COOPERATIVE FOREST FIRE CONTROL

Policy Determination and Administration in the

Clarke-McNary Grant-In-Aid Program

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FOREWORD

The United States of America is renowned throughout the world for inventiveness. To the foreigner this talent is exemplified by the multitude of mechanical devices and machines that characterize our life. Of even greater significance is our inventiveness in institutions, economic organization, and government. The various methods by which a central government enlists the cooperative effort of 48 states to develop nationwide programs without centralized administration are among our outstanding achievements.

Today such methods have enlarged significance. If chaos is not to engulf the world, means must be found promptly to spread to other lands the benefits attainable from directed ingenuity applied to economic and social problems. The people of the United States have no desire to force other countries to adopt American social, economic, or governmental institutions. We do desire to see the lot of mankind everywhere improve, and we desire that the effort to achieve this improvement be locally administered with wide latitude for adjustment - country by country.

Important among governmental devices for achieving such ends within our country have been the grant-in-aid programs. These have taken many forms, some successful, others only partially so.

The cooperative forest fire control program is worthy of study for two reasons. It has been in successful operation for forty years, giving time for evolution of administrative techniques. It started when active federal forestry was barely over 10 years of age and when only a few states had established forestry agencies. The program has developed as the agencies to carry it out developed. Policy was set forth and modified as need dictated.

The author, John Bernard Kling, received the Doctor of Philosophy degree from the New York State College of Forestry in January 1949. Nine months later, at the age of 29, he was stricken with infantile paralysis and died within the week. He was a young man of unusual promise, distinguished as a military officer and rapidly developing a career in university administration. This bulletin is his contribution to forestry and to public administration.

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PREFACE

Grants-in-aid are playing an ever more important role in the governmental process. Their use encourages states, counties, and municipalities to perform tasks which they could not or would not attempt on their own resources alone. As a direct consequence, public service in many fields has advanced more rapidly than it would have without these aids. In addition, such service has become uniform throughout large geographical and political areas. Witness the programs currently prompted in education, highways, and agriculture.

More important, grants-in-aid represent an attempt to link various governmental institutions operating at different levels, each possessing inherent characteristics of sovereignty and independence. Grants-in-aid are a facet of public administration which should be subject to closer scrutiny if the nation is to broaden and enlarge their application within our political system.

In the following discussion, a particular federal grant-in-aid project is described - cooperative forest fire protection. Emphasis is on procedures which lend meaning to the program. Attention is directed to administration as a process which must not only be properly geared to legislative enactments, but also must be continually integrated with regional and local conditions and traditions.

Administration acts as a buffer between the law and persons affected. The administrator interprets the legislation which initially activates the program he is to direct. Then he becomes the official distributor of the project's benefits - the link between lawmakers and the public.

The philosophy of any program is of prime importance. This philosophy provides the spirit which motivates groups in the relationship. In the Clarke-McNary program, the philosophy may be described with one word: cooperation.

Successful administration of any program depends largely upon the abilities of the groups to construct policy and procedure cooperatively. The federal government and the states work together to attain goals desirable to both parties. Their policy and processes need mutual respect, for the administrative and political integrity of each agency.

ACKNOWLEDGMENTS

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Messrs. R. E. McArdle, assistant chief of the U. S. Forest Service; Earl S. Peirce and H. J. Eberly of the Division of Cooperative Forest

Protection, U. S. Forest Service; Crosby A. Hoar, assistant regional forester of region 7, U. S. Forest Service; and A. B. Hastings of U. S. Forest Service, retired, gave the writer the benefit of years of federal experience in cooperative work. The many hours they personally devoted to the writer's problem and the records they generously placed at his disposal were extremely helpful. Mrs. Lucille Seetin and Miss Nancy Caston of the Forest Service were also very helpful in securing necessary research data.

CONTENTS

INTRODUCTION

PURPOSE AND SCOPE

This study deals with the Clarke-McNary forest fire control program as a case study in federal grant-in-aid administration. Major emphasis is on an evaluation of administrative techniques for effecting fire control for our forest lands.

To describe administration adequately, it is first necessary to understand factors which generally condition the administrative process. The most important of these, and by far the most easily discerned, is found in the evolution of legislative and administrative policy. They also appear in the development of prior practice into present method.

Policies which govern administration of the forest fire control program fall into two general classifications: (1) legislative policy which takes its actual form in law; and (2) administrative policy which results from the efforts of top level administrators to interpret and implement laws. These two groups form a working team adaptable to administer any particular program. Day-to-day operational activity takes place under this kind of administration.

From a long-term point of view, policy is not static. It varies periodically to accomodate progress and change in the needs and desires of administration as well as clientele. So in analyzing the formal basis for Clarke-McNary activity, it has been necessary to emphasize the evolution of policy formulation. Such an examination shows increased meaning in administrative practice.

Processes which federal administrators evolve within a framework of policy, to make cooperative forest protection live, mean more than formalized statements of avowed intent, organizational structure, and standardized procedure. Emphasis will be placed upon the practices and behaviors of men and women who perform routine tasks oblivious that the aggregate of what they do forms a recognizable pattern of administration.

Flexibility is a major characteristic and requirement of Clarke-McNary administration. State and local governments in the federal aid program have diverse social, economic, and political problems. Presumably these problems were satisfied partially and temporarily by the legislation. But applying over-all policy objectives to particular localities often involves complexities any one formula will not eliminate.

Emphasis given in one area may be entirely misplaced in another. In administering the forest protection program, for example, state and local tradition and custom must be accomodated continually, while maintaining over-all national standards and progressing toward greater operational efficiency within regions.

A primary consideration in the study of any federal grant-in-aid program is the ebb and flow of administrative control between state and

federal spheres of influence. Frequently, conditioned federal grants start the centralization process, giving federal government more control over certain state functions. Usually this means a corresponding loss of prerogative at the state level.

Basically this centralization stems from the right of the federal government to define policy and procedure at the state and local levels, as a return for monetary or facilitory aid.

Centralization in the national forest fire protection program, and in many other projects, affects federal-state relationships markedly. But the Clarke-McNary program has a quality of even greater significance in federal-state relations. This is its "cooperative approach". Federal officials recognize the value of amiable state-federal relations, and want to preserve the good feeling built up through years of cooperative effort. They recognize the value of a bi-lateral approach. So the program is conducted cooperatively.

State administrators, too, seem to react favorably to this approach. They feel a very real sense of participation in a project which they helped initiate and direct. Perhaps cooperation at times adversely affects efficient operation of the program, making its ultimate goals more difficult to reach. But cooperation may also act as a soothing agent, making increased federal supervision and control less repugnant.

In summation, the writer wishes to emphasize that administrative management of the fire control program is conducted within a prescribed, over-all framework of legislative and administrative policy. Operating inside this basic structure, administrative management becomes a flexible and dynamic process--widely different at times from formalized policy and procedure. The fire control program must remain in constant harmony with social, economic, and political situations encountered at state and local levels within various geographic regions.

Grant-in-aid programs are closely associated with the trend toward administrative centralization, and these programs contribute to it. The Clarke-McNary project is no exception.

Finally, the cooperative approach is a major characteristic. It indirectly provides for more tactful assumption of federal supervision, and directly increases productive cooperation from groups which are aided.

Method of Research

Much of the background material enabling the writer to understand federal subsidy programs in their more general aspects was derived from texts and other writings in the field. Clarke-McNary administrative manuals and related materials provided much valuable and basic information on formal aspects of this program. Of great value were the outdated and stored records generously placed at the disposal of the writer by the Forest Service. Material in these files clarified early cooperative activities.

Throughout, the writer has emphasized "on the ground" practices and

procedures which, when combined and properly evaluated, paint a picture of day-to-day Clarke-McNary administration. The only available sources which could provide the material needed to write in such terms are the men and women engaged in administering the work. The writer has conferred with many persons in federal, state, and local agencies, and in private enterprise, to gain an understanding of administrative practice and procedure. Frequently the private files and correspondence of such agencies and individuals were also available.

The writer was limited in his personal field contacts and observation to several states on the Atlantic seaboard - New York, New Jersey, Delaware, Maryland, and Pennsylvania. So the work lacks national coverage. Conclusions reached about many aspects of the program are stated broadly. But it is believed they are generally applicable to the over-all tenor of the national cooperative program in forest protection.

Data for many situations described in these chapters were secured from confidential files or transferred in confidence verbally. It has been necessary for the writer to honor these confidences and to protect his sources. So in many instances, no direct supporting references have been cited.

PART I

POLICY DETERMINATION

CHAPTER I

LEGISLATIVE DETERMINATION OF FIRE CONTROL POLICY

The legislative process is not static. Once an act is passed, ever-changing desires and needs of the community generate powerful forces for improvement. The growth of cooperative forest protection legislation will be analyzed in an effort to describe how it follows changing requirements of the people.

The Weeks Law

Ten years of concerted effort were required to construct and pass the Weeks Law (6). Emphasis of early legislation was on federal acquisition of forest lands for controlling precipitation run-off and soil erosion in the forests of eastern United States. The southern Appalachian and northern White Mountain areas had recently been cut-over. The need for proper management to control the after-effects of logging and preserve remaining timber lands had become increasingly apparent. Those interested felt that including these areas as national forests would help to alleviate the problems. They also contended that federal acquisition would lighten the burden of states whose financial and administrative resources were inadequate to improve their forest conditions.

As the program gained momentum, additional adherents rallied to the idea of federal aid in forest protection. When the Weeks Law was finally passed in 1911, it applied uniformly to all forested states in the nation, and was widely supported.

The emphasis of purpose and method in federal forest fire protection legislation had changed from 1901 to 1911. Initially it was felt that federal acquisition would best promote forest preservation. Toward the end of this period, a new concept was evolved -- direct federal aid in protecting non-federal forest lands from fire. This idea was incorporated in the Weeks Law. From a modest beginning, the new concept became a cornerstone of the act.

Philosophies which later characterized the Weeks Act began in 1901. In that year, Senator J. C. Pritchard (N.C.) submitted a bill asking an expenditure of $5 million to establish federal forest reserves in the southern Appalachians (41). Similar legislation was sponsored from 1902 to 1904, calling for federal acquisition of forested areas in the White Mountains of the Northeast.

These measures were strongly supported and drew favorable comment from President Theodore Roosevelt. But all these measures failed because proponents were divided in purpose and strength. Those in the North strictly adhered to the preservation philosophy that characterizes national parks. Supporters in the Southeast favored economically managed woodlands. The two groups lacked a common objective and failed.

In 1906, the American Forestry Congress devised a "Union Bill" (41),

Its provisions combined the ideas of the Northeast and Southeast, thereby unifying interested groups in both regions. This bill, after some delay in both houses of Congress, was reported out by the Senate Committee on Forest Reservations. This resulted in an appropriation of $25,000 for an investigation of the White Mountain and Appalachian areas. The report (on the investigations) made by W. L. Hall of the Forest Service proved valuable in later legislative debates.

While the cause of forest protection gained momentum, it also met with stiffening opposition from those who were against legislation carrying federal appropriations. Speaker of the House Joseph G. Cannon (Ill.) led opposing forces. He even replaced the ranking member of the House Agriculture Committee, who advocated forest legislation, with Representative Charles F. Scott (Kan.), who disapproved of it. This action aroused objections. Mr. Cannon was forced to fill a vacancy on that committee with Representative J. W. Weeks (Mass.), an ardent conservationist (41).

A similar "Union Bill" presented to Congress in 1908 was also defeated (41). But the grounds upon which it was rejected later provided the basis for both the Weeks (6) and Clarke-McNary laws (3). The House Judiciary Committee ruled the measure unconstitutional, since the federal government had no right to acquire state lands solely for forest preserves. But the committee report stated that, through federal power over interstate commerce, certain lands directly affecting the navigability of streams could be obtained legally (41).

The Scott bill, sponsored in 1909 by Representatives Scott, A. F. Lever (S.C.), Weeks and E. M. Pollard (Neb.), provided for a congressional committee to investigate the relationship of forested watersheds to the navigability of streams (41). In addition, it allowed states to initiate agreements for protecting forests and streams. Forest preservationists deemed this measure quite inadequate. For reasons they summed up as "inapplicability to existing conditions" (41), the bill was rejected.

By this time, sentiment for a suitable forestry bill was nationwide. This was evidenced by the personal appearance in Washington of the governors of Massachusetts, South Carolina, California, Oregon, and Washington. They testified before committees of both houses in favor of federal aid for protecting their non-federal forest lands, and also advocated increased federal acquisition of such areas (41).

The regional aspect of forest protection had thus largely disappeared. Public officials and private citizens in many states had begun to recognize how a national forest protection program applied to their particular states. They were ready to support legislation on the subject.

This was the state of affairs in June 1910 when the Weeks Law was proposed. It was prepared and introduced into opening sessions of the 62nd Congress by Representatives Weeks, Lever, and F. D. Currier (N.H.), all staunch supporters of a national forestry program since 1901. Their bill stressed primarily the federal acquisition of forest lands along navigable streams. Also included was a provision authorizing aid to the states for forest fire protection.

Opposition to the bill was organized and vocal. It was based on a contention that relationships of forests to stream flow had not been demonstrated. In their testimony before various congressional committees, even the chiefs of the Weather Bureau and the Army Engineers doubted such a relationship existed (28).

During the House debate, one congressman suggested strategic installation of windmills would be far more influential in controlling stream flow and increasing navigability than would forests (30). Speaker Cannon attempted to discredit the bill. His opinions evidently carried considerable weight. The American Forestry Association, in its monthly publication, "American Forests," commented (29):

> "Mr. Cannon, we are told, has let the President know he is opposed to the project at this time, and although the President has a strong liking for Mr. Weeks, and greatly respects his judgment, yet in this case he is more inclined to side with Mr. Cannon than with Mr. Weeks."

But the measure was finally passed by both houses and signed by the President March 11, 1911.

Briefly, sections 3 to 14 authorized federal spending of $2 million yearly until 1920 to reforest lands. Sections 1 and 2 of the Weeks Law, prescribing aid in forest protection, are more pertinent to this discussion. Section 1 permitted states to enter into

> " * * * any agreement or compact, not in conflict with any law of the United States, with any other state or group of states, for the purpose of conserving the forests and water supply of the states entering into such agreement or compact."

Section 2 authorized a $200,000 appropriation to

> " * * * enable the secretary of agriculture to cooperate with any state or group of states, when requested to do so, in the protection from fire of the forested watershed of navigable streams."

The secretary was also instructed

> " * * * to stipulate and agree with any state or group of states to cooperate in the organization and maintenance of a system of fire protection on any private or state forest lands."

Two major qualifying restrictions were prescribed in this section. First, in order to receive federal aid, a state must have provided by law for forest fire protection. Secondly, during a fiscal year the federal expenditure in any state was not to exceed the amount appropriated by that state for the same general purposes.

Certain basic concepts were now apparent in the legislative pattern. Any legislation relating to federal aid in protecting non-federal forest

lands was to be based upon the influence of forest cover on stream flow and navigability. This idea was followed until 1924, when the Clarke-McNary Law broadened protection activities.

Another over-all concept was recognizing private fire control expenditures. While no provision extended federal monetary aid to these land owners, silent recognition of their situation paved the way for legislation which more liberally integrated private owners into the national forest program.

In formulating the act, legislators first recognized the necessity for making specific requirements for those states which desired federal aid. This idea, too, was later integrated into the Clarke-McNary Act.

Policies and administrative practices which were evolved to start the act operating are described in Part II. After thirteen years, these practices and policies were the basis for a new and improved idea of forest protection. The Clarke-McNary Act then supplanted the Weeks Law.

The Clarke-McNary Act

The processes by which the Clarke-McNary Act (3) was evolved were similar to those characterizing passage of the Weeks Act. During legislative evolution of the Clarke-McNary Act, emphasis was initially placed upon recommendations by professional foresters, such as William B. Greeley, Chief Forester of the U. S., to assure proper forest practices by states and private land owners.

While this was forward-looking and commendable, it was eventually recognized that patterns of state and local sovereignty, and of free enterprise, would not permit complete adoption of such legislation. So the final product - the Clarke-McNary Act - was essentially a compromise. Its provisions were generally acceptable to those who would have opposed it had it followed only suggestions of professional foresters. The legislative process preceding enactment of the law had eliminated controversial items and substituted provisions which the majority agreed upon.

It had been evident for some time that the Weeks Act was inadequate to foster systems of proper forest management on either state or private lands. Many foresters and legislators thought a more direct legislative approach was required. In 1920, at the request of Chief Forester Greeley, the National Lumber Manufacturers Association drafted a measure known as the Snell-McCormick bill (4). This provided, in part, that proper cutting methods and protection practices be recommended to the states, and that the federal government cooperate with and aid states whose systems of forest management adequately measured up to prescribed standards. To quote from the bill:

> "The secretary of agriculture is authorized * * * to recommend for each forest region of the United States, the essential requirements in protecting timbered and cut-over lands from fire, in reforesting denuded lands, and, where and to the extent necessary, in the cutting and removing of timber crops by such methods as will promote continuous production

of timber * * *. The secretary * * * is authorized to withhold cooperation in whole or in part from states which do not comply in legislation or in administrative practice, with such requirements as shall be established * * *."

The measure also provided that, while due consideration was to be given to protecting navigable stream watersheds, federal aid would also be extended to any forested lands within cooperating states. This indicated a growing realization that an efficient national forestry program could not be indefinitely restricted by the navigability concept.

Opponents claimed invasion of private property rights and of state sovereignty. They charged that, under the guise of federal aid, the government was instituting a system which would lead to even more drastic regulation of state and private enterprise. These arguments were countered by a group led by Chief Forester Greeley. In his testimony during subsequent hearings (52), Mr. Greeley held that governmental control and direction of state and private forest practice was in keeping with the growth and demands of the community. He maintained the states could accept or refuse federal aid since no direct compulsion was placed upon them.

At the same time, a program advocating even stronger controls was being sponsored. It had its origin in a report (31) submitted by the Forest Service to the Senate June 1, 1920. This report described the seriousness of the forestry situation throughout the United States and analyzed its effect on lumber prices and exports, and on patterns of timberland ownership. In the letter of transmittal accompanying this document, Secretary of Agriculture E. T. Meredith wrote (54):

"I would emphasize especially the immediate urgency of legislation: 1. which will permit effective cooperation between the federal government and the several states in preventing forest fires and growing timber on cut-over lands; and 2. which will greatly extend the national forests."

Senator Arthur Capper (Kan.), who had initially introduced a resolution in the Senate calling for this study, was impressed by the findings. He used them as a basis for the so-called Capper bill (5). During its short life, this bill was supported by many influential persons, including former Chief Forester Gifford Pinchot. The measure was based on the premise that the objectives of forest preservation could be achieved better through federal control of all forest lands and industries. In addition to fire protection, it provided for

" * * * harvesting regulations for each region * * * as determined by the secretary of agriculture to be necessary to secure a continuous succession of forest crops of reasonable quality and quantity."

All timber cut under established rules would carry an excise tax of $.05 per thousand board feet. That portion not so harvested would be taxed $5 per thousand board feet. After brief consideration, the bill

disappeared without even a committee hearing. It followed the pattern of many other measures which had previously been declared unconstitutional.

But the Capper bill had its effect on the legislative viewpoint. The bill established an extreme position on federal control. This made subsequent compromises easier to reach. In addition, attention was focused upon the need for protecting cut-over lands. Later, in the Clarke-McNary Law, the problems presented by such areas were recognized and adequate provisions were made.

Meanwhile the Snell bill was still under consideration. Congressional hearings had been held on it intermittently for more than two years. During this period many diverse views were aired. Gradually, a crystallization of public and private opinion emerged.

Those who looked anxiously for the enactment of a strong forestry law were impatient with the legislative process. But gradually they became resigned that any measure to pass Congress would have to be less antagonistic to the opposition. Chief Forester Greeley finally broke the stalemate in 1922 when he departed from his former rigid stand on the Snell measure and advocated a series of compromise proposals. Most of them were subsequently incorporated into the Clarke-McNary Act. To quote from Mr. Greeley's testimony at one of the last of the Snell bill hearings (52):

> "I want to suggest that it may be the wiser course to draft a bill now which will cover the more essential points upon which there is substantial unanimity, leaving for future legislation * * * this point as to the control of methods of cutting timber * * *. I suggest it (the committee) draft a bill providing for first, * * * an authorization of adequate appropriations for federal cooperation with the states in fire protection. As a second plank, I would urge * * * a reasonable appropriation for effective cooperation with the states in growing and distributing forest trees for planting. Thirdly, * * * I advocate adequate appropriations for extending national forests by purchase. I also urge the immediate enactment of provisions of the Snell bill dealing with research and reforestation * * *."

This statement struck a general note of passive agreement among those interested in forestry legislation. But Congress was against accepting this course of action and writing the suggested bill without first determining and analyzing forestry problems on a nationwide basis.

So a Senate committee was appointed in January 1923 (51) to investigate the national forest policy. The investigating group consisted of Senators Charles L. McNary (Ore.), George H. Moses (N.H.), James Couzens (Mich.), D. U. Fletcher (S.C.), and B. P. Harrison (Miss.). From March 7, 1923 to December 5, 1923, they conducted hearings in all the major forested areas of the United States.

Representatives of the forestry profession, the lumber industry, and other interested groups were invited to present their opinions on a national forestry program. The minutes (52) of these proceedings were later published. They became an excellent vehicle for publicizing the many sides of the prob-

lem. Interested persons everywhere became aware of problems in various regions. So they reacted more favorably to inclusion within proposed legislation of items which they would otherwise have opposed.

The final version of the Clarke-McNary Law was not only a satisfactory piece of legislation, but also it experienced comparatively little difficulty in passage through Congress. Legislators by that time generally agreed upon its more important provisions.

