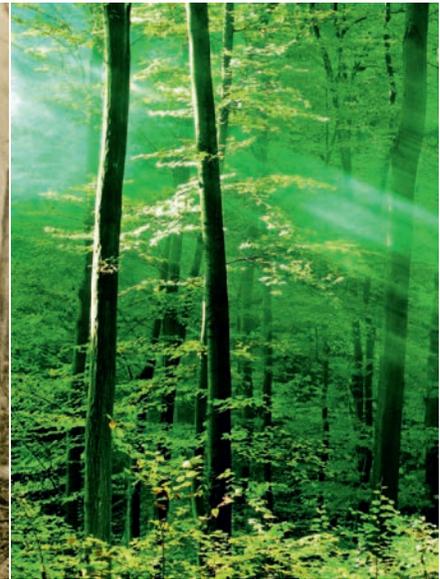




Restoring the Land: The Weeks Act and the Expansion of Federal Forestry

Char Miller

The Weeks Act, signed into law by President William Howard Taft on March 1, 1911, has had a profound impact on the American landscape, not least in New England. Just how profound is clear in a slick, two-page advertisement that the New Hampshire Division of Travel and Tourism Development ran in *Audubon Magazine* (May/June 2010). Wrapped around a series of photographs that capture the state’s mountain vistas, rushing waters, tranquil lakes, and evocative sunsets, is a text that positively gushes: “Whether you’re taking a wildlife tour, trekking along a mountain path, camping under the stars or simply drinking in the scenery, New Hampshire is full of unique places where you can interact with nature.” One of the most spec-



Courtesy of the Forest History Society

tacular is the White Mountain National Forest, which “features nearly 800,000 acres of unspoiled wilderness....” New Hampshire is pristine.

A century ago, no one would have uttered these words about the Granite State; none would have dared called it “unspoiled,” at least not without considerable irony. By the late nineteenth-century, the state had been cut-over, farmed out, and burned up, thoroughly exploited and utterly exhausted. This devastation, and the growing public outcry it produced, was one of the main reasons why the Weeks Act, which gave the federal government permission to purchase eastern forested lands for conservation purposes, was enacted.

Congress did not move to protect these battered landscapes without sustained grassroots pressure, however, and one of the key figures in this fight was a relatively obscure New Hampshire minister, the Reverend John E. Johnson. Licensed by the Episcopal Bishop of New Hampshire, for years Johnson had ministered to hardscrabble families throughout the rugged White Mountains region, and had come to know their struggles intimately. Whatever their personal foibles, Johnson asserted, the central source of their poverty and despair was the New Hampshire Land Company, “a corporation chartered to depopulate and deforest” a wide swath of the mountainous terrain. It was, Johnson
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thundered in a 1900 pamphlet, the “Worst ‘Trust’ in the World.”

What made the company so egregious was the sweetheart deal it had negotiated with the state legislature that allowed its investors “to acquire for a song all the public lands thereabouts, and later ‘take over’ all tax titles, until finally there was no considerable tracts in the vicinity which it did not own.” Once it became the North Country’s dominant landowner, the company began a process Johnson dubbed “refrigeration,” in which it froze out local loggers by refusing to sell them the timber they needed to keep their small milling operations running. As a result, the next generation, “robbed of their winter employment, took no longer to the woods but to the cities, leaving the old folks to fall slowly but surely into the clutches of the company which took their farms from them or their heirs, in most cases for a dollar

“‘The lumber interests think they control the legislature,’ and so have hatched a scheme ‘to get off the lumber and wood, and in doing so create such a hue and cry that the public will be eager to pay a fancy price for the denuded lands.’”

or two an acre.” The cause of this tragic depopulation and desolation, Johnson asserted, “was due to the tightening of the coils of a boa constrictor *legalized* to crush the human life out of these regions preparatory to the stripping of them of their forests.”¹

Johnson’s analysis was withering, if mono-causal: “it is amazing that the process of denuding this upper region of its forests in the most wasteful manner has not been arrested or at least hindered, long ago, and it probably would have been but for the fact that the whole business is largely in the hands of an unscrupulous and merciless corporation—a Trust of the most concentrated, ruthless and soulless character, which is bent on reducing entire sections to a blackened, hideous, howling wilderness.”²

