully farmed allotments of varying sizes for specified periods of time.³⁹ While modest numbers of widely scattered land tracts located near water supplies were disposed of quite readily, the program’s impact was stifled substantially when it offered homestead land in arid Western climates where the allotments were too small to support livestock grazing.⁴⁰ Related efforts to lure miners and foresters to the West were equally disappointing, since Eastern lands near population centers were more profitable for development.

Thus, contrary to the expectations of their designers, land disposal programs managed only to further balkanize land ownership in the region. What is more, the situation grew worse when Congress began issuing land grants to states and railroads for economic development. State grants often abutted private, municipal, or federal properties managed for differing and frequently conflicting purposes. Similarly, railroad grants spawned “checkerboard” pat-

terns of ownership as corporations received as investment incentive miles of alternating land tracts adjacent to their routes. In sum, by the end of the disposal era, vast amounts of the West remained in federal hands. Moreover, these properties were nestled among nonfederal lands, in noncontiguous blocks, and in random sizes and patterns that too often made efficient, effective, and apolitical land management the exception rather than the rule.

Toward Minimalist Management. The next two eras of natural resource administration—reservation (1890–1940) and custodial management (1910–1950)—were likewise fraught with problems for future administration by the BLM. In withdrawing from development a variety of pristine resource areas during these years, the federal government explicitly legitimized and institutionalized a scientific approach to resource management. At the same time, it sparked an interagency rivalry over natural resource administration that has worked to the chronic disadvantage of the BLM throughout its history. As Congress began to designate timber lands as national forest reserves, Progressive conservationists persuaded legislators that these resources required professional management informed by the multiple use–sustained yield principle of scientific forestry. To this end, Congress transferred responsibility for the reserves from the Interior to the Agriculture Department, in the process giving birth to the U.S. Forest Service. In doing so, however, it also effectively split responsibility for public land management between the Forest Service and the Interior Department, with the former touted widely as a “model” to be emulated by its drastically less professionalized, less technocratic sister agency.

For today’s BLM, the programmatic and political consequences of these developments are profound. As Clarke and McCool observe, natural resource agencies imbued with the image, if not the reality, of a multipurpose mission and scientific ethos tend to fare better in Congress at budget time than their less-well-perceived rivals.⁴¹ In fact, they ordinarily acquire a “favored agency status” relative to the others, one that widens appropriation gaps and power differentials among the agencies as the years pass. Thus, by 1980, the BLM managed four times the acreage of the Forest Service, but with one-third the budget and one-seventh the personnel.

A second legacy of the reservation and custodial eras is an elaborate water regulatory framework that directly affects public land management in the West. Ever since the disposal era, Congress had generally accepted the premise that regulatory authority over in-state water resources passed from the federal government to the states as each entered the Union. Thus, for federal resource agencies operating today in the region, this means submitting to a water regulatory system premised on the doctrine of “prior appropriation and beneficial use.” Although the specifics of the state systems vary, most assign water rights to the first applicant who seeks to appropriate the water for a beneficial economic use. Customarily, users forfeit their rights if they do not actually use the water as stipulated within a specified time. Thus, in principle, state regulators scientifically determine the quantity and quality of available surface- and ground-water supplies. They then impartially allocate these waters on a “first-come, first-served” basis that, in turn, is premised on a “use it or lose it” principle. In practice, however, supply-and-demand uncertainty frequently abounds, and political conflict often ensues over the quantity, quality, and proper allocation of this scarce resource.

As a final legacy, the reservation and custodial eras bequeathed to the Interior Department a “minimalist” management ethic animated by user demands rather than by aggressive demand management. Most assuredly, this ethic fostered an enduring belief among traditional users that Interior’s proper role is to promote, not regulate their activities. Take, for instance, the federal government’s traditional approach to public range management. Prior to the 1930s, ranchers enjoyed free access to public lands adjoining their properties and proceeded to graze cattle at rates and in numbers that far exceeded the carrying capacity of these lands. In fact, most graziers grew dependent on unrestricted access to the public domain for their very livelihood. However, in the wake of the Dust Bowl disaster, and to block the access of sheepherders to the public lands, the cattle industry ultimately agreed to limited regulation under the Taylor Grazing Act of 1934.

The Taylor Grazing Act charged the Grazing Service—overwhelmingly staffed by former ranchers—with establishing district advisory boards. Dominated by local cattlemen, these boards

made decisions regarding grazing access, levels, and fees that differed fundamentally from those made by the Forest Service with its data-based, multiple use–sustained yield grazing policies. More specifically, they effectively ratified historical grazing levels, assigned public land-use exclusively to ranchers with adjoining water supplies, and routinely ignored federal range studies that recommended sizeable grazing reductions. In fact, these boards even requested that Congress slash Grazing Service (and, later, BLM) budgets in order to undermine aggressive regulation, deflect legislative scrutiny, and enhance their own control over range policy.

Toward the “New” BLM. The final two eras of natural resource administration—intensive management (1950–1960) and consultation-confrontation (post-1960)—are integrally related and highly significant, since they provide a legislative foundation for multiple-use management by the BLM. Recall that intense, diverse, and complex pressures for increased land use began during the 1950s and spiraled over the next two decades. Initially, the Bureau coped with this situation without explicit multiple-use authority and with a mosaic of disposal-oriented statutes, nonprofessional personnel, and pro-development constituencies. This gradually began to change, however, after Congress enacted the Land Classification and Multiple-Use Act of 1964. This statute instructed the BLM to inventory and classify public lands for either disposal or federal retention. In addition, it temporarily charged the agency with managing retained properties according to multiple-use principles and brought on board the first significant numbers of university-trained range management specialists. Thus, as Sally Fairfax concludes, the Bureau by the mid-sixties was indeed striving to develop the ambition and the ability to regulate public rangelands aggressively.⁴² Nonetheless, the Multiple-Use Act expired in 1970, leaving the agency without a compelling statutory mandate for multiple-use management until Congress enacted FLPMA in 1976.

As noted above, FLPMA permanently reformulated the agency’s mission, radically altered its decision premises, and over the ensuing decade regularly incited the passions of the Bureau’s emerging multiple clientele. Not only did it shift BLM’s priorities toward land retention rather than disposal, but it also authorized the