A number of significant concepts on federal assistance in forest management and preservation emerged from these hearings. The primary concept, probably founded on fear of losing state sovereignty, was that the federal government should lead, rather than control or direct. Wilson Compton, secretary and manager of the National Lumber Manufacturers, voiced this opinion when he testified before the committee:

> "The Forest Service should be a recognized leader of public forestry thought and effort along general lines because of its impartial position and broad educational facilities, but vested with no regulatory control over state or private lands * * *."

J. E. Rhodes, secretary of the Southern Pine Association, expressed similar views when he declared to the committee:

> "There is, as you know, particularly in the South, a considerable sentiment opposing so-called federal aid * * *. Southern states fear the encroachment of federal authority over the sovereignty of the state, and also the development and growth in power of centralized bureaucracy. There is a growing feeling throughout the country that the federal government should not do for the states what * * * self-interest will cause them to do. The opportunity of accepting federal aid should not be forced upon them."

It appeared to the committee that if a satisfactory law was to be adopted and successfully administered, it would be necessary to reassure those who feared federal dictation.

A second major conclusion arrived at during the hearings was that efficient fire protection was an absolute prerequisite to proper forestry practice on private as well as on state lands. In commenting upon this, Mr. Greeley remarked (39):

> "The use of government funds for the protection of private lands is an acceptable ideology * * *. Private industry can then practice forestry profitably."

So the committee began to realize that, in providing for a nationwide scheme of forest protection, federal fiscal aid would have to be extended to private operators.

A third important realization developed during the hearings was that diverse problems existed within the various forested regions of the nation.

In each area, patterns of native forest species, climate, and geography presented characteristic difficulties. And the varied social, economic, and political traditions had to be considered in any legislative measure. The law, to accomplish all major objectives of Congress and still retain support of all forested states, would have to be flexible enough to apply easily in any area.

At the conclusion of Clarke-McNary hearings on March 7, 1923, the committee was well prepared to draft a bill. They were aided considerably by Chief Forester Greeley. His views were now held in even greater esteem since they were substantiated by testimony gathered during the committee's nationwide tour.

By December 15, 1923, a draft was ready for introduction in Congress. Its provisions had undergone several changes. The legislation finally enacted contained no significant amendments (39).

Section 2 originally provided for federal recognition of private expenditures as required by state law. This was changed to allow private expenditures " * ** which are made in pursuance of forest protection system of the state, under state supervision * * *." Thus an operational condition was substituted for a legislative requirement. This permitted greater freedom and flexibility of state administration.

In the original version of section 2, federal cooperation could be withheld from states which lacked satisfactory forest tax laws. Legislators agreed this would make federal administration of the act unduly complicated. Instead, the government was to cooperate in an effort tc point out inadequacies of state tax systems, and to assist in their general improvement.

The McNary bill (S1182) (1) was introduced in the Senate December 15, 1923. It was passed June 7, 1924. An identical measure, the Clarke bill, (HR4380) (2) was submitted to the House of Representatives on January 6, 1924. It was passed by that body on April 23, 1924.

Lengthy preparation had been an excellent educational vehicle. Most legislators were well informed on the provisions of the measure they were considering. And the more controversial features had been largely eliminated. So the bill was a reliable cross-section of forest protection opinions, even though it did not go as deeply into some aspects of the problem as many foresters wished. For these reasons the bill experienced no real difficulty in either house.

But from some quarters came the old charge that the proposed legislation would foster excessive federal control. Aware of this, and apprehensive of apparent danger to passage of the bill, Chief Forester Greeley wrote to the secretary of agriculture (53):

> "Some reactionary lumber interests have again raised the cry of federal dictation over state protection methods in connection with the bill * * *. This may lead to active opposition in Congress."

But the expected trouble did not materialize. Legislators were in general agreement, especially with those sections dealing with cooperative fire pro-

tection. Their main concern seems to have been getting various provisions of the act clarified. The extensive fact finding and discussion process which had been in continual operation for over four years had smoothed a path for the bill.

Provisions of the law had been a long time in the making. Some were directly descended from the Weeks Act. But others which caused numerous legislative battles were distinctive provisions. The ability of the legislative process to mold diverse opinions into compromise acceptable to the majority is demonstrated strikingly in the evolution of our national forest protection program.

Section 1 of the act authorizes the secretary of agriculture to

> " * * * recommend for each forest region, of the United States, such systems of forest fire prevention and suppression as will adequately protect the timbered and cut-over lands * * *."

This provision was probably designed to satisfy those who had previously advocated (in the Snell and Capper bills) direct federal prescription of forest management systems. While it might appear that beneficial aspects of these earlier, more direct, proposals were lost in compromise, this has not been true in practice.

Under the franchise granted by this section, the Forest Service has cooperated with the several states in constructing so-called "section one plans." These have been extremely helpful, not only in solving state fire control problems and increasing effectiveness of state forestry systems, but in enlisting popular and legislative support for more efficient forestry programs.

Section 2 provides for cooperative aid to the states, and through them to private owners, in protecting forest lands from fire. For such cooperation to be granted, the system and practices of fire suppression and prevention employed must substantially promote the objects described in section 1. The criteria for measuring states' systems and practices were left to the discretion of the secretary of agriculture, and were later summarized in Clarke-McNary manuals.

The act prescribes that federal expenditures are not to exceed state funds spent for similar purposes. But private expenditures for protection are considered acceptable portions of state matching shares, if required by state law or made under state supervision as a part of the state protection system. Thus federal financial aid may be extended to private land owners through appropriate state forestry agencies 1/.

Finally, section 2 enlarges the scope of the grant-in-aid program by authorizing cooperative expenditures for protecting

> " * * * any timbered or forest producing watersheds from which

1/ The concept by which states were authorized to claim private expenditures as acceptable portions of matching state shares is an important one. It is more fully described in Chapter VII: Disbursement Processes.

water is secured for irrigation within cooperating states."

So the provision which had previously restricted federal funds only upon watersheds of navigable streams no longer operates.

Summary and Conclusions

Significant conclusions may be drawn from the evolution of forest fire protection legislation. During the early 1900's, foresters became aware of certain problems caused by cutting the nation's timber. They were anxious to fit systems of centrally-controlled, scientific forest management to existing situations to lessen the dangers they foresaw. But as interested groups spoke up, it soon became evident that any degree of success and general approval depended on changing their original ideas to conform more closely to the needs and desires of many groups of persons and interests, while at the same time hurting virtually none.

State sovereignty had to be respected, traditional laissez faire had to be recognized, and sectional feelings had to be appreciated. Yet a law whose provisions were to be universally and mutually beneficial had to be objectively evolved and concisely formulated.

Whether the final product was designed to acquire widespread popular support or was a final embodiment of the wishes of many interested groups is of small importance. The legislation evolved was generally acceptable to the majority 2/.

During this evolution, the influence exerted by certain individuals or groups stood out as an important aspect of the legislative process. Such men as Rep. Weeks, Sen. McNary, Rep. Clarke, and Chief Foresters Pinchot, Greeley, and Henry S. Graves, through the widespread respect they commanded and because of their tireless efforts for a cause in which they believed, were potent forces in effecting national cooperative forest protection. Scrutiny of the political concepts of those who put forth the principles upon which legislation is based is helpful in analysis of legislative evolution within any sphere.

The mere existence of a law is not enough to put a program into operation. Only broad grants of authority and franchise are expressed by a law. Rules to govern day-to-day "grass roots" administration are needed too. Such regulations formulated under the law are working policies for attaining over-all objectives of legislation.

2/ A copy of the Clarke-McNary Law may be found in the Appendix.

CHAPTER II

ADMINISTRATIVE DETERMINATION OF FIRE CONTROL POLICY

The administrative directive bears more directly upon administration of the Clarke-McNary Act than does any factor already discussed. Here are formal statements of policy. Legislative intent is interpreted, redefined, and given significant meaning. Such a directive is important because eventually it constitutes the primary frame of reference within which government managers direct programs.

Policy is usually formulated at the highest level of the agency responsible for the administration. As they become necessary, alterations express new ideas or changed concepts. These changes are customarily agreed upon informally through correspondence or conference. When they become numerous and unwieldy, or when they differ markedly from formal documented rules, the original statement of administrative policy must be changed. Then the various diverging principles and regulations are again embodied in a single directive.

Formal manuals for the administration of the Weeks Law were published in 1916 (18) and 1923 (19). Clarke-McNary Law administrative manuals emerged in 1925 (20), 1932 (21), and 1946 (22). In this chapter, the directives set forth by each of the documents will be discussed. The evolution of major policy items to accomodate changing ideas and clientele requirements will be emphasized. Evolution of directives is the key to studying grants-in-aid.

General Character of Administrative Manuals

The administrative manual of regulations published in 1916 set a basic pattern for later ones. Its general format and scope of material were closely followed. Only significant changes were in increased formality and detail.

The 1916 manual was brief (16 pages) and informal. It seems to have been written for persons with whom the writers were well acquainted. In 1916, ranks of the forestry profession were thin. Mutual social and professional relationships, which have to some degree disappeared, bound the men together.

Formality, authority, and detail increased with succeeding policy statements. Each directive represented compilation and codification of final decisions upon a myriad of problems which had come up since the previous policy statement. The most recent directive, the 1946 Clarke-McNary Forest Fire Control Manual, is over 50 pages long. It is a polished statement of federal policy covering all phases of forest fire cooperative effort. To the alert reader, many individual terms, and sometimes entire paragraphs, have a familiar ring. In a few instances, they are exact reproductions of expressions found in the 1916 policy manual.

The directive of 1925 included instructions for administering other programs written into the law: forest taxation investigations, distri-

bution of forest planting stock to farmers, and extension of technical forestry aid in programs of farm forestry.

These projects grew in size and importance. And it was soon realized that their proper administration involved problems quite different from those encountered in fire protection cooperation. So instructions on these other programs were deleted from the basic fire control manual, and included within independent directives. Thus there has evolved a tendency to formulate separate sets of administrative instructions for each major project authorized by initiating legislation.

Administrative Goals

Since passage of the Weeks Act in 1911, the over-all objectives of federal fire control programs have changed very little. The underlying philosophy has always been to promote state and local efforts in fire protection and suppression. But basic ideas on proper methods have changed. The Weeks Law directive of 1916 states that the federal mission is

> " * * * to promote forest fire protection by states, counties, and associations of owners, and to develop closer cooperation among the various agencies engaged in protection work * * *."

This policy was to be applied through federal inspection to

> " * * * aid in cementing the activities of existing public and private agencies and bringing about a better organized and more efficient system * * *."

Inspection was emphasized as the agent for effecting coordination. By 1923, while basic goals remained unchanged, the conception of the federal role had shifted. The revised Weeks manual of that year reads:

> "The policy governing the administration of section 2 of the Weeks Law has been to use money appropriated to develop local protection effort rather than to consider it simply as an addition to state funds * * *. It is the policy of the government * * * to cooperate as an active associate with all states desiring federal aid in the protection of state and private forest lands."

While the primary function of federal administration was still inspection, no mention of the word was made in this directive. Instead, cooperative partnership was emphasized. This has endured more than 20 years. The Clarke-McNary manual of 1946 states:

> "The administration of section 2 is designed to increase state protection efforts and to stimulate and develop local participation in protection * * *. It is the federal responsibility not only to be fair and equitable in dealing with any of the states, but to deal with each in a way fair to all other partners."

Another important principle has emerged from the years of cooperative effort. It is based upon the realization that federal management must be

liberal enough to permit adjustment to local situations and conditions. The 1925 and 1946 Clarke-McNary policy manuals both state that "flexibility of administration" is to be a guiding principle in cooperating effort. Although cooperation has always characterized federal administration of both the Weeks and Clarke-McNary laws, it is significant that this principle was considered important enough to include in administrative directives.

Federal-State Relationships and Administrative Responsibilities

Delineation of relative spheres of authority and responsibility by the policy directive is of great consequence. All factors are properly placed in relation to one another, and responsibilities and privileges are integrated. This establishes the tenor of all subsequent activities early in the bi-lateral relationship.

One basic policy has permeated the administration of forest fire cooperative projects since 1911. This philosophy holds that the states should be responsible for organizing and maintaining efficient state protection systems, and for the final disposition of federal allotments. There has been only general federal supervision with a view toward extending advice and counsel, and to secure assurance that federal funds were being spent legally. The first concrete evidence of this doctrine is found in the 1916 policy directive:

> "The state's interest in the protection of its forests is direct while that of the federal government is more or less indirect through its influence on watershed protection. The Forest Service is desirous of doing everything in its power to encourage states to recognize their responsibility for this protection."

By 1946, the definition of relative responsibilities had become more inclusive and precise. The manual published that year prescribed that, as parties to the cooperative enterprise, states were

> " * * * responsible for the adoption and promotion of such practices as will maintain the standards of fire protection mutually agreed upon and for the actual administration of the protective work. Federal cooperation will be so conducted by the Forest Service * * * to determine that federal funds are properly apportioned and wisely spent."

An additional trend has been the apparent reluctance of the federal government to define closely its own prerogatives and functions. This might have resulted from a feeling among Forest Service administrators that state acceptance and cooperation would be more widespread and spontaneous if allusions to the federal function were limited to aid, advice, and encouragement. It may have been merely omission of an item which was considered unimportant or was taken for granted.

Certain federal functions had always operated informally under the Weeks Law. But the first clear description of them was attempted in the 1923 policy manual. It states in part that:

"The federal government * * * reserves the right to inspect the work at any time, offer suggestions, make recommendations, and withdraw cooperation from a state that fails to maintain a standard of protection commensurate with resources available."

Such a provision was omitted from the initial policy document under the Clarke-McNary Law. But it does reappear in the 1946 manual, where almost the same wording is used as in the 1923 Weeks Law directive.

Federal Requirements Regarding State Organizations and Systems

Adhering to the principle that responsibility for fire control rests with the states, federal requirements for state administrative organizations and systems have been quite lenient. Usually these requirements have been stated in broad terms providing a wide range of federal discretion in determining whether states were qualified for cooperative aid. Virtually the only requirement under the Weeks Law was that each cooperating organization needed a legally constituted authority responsible for fire protection. In commenting on this, the 1916 manual states:

"This proviso * * * has been interpreted as meaning any system of protection * * * under the authority of state law, whether or not the law actually specified the protective system which should be employed. A scheme of fire protection initiated by a state forester under general authority of state forestry laws is regarded sufficient to satisfy this requirement."

The Forest Service probably made this stipulation in order to ensure the legal receipt and proper disbursement of Weeks Law funds.

More definite and detailed requirements for state protective organizations appeared in the 1925 Clarke-McNary directive. These were based upon a portion of section 2 of the act, which allowed the secretary of agriculture to seek cooperation with any state whose system and practice of forest fire protection and suppression substantially promoted certain objectives set forth in section 2 of the law. The criteria of a state's ability to promote these objectives were: 1. that its organization be sufficiently dependable and efficient; 2. that it provide for protecting all classes of state and private land - timbered, cut-over, and burned; and 3. that it be state wide in principle. These minimum prescriptions, with some additions, were reproduced in the 1946 manual.

Requirements listed by administrative policies set broad criteria by which efficiency of state systems could be appreciably measured and evaluated. They were not objective descriptions of administrative systems which the federal government thought the states ought to use.

In its stewardship of national fire control cooperation, the Forest Service has remained aware of the diverse patterns of social, economic, and political tradition in the states. So in the formulation and codification of general directives, the Forest Service has not placed rigid qualifying requirements upon state systems. Problems over poorly organized and ineffective state governmental structures have been numerous and have

often threatened the protection program in certain areas. These problems will be discussed more thoroughly in Part II.

Federal-State Cooperative Agreements

The first official step in achieving the federal-state cooperative relationship is the completion of a contract (49). Authorities in this field consider the contract the legal basis for all subsequent activities by either party within the cooperative program. The contract indicates formal federal recognition of the propriety of state requests for aid. Also, it acknowledges as satisfactory the practices and systems of protection used by states. Further, the contract defines areas of action, responsibilities, and restrictions placed upon each agency, thereby providing substantial foundation for further operations.

The format and prescriptions included in the cooperative contract, as well as its execution, will be discussed in Part II. The contract is mentioned here only to point out its importance in the fire control grant-in-aid process.

Early in the cooperative program, the Forest Service discovered the need for making contracts flexible enough to meet the numerous situations which confronted it. The Weeks manual of 1916 states:

> "While it is desirable to use a standard form of cooperative agreement as far as practicable, departures therefrom are permissible when it is necessary to adapt Weeks Law work most effectively to the conditions in any given state."

A temporary waiver could be secured immediately by telegraph, and later confirmed by written request. The 1923 Weeks manual stated that departures from established agreement provisions were to be allowed only by mutual consent, and would be processed only

> " * * * when absolutely necessary and in harmony with established policies governing Weeks Law cooperation."

But this directive provided that special requirements might be written into agreements by the Forest Service

> " * * * to maintain the work at a standard which will justify continuing federal cooperation."

The policy stated in 1923 has remained throughout administration of the Clarke-McNary Law. The only significant change was made in the 1946 manual which provided that cooperative contracts could be terminated by either party upon 30 days' notice.

State Plans

Ever since the start of the forest fire cooperative effort, state planning activities have become increasingly important. In the Weeks Law manual of 1916, the necessity for proper state planning of fire control

activities was recognized, but no direct prescriptions were advanced. To quote the 1916 directive:

> "Every reasonable effort has been made to get the states to prepare fire plans showing improvements, equipment, and disposition of fire fighting personnel, supplemented by written descriptions of control organizations and control measures taken."

The 1923 policy contained no additional requirements. It merely stated that the federal government should emphasize plans and assist state officers in preparing them.

In none of these directives was the formulation and use of adequate plans made a specific requirement for receipt of federal aid. But the 1946 directive has changed the pattern of administrative policy. It provides that before financial cooperation is extended, states must submit over-all plans of proposed protection activities to the Forest Service, describing in detail the areas to be protected and the organization of human and material resources.

The adequacy of these provisions in promoting efficient planning will be discussed in Part II.

State Budgets

Federal requirements for state cooperative budgets have become increasingly definite. The 1916 Weeks manual prescribed that an over-all financial plan -- including federal funds -- was to be submitted. In the 1923 directive, instructions were set forth on format, general material included, and date of submission.

Budgetary documents were to be presented in two major parts. The first was to describe the amounts and sources of funds available for protection work; the second was to be a discussion of how the total funds budgeted were to be spent. Any other funds made available were to be reported immediately to the Forest Service.

When the Clarke-McNary Law replaced the Weeks Act, administrative instructions on constructing state budgets became even more detailed and precise. Standard forms were supplied. At first it was not deemed necessary to outline specific instructions for their use. But then lack of uniform understanding of prescribed classifications made it mandatory that the states be guided by federal policy in constructing their cooperative budgets.

The 1946 Clarke-McNary manual sets forth four major classifications under which all cooperative expenditures are to be listed. They are: administration; field personnel; improvements; and all other expenditures. The meaning, significance, and suggested scope of these categories is explained in some detail by the directive. Various items of questionable character are cited and their proper placement indicated.

Federal administrative policy has strengthened state fiscal planning. State budgets have become useful in managing cooperative fire protection

programs. But flexibility is still provided. The 1946 manual states that there should be

> " * * * sufficient breakdown of large items to provide general insight into the proposed state expenditures."

While this might indicate undesirable latitude, simplicity and intelligibility have been preserved.

Allowability of State Expenditures

Forest fire protection grants-in-aid have always been administered on a matching basis -- federal funds granted to states must be counterbalanced by equal state expenditures for the same over-all purposes. Since the states are eager to receive as much federal money as possible, criteria must be established governing state expenditures that can be credited. So the designation of "allowability" is important because it influences the allotment and disbursement of federal funds.

Forest Service policy under the Weeks Act permitted the crediting of all state expenditures which had as their objective the furtherance or encouragement of forest fire protection. To quote from the 1916 manual:

> "Any state funds used for the broad purpose of fire protection, including overhead expenditures for administration, fire fighting, funds expended for publicity work, etc., may be included in the amount required to offset the federal allotment."

But private efforts, even though they were desired, were not accepted as a portion of state expenditures. The 1923 manual clearly establishes this by providing that:

> "Private funds, except where they are donated to the state, * * * cannot be considered to affect the federal allotment, notwithstanding the fact that in certain states private expenditures are a large and important item in protection."

Basic Weeks Law policies were continued and augmented under the Clarke-McNary Act. The manual of 1925 states:

> "It will be the policy of the federal government to allow private expenditures to be accredited with state expenditures as an offset to the amount expended by the federal government where such expenditures are: 1. required by state law; and 2. incurred in cooperation with, or supplemental to, the state's protective system and under state supervision."

The term "under state supervision" meant that private protective work, for which states received reimbursement, must have been done under direction of a state official. It was required further that private accounts be audited and certified to the Forest Service by state foresters.

In the 1946 manual the same general pattern appears. In order to

qualify for federal reimbursement, all public and private expenditures must now: 1. be required by state law or be contributed voluntarily; 2. be covered by written agreements with the state forester and under his supervision; 3. protect all classes of forest land; and 4. be inspected, supervised, audited, and certified by the states. In addition, special restrictions are placed upon both public and private efforts. The manual has a detailed listing of specific items which are, or are not, reimbursable.

These provisions are numerous and complex. Their proper and uniform interpretation by both state and Clarke-McNary personnel is one of the most important aspects of the cooperative relationship.

Allotment of Federal Funds

Forest protection problems differ considerably in various regions of the United States. Because of geography, climate, vegetation, or land use, certain areas present fire hazards more difficult to cope with than elsewhere.

Effective federal aid must not only be distributed uniformly to all cooperating states, but should also be adjusted to the degree, extent, and severity of individual protection problems. So administrative policy makers are under pressure to design equitable and useful plans for properly allocating grant-in-aid funds.