Yet his resolution was more complex, for he understood that zealous rhetoric alone would not stop the land company’s depredations. Local pressure, statewide activism, regional support, and federal oversight were essential to the successful creation of a reform crusade that would insure social justice in and environmental protection for the White Mountains. In this fight, the minister asserted,

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the first and most important weapon was politics: “In the evolution of righteousness political economy precedes piety. The Law goes before the Gospel.”³

The first step was to generate a public outcry, hence Johnson’s pamphlet, which was designed to pressure the legislature to repair the physical and social landscape. The next was to establish an organization devoted to the restoration of the White Mountains and the local economy: Johnson was among those pushing for the creation of what would become the Society for the Protection of New Hampshire Forests; the SPNHF was launched in 1901, and its first president was the state’s then-outgoing governor, Frank Rollins. “The last move will doubtless be to get a bill through the state legislature to purchase these deforested areas for a public reservation at a price ten times as great as that originally paid for the lumber lots,” a skeptical Johnson predicted. His prediction dovetailed with *New England Homestead’s* calculation: “The lumber interests think they control the legislature,” and so have hatched a scheme “to get off the lumber and wood, and in doing so create such a hue and cry that the public will be eager to pay a fancy price for the denuded lands.” The progressive reformers knew they were complicit in this bit of greenmail, but believed that the end justified the means; to restore the land and the communities it once supported was worth what they anticipated would be a hefty price tag.⁴

New Hampshire, in the end, did not pick up the tab. The federal government did, through the aegis of the Weeks Act, enacted 11 years after Johnson’s attack against the New Hampshire Land Company. Although the language of the national legislation contained none of Johnson’s pulpit-thumping rhetoric or his energetic commitment to social betterment, it remains one of the most significant



John W. Weeks, US Representative for Massachusetts from 1905 to 1913.

Milline Special Collections and Archives Department, University of New Hampshire Library, Durham, NH.

pieces of environmental legislation in US political history.

Since 1911, for example, it has enabled the purchase of more than 20 million acres of private land located mostly in the eastern United States (although it also authorized funding to secure acreage in several western national forests). Some of the earliest purchases occurred in New Hampshire’s White Mountains, a direct consequence of the SPNHF’s active lobbying. The resulting White Mountain National Forest, formally created in May 1918, was not the first Weeks Act-forest—that honor goes to North Carolina’s Pisgah National Forest, established in 1916. But the question of which could claim seniority was of little interest to those who had advocated for the Weeks Act. The real point, they knew, was to build off these success stories in the northern and southern Appalachians. In the next decade, federal dollars led to the purchase of lands forming the Nantahala, Cherokee, George Washington, and Monongahela National Forests. Then, with the 1924 passage of the Clarke-McNary Act (43 Stat. 653) the type of land the federal govern-

ment could purchase was subtly expanded. Whereas the Weeks Act had limited purchases to the headwaters of navigable rivers such as the Merrimack, Monongahela, and Chattahoochee, Section 6 of the Clarke-McNary Act eased that hydrological restriction; now the Forest Service could negotiate to buy any “forested, cut-over, or denuded land within the watersheds of navigable streams as ... may be necessary to the regulation of the flow of navigable streams or for the production of timber” Watersheds covered a lot of ground.

Just how much ground became clear during the Great Depression. Following Franklin Roosevelt’s inauguration in 1933, a substantial amount of New Deal funding became available, in the end totaling more than \$50 million. Additional sites came on line across the south, and a host of other forests and grasslands across the middle-west and central-plains states. The speed with which this process unfolded, and the significance that it held for the land-recovery itself, is perhaps best captured in the experience in Mississippi. Between September 1933 and June 1934, a mere nine months, land surveys were conducted on and appraisals were approved for more than 600,000 acres.⁵

Mississippi may have been unique in this regard, but collectively the New Deal-era purchases represented a substantial increase of the nation’s public-lands inventory. They also expanded the ability of the US Forest Service to protect watersheds, regenerate heavily logged forests, replant overgrazed prairie, restore badly eroded and once-wooded lands, and develop innumerable recreational opportunities. Through the Weeks Act (and its subsequent amendments), the agency was able to operate in the east as it had done in the west. Put another way, this seminal legislation made the National Forest System *national*; through it, conservation had gone continental.