Two factors have always received special attention in constructing allotment formulae -- first, the size of the job to be done in any particular state; and second, the extent to which cooperating states recognize and try to meet their own responsibilities for forest protection. The 1916 Weeks manual prescribed that individual federal allotments would be based upon state appropriations. States appropriating up to $5,000 were to receive an equal amount from the Forest Service. States which appropriated more than $5,000 would get a federal allotment in excess of that amount to ensure

> " * * * that with state and private funds available, the cooperative area may receive, as nearly as possible, adequate protection under ordinary conditions of hazard and risk * * *."

Under the Clarke-McNary Law, federal allocation policies are still based on need and self-effort. In addition, a new concept has been developed -- the cost of adequate protection. This cost is based on an estimate for each state of funds needed to establish a desired degree of forest protection.

In the 1925 directive, for example, a regular allotment was prescribed to match accredited state expenditures up to a minimum proportion (25 per cent) of the cost of adequate protection. Such distribution was considered the first obligation for federal funds. States were assured that allotments would not be reduced if cooperative requirements were met. The manual states:

> "Allotments up to such a minimum proportion have represented and will continue to represent a prior lien upon the federal appropriation."

To recognize and encourage state efforts, an extra allotment was provided. Its purpose, as stated in the 1925 directive, was:

> " * * * recognition of state and private funds available for protective work, on the principle of encouraging states and private owners to increase protection up to an adequate point * * *."

These disbursements were to be based upon a uniform percentage of state and private funds budgeted for prevention over the regular federal allotment. It was further provided that when the total federal appropriation reached $1 million, at least 25 per cent of the federal fund was to be held available for extra allotments.

Similar factors are used in the present formula. Only a few essential changes were made in the 1946 manual. One change increased from 25 to 50 per cent the relationship which total federal allotments could have to cost of adequate protection. Another provided that need and self-effort were to be considered equally important in the allotment formula.

Disbursement of Federal Funds

Regulations affecting distribution of federal protection funds to state and local jurisdictions have always been prescribed by administrative policy. Before 1916, cooperating states had to spend their own funds before the federal allotment could be used. But the 1916 policy statement provided for simultaneous withdrawals periodically from both sources. Federal funds were to be

> "restricted to the salaries of lookouts, watchmen, and patrolmen, as closely as practicable."

These men were to be paid directly by the Forest Service. This meant states themselves would not receive the federal funds.

The 1923 Weeks Law manual substituted federal reimbursement for direct reimbursement. This policy has been adapted successfully to many other governmental activities. Under this system, states were to be reimbursed periodically for allowable expenditures, with payments based on the ratio of federal allotment to the total amount budgeted by the state. Present Clarke-McNary policy is based on total state expenditures. But reimbursement rates are fixed definitely at 50 per cent.

State Records and Accounts

The patterns of state fiscal management are diversified in form, scope, and detail. So a uniform set of narrow federal accounting requirements cannot be imposed on the states. The Forest Service has made requirements primarily to insure relative ease and thoroughness of federal inspection and audit.

The policy established in 1923 under the Weeks Law is the first indication of federal interest in state record systems. The manual published that year prescribes in part:

"The service should insist that files and accounts be kept in reasonably satisfactory shape in order that inspection may be facilitated and that the results of the undertaking be made readily available * * *. Federal money is paid to the states upon certification of state officials * * *. The service must therefore insist that the states keep their records in such a way that the expenditure statements submitted can be audited and that, if necessary, the vouchers covering individual items entering into a given account can be identified."

The policy was expanded in 1925 under the Clarke-McNary Act to provide proper state supervision and accounting of private and local expenditures presented for reimbursement.

The 1946 manual has progressed farther in scope and detail. It prescribes that all individual payments and receipts be permanently recorded according to major classifications. Also, it required that bookkeeping systems permit summarization of all items so amounts on periodic reimbursement claims can be readily identified and traced in the records. In addition, states have to maintain certain types of supporting documents. These include personnel records and property inventory control statements.

Through these requirements, the federal government has markedly influenced the procedures of states, local communities, and private institutions. Part II discusses state accounting and recording methods, and the degree of adherence to prescribed federal policies.

Federal Inspection

Inspection activities of the Forest Service have been distinctive. Processes are quite different from those promoted by the Forest Service in managing the national forests. This is because each state had different problems and possessed traditional concepts of sovereignty. So construction of a new type of Forest Service philosophy was needed.

The policy of the Forest Service toward auditing state protection activities has been one of non-interference and furthering of mutual understandings. This philosophy was first voiced in the Weeks manual of 1923:

"While inspectors should not hesitate to call attention of the proper state authority to weaknesses or failures in the organization, there must be no interference with the state's administrative authority or responsibility."

Both Clarke-McNary directives make similar pronouncements. States have come to consider federal inspectors not only official representatives of the federal partner, but confidants who often provide valuable counsel and aid. Frequently states recognize federal inspectors as their representatives in federal administrative councils, where policy decisions are made on allotment and disbursement of grant-in-aid funds.

Formal Forest Service policy directives describe goals of the inspection process. The general purpose of federal inspection is to make certain

that federal funds are buying reasonably efficient and adequate protection. Procedures that Clarke-McNary personnel use to give meaning to this objective will be discussed in Part II. But it was desired to emphasize here that current inspection patterns originated in pronouncements of administrative policy.

Reports

The federal government has traditionally required states to report their cooperative protection activities. Facts and statistics are thereby acquired for evaluating the over-all effectiveness of the national program. Reports have an additional significance and utility. In compiling them, cooperators are unconsciously subjected to self-scrutiny. As a result, state protective projects are more efficient. Further, in requiring specific information, these reports imply that agencies will try to conduct their affairs so the reports will reflect favorably upon their administrations.

The 1916 manual set a basic reporting pattern which has been used ever since. It prescribed first that a monthly financial statement be submitted to the Forest Service. The purpose of this was to provide assurance that periodic state expenditures bore the same relationship to the total state cooperative budget as matching federal expenditures bore to the federal allotment. Clarke-McNary policy directives require a similar report, although it need not be submitted monthly. Now this report is the basis for periodic federal reimbursement of state expenditures.

The 1916 manual also required an annual two-section fire report. Part one, submitted on a standard Forest Service form, was a statistical tabulation of fires for the year, classified by causes and by damage. A statement of state receipts and expenditures was also to be included.

Part two was to be an informal description of state protection activities. The directive prescribed only that this section discuss the general character of the fire season, and the assistance from public and private interests.

Administrative manuals published since 1916 have been more precise. While an annual fire report is required, statistical classifications included in part one are detailed to insure uniform understanding and proper execution. In addition, a comprehensive outline has been included on subjects to be covered in the descriptive section.

Reporting processes have been emphasized increasingly by policy makers. These men have realized that administration of a program based largely upon state cooperation requires an efficient fact-gathering system. Items reported must be capable of significant compilation and analysis. To make this possible, categories which summarize groups of reported data must be described and explained clearly.

Summary and Conclusions

Forest Service policy stated in cooperative fire control manuals includes many more items than indicated in this chapter. But it was desired to identify and discuss only those aspects of administrative policy which are common to most grant-in-aid projects. This study thereby becomes useful for analyzing other similar programs.

It has been emphasized that administrative policy in formal written directives represents periodic codification of many understandings and decisions informally arrived at during intervening years. As this cooperative program attained stature and maturity, provisions of policy statements became more inclusive and explicit. They were also more widely accepted because cooperating states gradually recognized that the established procedures were basically sound. So it became unnecessary to continually make exceptions to basic policies. As a result, formal directives are more useful and can be used longer without revision.

While administrative policy has become more directly applicable to complex forest protection problems, it still retains needed flexibility. Peculiar economic, social, and political environments have been recognized, and provisions made to adapt the program to these conditions with a limited loss of efficiency.

Some federal standards are low, or might seem undesirably lax. But the principal objective has been to accomplish something in each area, and to promote within the states a desire to enlarge their own efforts. Cooperation has been more satisfactory than authoritative, centralized control for realizing this goal.

A fairly representative picture of the forest fire control program could be obtained merely from a study of administrative policy. But frequently the formal procedures designed by policy makers are quite different in their "grass roots" application. In Part II, the administrative methods actually employed to promote the objectives of the act will be discussed. The foundation for significant comparison and searching analysis has been laid through a separation of the grant-in-aid process into two major segments - how it should function, and how it really does work.

PART II

ADMINISTRATIVE PROCESSES

CHAPTER III

ENABLING PROCESSES

A formal contract between the federal government and individual states is the basis of the cooperative forest fire protection program. This contract provides a legal foundation for all activities. The contract designates respective responsibilities, and establishes authority and influence which aid direct administration of the act.

Another feature of federal-state agreements is that requirements of both law and managerial policy are presented in a standard form. This accounts for the similarity between the contracts and provisions of the law and administrative manuals.

Frequently entire paragraphs in the Weeks and Clarke-McNary laws and directives are reproduced in contracts. This procedure has undoubtedly been used to assure federal administrators that no different interpretation could be made from the intent of originating legislation or administrative policy. Continuity and uniformity of interpretation has thereby been attained.

Protection for the administrator is also provided because Congress has primary responsibility for the program's principles. So when a state consents to the standard contract, it agrees to provisions of the law and various administrative directives developed under the law.

Original cooperative agreements were quite detailed - almost directives themselves. In some aspects they entered state administration. The contract (47) used during the first ten years of the Weeks Law, for example, prescribed a complete personnel program for employees on cooperative projects. Additional requirements were listed for reports and plans which states were to submit to the Forest Service. Agreements since 1921 have been briefer. Instead of including detailed requirements, they listed only broad responsibilities. Now, in signing a cooperative contract, both parties agree to conditions prescribed elsewhere than in the contract. A statement on this point was included in the 1921 Weeks contract (48), and is a part of the standard form used now (49).

> " * * * The said parties do mutually promise and agree with each other to maintain, in accordance with standards subsequently agreed upon, a cooperative fire protection system * * *."

In this chapter, it is desired to discuss the importance and relationship of cooperative agreements to the fire protection program, and to describe how they are effected and modified. Emphasis will be on the evolution of contractual provisions.

Federal aid for protecting forest lands need not be accepted. But in forested states, both political and non-political pressures have made collaboration almost mandatory. State governments can ill afford to lose the available financial advantages.

In addition, private owners who are reimbursed for certain fire protection expenditures consider the program vital to protecting their holdings. In most forested regions, these interests constitute powerful forces favoring the cooperative arrangement.

A state's first step in securing a Clarke-McNary contract is writing a request for aid. Usually this is a formal letter from the governor to the secretary of agriculture. The state expresses its desire for a cooperative relationship with the federal government for protecting forested lands from fire.

Customarily, before the request is passed upon, the federal government determines whether a state is eligible. To qualify for aid under the Weeks Law, states must have provided by law for a system of fire protection. This provision was modified by the Clarke-McNary Act to require that states have in operation satisfactory systems and practices of forest fire prevention and suppression.

Because the Forest Service was acquainted with prevailing state systems and procedures, formal investigations were usually not necessary. Also the federal government has been anxious to provide as wide protection as possible. So it has been liberal in determining what was meant by proper "systems and practices". Records show no outright refusal by the Forest Service to admit a state as a collaborator.

Clarke-McNary agreements are continuing in character. And although they do not have to be renewed periodically, they may be modified and amended. Early during the Weeks Law administration, flexibility was felt necessary. The manual published in 1916 specifies:

> "While it is desirable to use a standard form of agreement as far as possible, departures therefrom are permissible when necessary to adapt the work most effectively to the conditions in any given state."

Departures from the provisions of the contract could be made through the simple expedient of securing a temporary waiver -- usually by telephone or telegraph. Since 1916, the cooperative program has been used more widely, and modifications have been made only as a last resort. Any other policy would have created lack of uniformity. The current policy states:

> "It is desirable to adhere as closely as possible to the accepted procedure laid down in the standard form of agreement; changes will be agreed to only when absolutely necessary and in harmony with the established policies governing Clarke-McNary cooperation."

While revision of individual agreements has been discouraged, the federal government has made modifications affecting all collaborating states. In 1916, the Weeks Law contracts were amended to require submission of a fiscal statement, and to assure more flexibility in disbursement of federal funds. In 1921, the agreement was again changed to permit incorporation of new federal reimbursement procedures.

Then most contracts remained unchanged during the initial administration

of the Clarke-McNary Law. But in 1931 when the law itself was amended, contracts again had to be revised because the altered portion of the act appeared in the standard agreement form.

Each time change of federal-state contracts has been considered, a circular letter describing the proposed changes has been sent to all cooperators. The cooperators were requested to approve or disapprove. Strong disagreement with new proposals has been rare. Yet this procedure instilled within the states a sense of real and contributory participation. Later cooperative activities were thereby placed upon a much sounder foundation -- one which guided both parties by a mutual concern for the success of a nationwide program.

It might be well to indicate briefly the scope of cooperative agreements. The contract's introductory paragraph identifies the parties. On the standard form (49), the secretary of agriculture is designated as the federal agent. No similar designation is made for the states. The federal government thus recognized that states have differing types of forestry organizations. So a blank space is provided for the name of the proper state agency.

The introduction also signifies federal recognition and acceptance of a state's request for aid. In formulating this section, terms of the law are used. This avoids misunderstanding by either party.

Article 1 defines the state's responsibilities. The first duty makes the state forestry organizations responsible for functioning and supervision of cooperative forest fire protection activities. This sets the tone of the entire grant-in-aid program by transcribing the cooperative concept into an operative meaning. This provision was not included in contracts during the first ten years of the Weeks Law. The importance of this now significant feature had not yet been recognized. Later, the federal government appreciated the need for making the states primarily responsible for administration.

A second state duty is inspection of all work done under the cooperative program. The state also agrees

> " * * * to acknowledge the authority of the secretary to make similar inspections."

This proviso has been included in fire protection agreements since 1921. Before that, it was even more strongly emphasized (47):

> " * * * the said secretary or his authorized representative shall have full authority to inspect the protection areas and the forces therein authorized."

The Forest Service has played down the idea of federal inspection. The provision incorporated in the present contract emphasizes less federal supervision and establishes a legal basis for inspection, so real or imagined threats to state sovereignty are minimized.

States also agree to provide uniform and adequate protection for all

classes of public and private forest lands, and are expected to secure active participation of private owners. Emphasized in all previous contracts, this idea was implemented substantively only under the Clarke-McNary Law. This act allowed private owners for the first time to receive reimbursement for prevention and suppression expenditures.

The cooperative agreement also requires that states submit fiscal and operative reports to the federal government. These reports include a protective plan, annual budget, reimbursement voucher, and annual statistical fire report. Where a standard form has not been prescribed, recommended inclusions are described by the agreement or in the administrative manual.

Under article II, the federal government assumes responsibility for allotting funds to states and reimbursing them for the expenditures. Only basic principles governing allotment formulae are included in the contract. Policy is more closely defined in the administrative manual. But modifications are made periodically by mutual consent. The agreement does not require revision of allotment procedures.

During the early days of the Weeks Law, when protection personnel were, in effect, federal employees, the contract (47) included a unique provision:

> "The secretary agrees to appoint the chief forest fire warden a collaborator in Forest Service * * * at a salary of One Dollar ($1.00) a month. * * * To authorize him to select the federal men employed under this agreement in accordance with a standard of qualifications to be prescribed by the forester, and which is a part of this agreement and marked Exhibit A."

The contract described in detail the terms and conditions under which such employees were to be engaged and utilized.

The Clarke-McNary agreement provided that both parties have equal rights in publishing results of cooperative activities and that

> " * * * any results intended for publication except press notices of momentary or local interest be approved by the (state) and by the secretary; and that in all such publications, it shall be plainly stated that the results were secured through cooperation * * *."

Actually the Forest Service has wanted states to get most publicity and credit for fire protection activities. The federal role has been largely de-emphasized. A prominent Forest Service official summed up this philosophy recently (33):

> "It follows that the accomplishments in forest fire control are cooperative accomplishments. No one can say with certainty just what part each agency has played in attaining them, or what would have been attained by the state alone. In the nature of things, the state takes most of the credit or blame for the results of its fire control efforts. Federal inspectors are occasional visitors in each state-not permanent residents. * * * they do not stand or fall according to results in the same degree as does the state forester or fire warden."

Summary and Conclusions

Noticeable similarity in content and phrasing exists between cooperative contracts, administrative manuals, and initiating legislation. The contract expresses the more important sides of the law and managerial policy. Through the contracts, uniformity of interpretation and equitability of administration are attained. States are assured that they obligate themselves only to follow prescriptions sanctioned by their elected representatives or their administrative officals.

Contractual provisions are generally limited to prescribing over-all policies. Detailed delineation of procedures is left to administrative directives. But, as explained in a later chapter, states are prominent in deciding measures outside the formal agreement. Almost unlimited variation of administrative practice is possible within contractual requirements. States, in cooperation with the Forest Service, may evolve policies in harmony with current and changing situations.

The federal government obligates itself to cooperate with the states by providing aid and financial support. But it is protected from any troublesome incident, such as failure of a state to satisfy federal requirements, or the curtailment of congressional appropriations. A clause in the present contract (49) provides that:

> " * * * it is expressly understood that this agreement or any modifications hereof may be terminated by either party upon thirty (30) days written notice to the other."

Supplementing this, the Clarke-McNary Forest Fire Control Manual (22) provides that:

> "In addition to the terms of the agreement, the secretary of agriculture may, from time to time, prescribe special requirements to be met by a cooperating state, if in his judgment such requirements are necessary to maintain the work at a standard which will justify continuing federal cooperation."

Through years of cooperative effort, federal-state agreements have retained certain characteristics of form and substance. Only in 1921, under the Weeks Act, were significant revisions made. Since then even after passage of the Clarke-McNary Law, the standard form has remained substantially the same. Evidently its provisions have been adequate for effecting the cocperative relationship. Probably by keeping a standard form of agreement, the protection program over 37 years has realized continuity it might otherwise have lacked.

The Clarke-McNary agreement now in use contains many items which have not been discussed in this chapter. But it was deemed appropriate to emphasize here only the more important provisions -- those which bear on policy determination and administrative practice.

CHAPTER IV

PLANNING OPERATIONS

Chapter II discussed the evolution of fire control planning policy. It was pointed out that fire control planning received even greater emphasis after 1911, when the protection program started. Integration of policy into administration has lagged behind policy evolution. Administrative procedures were evolved while the federal government was uncertain about certain functions and state responsibilities.

As experience was gained, additions were incorporated into official manuals and became integral parts of federal administrative policy. But traditions and customs were already relatively fixed. States were used to doing things a certain way.

Then it was too late to make major changes in procedure without disrupting the entire program and drawing unfavorable feeling and comment from the states. So while federal policy has shown increasing awareness of the importance of various functions, provisions which indicate this awareness have not been stated authoritatively in directives. Administration has not kept up with policy evolution.

State Planning

Within Clarke-McNary cooperation, the first type of planning for states is that leading to section one plans. It may be recalled that during evolution of cooperative forest protection legislation, federal prescription of forestry systems and practices for the nation's forested regions had often been advocated.

Such provisions were incorporated in the Snell-McCormick and the Capper bills. Both bills were defeated. But the basic idea was not lost in the Clarke-McNary Law. Its terms, however, reassured those who feared federal dictation. Under the terms of the act, the secretary of agriculture is authorized to

> " * * * recommend for each forest region of the United States such systems of forest fire protection and suppression as will adequate ly protect the timbered and cut-over lands therein * * *."

Since the law did not specify concisely how the secretary was to do this, the Forest Service, acting as his agent, has indicated the proper procedures. The basic intent of the law as interpreted by administrative policy makers is (22):

> " * * * that the activities of the federal government shall be in full cooperation with the agencies concerned. The ultimate aim is to formulate a program to which all parties concerned are agreed and for whose furtherance all will strive."

It was realized that these recommendations would have to be formulated

in harmony with the various agencies concerned. The federal policy provides:

> "The Forest Service * * * will invite state forestry departments, private forestry associations, or other interested organizations, to state the fire protection problem of their state or regions, and to join with it in devising or approving recommendations which will set forth, in the light of present information, the measures essential to permanent and adequate forest and watershed protection."

Thus cooperators would bring together in a definite form the measures required for continual protection of forest lands. Such measures were to be published to promote their general support. It was hoped that in this way states would adopt systems conducive to perpetuating their forest resources.

Section one plans are usually started by state governments, sometimes by private agencies, and frequently by a combination. The formal request is generally made to the secretary of agriculture. Then the study is conducted at the regional level of Forest Service administration. Next, various agencies are requested to cooperate. After a series of conferences, general spheres of activity are allotted to these collaborators. Then they inventory forest conditions and later recommend measures they collectively feel necessary for proper forest management within the state.

Forest Service personnel from the Washington office frequently assist in the final plan. Contributions from this quarter include national forestry statistics, descriptions of the procedures used in other regions, and material helpful for public relations. These services are free to the state.

Completed section one plans may be published by the Forest Service if printing funds are available in the Department of Agriculture. But usually the cooperating state or private agency does this. Clarke-McNary funds may not be used for printing and publishing.

The finished product is disseminated widely to seek popular attention for forest problems, and to create a legislative atmosphere favorable to proper forestry laws. But the federal government emphasized that formulating and publicizing section one plans are cooperative ventures. The 1946 manual states:

> "Publications will appear as the joint product of the Forest Service and the cooperating agencies in the state, and the title page will in every case carry the information that the publication is issued in cooperation with the Forest Service."

In practice, section one plans have a somewhat different form and are used differently from the way founders of the legislation intended. Proponents had hoped that completed plans would become a foundation for efficient state forestry systems. But while plans have not been used this way major objectives have been attained through publicity, education, and resulting pressures on state legislators and administrators.

In format and scope, these plans are for popular consumption. Inform-

ally written, they include numerous pictures, graphs, and easily digested statistics. Since the Forest Service has a hand in their preparation, a similar pattern is usually followed everywhere.

These publications describe the forestry situation, emphasizing the effect uncontrolled fire has on industry and surrounding communities. Programs in other forested states are discussed for significant comparisons, and to show possibilities of properly organized forest protection. Then Clarke-McNary work is described to show how it provides the basis for solving the state's problem. The fact that cooperative aid involves no direct federal control is especially emphasized. Finally, broad recommendations are made for establishing effective fire control systems, increased planting activities, and needed forestry legislation.

So that these plans might gain prestige and widespread approval, contributors and promoting agencies are listed in the publication. In one, a recent Florida project (50), the following groups were listed as collaborators: private associations of timber owners and operators, U. S. Department of Commerce, U. S. Fish and Wildlife Service, U. S. Extension Service, U. S. Soil Conservation Service, Bureau of Land Management, and several state universities and colleges.

Up to 1946, section one plans had been made for only seven states: Arkansas, Florida, Idaho, Maine, Mississippi, Oklahoma, and Utah (22). In these states, fire control systems and practices have improved markedly. But even states which have not made studies have benefitted from efforts of the cooperative administrations. Through wide dissemination of section one plans, many new techniques have been applied elsewhere.

State Fire Control Plans

A more important planning activity is the preparation of measures for day-to-day fire control problems. The federal government has not rigidly specified that such plans be made or followed. The only requirement is that an original fire plan be submitted when the cooperative relationship is being established. This plan should describe the organization of financial, material, and personnel resources to be applied to protecting forest lands. The Clarke-McNary agreement (49) prescribes that this plan must show:

> " * * * the location and area of private and state lands * * * which will be protected by the state, and by cooperating agencies within the state; and the character and extent of the protective measures which it is proposed to put into effect at the expense of these agencies."

This initial plan indicates general problems. It is also intended as a broad guide for state protection activities.

The Forest Service also recognizes current action plans as desirable and necessary. However, while great emphasis is placed on them, their formulation, revision, and use are not direct requirements. To illustrate, the following paragraph is quoted from the 1946 Clarke-McNary Manual:

"More important are current statewide plans of action and fire

control resources broken down into detailed plans of action for the use of the men responsible for fire suppression on specific units. Too much emphasis can not be placed on the value of such state prepared plans. Copies of them should be available to the Forest Service when requested. They should be available for review in state headquarters at any time by Forest Service inspectors. The Forest Service will lend all possible aid in promoting and developing such plans and in encouraging their use."

Particular attention is called to such phrases as

" * * * copies of them should be available * * *, and, they should be available for review in state headquarters."

Federal policy toward state planning activities has always been lenient and non-authoritative. But it is doubtful that policy weakness has been fully responsible for inadequacy of state plans. The planning problen was recognized in the early days of the Weeks Law. In a set of official instructions (17), Weeks' inspectors were advised as follows on state plans:

" * * * their value has been brought to the attention of the states a number of times, but they have not received the attention they deserve."

The pattern of Weeks Law administration, of course, did not permit federal participation in well-rounded protection schemes. The Forest Service was far removed from many local aspects of fire protection and could not insist upon efficient planning. In 1924, when the Weeks Law was replaced by the Clarke-McNary Act, certain practices had already been established. By then it was too late to establish a policy more stringent than that in effect.

As a result, operational planning at the state level is noticeably absent in grant-in-aid collaboration. Broad initiating plans mentioned above soon lose their effectiveness because they are not kept up-to-date. Moreover, many states do not even make current action plans.

Many reasons can be cited for this lack of formal planning. In many states, principally the older and wealthier ones, standard operating procedures have been evolved. Members of protection forces have learned their duties through long experience. Their efforts have been welded into systems of forest protection which are adequate for current needs. In these situations, detailed written plans are unnecessary. In fact, they are considered undesirable because they add complications difficult for field personnel to understand or remember. Good judgment is relied upon and usually predominates.

The federal government, once it is assured that such systems of fire control operate efficiently, does not press for integrated state protection plans. During thirty-odd years of collaboration, Forest Service representatives have learned the relative effectiveness of state systems. From the federal viewpoint, as long as a state practices adequate pro-

tective standards, insistence upon the periodic submission of plans is most unwise. Nothing would be added, except perhaps irritations and a decrease in the effectiveness of cooperative relationships.

Many states began forest protection measures shortly after passage of the Clarke-McNary Act, when some forestry systems were very small or non-existent. These states did not have the "know how", or financial, material, and personnel resources to evolve immediately the plans which the Forest Service advocated. Protection activities in these areas became relatively efficient and valuable through trial and error. Experimentation fitted administrative practice to various protection problems as they arose.

Oklahoma, for example, had only an embryo forestry department in 1924. The Clarke-McNary Act prompted expansion, because state expenditures for forest protection would be matched by the federal government only if improvements in organization and practice were made. Oklahoma's forestry unit developed slowly, adapting itself to new situations and gradually increasing its activity.

Integrated fire control plans were never formulated. Instead, the state forestry organization operated within generally understood and accepted procedures. To the Forest Service, Oklahoma's fire control efforts were satisfactory. Planning beyond that which was required to meet situations at hand was not demanded.

Another group of states had formal planning efforts fall below desired standards, but their over-all fire control activity is nevertheless satisfactory. These are the smaller states with relatively little forest area. Fire control problems here are less pressing. Only small organizations are necessary to administer forest protection. Under such conditions, personal supervision by state foresters or their immediate staffs is usually the rule. Here again formal planning is unnecessary. As emergencies arise, top supervisors deal with them according to current requirements. The federal government favors such informality where over-all results are reassuring.

In some regions, principally in the South, forest fire protection systems have been notoriously inadequate. Long standing social and political traditions have created a difficult environment for promoting and adhering to proper fire control principles. Here, the Forest Service has taken a firm stand. In a few cases, inspectors have insisted upon high caliber protection plans. Where political pressures have been largely resolved, or are relatively unimportant, and where educational programs have altered tradition, state plans have become effective in the administrative process.

A few states place great emphasis upon fire control plans. Maryland, for example, revises plans every five years. The Forest Service often aids Maryland in this, and completed plans are usually submitted for federal comment and approval. But these efforts are voluntary. Some other states follow similar procedures, but the pattern is not widespread.

So state plans differ widely in format, scope, purpose, and intensity of use. Some are detailed -- some brief and simple. Some represent a concerted effort to attain more efficient administrative practice while others

serve no purpose except "window dressing". A plan is not a valid measure of a state's protection program.

The varied plans exist because of many factors: state geography, type and extent of forest cover, and regional traditions and customs. Often these environmental items are valid reasons for absence of fire control plans.

Personalities of state administrators and federal inspectors are another factor. Where state officials try to attain more efficient forest protection systems and conscientiously promote mutual federal-state objectives, harmony exists. Here formal policy can be less rigorous than in an opposite environment. Mutual confidence and trust often remove the need to hold collaborators to the letter of official directives.

Planning by Private Agencies

Private agencies and local governments which make fire protection expenditures claimed by the state for reimbursement are required to formulate plans. The effectiveness of their efforts again differs in degree and scope with traditional, environmental, and psychological factors. In general, where state planning operations are high caliber, private and local efforts are similar. State foresters genuinely concerned with furthering the fire control program, and who show wholehearted cooperation, usually demand more of private and local organizations than would the federal government if it operated at that level.

Further acceptable state expenditures increase the amount of grant-in-aid presented to the state. So it might be assumed that state governments would use every means possible to solicit and certify as large private and local expenditure as possible. But state foresters who require that adequate planning precede expenditure of reimbursable funds are extended greater confidence by the federal government in other aspects of the grant-in-aid program.

One state forester interviewed by the writer emphasized that he would rather lose a portion of the federal grant than endanger his reputation with the Forest Service by certifying questionable or unplanned private and local expenditures. He had set certain standards for protective work and required all collaborators within the states to meet them. All state forestry administrators don't act this way. It would be naive to attribute such high-minded intentions to all of them.

Federal policy toward private and local planning is quite broad. So it is possible for state foresters to adhere to Forest Service directives and yet be careless in their certifications.

The 1946 Clarke-McNary fire control manual has this to say about private and local plans:

> "Prior to including voluntary private expenditures in the state's claim for federal reimbursement, a written fire plan and financial budget shall be prepared and approved by the Forest Service and each cooperating unit. Such a plan may be brief, but it

should show all essential cooperative details, such as the number and cost of field personnel, major improvements, equipment, fire prevention and educational activities, and especially the division of responsibility between the state and the cooperating agency."

Such plans are usually formulated and submitted the first time a private agency's expenditures are considered by the federal government for reimbursement. Thereafter, such expenditures are generally certified by the state forester who decides on the basis of personal knowledge. But he must remember that activities he sponsors will likely be inspected by the Forest Service. Thus a brake is applied to any official who attempts indiscriminate certification to increase his state's grant-in-aid.

Interstate Planning

Adjacent states often formulate cooperative plans 3/. These plans provide for lending personnel or equipment, coordinating radio and telephone communication, and cooperating in the detection and suppression of fire in areas crossing state boundaries. Expense of executing these provisions is a reimbursable state expenditure under the Clarke-McNary program. These arrangements are generally informal. As the necessity for coordinating protection activities became apparent, mutual understandings have developed and are faithfully followed. Formal written plans and agreements are usually considered unnecessary.

In the West, the Western Forestry and Conservation Association, through regional planning, coordinates the fire control activities of five states. In some instances the association plan is, in effect, the state plan, and certain expenditures made by the association in carrying out its over-all protection activity may qualify for federal reimbursement when certified by the state forester. His approval is frequently only a matter of form. The Forest Service recognizes this and concentrates its inspection activity to assure itself of the adequacy of association and state protection systems 4/.

Federal Planning

An over-all federal plan for cooperative protection of the nation's forested area is embodied in the Clarke-McNary policy manual. The manual, considered in its entirety, is primarily a coordinating instrument. It sets forth the general administration principles and guides state and federal personnel in day-to-day cooperative activity. National uniformity and coordination is thus attained. The evolution of this manual's provisions, the processes by which it is amended periodically to conform to changing conditions, and the way it is applied, have all been discussed.

3/ An interstate forest fire protection compact was organized in January 1950 by Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, and New York.

4/ During recent years, the relationship between the Clarke-McNary program and the Western Forestry and Conservation Association has become less direct than it was formerly. But this agency does influence over-all state planning.

Beyond this all-inclusive plan for national cooperative fire control, the Forest Service continually evolves plans and methods for administering the program more effectively. In Washington and at regional headquarters, Clarke-McNary personnel plan annually for complete inspection coverage of collaborating states. Inspection schedules are frequently integrated into an over-all headquarters plan, involving many other phases of national and state forest administration.

This is particularly true of the chief's office in Washington, where each year the various divisions submit field trip schedules to be integrated into a general inspection plan. Frequently problems not serious enough to require a regular Clarke-McNary administrator are attended to and reported on by a member of another branch of the Forest Service. Thus travel time and expenses are reduced, and more complete and frequent coverage of state forests is possible.

The Forest Service also plans other activities. For example, the Clarke-McNary program must be coordinated with protection activities on national forests and plans must be devised to coordinate within the Department of Agriculture the Clarke-McNary program and such undertakings as the flood control program of the Soil Conservation Service. Primarily, such planning produces high level administrative policy. The processes by which policy is reached and the final product are so closely related to the planning function that they deserve mention.

The essence of a national cooperative protection plan is incorporated in the annual Forest Service budget estimate. The plan includes a series of justifications based upon the accomplishments of the past year and current national requirements. Ordinarily fire control budget requests change little from year to year. Long range objectives sometimes take years to fulfill. But when these goals are reached, or when the national welfare requires new objectives, additional funds must be fought for and justified in budgetary councils. Then a revised national plan appears and operates.

Changes in the national budget sometimes affect many lower level planning operations. A decrease or an increase in Clarke-McNary funds will require states, as well as the federal government, to redesign protection schemes.

Summary and Conclusions

Generalizations on administration can be drawn from the discussion above. They apply particularly to planning, but are also significant for other phases of the grant-in-aid process.

Procedures used by collaborating states often lag behind changing federal directives. While policy is still formulative, local administrative practice crystallizes. Thereafter policy is often powerless or inadequate to promote desired objectives. This has been true of national cooperative forest protection, and particularly of planning within the Clarke-McNary program.

But the planning process need not result in formal, detailed and

documented blueprints of action. And plans do not always reliably indicate efficient administration. Other factors operate. In a state where the forest area is relatively small, the labor force stable, and where informal understandings have been built up, there is no pressing need to change procedures. In fact, changes might disrupt and seriously cripple effectiveness.

Yet where fire control practices have been traditionally poor, lack of planning has usually been partial cause. Here the only course for federal administrators is to insist on more effective planning.

The Forest Service thus adapts administrative function to particular circumstances. The Forest Service is primarily interested in results. When informal systems give efficient forest protection, the practices are recognized as proper. Poor results usually betray bad practice. The only cure is to follow recognized administrative principles. Adequate planning is one of the foremost.

Each situation calls for a different administrative approach. This means legislative and administrative policy must be capable of interpreting broadly enough to allow adaptation to existing conditions. Some portions of policy are very seldom used. Others enjoy general and uniform application.

CHAPTER V

RECORD SYSTEMS AND REPORTING TECHNIQUES

Records and reporting systems are basic to proper administration of the grant-in-aid program. First, they insure financial and operational integrity of the functions exercised by states. And they show up day-to-day evolution of an operation. Auditing by the higher authority establishes not only the quality of recording procedures, but also the adequacy of physical operations and functions.

Reports from lower units are the basis for a measurable and significant analysis of the program's status and progress. But for reported information to allow for enlightened interpretation, it must be based upon facts gathered in an orderly and planned manner. Thus records are linked inseparably to reporting operations. Records should be set up principally to accumulate information for analyzing the condition or progress of a program.

Fact gathering and reporting, when properly coordinated, often increase compliance with the wishes of the supervisory agency. State records and reports force self-evaluation which frequently discloses unknown faults and discrepancies. And states generally recognize that reported information will likely be examined critically and redistributed to competing states, showing up the originator unfavorably if operational procedures give unsatisfactory results. So a state is often motivated to administer its program so the required information will be available, and so data will assure the Forest Service and other states of the effectiveness of its efforts. Administration of the federal grant always involves interwoven recording and reporting relationships. They also operate frequently within the states. While they generally are not used consciously to induce more compliance, they have that over-all effect.

Under the Clarke-McNary program, records are emphasized from a fiscal point of view. Most federal requirements concern proper accounting and bookkeeping procedures. Periodic audits convey fiscal facts to the federal government for analysis and action. Fiscal inspection insures maintenance of proper records. The Forest Service also requires operational reports. No prescriptions are made for keeping records from which these reports are evolved. The federal government does not wish to go beyond a certain point in directing activities. They feel a more judicious course is to allow states to develop their own systems for supplying prescribed non-fiscal information.

State Record Systems

Federal requirements for accounting and bookkeeping systems have been quite liberal. Generally no special records are necessary as long as the system provides desired information and enables Forest Service auditors to ascertain the integrity of fiscal and operational procedures.

The following paragraph quoted from the section on fiscal management in the 1946 manual illustrates this:

"It is the purpose of this section to describe the general principles and objectives rather than detailed specifications of required fiscal records and procedures. Systems which, in the judgment of the regional forester, substantially meet the required principles and objectives may be accepted as complying with these requirements, although differing in some details. These standards are based on sound business practice for public administration and consequently are normally beneficial to, and voluntarily included in the agency's operating procedure. Any record or procedure which conforms to generally recognized practice in modern public administration and accounting will usually meet the standards herein intended."

So prescriptions which states must follow are little more than basic principles of fiscal management which should be followed in any sound operation. General requirements condensed from the 1946 Clarke-McNary manual are presented in abbreviated form below:

"Separate operational and fiscal records are to be kept for each federal fiscal year -- July 1 to June 30. Because many states operate on different financial periods, this requirement assures national uniformity and makes comparative statistical analysis possible.

"During the prescribed period, fiscal entries are not to be made in a state's books until payment vouchers have been certified by the state forester and placed in regular channels for payment by the state treasurer. Moreover, the expenditures included in reimbursement claims are bona fide; that is, they have actually been approved, executed, and entered upon state books.

"More particularly, state bookkeeping systems must provide a complete listing of all payments certified for reimbursement, and all collection items which affect qualifying expenditures. The latter relate to monetary contributions of collaborating agencies within a state for which reimbursement is expected. These payment and collection items must be so recorded that they can later be readily identified with various state appropriations or funds. They should also be reconcilable with control records of the higher authority; (i.e. where the forestry unit is a sub-agency of a conservation department). In addition, collection and expenditure entries must be capable of identification in both the state Clarke-McNary budget and the particular reimbursement claim upon which they are carried. These practices facilitate federal audit.

"In addition, state record systems must include basic supporting materials. Personnel time and service records are to be kept for each state employe paid in part by Clarke-McNary funds. Payrolls can then be verified with time reports, and the propriety of grant-in-aid expenditures for salaries ascertained.

"A file of receipts for goods and services purchased in whole or in part by federal funds must be kept to substantiate certified expenditures. Twice each year, these files are to be summarized in the form of a financial statement of accounts; this report to be retained for the Forest Service fiscal inspector.

"Property records are to be maintained, and systems of accountability controls established. Further, at least twice annually such records are to be verified by a complete physical inventory."

These are minimum requirements. The federal government administers its policy flexibly. Where states accept in good faith the basic principles outlined by federal directives, the Forest Service is often less attentive to letter-perfect state compliance. On the other hand, when discrepancies occur frequently, or state forestry agencies act carelessly, or in bad faith, the federal government must follow the policy exactly as stated in the manual. In either case, responsibility for building trust and faith lies with the states. Their administrative behavior determines the severity of federal policy application.

Some state officials seem not overly concerned about their responsibilities for adequate financial and operational control. Grant-in-aid funds are relatively easy to obtain. They are not appropriated wholly from state funds, so less appreciation exists for these funds. And this feeling is often accompanied by a lack of accountability to the people. Instead, federal inspection is relied upon to keep the state forestry organization abreast of federal requirements.

Frequently, state fiscal officers do not check the financial grant-in-aid records of forestry subdivisions as closely as they would those of exclusively state functions. And, in many states, personnel responsible for bookkeeping are often trained inadequately. They often possess only ordinary clerical abilities and devise their own accounting and recording procedures.

State foresters generally lack fiscal training. But they can install and operate efficient record systems, either by recruiting suitable personnel or by getting aid from central state administrations. Intrastate jealousies often preclude the latter. So levels of performance probably depend largely upon personnel in charge of forestry activities. Possibly a relationship exists between the manner of recruiting state foresters and their staff, and the efficiency of the grant-in-aid program.

Where appointments at the upper level of state forest administrations are within approved professional standards, administration of fire control activities is almost invariably within general federal requirements. On the other hand, where appointments are mainly political, a low efficiency frequently tinges the entire program.

Conditions are fairly stable for long periods. So Forest Service inspectors, especially at the regional level, can evaluate systems. As a result, they know conditions in particular states. If experience indicates

that a state's efforts are questionable, formal requirements are invoked rigidly. This is the only way of assuring fiscal and operational integrity of the national protection program. But strong corrective measures are applied tactfully and cooperatively. The 1946 manual states:

> "Where existing records or procedures of a cooperating agency do not meet the required standards, arrangements will be made and agreed upon between the agency and the regional forester whereby the desired changes will be brought about in a reasonable time in the most practicable manner under the circumstances."

Many states which generally have efficient administrative standards also use proper procedures in directing the cooperative fire control project. Minimum federal standards for records are met here. They are flexible enough to fit into any properly constructed administrative system. Even where requirements are not fulfilled in every particular but where the results are usually satisfactory, the Forest Service allows greater leeway. In fact, regional inspectors often recommend simpler procedures when state forestry units are conscientious in recording to a point where it becomes burdensome to both parties.

In one state, records showing the proportionate time personnel or equipment were employed in cooperative work were detailed minutely. Not only was bookkeeping arduous, but the complexities of trying to fit Clarke-McNary records into the state system made federal auditing difficult.

One fiscal inspection lasted three weeks. Then the Forest Service representative suggested that the state officials were perhaps too exacting. A simpler, mutually approved system was devised.

Frequently states have conflicting internal problems which the federal government must appreciate. Such conflicts generally involve intrastate systems which apply well for the state but are often antagonistic to federal procedures and standards. Some states, for example, use many different types of funds to administer fiscal matters. This provides intrastate flexibility. But such a system is often difficult to integrate with the Clarke-McNary requirement that every expenditure on the reimbursement claim be clearly identifiable by fund or source.

One state forester used the multiple fund concept for his forestry expenditure estimates. He had found that the state legislature would appropriate small amounts for numerous funds more readily than they would approve large expenditures for fewer funds. He got more money through multiple fund requests than if he had made summarized requests. Although successful within the state, this system became unwieldy when he tried to integrate it with the Clarke-McNary program.

Coordinating state operations to the federal fiscal year, (July 1 to June 30), is another problem for administrators. Most states use the calendar year. A few use periods such as October 1 to September 30, or April 1 to March 31. In the interests of national uniformity, the Forest Service has prescribed that all Clarke-McNary allotment and reimbursement records be kept for the federal fiscal year (22). This produces many bookkeeping problems.

Where conflicts occur, the cooperative relationships is jeopardized because state foresters are asked to obey two masters, their own states and the federal government. Sc either Clarke-McNary work suffers, or states expend too much effort in establishing separate records and procedures to satisfy both pressures.

Forest Service representatives have been able to effect compromises. Federal requirements have generally been integrated within existing state record systems without disrupting them, or causing any serious decline of Clarke-McNary standards.

State Reporting Operations

Correctly kept records are the basis for collecting, analyzing, and reporting significant information. The Forest Service relies largely upon inspection for facts on operational and fiscal results and procedures. And reporting furnishes data capable of statistical analysis, or useful in obtaining a more nearly complete picture of state problems.

Through reports, the states can evaluate their programs periodically. These analyses are usually far more effective in producing better performance than federal directives or censure would be. Through the reporting process, state administrators can show dissatisfaction with a particular aspect of the program.