Because the Weeks Act also sanctioned cooperation between Washington and the states in the shared pursuit of environmental regulation, it rearranged political relationships within the union; strengthened intergovernmental relations; and established more uniform land-management strategies. These developments were not entirely positive. In the aftermath of World War II, for example, the Forest Service's conviction that all fires must be suppressed at all times was reinforced by its adaptation of military surplus—bulldozers, communications technology, and aircraft—and a command-and-control mentality. These newfound capabilities were facilitated by the Weeks Act's initial creation of a robust fire-fighting regime in which state interests were subordinated to the federal agency's policy (a process that the Clarke-McNary Act later extended). It "made possible the extension of national standards of fire protection," historian Stephen Pyne has argued, making suppression "more uniform and more widely applicable." Depending on a forest's composition, this standardization could (and occasionally did) have disastrous results, leading to intense public debate over the value of excluding fire from diverse forested ecosystems around the country.⁶

Controversy swirled around another ramification of the Weeks Act's nationalization of forest policy, also most evident in the post-war era. Beginning in the 1950s, the Forest Service promoted a massive "Get Out the Cut" campaign; because privately owned timber supplies had shrunk due to intense logging for the war effort, the Forest Service accelerated harvests throughout the National Forest System. As its clear-cutting practices intensified, public protests erupted. Turkey hunters on the Monongahela National Forest blew the whistle on the agency's actions, and in *West Virginia Div. of Izaak Walton League of America, Inc. v. Butz* (1975) they and their allies suc-

cessfully challenged the practice. That same year, *Zieske v. Butz* was decided: it stopped a planned 400,000-acre clearcut for the Tongass National Forest in southeastern Alaska. And in Montana, residents in and around the Bitterroot National Forest went toe-to-toe with the agency over its "Oh My God" clearcuts. Out of these legal battles and deepening debates emerged a new formulation of the Forest Service's mission, embodied in the 1976 National Forest Management Act (90 Stat. 2949).

A decade later, the issue simmered still. In New Hampshire no less a figure than former governor Sherman Adams took the agency to task, and did so with exquisite timing. In 1986, during the 75th anniversary celebrations of the Weeks Act that the Newcomen Society hosted, and at which Forest Service Chief Dale Robertson had introduced him, Adams challenged the agency's uncritical embrace of clear-cutting: "After decades of using locally-modified selective and selection cutting programs, the Forest Service had by 1962 incorporated in a wholesale, indiscriminate manner this aesthetically disruptive and, in forest conditions such as those prevalent in the White Mountains, scientifically questionable system." This "ill-advised national edict," he said, was a "disturbing threat to our New England tradition of consensus building among users of the White Mountains." As a consequence, "public confidence in the Forest Service was

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seriously shaken." It would take years before those frayed relations could be repaired.⁷

Yet the land's regeneration continued despite the explosive arguments over its condition and management. Surely one mark of its successful revival is the very unreflective quality of that 2010 advertisement urging tourists to visit leafy New Hampshire. By coming to this verdant and scenic state, it promised, they could "embrace the natural wonder of our land."⁸

That alluring claim would not have been possible without the Weeks Act, whose implementation over the succeeding century made New Hampshire—and a large number of other eastern, southern, and mid-western states—ever-more wild by law. 

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¹ Rev. John E. Johnson, "The Boa Constrictor of the White Mountains, Or the Worst 'Trust' in the World," (pamphlet), July 4, 1900; reprinted in *New England Homestead*, December 8, 1900, 3–5.

² Ibid

³ Ibid, 6; 11.

⁴ Ibid, 4; *New England Homestead*, November 24, 1900, 508.

⁵ Ray M. Conarro, "The Beginning: Reflections and Comments," (Atlanta, GA: USDA-Forest Service, 1989), 1–2.

⁶ Stephen Pyne, *Fire in America: A Cultural History of Wildland and Rural Fire*, (Princeton: Princeton University Press, 1982), 349–50.

⁷ Sherman Adams, "The Weeks Act: A 75th Anniversary Appraisal," Newcomen Publication Number 1274, (New York: The Newcomen Society of the United States, 1987), 16–19.

⁸ *Audubon Magazine*, (May/June 2010), 57.