The annual fire report (46) is the principal report required of collaborating states. It is a statistical description of fires on all non-federal lands during each calendar year. A standard Forest Service form is used. This form has been designed not only to supply information for interpretation, but also to carry on the statistical trends established early in the Weeks Law program.

Instructions on the back of each page clearly define each primary classification. Thus proper interpretation by state officials is assured. Also included in the annual fire report are provisions for a brief summary of the past year's expenses, and a general narrative description of such items as current state fire control problems, recent changes in operation, personnel, or equipment, and new forest legislation.

This report is sent to the regional forester for approval. He transmits a copy to the Washington office of the Forest Service Here several government agencies collaborate in compiling annually a series of national forest fire statistics from state reports 5/.

Forest Fire Statistics (27) is essentially a federal report to the nation. This publication describes annual progress in cooperative fire

5/ Division of Cooperative Forest Protection, U.S.F.S., Department of Agriculture, Forest Fire Statistics: In the 1946-47 issues, cooperating agencies other than states who contributed included the Department of Interior, Soil Conservation Service, and Tennessee Valley Authority.

protection, and is useful in defending Forest Service budget estimates. In addition, it indicates areas where increased efforts must be made, either by changing allocation formulae or by concentrating federal inspection activity.

In a sense, both the annual state report and the federal statistical summary are centralizing and coercive mechanisms. Data originally submitted by states is redistributed throughout the country. Officials are usually aware that the data reflects the quality of their protection administration. They want the required information to reflect as favorable a condition as possible within the states.

So reporting systems are beneficial in compelling maintenance of efficient records and prompting better administration so reported information will increase state prestige.

Unfortunately the federal government does not get a true picture of protection activity through the reporting medium. State statistics too frequently depend upon reports of local wardens and fire crew bosses who do not understand fire classifications or causative agents. They often regard reporting details as unnecessary and even foolish. Also the federal government does not prescribe the form for such local reports. Some states provide local wardens with report blanks - others do not. The procedure varies from state to state.

As a result, no one can be sure that the figures from different states are based upon equally evaluated classifications or result from careful and efficient recording. In one state the form contains the casual classification "unknown". A disproportionate number of fires are annually placed in this category. So the accuracy of federal statistics is decreased. The error is probably small but the deficiency is obvious.

Local governments and private agencies which share grant-in-aid benefits with the state periodically submit expenditure reports to the state forester. References to these reports are made in state records. Federal auditors can check such entries during inspections.

Reports to state foresters are also made frequently by their deputies. Usually no format is prescribed - such statements being merely brief running commentaries of what was observed during inspections. These reports are generally used by state administrators to find weak spots in fire control operations. Frequently copies are returned to the locality concerned. Thus they often serve to highlight poor practice, and encourage improvement.

In Maryland, the state forester has written such reports for his own personal files for many years. So he has been able to compare protection procedures over the entire state. He is then better prepared to plan fire control activities, concentrating men and materials where they will be most beneficial.

Federal Reporting Operations

The Forest Service uses reports to analyze progress of Clarke-McNary protection. Most important is the regional annual report, for which an outline is provided in the 1946 policy manual. The directive states:

> "Each region participating in Clarke-McNary activities will submit a report to the Washington office each calendar year. This will be a concise record of major cooperative fire control problems, objectives and accomplishments."

The report is prepared by the chief regional inspector according to a standard Forest Service form. It is signed by the regional forester and then forwarded to Washington headquarters and to states of the forest region. As indicated above, its form is specified - a list of subjects to be covered has been outlined. The inspector usually follows this. Reports are usually detailed but informal. In one example, the unusually high turnover of bookkeepers in a state forester's office was discussed.

Regional annual reports describe major developments, accomplishments, and problems of the region or component states. Through the report, regional offices annually inform Forest Service headquarters of state complaints and requirements, as well as shortcomings. It provides data the federal government uses to draw conclusions about adequacy of state programs and efficiency of federal administration.

In addition to the over-all regional report, a report is also prepared for each state. This periodic inspection report is written by the Clarke-McNary inspector in charge of the inspection district. Then the regional director of the Division of State and Private Forestry approves the report and submits it to the regional forester, who sends a copy to the state concerned. Usually none is sent to Washington.

Under the cooperative philosophy of the program, state officials are generally invited to study the inspector's report before it is submitted to the division chief. Often they even help in the report's final formulation. In the regional forester's letter to the state, he often invites criticism, comment and disagreement with these reports. In one case, a regional forester wrote to a state official (37):

> "If you do not agree with anything contained in the report you will feel free, I am sure, to let me know your comments or criticisms."

Two general types of regional inspection reports are made by the Forest Service. The first results from a routine inspection of protection operations. An inspector aware of discrepancies in a state will inspect them and report to the regional division chief.

The other inspection reports cover in detail all cooperative protection within a state. In region seven, such reports are five-year inventories. Both of these reports are made according to a prescribed

outline. This outline varies in format and scope by regions. But the reports themselves are informal and depart from the outline where it is not adequate.

A fiscal report is made at least once a year, when state Clarke-McNary financial accounts are checked. Usually this report is incorporated in one of those just discussed. Copies are distributed to states concerned and to private and local agencies involved.

Only one more class of federal reports remains - those made by inspectors from the Washington office. Members of the Division of Cooperative Forest Protection try to visit each region at least once a year. Extensive areas require that different phases of the work be inspected in the various states.

From the annual regional reports, the Washington staff is generally acquainted with problems and developments over the nation. Inspectors usually concentrate on pertinent items in each area. Reports are written informally and in narrative. Copies are sent to the regions concerned and to the assistant chief of the Forest Service in charge of state and private forestry.

As with the other types of reports already discussed, administrative officers of the areas inspected, in this case the regional foresters, are consulted before reports are submitted in final form.

Summary and Conclusions

Records and reports provide continuous inventory of the Clarke-McNary program. Records picture the situation in each area. Reporting is the process in which each administrative level collects and forwards information accumulated from jurisdictions beneath it. Frequently recorded data leads to inspection, thus eliminating formal reporting. Sometimes one means supplements or verifies the other. Recording and using information are linked processes and must be so considered.

Because the evolution of either current administrative decisions or the formulation of long-range policy depends upon accurately gathered and quickly reported data, records and reporting systems supply information for expending and controlling cooperative protection. But caution must be used in acting on information originating at lower levels. Frequently local personnel do not understand objectives and uses of data they report. Perhaps they have not been trained adequately in classification. In such places, records and reports are often inaccurate or misleading.

Flexibility is a significant aspect of successful grant-in-aid relationships described in this chapter. Current Forest Service policy has evolved through experience. Now it is a realistic approach to establishing rules for all collaborators. Prescriptions made for records should be incorporated within state administrative systems.

Any agency not complying is also very likely to be deficient in keeping its own records. Many states have difficulty integrating Clarke-McNary records into their bookkeeping systems, while still complying with minimum

Forest Service standards. Under such circumstances, federal policy is usually applied liberally as long as financial integrity of the program is maintained.

CHAPTER VI

ALLOTMENT PROCEDURES

How are Federal grant-in-aid funds to be divided fairly among collaborating states? The answer holds a great deal of interest for cooperating officials. It is of equal concern to federal administrators who recognize the importance of maintaining stable and harmonious relationships between the Forest Service and the states, and between competing states.

Allotting federal money motivates the entire grant-in-aid program. Formal notification assures the states that aid is really forthcoming. They are advised of approximate amounts, so they can begin planning protection activities, and expenditures in related fields. Presumably the federal government has already surveyed the situation, determined need, and satisfied itself that cooperating agencies are entitled to receive aid. It remains only to make funds available to collaborators.

Historical Development

Formulae used by the Forest Service for more than 35 years to distribute federal funds efficiently had to be simple and defensible. Equitable treatment of competing states and local agencies had to be considered. Under the Weeks Act, allotment methods were simple and by-passed many factors now considered. Tremendous forest areas and poor transportation and communication facilities are barriers to ready local or regional inventory.

Initially, federal allotments were based upon state appropriations for forest protection. So, if a cooperating state forester had $5,000 or less for such activities, the Forest Service allotted an equal amount to that state. States appropriating more than $5,000 were given more, based upon need. An over-all limit of $10,000 was imposed upon all grants (38).

The system was extremely flexible. It had to be. The Forest Service was not equipped from a personnel or a financial standpoint to impose exacting and complicated formulae. Also, the program was unique. Virtually no precedent existed and federal administrators took the course which seemed to accomplish their objectives most quickly and efficiently.

A basic rule provided that the federal allotment could not exceed a state's appropriation (6). So a state could receive a federal allotment and then not actually expend the full amount it had originally appropriated. However, this never happened so far as the author could ascertain from his research.

During the last few years of the Weeks Law, a more definite formula gradually evolved for determining equitable allotment of federal funds. It was based primarily upon protection needs in the several forested regions. This was expressed as the cost of supplying complete and adequate protection for all non-federal forest lands. Each state received a regular allotment based upon a uniform percentage of the cost of adequate protection for the state. It could also obtain emergency funds under specific conditions (19).

Wealthy states began to clamor for federal recognition of state and local financial efforts because they were expending more than other states for protection but received no greater federal aid. In 1920, at the Atlantic meeting of the State Foresters' Association, Chief Forester Greeley even suggested that a small percentage of Weeks Law funds be used to match state expenditures in excess of normal (38). In 1923 the association formally recommended that 25 per cent of the total federal appropriation be so used (29).

This was the general situation in 1924 when the Clarke-McNary Act supplanted the Weeks Law. The new legislation contained no radically different allotment provisions, so the evolution just described progressed without interruption. In 1926 it culminated in a cooperatively determined allotment formula which was the product of the thinking, discussions, and practice of more than 14 years.

The Allotment Process

Clarke-McNary grants are based on two criteria: need and collaborator effort. Funds given the state on the basis of need - the cost of adequate protection - are a "regular allotment"(22). This grant is designed to be stable, not to be reduced under ordinary conditions. Grants obtained through additional self-effort have been termed the "extra allotment" (22). This fluctates with the individual state's expenditures above those required to match the regular item.

The two criteria carry equal weight. Fifty per cent of the total federal appropriation is allotted according to each. State and federal administrators have long deemed the system satisfactory. The following quotation is from a report by E. S. Peirce, chief of the Division of Cooperative Forest Protection, U. S. Forest Service (38):

> "The most equitable formula for allotting federal funds to the state has been the subject of continuous study for over twenty years. A number of more or less relevant factors have been suggested and considered. However, we invariably come back to the two elements most directly involved in the fire job itself: the cost of complete protection and the accredited state and private expenditures * * * more thar twenty years' experience indicates that the two factors used are the most clean-cut and the ones most directly related to the protection job. It is believed that their use has carried out the intent of the law, and they have met with general approval of those most closely associated with the program."

In applying the allotment formula, the Clarke-McNary appropriation - minus a small sum for administration and emergencies -- is divided into two approximately equal parts. The regular item is then computed for each state this way:

The total cost of protecting all non-federal lands is determined for each state. The sum of all these estimates (in 1948, it was $31,424,000 (25)) when compared to one-half of the federal appropriation ($4,295,000

in 1948 (23)), forms the fraction 4,295,000/31,424,000. Thus, one-half of the federal appropriation is 13.6 per cent of the total nationwide cost of protection. This percentage, when applied to the estimated cost of complete protection for each state, results in the regular allotment for that particular state.

For example, the estimated cost of adequately protecting non-federal forest lands in New York State for 1948 was $572,000 (23). 13.6 per cent of that figure is $78,180, the announced regular Clarke-McNary allotment for New York for the federal fiscal year 1948 (23).

The extra item is arrived at just as easily. Private, local, and state expenditures for forest fire prevention in the state during a base year are added to the average expenditure for fire suppression over a prior ten year period. Then the excess of this figure over a state's regular allotment for the current year is calculated for each state and summed for the entire nation.

This total ($6,679,724 in 1948 (23)) is compared to one-half of the federal appropriation ($4,295,000 for 1948 (23)), and again a fraction results: 4,295,000/6,679,724. Thus, one-half of the federal appropriation is 64.748246 per cent of the total of excess state expenditures. This percentage, applied to the excess figure for each state, produces the extra allotment for that state.

For example, in 1947 New York had expended $148,055 in excess of its regular 1948 federal allotment. Then 64.7 per cent of this figure, or $95,863 was the earmarked extra allotment for New York for the federal fiscal year 1948 (23).

After all regular and extra items have been calculated and approved, the Forest Service publishes a summary of allotments. Each state is thus advised of the federal aid granted, not only to itself but to other competing states. This statement for 1948 is given here for a representative group of states. It illustrates the process just described.

Area and Cost Studies

According to formulae just discussed, both regular and extra allotment items depend on the cost of adequate protection established for each state. How this estimate is made is important to the states as well as to the federal government.

The general procedure is cooperative and flexible. It permits adequate presentation and consideration of any state's problems. Yet it provides for uniform standards against which varying situations may be measured.

Calculation of adequate protection cost estimates (termed an area and cost study (25)) occurs every fifth year. Unless new factors are discovered to materially change these estimates, these figures are used until the next estimate.

Each state initiates the process by submitting to the regional forester an estimate of protection cost for all of its non-federal forest

FISCAL YEAR 1948

Federal Allotments to States for Forest Fire Cooperation
Under Section 2, Clarke-McNary Law, Act of June 7, 1924 (43 Stat. 653)

State	Portion of Allotment Based upon Estimated Cost of Adequate Protection.		Portion of Allotment Based upon Actual Expenditures			
	Estimated Cost to Protect State and Private Forest Lands - 1946 Correlation.	"Regular" Item of Allotment 13.6% of Column (1).	State and Private Expenditures Prevention Calendar Year 1946 Plus supp. H.V. '37-'46.	Excess of Column (3) Over Column (2).	"Extra" Item of Allotment. .647482 46 times Column (4).	Total Federal Allotments to States. Column (2) plus Column (5).
	(1)	(2)	(3)	(4)	(5)	(6)
New York	572,000	78,180	226,233	148,055	95,863	174,043
Georgia	1,661,000	227,024	218,686	-	-	227,024
Mississippi	1,279,000	174,812	203,776	28,964	18,754	193,566
Wisconsin	1,114,000	152,260	335,392	183,132	118,575	270,835
Washington	2,133,000	291,536	1,035,614	744,078	481,777	773,313
New Mexico	71,000	9,704	8,497	-	-	9,704
California	3,573,000	488,354	2,041,727	1,553,373	1,005,782	1,494,136

lands. At regional headquarters, these estimates are evaluated and compared. And through the intimate knowledge which regional officials have on the states in their jurisdiction, amendments are effected. Before the final figures are published, state and federal officials have a conference to discuss protection problems peculiar to each state. The final product of these conferences is a valid, defensible estimate on cost of complete forest protection for the entire region. The figures result from a cooperative, commonsense approach.

Usually a minimum of dissatisfaction results from these decisions - even from states whose estimated costs are small or have been reduced by the Forest Service. This seems strange because the cost of adequate protection finally agreed upon for a state directly influences the federal allotments during the next five years.

State foresters generally agree to estimates of the regional office, provided that they are substantiated by a practical and equitable analysis. State officials themselves do not know enough of other states' problems to interpret their own situations comparatively. Most state officials recognize this and accept federal figures freely. This happy situation may be helped by the presence of a chief Clarke-McNary inspector whom the state foresters hold in considerable respect.

Such a situation evidently exists in region seven 6/. When that regional office performed its most recent (1946) correlation of state cost estimates, the state foresters voted unanimously to abide by any decisions reached by the chief inspector on the integration of state estimates of adequate protection costs. They had heard his analysis of the situation and, because it seemed rational and they had faith in his judgement and ability to treat them all fairly, they were willing to leave the entire correlation up to him.

This occurrence may not be entirely representative but it indicates the type of federal-state relationship both parties strive for. That same chief inspector makes the following comment on regional integration of state estimates (32):

> "We must, therefore, try first to recognize the conservative estimates, and accept them in full or perhaps increase them. We must then examine the more liberal estimates critically and see how well justified they seem to be. We should not hesitate to raise some estimates and cut others if that is necessary to bring all of them into line. Finally, the total estimate -- the aggregate of all state estimates -- must be a figure which is reasonable in the light of past experience and future prospects."

Regional estimates are relayed to Washington where they are further correlated upon a nationwide basis. Changes are sometimes made but usually the region figures are accepted. Then the final results are compiled and published by the Forest Service (25). Representatives of the Association

6/ Region seven of the U. S. Forest Service includes Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Vermont, Virginia, and West Virginia.

of State Foresters generally participate in this final integration of cost estimates, thereby assuring the Forest Service stronger interest and more widespread support of its allotment program. The Forest Service will defray transportation costs of representatives attending these conferences. Usually this offer is not accepted, the association evidently preferring to attend the hearings without being indebted to anybody.

Intrastate Allotment Processes

Clarke-McNary funds must be distributed within each state. Different social, economic, and political situations make the methods differ widely throughout the country. In the Northwest, Clarke-McNary money -- usually in the form of increased state services -- is distributed largely to various organized protective associations. Their contributions or expenditures for forest protection constitute the bulk of the state's matching funds so these agencies feel they should receive an equitable return on their investment. A fair return, to their way of thinking, would be 50 per cent of their initial expenditures or contributions and they would like to be reimbursed directly by the federal government, circumventing state allocation.

In the Midwest, especially in the southern portion, states tend to concentrate protection funds in the most valuable forest stands. Areas of low or marginal value are generally ignored. The relatively stronger political and economic influences which could be brought to bear on behalf of these more valuable lands is a factor which necessarily enters the allotment picture here.

Northeastern states, especially those bordering the Atlantic, emphasize semi-urban areas where valuations are high and taxpayers demand a high standard of protection from fire. The economic-political factor is often significant here also.

The Forest Service is aware of these various patterns, and must sympathize somewhat with the factors which cause them. Enduring cooperative relationships hinge upon such understanding. Yet the integrity of a national program of adequate and uniform forest protection hangs in the balance. This must not be lost to the whims of sectional economic and political pressures.

Where fair and equitable intrastate allotment systems exist, little federal influence is exercised in prescribing re-allocation of grant-in-aid funds. But when federal money is distributed unevenly and unjudiciously to favored areas, the Forest Service intervenes. Such federal influence enables the state forester to resist with considerably more firmness and courage the advances of groups seeking special consideration. Federal influence adds weight to efficient state forestry administration and enables state officials to sidestep local pressures more adroitly than they could if the allocation decision was strictly their own.

General Discussion of the Allotment Process

While the present allotment system is fairly satisfactory, it does have several discrepancies. Many administrators say it often permits fluctuation of state allotments, making it difficult for state foresters to plan stable protection programs from year to year. Of course, the regular item rarely changes, and then does so only when federal appropriations or area and cost estimates fluctuate violently. The tendency has been for both to increase, resulting in increased allotments. This is certainly not unwholesome.

Extra allotments, however, do fluctuate -- sometimes quite noticeably. When new states enter the cooperative fold, federal funds must be spread among a greater number of collaborators. Unexpected decreases in federal appropriations must then be absorbed by shifting state allotments.

Fiscal policies of various states also color the picture. State legislatures often tend to decrease protection appropriations in the face of increased federal allocations, because they feel that as a state receives more aid, it can let its own efforts slide. But state legislators generally do not mind appropriating protection funds if results are tangible and reflect favorably upon themselves. In any event, states continually change, but not uniformly, the tempo of their protection expenditures. So relative state standings are disrupted. A state which maintains fairly even protection efforts may lose out during a year when other states increase fire control expenditures.

Ever since the Clarke-McNary Act was passed, various federal, state, and private groups have advocated changing the basic division of grant-in-aid funds between the two criteria: need and self-effort. From 1924 to 1928, federal appropriations were dispersed according to need, by regular allotments. From 1928 until 1937, regular items constituted 73 per cent of Clarke-McNary allotments, extra items, 27 per cent. The proportion gradually evened until in 1943 the Forest Service and the executive committee of the Association of State Foresters agreed upon the 50-50 split still in effect (31).

Equal division of federal funds into regular and extra allotments meets with the approval of most of the agencies concerned. But there is some disagreement. In the South, for example, forest protection does not receive as intensive attention as it does elsewhere. Consequently fire control expenditures are low. Here regular allotments based upon need are advocated strongly. States such as Kentucky, Georgia and Missouri dc not expend much more for fire protection than is necessary to match regular allotments, so they receive no extra funds. Yet they have forested areas which perhaps should be protected more adequately than they now are. These states and several others in this region would definitely benefit if a larger portion of the federal appropriation were distributed according to need.

In other regions, particularly in the Northeast and Northwest where forest resources are rich and extensive, states have had to provide funds for proper fire control systems. They did so as a matter of public policy,

reacting to economic, social, and political demands. Expenditures for forest protection in these areas have always been, and continue to be, sizable.

These states want a distribution of Clarke-McNary funds on the basis of self-effort. Much more is spent for fire control than is acquired through the grant-in-aid relationship. Therefore, even under prevailing matching requirements, these states would gain if increased emphasis were placed upon state expenditures.

This brief discussion describes the two main trends of professional thought on allotment criteria. Not only those agencies directly implicated through the gain or loss of aid hold these views. Regional Clarke-McNary inspectors generally have opinions similar to those of the state officials within their jurisdictions. Thus, Forest Service field personnel tend to represent, not only the federal viewpoint, but the problems peculiar to the states within their region. Frequently, they strive actively for solution to such problems in federal councils. Not a few such officials consider themselves spokesmen for their constituent states.

From an over-all viewpoint, a system stressing protection needs would probably be best for the nation in the long run. This philosophy is held generally by many Forest Service officials. Eighty per cent of all unprotected forest lands are found in the South, where state fiscal resources are not adequate for complete fire control measures (38). Here, many submarginal timber areas remain unprotected, and political-economic pressures operate. Some effort should be made to provide at least some protection for these lands.

Other related federal agencies are interested in Clarke-McNary allotment formulae. Generally they hold views similar to those of top level Forest Service administrators. For example, the Soil Conservation Service has advocated increased emphasis upon the regular item. Soil erosion is often directly attributable to lack of adequate fire protection on marginal forest lands. Moreover, those states in which erosion exists are generally in the poorer financial category. Increasing the proportion of federal funds distributed on the basis of need would do much to help them.

Many foresters argue that favoring the regular allotment would be a step backward. State efforts (expenditures) should be encouraged and increased, not discouraged by extending more federal aid. Further, it is held that states in which the great bulk of unprotected land is located are inefficient in their protection practices. Here federal money is already being spent poorly. Increasing easily obtainable funds would be little more than a waste of grant-in-aid funds.

Allocation formulae, especially the basic division of Clarke-McNary funds between need and self-effort, was again discussed at the Milwaukee meeting of Clarke-McNary inspectors in the spring of 1948. They decided to continue the present method -- each of the two basic factors getting equal attention.

Summary and Conclusions

Present allotment methods of the Forest Service have evolved through 35 years. Although there is general approval of the formulae used, many persons would like to see changes made. Such desires are largely sectional, and subject to local prejudices. They are representative of forested regions with particular social, economic, and political problems. The Forest Service resolves a system for distributing federal funds, providing uniform nationwide protection. But varying situations in the different states and regions must be considered. The federal system must, as much as possible, resolve these situations equitably.

The federal government accomplishes this delicate task cooperatively. It is willing at times to relinquish minor principles. But in its dealings with the states, it always reserves the right of final decision. The skill of administration seems to be to use this privilege so cooperators are not alarmed and do not recognize a loss of prestige. The following quotation from a report by a Forest Service official seems to uphold this analysis. In discussing his recommendations for a change of allotment procedure, he says (38):

> "Because of our cooperative relationships with the state foresters, action should not be taken by the Forest Service prior to full discussion with the executive committee of the state foresters. It might be desirable to have the question submitted to all state foresters for a referendum based on some acceptable representation such, for example, as one vote needing protection * * *. It should be made plain to the state foresters that the result of a referendum such as suggested should not be considered as binding upon the Forest Service which is responsible to the Congress for administering the program and, therefore, must use its own best judgment. However, the consensus of the state foresters should be given due consideration."

The more complicated aspects of grant-in-aid allocation are generally beyond the knowledge of state officials. Engrossed with day-to-day state administration they often do not realize the role their organizations play in the total national program. They recognize this shortcoming and frequently agree to let the Forest Service arrange allotment formulae. They know that the amount of federal aid distributed to them hangs in the balance.

But so long as decisions are based upon a valid and searching analysis of all the factors, states are usually willing to abide by them. State administrators might attach less importance to fiscal aspects of the grant-in-aid relationship than they do to maintaining their state's internal administrative prerogatives.

What has just been said might indicate that federal allocation procedures are generally accepted with a minimum of adverse comment. Yet spheres of governmental influence held by the states are generally considered sacred by both the federal government and the states. The states are perhaps more concerned over the possible loss of state administrative powers than over decreases in federal aid.

The Forest Service inspector at the regional level gradually develops a sense of responsibility toward the states in his area. He represents these states and seeks favorable consideration of their problems in higher federal councils. He recognizes that in order to get along, he must develop an interest in state affairs and react favorably toward their resolution whenever possible. That is a part of the duty he must discharge as a federal employe but his interest usually extends further. He develops informal associations with state officials and their problems. These serve to make him more truly a representative of state interests than he may realize.

A final item on allotment processes is the relationship between state financial interest and administrative control. It seems that states which expend considerably more for fire protection than necessary to match the regular federal allotment are in a position where their desires would receive proportionately greater attention from federal administrators. In these situations the Forest Service is a minority stockholder in the protection enterprise.

States which expend so little for fire control that they get only a regular allotment must be in a relatively less advantageous position in dealing with the federal government. At least they generally have not been allowed the administrative discretion permitted states whose fiscal stake is higher.

A relative lack of interest in forest protection usually accompanies poor administrative and operational practice. Such situations require more forceful federal supervision. But the evidence might indicate a definite relationship between state financial contributions and the balance of administrative power enjoyed by the two levels of government.

CHAPTER VII

DISBURSEMENT PROCESSES

Once the states are allotted Clarke-McNary funds, the Forest Service has to disburse the federal appropriation. Formerly this was comparatively simple. But now so many factors are involved, and the amounts to be distributed are so large, that a complicated procedure has been set up.

By law (3) the funds disbursed to any state cannot exceed expenditures in its own behalf. So the first step in this fiscal process is determining a state's expenditures allowable to offset or match Clarke-McNary dollars. The terms allowability and reimbursability refer to criteria established by the Forest Service.

After state expenditures have been accepted as allowable or reimbursable, the federal government proceeds to distribute grant-in-aid funds. Several problems occur immediately. Who in the state system is to receive these funds? How or at what intervals are funds to be disbursed? How much is to be given at one time? On the state level, similar problems are encountered.

Allowability and Reimbursability Standards

During the first five years of Weeks Law administration, the Forest Service followed a strict interpretation of allowability. Federal funds were disbursed only on the basis of state appropriations made definitely for fire protection (6). After 1916, distribution was liberalized. Any appropriations made by a state to further the general purpose of fire control were accepted (18).

During this early period, the federal government considered an appropriation a sufficient indication of a state's intention to match federal funds. So it was entirely possible for a state to receive federal aid on its own appropriation, and then not spend that appropriation fully.

And under the Weeks Law, private expenditures within states were omitted as offsets to the federal grant, except where contributed voluntarily. The 1923 Weeks Law Manual states:

> "Private funds except where they are donated to the state * * * cannot be considered to affect the federal allotment, notwithstanding the fact that in certain states, private expenditures are a large and important item in protection."

Allowability changed markedly after the Clarke-McNary Act replaced the Weeks Law. Criteria became more complicated as special problems were encountered. Federal appropriations were larger and the Forest Service began to administer the program more intensively. Private expenditures within the states were allowed for the first time. In general, state and private expenditures to be classed as allowable had to be for projects required by

state law or under the supervision of a state forester. They also had to be spent on reasonably permanent projects (2).

For the first time, specific expenditures were designated non-reimbursable. For example, funds for supervising and inspecting slash disposal were acceptable. But slash disposal expenses incurred from logging operations were not acceptable (20).

A major administrative change under the Clarke-McNary program was the shifting of the principal basis of allowability from state appropriations to state expenditures. In other words, states had to first spend their own funds for fire protection. Only then were federal allotments distributed. This reimbursement system was then unique in the federal administration. The significance of this new feature was the prior check afforded the federal government.

Previously, disbursement had depended upon investigations after the outlay of the grant, to determine the amount and use of state expenditures. The new system undoubtedly increased administrative control by the Forest Service over state fiscal and operational procedures. It also increased efficiency of fire control standards of collaborating agencies.

Present Allowability Standards

Numerous and detailed criteria for determining reimbursability of state, local, and private expenditures will not be discussed here. But a few features should be emphasized.

Provisions for allowability differ, as between expenditures for forest fire prevention and those for suppression. Generally speaking, suppression expenditures must comply to additional criteria to qualify for reimbursement. A special listing of such requirements is included in the 1946 fire control manual. This policy is in line with long standing Forest Service efforts to emphasize preventive fire control programs.

More specifically, expenditures are divided into four main administrative classifications: administration, field personnel, improvements, and miscellaneous (22). These categories are useful in prescribing the recording and accounting processes more definitely. Also, they are extremely valuable in defining reimbursability requirements. For each class of expenditure items, general rules may be prescribed, simplifying the procedure. Even expenditures of public or private funds made directly by a cooperating agency are liable to certain allowability rules. They must be spent as prescribed by regulations affecting all expenditures, and their acceptance must be based upon written agreements between parties concerned and approved by the Forest Service.

So that some uniformity may exist among federal and state officials on reimbursability problems, a fairly complete listing of borderline expenditures has been included in the policy manual. The following examples indicate the peculiar types of problems which arise in determining whether an expenditure qualifies for federal reimbursement. Included as allowable are expenditures made for the following purposes:

1. A pro-rata share of office rent and maintenance, including heat, telephone, and janitor services
2. Membership fees in the Association of State Foresters
3. Bonds posted by administrative officials
4. Fair exhibits
5. Prizes for forest fire prevention contests

It is apparent that allowability has become most complicated. In fact, determining allowability is one of the hardest tasks of Clarke-McNary inspectors in their grass roots supervision. Every year additional items are covered.

Most states collaborating in the Clarke-McNary project need federal aid to keep their fire protection systems at present efficiency. They are anxious to make use of every reimbursable expenditure - state, local, or private - because funds from the Forest Service increase proportionately.

Yet in some states, principally those which are wealthier or which get substantial fiscal aid from local or private sources, this feeling is not quite so strong. Here, state foresters usually are more discriminating in seeking and certifying non-state protection expenditures. They feel the state then possesses relatively more freedom in using grant-in-aid funds and can exercise a more operational supervision of these programs in local areas.

State officials sometimes feel that cautious and judicious use of their certifying power develops the confidence of the Forest Service. Marginal non-state expenditures are considered backlogs to be used for emergency, or when state legislative appropriations are insufficient for carrying out contemplated programs.

Where local and private expenditures are not used by the state to aid in matching the federal grant, the burden of providing forest protection is upon the state legislature. Either it must appropriate sufficient funds for the program, or be prepared for criticism on poor fire control systems. In California, for example, the major share of the cost of protection activities is borne by the state. All reimbursement claims are based entirely upon state appropriated funds. The state forester comments:

> "The state has recognized its full burden of protection and has provided therefore. * * * I am assuming that the state legislature * * * has determined that the appropriation meets adequate protection levels. If that appropriation falls below our preliminary request, we prefer to accept the mandate of the legislature rather than to assume that we should go elsewhere to augment fire protection by some peculiar matching scheme."

Disbursement Processes

After expenditures made by states are judged allowable, the Forest Service reimburses the state by 50 per cent of its original outlay (22). But it is not quite that simple. Numerous factors must be considered. They will be discussed in the latter part of this chapter.

Present disbursement processes are the product of 35 years of cooperative grant-in-aid experience. They represent the most expeditious formula for distributing the federal forest protection grant. Before 1916, states had to spend their own funds before any portion of the federal allotment could be drawn (18). After that, disbursement procedures permitted simultaneous withdrawal of both state and federal money, through periodic reports which regulated the flow of Weeks Law funds. This was accomplished mainly through promoting the budget as the principal administrative tool of the cooperative program on the state level. One over-all rule established by the Weeks Law still applies: federal disbursements must not exceed state fire control expenditures (6).

Until 1920, federal funds were paid directly as salaries to state-hired protection forces - watchmen, lookouts, patrolmen, and the like. This was considered the wisest use for the federal appropriation. These personnel, although paid directly by the federal government, were considered state employes and were subject to state administrative jurisdiction. In exceptional cases, when a portion of the fire season's allotment remained unspent, a waiver could be obtained from the Forest Service to permit other uses for the funds.

During the last year of Weeks Law administration, a unique disbursement procedure was initiated -- that of reimbursing states for previously incurred expenses (19). This system was first used by the Forest Service. In its essential aspects, this system is also used today by several other federal agencies (44).

Originally a state was reimbursed for protection expenditures by a ratio of the state's allotment to the total of both state and federal funds (19). For example, a state which had budgeted $40,000 for protection (including its own appropriation and its federal allotment), and had been allotted $20,000 by the Forest Service under the Weeks Law, was compensated by half its total expenditures since its last reimbursement. If a state failed to expend its funds in accordance with its approved budget plan, the reimbursement ratio was reduced proportionately.

This was a great improvement over direct disbursement, because it not only controlled the tempo of state expenditures but also forced collaborators to follow through on estimates. It also resulted in a healthy improvement of state planning because states had to design operational fire control systems to be carried out with ease and certainty.

While the reimbursement technique was accepted universally, the old method of direct distribution was still employed for states whose laws did not permit the new procedure. Most such collaborators saw in the new system a threat to their rights. They wanted maximum federal aid but minimum federal interference.

Present Disbursement Processes

Describing fiscal transfer from the federal to the state level requires integration of subjects discussed in other chapters -- allotment, planning, inspection, and reporting. These culminate in actual grant-in-

aid distribution to the states. The entire process is outlined here to add meaning to the disbursement procedure.

1. The Forest Service allots the Clarke-McNary appropriation according to the formulae already described. State allocations depend on area and cost figures developed every five years.

2. When a state is advised of the amount it is to receive, it prepares a budget showing federal, state, and private funds available, and describing over-all plans for their use.

3. Budgets are approved by the Forest Service. The state then begins to spend its own funds.

4. At least once every three months, usually more often, state expenditures are reported and certified by the state forester and then submitted for reimbursement to the regional office of the Forest Service 7/.

5. During this entire process, the Forest Service carries on a continual fiscal and operational inspection to determine the integrity of state expenditures, and the efficiency of state fire control work.

During World War II, the federal government disbursed additional funds for protecting especially hazardous areas. These grants did not have to be matched by the states and in no way affected regular Clarke-McNary allotments. In 1945, the Forest Service distributed $678,000 in this classification (24).

Intrastate Disbursement Processes

The grant-in-aid cycle is not completed when states accept federal reimbursements. For these funds, as well as state expenditures, to be transformed into protection activity, they must be divided further and distributed within each state. Methods to accomplish this differ 8/.

In the Northwest, private expenditures bulk large in forest protection. The following statistical data on region six show this (26):

Private Expenditures in Washington and Oregon in 1946

Reimbursable expenditures.....	$1,286,026
Non-reimbursable expenditures...	1,704,672
Total private expenditures.....	$2,990,698 which is:

a. 79.5 per cent of all region six state and private expenditures for fire protection
b. 22.4 per cent of the nation's state and private expenditures for fire protection

7/ Reports are made on Form 382 as approved by the Comptroller General, U.S. Government, May 1926, and revised November 1935. They are similar to those used during the Weeks Law administration.

8/ Federal reimbursements lose their identity when received by the states. Twice the amount of the reimbursement has already been spent by the state forestry agency.

c. 14.1 per cent of the nation's federal, state, and private expenditures, reimbursable and otherwise, for fire protection

Private operators in this region have a large stake in the Clarke-McNary program. As a result, they expect a considerable portion of the federal grant to come to themselves. In Oregon, for example, 50 per of the federal allotment, minus a small amount for an emergency insurance fund, is distributed to private associations (26). So in Oregon, where annual reimbursable private expenditures amounted to $700,375 in 1946 (26), half the federal allotment ($328,527) (23) is distributed to private agencies. They receive nearly 50 per cent reimbursement. And although the state is still recognized as the principal administrative agency, its function in the grant-in-aid program is partially taken over by a number of associations. Private agencies here have become senior partners in state forest protection. They demand and get their share of aid on the same basis as the state in its relationship with the federal government 9/.

California has an entirely different pattern. Here the state forester uses the greater portion of federal funds to further state-administered protective activities. He faces few intrastate distribution problems because private or local government fire control expenditures are not recognized by the state as offsets to the federal allotment 10/.

In Maine, disbursement procedures differ with political organization. In the unorganized northern area of the state, a fire protection tax is assessed on all property. Proceeds from this tax, together with Clarke-McNary funds, are used for fire control under state direction. But in the southern half, the system includes independently administered towns. These local governments generally carry on their own fire control activities and make original protection expenditures themselves. Then the state reimburses initial suppression expenditures by 50 per cent.

Connecticut, New York, Maryland, and Virginia all operate statewide protection systems. In Connecticut and Virginia, towns and counties are billed later for their proportionate share of fire control costs. The relative fiscal responsibility assumed by each party differs according to "on-the-ground" effort exerted, and their relative financial and administrative abilities to carry the protection load.

Whatever the system of intrastate distribution, the federal grant is always sent to the state agency responsible for administering the protection program. The grant is never given directly to any local government or private agency. But the movement of Clarke-McNary inspectors within the state is generally of little concern to the Forest Service as long as federal allotments are purchasing uniform and efficient protection, and Clarke-McNary inspectors can trace cooperative expenditures from the initial grant

9/ Recently, the state of Oregon greatly strengthened its controls over private associations.

10/ Actually, only six counties carry on their own fire control programs. Some of their expenditures are reimbursed by the state from Clarke-McNary funds.

to local, operational activities. In some states the forestry office keeps its own ledgers, accounting to both the Forest Service and to state fiscal officers. Frequently Clarke-McNary money is absorbed by funds for similar purposes within the state treasury. The money is then disbursed through a central state fiscal office. The method depends on state administrative systems, as well as political and social factors.

Summary and Conclusions

Allowability and reimbursability criteria have become increasingly numerous and complex. This has stemmed from the tremendous growth of state and federal funds and over-all expansion of fire control activities under the Clarke-McNary program. Yet, flexibility has been maintained and even increased, principally by strengthening of the federal-state cooperative philosophy.

Expenditures for new activities are added periodically to the list of allowable items. In addition, federal officials tend to interpret and classify more liberally many expenditures previously considered unacceptable to match federal allotments.

This increased flexibility has been provided mainly through the official cooperative manual. Thus, the area within which the Clarke-McNary inspector exercises his right has been narrowed considerably. It is no longer necessary for him to make important decisions on the reimbursability of state and private expenditures. Instead, he merely applies a rather inclusive, yet generalized, reimbursability policy. This has contributed to his success. The primary and initial responsibility for his decisions is with a higher federal authority. So a Clarke-McNary man does not fall into the bad graces of state and private administrators so easily.

States receive cooperative funds in direct proportion to the expenditures they make for fire control. In certifying the validity of these outlays, state foresters sometimes seek to include as many items as possible to increase their grant-in-aid receipts. Yet in many areas state officials are conservative because they are anxious for full federal approval.

Throughout the history of the cooperative fire control program, grant-in-aid funds have been disbursed directly only to appropriate state administrative agencies. Redistribution has always been a state responsibility. The Forest Service follows chains of administrative authority rather than attempting to disrupt them.

CHAPTER VIII

PERSONNEL OPERATIONS

State Personnel Administration under the Weeks Law

During administration of the Weeks Law, federal grant-in-aid funds were used almost exclusively to pay salaries of local patrolmen and watchmen employed on lands included in cooperative contracts. Under this system of direct disbursement, the state forester appointed personnel and directed all their activities. Actually, he was acting as a commissioned agent of the Forest Service and so could be required to administer federal civil service regulations. A portion of section II of the cooperative agreement (47) used at that time reads:

> "The secretary agrees to appoint the chief forest fire warden a collaborator in the Forest Service * * * at a salary of One Dollar ($1.00) a month; to authorize him to select the federal men employed under this agreement in accordance with a standard of qualifications * * * to be prescribed by the forester, and which is made a part of this agreement and marked Exhibit A."

At that time, the protection program was embryonic and the administrative manual was brief and incomplete. Presumably, it did not bind the state to the policies stated. So personnel management was included as part of the federal-state contract. It was the first real and concise personnel statement to be used in administering the forest protection grant-in-aid program. Another such statement was not to appear until 1946, when the revised Clarke-McNary manual provided rules governing personnel standards. This initial personnel program under the Weeks Law required:

> "Candidates for appointment as temporary employes during the season of serious danger from fire must be able-bodied and capable of enduring hardships, and of performing severe labor under trying conditions; must be able to build trails and cabins, and to pack in provisions without assistance; must be thoroughly familiar with the region in which they seek employment (or in other similar regions) including its geography, forests, and industrial conditions.
>
> "Invalids and consumptives seeking light outdoor employment are not qualified for the work and should not be employed.
>
> "Employing officers will require sobriety, industry, physical ability, and effectiveness; will give preference to local residents of whose fitness he is fully satisfied, and will employ no person for personal or political considerations."

A number of aspects of appointing these state-hired, federal-paid men must be described. From the first, political pressures were frowned upon by the Forest Service. The provisions of the last paragraph of the above

quotation would tend to support this conclusion. Further, Weeks Law inspectors were instructed to watch for indications of political appointment (17):

> "Appointments should be made only on the basis of efficiency. Political or personal reasons should not control."

Because of their knowledge of the terrain, local residents were the most desirable appointees. The above personnel statement stressed this. Perhaps social and political pressures were applied in designating local patrolmen. State officials probably had nowhere else to turn but to local social or political organizations. So to recruit personnel for the program, it was necessary to bow somewhat to political expediency. Federal inspectors realized this. And usually they judged such persons on performance, not upon the basis of appointment.

Weeks Law employes on the federal payroll were compensated by a uniform pay rate in all states. By the terms of cooperative agreements, the secretary of agriculture authorized each state forester to employ these people at (47):

> " * * * not to exceed One Hundred Five Dollars ($105.) for a thirty-day month, or its equivalent of Three Dollars Fifty Cents ($3.50) per diem."

Additional instructions on pay schedules were included in the agreement. They were probably the same as those affecting regular Forest Service employes:

> "The men paid at a monthly rate will receive pay for Sundays and legal holidays whether or not any service is actually performed on such days, and for days when, because of inclement weather, no outdoor service can be performed. Men employed and paid by the month may be granted 1 1/4 days' leave with pay for each month of continuous service, beginning with the third month. When such men are absent from duty, except as noted above, such time must be deducted from their salary at the rate of 1/30 of their monthly salary for each day or fraction thereof of such absence from duty."

Each month state foresters were required to submit lists of federally paid personnel to the Forest Service upon properly executed vouchers. Federal checks were then distributed directly to persons concerned.

Various employment conditions were also specified by the Forest Service. Weeks Law personnel were to be used only on forested watersheds mentioned by the contract. They were to be provided with tools and equipment adequate for efficient execution of their duties. The federal government sought police powers for the patrolmen, enabling them to enforce state laws. By the terms of the contract, each collaborating state forester agreed to

> " * * * secure for the federal men * * * appointments as deputy state fire wardens or otherwise, without additional compensation, and such police powers for the prevention and control of forest fires as may be granted under the laws of the state * * *."

The major responsibility of Weeks Law inspectors was evaluating the work of federal watchmen and patrolmen. But inefficient personnel were not discharged outright by the Forest Service. This function was considered the right of the state forester. Inspectors could only report deficiencies and recommend removal. In extreme cases, the Forest Service did threaten to stop the salaries of such persons. It also brought pressure for the discharge of poor state personnel. Here the role of the inspector was outlined clearly (17):

> "In the event of inefficiency on the part of any federal or state employee, such action should be taken by the inspector as in his judgment seems necessary. Gross inefficiency of federal men should warrant a request for removal. Inefficiency of state employes should be reported promptly to the collaborator and action recommended."

Administration of the Weeks Law was particularly unsatisfactory in securing and maintaining adequate and efficient personnel. States had administrative jurisdiction over patrolmen, yet did not pay them. So state foresters often appointed certain people in order to relieve political pressures, or tried to use federally paid watchmen for duties other than those authorized. Crosby Hoar, one of the first Weeks Law inspectors and now in charge of Clarke-McNary work in region seven, refers to such situations in one of a series of unpublished articles he wrote recently (34):

> "Sometimes the inspector would find the federal patrolmen showing a fire exhibit at a county fair, or helping build a fire tower outside the watershed, and explanations would be in order * * *. The state foresters wanted to use the federal patrolmen for any and all duties in their district. The Forest Service found it difficult to enforce the requirements of the Weeks Law, and those of the secretary's cooperative agreements, while still leaving the federal patrolmen under the supervision of the state forester."

State Personnel Administration Under the Clarke-McNary Law

The reimbursement system and provisions for allowing private expenditures considerably broadened the scope of protection and cooperation under the Clarke-McNary Law. Not only were more agencies now directly implicated, but available funds and the scope of the task increased tremendously.

So lookout and patrol activities alone were inadequate and the federal government began to share costs for many other protection operations. In the transition, the Forest Service lost its centralized control of the personnel. Now the Forest Service had to distribute lump sums to the states and then rely upon state administrative jurisdiction of personnel.

Yet the employment standards so carefully defined in Weeks Law agreements were largely carried over into Clarke-McNary administration, even though no definite and formal personnel statements were formulated until 1946. Informal understandings on proper personnel practice still prevailed between Forest Service inspectors and state officials. The 1946 personnel statement included within the fire control manual clearly defined

the federal position. Attention is directed to comparing this policy with the personnel statement of 1916 presented earlier in this chapter.

"Since the Forest Service is participating financially with the states and private owners in cooperative protection work and desires to secure the most efficient and effective results in attaining protection standards in cooperative projects, the following personnel policy is set up for the guidance of the federal inspectors and the cooperating states:

"1. The Forest Service unqualifiedly subscribes to the merit or civil service system of appointment and performance on the job. It endorses the principle of state civil service as the most satisfactory means of securing and retaining competent state personnel in the cooperative work. Where state civil service does not exist, the Forest Service stands for the application of the merit system to the appointment, promotion, or separation of state personnel engaged in the cooperative work. Forest protection work is a specialized line of endeavor. Satisfactory results can be secured only by: the employment of able-bodied employees who are well equipped mentally, and by training and experience, for their particular job; and by continuity of service.

"2. Whenever it shall appear, in the judgment of the chief of the Forest Service, after thorough investigation, that the cooperative work is or may be seriously damaged or jeopardized by failure to follow the basic principles of personnel management outlined below in paragraphs 3, 4, and 5, the federal allotment will be withdrawn or reduced until corrective action satisfactory to the Forest Service shall have been taken by the state.

"3. The removal of incompetent or otherwise undesirable employees will be encouraged through the proper channels, but if this can not be accomplished the salary and expenses of such employees will be considered as not reimbursable, or action outlined in 2, above, may be taken.

"4. Employees of the cooperating agencies who are engaged on a seasonal or year-long basis for forest fire work and whose services are recognized in the budget and reimbursement statements, must not during the periods of their employment, engage in activities that will seriously detract from their usefulness in the cooperative forest fire work.

"5. The displacement of an employee in the service (by another) for reasons other than incapacity or unsatisfactory performance, completion of work to which assigned, or shortage of funds, will be considered as not in accord with the spirit and purpose of the cooperative agreement.

"The application of the civil service and merit system should extend at least to all full-time employees and, so far as practicable, to part-time employees, (such, for example, as observers,

emergency crews, and guards) who during the time of their employment each year are under the administrative control of the central state organizations."

Development and maintenance of proper personnel policies have not rested entirely with the states. The Forest Service has had to recognize that problems exist in many areas, and that federal standards have to be adjusted to these differences. The federal philosophy is one of aid through advice, counsel, and other cooperative means to raise the level of state personnel practice. The prevailing doctrine has not been coercion or attempts at centralized direction. This conclusion is substantiated by numerous interviews with state and federal officials. The majority would say without reservation that aid through advice, counsel, and other cooperative means is the most basic philosophy of Clarke-McNary cooperation.

The writer does not mean to imply that all state personnel systems are beyond reproach, or that it is not occasionally necessary for the Forest Service to correct unsatisfactory situations. Where particularly corrupt or inefficient conditions exist, the Forest Service must act to protect its interest in the program. But frequently good relationships are more important than insistence upon certain conduct in isolated cases. As a last resort, the federal government can withdraw its support. But to accomplish nationwide protection, it often strikes a delicate balance between efficiency and cordial relationships on one hand, and uncooperative coerced obedience to federal direction on the other.

Cases involving federal pressure to remove top-level state forestry officials are spectacular but rare. One particularly poor and uncooperative state forester was removed after the Forest Service threatened to withdraw its entire support from the state. Although the original objective, the discharge of the official, was accomplished, considerable damage was done the federal-state cooperative relationship. The mutual trust and respect which attended dealings between these two agencies will be a long time returning.

It might have been wiser if the Forest Service had tolerated the original situation. At least it would have been able to bring about some degree of cooperative protection at the lower levels of the state organization. Internal state and local pressures would have corrected the situation eventually. As it happened, the enmity between major administrative officers of both agencies was reflected downward and diffused through the local levels.

In another state where federal funds are a sizable proportion of protection expenditures, a poor state forester was politically appointed following a change of party administration. Many permanent state employes and Forest Service officers were not in sympathy with the change. A personal telephone call from the regional forester to the governor, plus some degree of pressure brought to bear by the Washington office, soon effected a change and a qualified state forester was assigned. In this case, state officials welcomed federal interference It corrected an unhealthy situation and they were able to combat effectively what had been a purely political maneuver.

In the lower levels of state administrations, discrepancies in personnel practices are much more prevalent. But they are harder to detect. The qualifications of local protection employes can be seen only through close personal observation. Here the evaluation of personnel efficiency depends largely upon the personal knowledge and acquaintanceships which Clarke-McNary inspectors have built up.

Where an inspector rarely finds indications of inefficiency or malpractice, the issue is brought up only occasionally. On the other hand, where poor personnel policies have generally been followed and have required constant checking by federal representatives, the Forest Service inspector watches this phase of the program quite closely. Frequently he is instrumental in securing the removal of inefficient persons simply by refusing to approve the disbursement of that portion of the federal grant used to pay their salaries.

Personnel administration varies with political, social, and economic factors. Where extensive forested areas contribute measurably to the internal economy of a state, as in the Northwest, fire control becomes an important aspect of governmental administration. To provide an adequate standard of forest protection, fire fighting personnel are usually carefully chosen, trained, and supervised. Clarke-McNary officials rarely criticize personnel systems here.

Political pressures operate in almost every area. State foresters must frequently work successfully within such influences in staffing their organizations. In New York, for example, state officials prefer to hire on a non-competitive basis. This permits appointment of local citizens to forest protection jobs. So there is less personnel turnover and more stability in the state protection program.

When political considerations become so strong that they cannot be ignored, federal standards are relied upon. The state forester can discharge or refuse to hire certain undesirables on the grounds that the Forest Service will disapprove the disbursement of federal funds for their salaries. State and federal officers frequently collaborate in effecting a common front against political influence.

Many states, even though they have civil service, feel that the Forest Service should be represented in the choice of fire control personnel who are paid in part with federal funds. Maryland, for example, checks many of its prospective appointees with Clarke-McNary inspectors.

The writer does not intend to imply that the systems of personnel recruitment and placement are satisfactory throughout the nation. Some states, principally in the South, tend to allow the use of Clarke-McNary money for compensating inefficient personnel, usually political appointees. And the intrusion of the federal government into state administration in these matters is resented by officials imbued with the "state's rights" doctrine. Forest Service representatives must recognize that such situations arise from deeply imbedded local customs and traditions. While continual pressure is exerted to increase the level of personnel practice, the same delicate balance must be maintained between the efficiency of state operation and satisfactory federal-state relationship.

The breaking point occurs when the integrity of federal expenditures is threatened through employing unfit persons whose salaries are wholly or partly paid out of the Clarke-McNary grant, or are state-paid and claimed as offsets to the federal allotment. When this happens state expenditures for salaries of such personnel are disallowed for reimbursement and/or, the Clarke-McNary disbursement is reduced proportionately.

A peculiar situation exists in a few of the northeastern states. In Massachusetts, for example, 313 different townships administer forest fire protection independently of state control, and local protection personnel are appointed by town selectmen. In many cases they are the same persons charged with the protection of urban communities. State officials have little to say about standards of appointment or performance. And they have no authority to supervise fire control efforts of such agencies unless specifically requested by them to do so.

This breaks the federal-state administrative chain, because federal funds are disbursed only to state agencies but state wardens can not be held responsible for local protection practices. Here the Forest Service has no point of fulcrum from which it can direct pressure to effect more satisfactory local performance. It attempts to secure the good will and cooperation of town officers and thereby indirectly bring about a higher level of fire control practice. Clarke-McNary inspectors here again are ambassadors of the federal government. They make progress in such situations only in proportion to their ability to understand and to bear patiently with local political and social traditions.

Federal Aid to States in Personnel Administration

While the Forest Service influences state and local personnel standards by semi-coercive or persuasive methods, it also brings about changes through purely cooperative means. Inspectors and staff members of regional and Washington headquarters frequently recommend individuals for state forestry positions. The Forest Service -- with its nationwide professional contacts in private, public, and academic circles -- is in a relatively better position to know of such people and aid in their placement. Most states value the professional services available through the Forest Service.

Federal foresters are often invited to participate in state training programs. They lecture and demonstrate proper fire fighting techniques. As a result state and local proficiency is increased. In region seven, the chief Clarke-McNary inspector meets twice annually with state foresters, their staffs, and district wardens, to discuss state problems, and to offer aid and counsel. In this region, and in several others, the Forest Service presents seasonal fire fighting training schools at which many local personnel are instructed.

Occasionally, representatives from the Washington office engage in state training programs. But the Forest Service feels that when Washington enters the cooperative picture, the "grass roots" prestige of the regional office is impaired. So the Forest Service participates in training state personnel only when assured that use of its more specialized personnel and equipment will be beneficial.

The most significant aid in elevating the quality of state personnel is given by Clarke-McNary inspectors during routine visits. When poor practice is seen in day-to-day operations, the inspector can point out discrepancies to local personnel "on the ground." And his inspection report to the state forester gives that official a list of items to watch for and correct. The following is an excerpt from such a report (37):

> "Cut the deadwood out of your warden organization. Make replacements with extreme care and with a view to getting quick, dependable, and efficient action. Bear in mind that the warden organization is the backbone of the fire control system. Work with it, groom it, keep your finger on its pulse. Know every man, his weak and strong points, build up his pride in the sub-district, and friendly competition with adjoining units."

Federal Personnel

Clarke-McNary inspectors are the backbone of the entire grant-in-aid program. Not only do they observe, report, and color local operations, but they also set the tone of the cooperative relationship the Forest Service tries to foster with the states. Inspectors must recognize the complicated social, economic, and political behaviors facing a cooperative state-federal venture. They must be able to liberalize their philosophy of forestry practice, to sanction somewhat less efficient operation in state and private forestry practice than they have seen in national forests. They must be diplomatic and tactful and be able to rationalize state forestry administration in terms of moral and traditional causes.

Many Clarke-McNary officers have worked in the federal-state cooperative scheme ever since it was started under the Weeks Law. Through more than 35 years, they have evolved a "Clarke-McNary philosophy". New men are appointed for qualities which fit this doctrine.

Inspectors are usually appointed from supervisor ranks in the Forest Service. The inspectors are well qualified professionally and have generally had both field and administrative experience. Previously there was a tendency to use the cooperative project as a training ground for prospective national forest administrative personnel. Now Clarke-McNary assignments are considered so important that men selected generally make a career in the protection program.

New men have to be oriented in Clarke-McNary cooperation. Administrators in the national forests are not all directly responsible for fostering cordial relationships with the states. National forest officers administer their own organizations directly. And while they are usually on good terms with state forest administrators, they have never had to consider state problems from an entirely detached viewpoint.

Accordingly, new Clarke-McNary men accompany seasoned inspectors on visits to several states before assuming the inspection role independently. They study inspection reports and Clarke-McNary files. Gradually they become acquainted with objectives of the program and methods the Forest Service uses to attain cooperative goals. Such orientation is scarcely differ-

ent from what Weeks Law inspectors experienced years ago. Crosby A. Hoar, in describing his period of service in the Weeks project, writes (35):

> "My assignment to the lake states was something of an innovation. I was to make headquarters in Duluth and work under the supervision of the regional office in Denver, about 1,000 miles away. In preparation for the assignment, I was sent for a few weeks to Washington where I read the reports of earlier inspections in the lake states and talked with the inspectors who had made them."

Clarke-McNary men usually make a career of federal-state cooperative work. They are valuable personnel who have developed a philosophy not found elsewhere in the Forest Service to the extent it exists in the fire control program. Movement of Clarke-McNary officers into other phases of Forest Service work is limited. A number of those drafted into the protection program at its inception are still active in cooperative work.

Forest Service inspectors tend to remain in the same general areas for long periods. They have learned to understand the problems, practices, and personalities peculiar to their regions. Much of this knowledge is not applicable elsewhere. The success of Clarke-McNary protection depends in large measure upon these inspectors -- especially on the stability of their tenure.

Summary and Conclusions

During administration of the Weeks Law, the federal government had little influence upon state personnel practices. Cooperative funds were used largely to pay salaries of Forest Service employes. And state personnel, because they did not receive grant-in-aid money, were generally considered beyond federal influence. This situation resulted largely from administrative policy. The law did not specify exactly how funds were to be spent.

Under the Clarke-McNary Act, state employes who participate in the cooperative project are paid partly from federal funds or, if paid by the state, a proportionate amount of their salaries is considered a valid offset to the federal allotment. So the Forest Service can now markedly influence state personnel policies and procedures.

Often the Forest Service has had to ignore minor personnel deficiencies. To have insisted upon maintaining prescribed standards might have done irreparable damage to the federal-state cooperative relationship. Frequently the Forest Service relies merely upon its formally stated personnel policy to secure compliance indirectly. State officials frequently use federal policy to counter political pressure, thus securing better qualified people.

A significant trend has been the gradual development of specialized federal personnel to administer the cooperative fire control program. The Clarke-McNary officer is dedicated to cooperation. He is interested in state problems which he has come to understand through years of contact. Frequently he advocates state interests at federal councils. Of course,

the inspector is primarily a representative of the Forest Service point of view. But he tries to integrate the federal-state cooperative program with policies governing the national forests. So he is an important link between forest theory and practical forestry procedure. He attempts to bring these often conflicting doctrines closer together.

CHAPTER IX

THE INSPECTION PROCESS

Inspection is perhaps the most important part of the Clarke-McNary program. It operates at the edge of administration, where federal services are actually converted into protection of forested lands from fire.

So inspectors are the bulwark of the entire Clarke-McNary organization. Not only do they examine and report financial and operational integrity of state and private agencies, but they also determine the relationship which will exist between the federal government and the states.

Inspection under the Weeks Law

The cooperative philosophy which characterizes the Clarke-McNary program was evolved under the Weeks Law. At first the inexperience of Forest Service officials in dealing with the states, plus the fact that grant-in-aid funds were used only to pay federal employes, emphasized a directional doctrine.

Weeks Law inspectors at first were concerned primarily with operational efficiency. Imbued with the conservationist point of view, they often failed to recognize that economic, social, and political interests colored forest protection activities in many states. Eventually the federal men discovered they had to educate their clientele toward the overall objective of uniform and adequate fire protection. To do this, confidence in the Forest Service and its program had to be instilled in state and private foresters. Above all, the cooperative aspect had to be emphasized -- state projects were not to be supervised by the federal government.

The administrative manual of 1923 is the first written indication of this evolution (19):

> "While inspectors should not hesitate to make suggestions or to call the attention of the proper state authorities to weaknesses or failures in the organization, there must be no interference with the state's administration of the work or any assumption of administrative authority * * *. It should be realized that the inspectors are acting for the benefit of the state as well as the federal government and that the facts which are secured should be placed before the state officials in the frankest manner."

In recognition that federal inspectors were ambassadors of the Forest Service, the federal government appointed special inspectors to handle Weeks Law work exclusively. Evidently before 1923 much of the cooperative program had been administered by national forest officials in addition to their usual duties. The 1923 manual stated that:

> "To provide adequately for inspection, the appointment of special inspectors will be approved in all districts * * *. It is necessary, however, that this work will have first call on the time of

the men so appointed, and that it should not be subordinated to other activities, since experience has shown that satisfactory handling of Weeks Law cooperation requires that it be assigned as a major activity to men permanently detailed to it and not handled incidently in connection with national forest administration."

While inspection operations were performed by national forest officers as well as representatives from the Washington office during the first few years of Weeks Law cooperation, it was considered necessary to instruct these men in technicalities of the program. So in 1916 a comprehensive set of instructions (17) was issued to all Weeks Law inspectors. It presented a general description of the project and its objectives and suggested methods of inspection as well as items to watch for and report. This document became the basic working doctrine of the program. But the inspection process was never rigidly specified, nor has it been since. An excerpt from the 1923 manual illustrates:

"No set outline or routine of inspection is laid down, as it is desired that inspectors be left free to follow any lead that will give them the best line on the work."

Weeks Law men inspected state-supervised federal patrol and watchmen. They checked files and accounts to see that states were matching federal allotments. They observed the coordination which state foresters effected between their own and Weeks Law personnel. But inspectors had an even greater responsibility -- developing widespread interest in the protection program among all contributing groups and peripheral organizations. Crosby A. Hoar describes this additional responsibility when he writes of his assignment as a Weeks Law inspector (35):

"I was expected to become acquainted with timberland owners, officers of forestry associations, forest schools, editors, special writers, and, in general, everyone who was interested in forest conservation or could be interested in it * * *. I was expected to visit the forests of the Indian Service, state forests, the few private owners who were practicing a little forestry, the development bureaus, * * *. And always the basic job was to inspect cooperative fire control on some 55,000,000 acres in the three lake states and to aid in improving its efficiency. Surely, few foresters have had a more varied and interesting assignment."

These inspectors were instrumental in developing widespread support for the Clarke-McNary program. They also established the cooperative philosophy which was to characterize federal-state relationships of the future. In speaking of their accomplishments, Mr. Hoar writes:

" * * * It was impossible to do all that was outlined for us to do * * * we were points of contact, however, between the Forest Service and the numerous people who in one way or another were concerned with forestry * * *. We knew the state foresters and their difficulties as no other Forest Service personnel did * * *. I think that acquaintance maintained to the present time but now

extended much more widely through the Forest Service has been of prime importance on both sides. To make progress towards a national program of forestry, the contribution of the state foresters always was vital."

Clarke-McNary Inspection

For the first eight years of Clarke-McNary cooperation, inspection operations were conducted in a manner similar to that used under the Weeks Law. Federal inspectors were stationed at Ashville, N. C.; Duluth, Minn.; Missoula, Mont.; Portland, Ore.; Amherst, Mass.; and San Francisco, Calif. (20). They were centrally controlled by the Forest Service headquarters in Washington. At that time it was felt that regional foresters generally were not in full sympathy with cooperative aspects of the protection program. Regional foresters were accustomed to exercising direct administrative control and often regarded persuasion inefficient and costly in securing state compliance to federal standards.

Yet those who gained more experience in federal-state relationships during these earlier years managed to hold the cooperative doctrine intact. When the program was decentralized to regional offices in 1932, these same men were charged with administering the Clarke-McNary Law.

As the administrative agency of the law, the Forest Service acquires responsibilities which are in turn placed upon the inspector. The federal government must be satisfied that terms of the law and of the cooperative agreements are followed. To accomplish this, the effectiveness of individual state programs must be evaluated continually. This is mainly the inspector's job. In fulfilling his mission, the inspector is aided by a broad perspective. He is not diverted by local desires or prejudices. Yet he must understand them, and on the basis of his broad experience must apply administrative policies which further attainment of federal objectives and still satisfy cooperating agencies.

The inspector has an even greater obligation -- understanding existing economic and moral conditions and then developing stable, cooperative relationships between agencies concerned. The official policy of the Forest Service recognizes this responsibility. The 1946 manual illustrates it:

> "Chief reliance is placed upon a system of federal inspection which will promote contacts, mutual understandings, and mutual aims between federal and state men."

Individual inspectors are also imbued with this doctrine. Crosby A. Hoar writes (36):

> "Inspection as Clarke-McNary men speak of it means much more than observing and reporting upon the state foresters' work. It means sharing in that work just as far as the inspector's opportunities and ability permit. He is in a position to know all the aspects of the state's protection job, and how it is being done. If the inspector has them, he can usually get them tried out and accepted."

Federal inspectors on their tours of forested areas usually are accompanied by state foresters or their deputies 11/. Provisions for such visits are generally made in advance with state officials. Both parties consider this entirely proper. It affords the Forest Service a natural entree to the local protection scene. The state representative guides the inspector to the various cooperative areas and introduces him to local personnel. This lends a measure of state authority to the federal officer's visit.

In many instances, the state forester personally directs those in charge of protection districts to aid the federal man in every way and to provide him with all information requested. In addition, the federal-state inspection permits on-the-ground discussion of discrepancies. Then the state forester can explain such deficiencies, and the inspector is assured that the state official understands exactly what is considered wrong.

This prevents arguments and disagreements which might arise as a result of the inspector's report. Also the Clarke-McNary man would frequently like to point out and discuss items he would, as a matter of tactful discretion, leave out of his report.

Most states favor the joint inspection. State forestry officials consider it their right to be with the federal man when he checks their organizations. Any other method would constitute a breach of tactful administration, and an infringement on state sovereignty. Yet state officials have often allowed Clarke-McNary men free inspection privileges. This usually indicates that protection practices are good and state officials have nothing to hide. Only rarely does it indicate lack of state interest in the fire control program. Most state administrators value the comments, counsel, and guidance of Forest Service inspectors. They are usually anxious that federal men observe, then criticize or commend, every aspect of the grant-in-aid operation.

Some inspectors have noticed that local personnel frequently tend to "button up" about unfavorable aspects of a state's program when state officials are present. Such a situation may seriously hamper the inspection.

During his inspection, the Clarke-McNary officer is usually accompanied by a representative of the regional fiscal office who audits state and private cooperative accounts. The inspector is more concerned with the operational allowability and the validity of the items in state records, so a simultaneous check is possible on both fiscal and operational aspects of the program.

In observing operations and interviewing local personnel, the inspector gains a picture of Clarke-McNary work in any particular area and in the state as a whole. So the nationwide cooperative protection of forest lands is administered on a "grass roots" foundation. Depending upon past state

11/ The conscientious adherence to joint inspection is one unique and significant feature of Clarke-McNary work. It represents an attempt to eliminate the stigma usually associated with inspection processes. Curiously enough, the Forest Service is the only federal agency operating a grant-in-aid program in which field men are called inspectors (42).

performance, the inspection operation is as thorough and representative as possible. The Forest Service tries to see state protection practice in all major areas at least once every year. Usually all phases of the program are touched upon. Special inspections are made occasionally to look into particular phases of cooperative protection important enough to require immediate attention.

At the end of his inspection, the Clarke-McNary officer prepares a report which he submits to the regional forester. A copy is also sent to the state. But before leaving a state, the Clarke-McNary officer discusses his inspection with the state forester, and indicates in a general way what will be in the final written report.

State officials consider this a "must". They want to be advised personally of any discrepancies. Further, they consider such a procedure good taste and in accord with principles of federal-state cooperative relationships. The failure of inspectors to discuss their findings prior to submitting their reports has, by a few states, been considered sufficient grounds for requesting the recall of a Clarke-McNary representative.

After the report is compiled and has been approved by the chief regional inspector, it is submitted to the regional forester. Inspection statements are rarely sent to Washington. A copy is then sent back to the state, together with a letter of transmittal from either the chief inspector or the regional forester -- depending upon the seriousness or importance of the items reported. Such letters usually summarize several of the serious discrepancies, and suggest ways and means of improvement.

States need not acknowledge these reports or explain the deficiencies. Usually the Forest Service makes no direct issue of such items unless they require immediate correction. Faults once reported are checked during subsequent inspections. When no corrective measures have been taken after a reasonable period, the situation, if it is serious enough, may warrant a separate letter from the regional forester or perhaps even from Washington. State foresters usually try to avoid such developments.

The character and tone of the inspector's written comments vary by states. States regard items which federal officials call to their attention as valuable. But while procedures are often modified to rectify discrepancies, inspection reports are not regarded as orders. Such reports are merely suggestions which supplement personal federal-state contacts. State foresters may use these recommendations or not, as they choose.

So the value of inspection reports is indicated by the degree of compliance or change they bring about in state fire control practices. Reports must be presented to bring out the greatest feeling of cooperation among state officials. The inspector's problem is to adapt his style to the personalities involved. He needs a deep insight into state problems and personnel. Some state foresters like straightforward, unvarnished statements. Others must be pacified and the facts presented tactfully. In all cases an inspector's facts must be substantiated by observations and discussions with state officials concerned.

State officials who are well grounded professionally in forestry are

usually more sympathetic toward straightforward reporting. In contrast, state administrators whose backgrounds are political are often antagonistic toward unfavorable facts. Perhaps technically trained men tend to regard professional criticism in a scientific light. Political appointees, on the other hand, probably do not appreciate the technical significance of comments in inspection reports. Perhaps they take such criticisms as direct reflection upon organizational or administrative integrity.

Between and within the regions of the Forest Service, inspectors enjoy varying degrees of influence and prestige. Where good relationships have been constructed, and where inspectors are respected for judicious and diplomatic handling of the project, state foresters are usually willing to receive counsel and accept an inspector's decisions as final.

Where this happy situation does not exist, inspection pronouncements are often appealed to higher authority. States which contribute a far greater share of fiscal support to the project than the federal government, sometimes feel more independent from Forest Service influence. Such states are senior partners in the cooperative enterprise. Their wishes are perhaps very important and must be so considered by the federal authority.

Whether states appeal decisions also depends upon the persons involved in any particular dispute. For example, where a state forester or a governor is party to a disagreement, the matter is likely to be settled over the inspector's head. But generally speaking, the Forest Service wants to maintain the administrative integrity of regional offices. So the Forest Service discourages direct communication of state, local, and private agencies with the Washington office 12/.

The chief's office in Washington conducts its own independent inspection of regional Forest Service Clarke-McNary programs, as well as those of states and private organizations. Top-level Clarke-McNary officers generally manage to visit major portions of each region at least once a year.

Time and space limitations force them to make only broad, over-all inspections. But in general they cover the same subject matter as do regional officials. Most states welcome these visits. Washington personnel have a broad perspective of the entire program. Some of them have been inspectors themselves. They bring suggestions and counsel enlightened by experiences in other forested areas.

In addition to these regular inspections, the Washington office periodically has a "general integrating inspection," commonly referred to as "G.I.I.". Its purpose is to coordinate Forest Service activities throughout the nation. Because Clarke-McNary personnel are generally well represented on these inspection teams, routine aspects of protection work are given an additional check.

Usually an attempt is made to coordinate inspection activities of various parts of the chief's office in Washington. Each year all divisions sub-

12/ There are ten regional offices of the Forest Service. A coordinating division (Division of Cooperative Forest Protection) is located in Washington, D. C. headquarters.

mit proposed field trip schedules. From these requests a master inspection schedule is constructed. When a particular Clarke-McNary situation requires investigation, it is frequently possible for the representatives of another Forest Service division already in the field, or contemplating an inspection trip, to look into the matter.

When Clarke-McNary officers make scheduled trips to states, they hold inspection parties to a minimum. It is felt that a poor impression is created when four or five automobiles filled with "brass hats" visit local or private cooperative fire control projects. Inspection groups usually consist of the Washington representative, a regional inspector, the state forester, and a local official. They delve as deeply into Clarke-McNary work as time permits. Their investigation is broad, but may be pointed toward some particular condition.

Reports by representatives of the chief's office are submitted to the assistant chief in charge of fire control. Extracts are sent to the states and regions visited. There is no prescribed form for these reports or for the investigations which preceded them. But usually check lists of important items are made up before inspection. These are followed during the field trip and in reports.

Summary and Conclusions

Under the Clarke-McNary program, financial and operational integrity is assured through inspection. Yet the federal official is much more than an inspector. He is a source of valuable counsel and guidance. And he is the integrating link between state, private, and federal forestry practice and authority. Thus inspection has become a primary mechanism in administering the Clarke-McNary Act.

Inspection procedures are executed jointly and cooperatively wherever and whenever possible. Clarke-McNary officials must understand and evaluate state, private, and local practices in the light of political, social, and economic pressures. They must develop personal and professional attachments toward states within their jurisdictions. So they tend to visualize discrepancies from the state's point of view.

On the other hand, state administrators are also obligated to further the cooperative federal-state partnership. They must recognize the major objective promoted by the nationwide protection project -- development of adequate, over-all fire control organizations and practices. While state interests are paramount to them, the welfare of other regions must be considered.

State foresters generally stand to benefit more from displaying a genuinely cooperative attitude than from unswerving and bigoted promotion of state interests. Perhaps where healthy personal relationships and understandings have been developed, federal administration tends to be less harsh. A cooperative environment often permits informal resolution of unsatisfactory situations before they threaten the program itself. Cooperation is considered far better than using a forceful federal prerogative.

CHAPTER X

A COMPARISON OF THE CLARKE-MCNARY PROGRAM WITH OTHER GRANTS-IN-AID

So that the important features of Clarke-McNary administration can be appreciated more fully, it is necessary to compare a number of parallel activities which have gained prominence in the federal grant-in-aid sphere. These programs are analyzed in terms of the major functions characteristic of the grant-in-aid process.

Federal Planning Requirements

In administering its many grant-in-aid programs, the federal government usually requires recipient agencies to submit plans describing how work is to be accomplished. The basic idea is that advance review and approval of state projects is far better than post-audit would be. Changes may be made before undesirable policies or practices gain a foothold. Through this planning requirement, the federal authority may periodically exert pressure to increase efficiency of state and local administration.

In addition, a "planning attitude" is created among cooperating agencies. This often replaces previous sluggish performance of a customary activity. State administrators are forced toward a self-evaluation of procedure and practice. Thereby they gain strength in their administrative area, and may avoid federal direction to some extent.

All federal agencies conducting subsidy programs do not place equal emphasis upon state planning. The Bureau of Public Roads, administering various highway grants, considers the submission and approval of state plans for highway projects its major function. Specifications and standards established by this agency are rigidly followed. Under this program, bureau representatives work constantly with state officials on plans. So agreement on proposed ventures is usually reached far in advance of formal acceptance by the federal authority (42).

Under the Wagner-Peyser Act (16), which grants funds to states for establishing and maintaining state employment services, an extremely detailed set of regulations has been prescribed on planning. A standard plan for all states has been evolved by the United States Employment Service. It includes sections on administrative organization, personnel regulations, a standardization of physical layout and equipment, provisions for cooperation with other federal agencies (such as the Veteran's Placement Service), and fiscal affairs (42).

However commendable these provisions may be, the submission, review, and approval of state plans so formulated have become a mere formality. States generally copy the master plan. In doing so, they frequently do not provide for integration and solution of some of their most pressing problems. And little use is made of these plans by the employment service for improving state practice. Instead, state administrators and federal officers rely on informal understandings and operational relationships to attain their mutual goals (42).

Under the Clarke-McNary Law, state planning activities perhaps receive less consideration than in the administration of the two programs just described. States are not required to submit comprehensive plans periodically, although some do so on their own. The only process resembling detailed planning is the annual fire control budgets submitted by individual states to the Forest Service. In assessing the probable effectiveness of these plans, the Forest Service relies upon intimate knowledge of its field personnel on state administration and operations. Through its dependence upon these agents, the federal agency maintains what it considers to be adequate observation and control of state projects.

Records and Reports

In federal grants-in-aid, two general types of recording and reporting systems have become routine -- financial and functional. Through them, the federal government is better able to measure and compare state performance. Reports and records are regarded as instruments which gradually develop efficient administration within the states. In addition, they are useful in assuring over-all compliance with federal requirements.

The system of functional reports and records of the United States Employment Service probably promotes research in that field more than it does efficient administrative practice. Daily reports from state offices on employment applications and placements are consolidated to show national employment and unemployment and to indicate occupational trends (42).

Under the Agricultural Experimental program, on the other hand, no periodic reports or special records are required by the Office of Experiment Stations 13/. Periodically, the progress of various projects is noted and the results published in bulletins or scientific journals. The federal office receives copies of such articles and considers them final reports. Then this agency acts as a clearing house for such material and disseminates it to the states.

Generally speaking, federal requirements on fiscal accounting and reporting are stricter than those for functional activities. The overall objective is to assure the federal agency of the financial integrity of its appropriated and allotted expenditures. Most current systems furnish required data automatically and with the least possible disruption of other state fiscal procedures. Usually states are asked to keep a file of vouchers authorizing expenditure of federal funds. Such fiscal report forms are usually provided by the federal agency, and are designed to show that federal regulations have been met. The signer of such a report certifies that all the expenditures so listed are bona fide, and in line with established federal policy.

The requirements of the federal government under the Clarke-McNary program have been described previously. They are substantially the same as those above. A few comparisons with other projects are now made.

13/ According to Key, this was true when he made his study on grants-in-aid in 1937 (42). Other sources indicate that functional reports are now made by experiment stations.

Under administration of grants for agricultural research, federal officials prescribe standard accounting systems for several funds authorized by specific enactments. Federal subsidies for agricultural research were established by the Hatch Act of 1887 (10), the Adams Act of 1906 (11), the Purnell Act of 1925 (12), and the Bankhead-Jones Act of 1935 (13). Expenditures authorized under each law must be separately accounted for and reported. Under the Bankhead-Jones Act, which specifies that federal allotments be matched by state funds, supporting records must be kept by states to indicate that offsetting expenditures have actually been made.

Under the Wagner-Peyser Act (16), state accounting records must show a division of expenditures between the administration of the unemployment compensation program and ordinary placement work (42).

Federal requirements for state record and reporting systems vary with problems in the administration of each program. In many instances, such prescriptions not only assure the integrity of fiscal practice, but also materially aid state operational efficiency. This is true of the Clarke-McNary program as well as of many others.

Apportionment of Federal Funds

Two problems become apparent immediately in equitable allotment of federal grant-in-aid funds: 1. How much should be given to each state? 2. How much should a state itself contribute? In distributing federal subsidies, major emphasis is usually on functional need. The general trend is toward requiring states to match part of the federal grant. This amount may vary from 60 to 20 per cent.

A number of grant-in-aid allotment formulae have been evolved during the past 30 or 40 years. A few of the most significant are discussed briefly here.

Equal apportionment is now the least prevalent of the various formulae which have been devised. It was used earlier when federal appropriations were small. Under this system, each state receives an equal share of federal money, regardless of its needs or of the adaptability of the program to any particular state. Acts providing funds for instruction in land grant colleges and for state experiment stations use this method of distribution.

The Bankhead-Jones Act of 1935 prescribed that its annual appropriation be apportioned to states on the basis of rural population. Formulae governing highway grants are more involved, being based on population, area, road mileage, and the relative amount of public land in various states. In some areas, additional funds are also alloted for flood repair.

Under the Smith-Lever Act of 1914 (14), allotments for agricultural extension work within states were made according to the ratio of the state's rural population to the rural population of the United States. The section on public health in the Social Security Act (15) prescribes that grants be based upon population, special health problems, and relative financial need. The determination of need has become an administrative right, and additional formulae had to be devised to establish an equitable basis for allocation under this requirement.

The Social Security Act first established the percentage grant-in-aid (42). Under this system, the federal government agrees to pay up to a certain percentage of state expenditures allotted for such grant-in-aid work. Generally speaking, this has greatly increased state interest because federal expenditures increase directly with state self-effort.

Under the Clarke-McNary Law, a composite formula is applied. The Forest Service reimburses states for forest fire expenditures up to a total figure representing the cost of adequate forest protection. States are also allotted funds in direct proportion to their own fire control efforts. The federal grant may never exceed a state's expenditures in its own behalf.

Federal Inspection

During the past 20 years, federal administrators have begun to realize that inspection of state activity must be constructive. In fact, federal agencies are anxious that their field representatives not be considered inspectors. Only under the Clarke-McNary project are they so called (42). J. G. Peters, chief of the Division of Cooperative Forest Protection of the Forest Service in 1924, commented this way on the term "inspectors" (40):

> "I wish a more satisfactory and more appropriate name could be found than inspector, for the inspectors of our state cooperation are really cooperators who advise the state officials, and who offer and review information on a give and take basis of mutual trust and helpfulness."

Inspection activities under various grants emphasize service and consultation. In addition to securing compliance to federal requirements, inspectors interpret regulations and aid state administrators in developing state programs within the over-all policy. Frequently inspectors better relationships between state officials and state legislatures. In addition, inspectors often serve as state representatives in federal budgetary and policy councils. The effectiveness of many grant-in-aid programs depends largely on federal field personnel.

With highway grants, federal inspection is a major activity. Representatives of the Bureau of Public Roads make frequent and thorough checks of state road construction and maintenance. They apply federal standards so rigidly that they cause antagonism among state highway engineers who feel that more is expected of them than is practical under the local conditions (42).

Another program which displays effective field inspection is that of the Extension Service of the Department of Agriculture. Its organization is composed of regional agents who usually inspect only at the state level, and of field or county agents who carry on an extremely intensive program of advice, demonstration, and technical assistance (42).

The United States Public Health Service has much less intensive field inspection. It revolves around five regional consultants who collaborate

with state officers on health problems and assist in formulating programs. In general they try to promote proper public health practices. A corps of specialists is available for field assignment when particular problems or needs arise. Inspection under this agency is informal and has no routine pattern. Rather it depends on flexible working arrangements with state administrators (42).

Under the Clarke-McNary program, two or more federal inspectors are assigned to each region. They have a dual function: to assure general compliance to federal requirements, and to collaborate in a program mutually beneficial to the states and the Forest Service.

Withdrawal of Federal Funds

When state administrative or operational practice strays too far from regulations, the federal government may withdraw or withhold all or part of its financial support. So federal agencies have a formidable weapon for securing state compliance. But using it often produces grave consequences.

Federal administrators must ask themselves how the withdrawal of grant funds will affect congressional temper. Equally important are public relations and political pressures. In addition, federal officers want to promote their own activities. So they hesitate to endanger a program by stopping support, even for a limited time.

The first time a federal grant was withheld was in education under the second Morrill Act in 1890 (8). The incident occurred over a difference of opinion on dividing and disbursing federal funds between two colleges, one white and one negro, in South Carolina. The grant was withdrawn until a satisfactory solution was reached (42).

In another case, the Office of Experiment Stations in the Department of Agriculture refused to certify the Georgia station grant for the fiscal year 1918 after the station became dominated by undesirable political influences (42).

In 1923, the Bureau of Public Roads refused to approve projects in Arkansas because that state had failed to revise its statutes to conform to amended requirements of the federal act (42).

When withdrawal action involves an entire state project, it is quite a serious matter. But this occurs only rarely. More frequent but less spectacular have been the federal refusals to approve and allocate funds for particular aspects of state programs which were being administered ineffectively. This is the course the Forest Service has usually taken in managing the Clarke-McNary program.

The pattern of federal conditioned grants in the United States is widespread and complex. It reaches into many phases of public and private life. So describing these projects in terms of a few of their more important aspects has been brief. We may well expect grant-in-aid as an administrative technique to provide an increased number of public services. It will be an even more important feature of government in the future.

CHAPTER XI

GENERAL SUMMARY AND CONCLUSIONS

The basic purpose of federal forest protection legislation has been to furnish adequate fire protection for state and private forested lands. This objective has been sought primarily through mutual collaboration and cooperation of the Forest Service and corresponding state administrative agencies. But certain uniform standards and blanket regulations had to be imposed.

Part I described over-all prescriptions as factors which condition administrative processes generally. They provide the stage upon which the drama of day-to-day forest fire control administration takes place.

Part II emphasized that each forested state or region possesses inherent and individual economic, social, and political characteristics. The administrative process evaluates these, and provides solutions satisfactory to the area and agreeable with over-all national policy.

This could have been accomplished through a centralized or directed type of administration. Criteria governing all phases of the protection program could have been established by the federal government with little regard for localized problems and situations. States either would have had to adjust their individual programs, or be denied their portion of the federal grant.

But the Clarke-McNary project has been administered on an entirely different basis - cooperation. Emphasis has been placed upon two principal objectives: 1. obtaining a fair degree of forest fire protection on as extensive an area as possible, and 2. maintaining healthy federal-state relationships. Continual emphasis upon the federal-state relationships has perhaps resulted in a slower realization of protection. Quite often the principles of effective fire control have been relaxed for intergovernmental harmony.

Federal officers were aware of diverse internal and outside pressures operating at the state level. Initially they administered the protection program as best they could with the limited funds and freedom granted by the law. They had to accomplish results quickly. Perhaps these men evolved the cooperative philosophy as a matter of immediate expediency. It probably offered the only practical approach to the protection problems. At least such a course seems to have been preferable to meeting concepts of state and local self-sufficiency head-on.

In this program, the cooperative approach has unified diverging theories and practices of federal, state, and local protection agencies. This has not just happened. Forest Service personnel, in their role as counselors and advisors, have often been able to bring state and regional practices into line with those advocated by the federal government. These officers frequently activate proper practices or new operational procedures

in and between states. This produces similarity of fire control techniques in all forested regions as well as within smaller areas.

Uniform national patterns of forest protection are gradually becoming apparent. The Forest Service is necessarily assuming more supervisory authority. Gradually the Service is attaining status of a central agency for reaching over-all uniformity of process and program.

Centralization and the Clarke-McNary Program

One major result of grant-in-aid programs is the progressive flow of administrative authority toward the federal level, with some loss of state control. This has been popularly termed "centralization." Leonard D. White, in describing this phenomenon, writes (44):

> " * * * the scope of federal power has been enlarging at the expense of the states both by means of the transfer of certain functions * * * and by means of federal supervision arising from the administration of grants-in-aid."

V. O. Key, writing about the results of grants-in-aid, says (42):

> "The states become, in effect, although not in form, agencies of the central government in the prosecution of activities deemed by Congress to be clothed with the national interest."

Some observers claim that individual states do not lose any sovereignty because they may reject a grant in the first place. These persons also point out that states are at liberty to dispense with a conditioned federal subsidy any time they feel that their independence is threatened.

But in reality a state does not usually enjoy such freedom. Individuals and local communities want their share of federal aid and often compel state administration to enter the federal-state relationship. These forces are also effective in maintaining the contract once it is established. White writes:

> "The purely voluntary basis on which grants are accepted, and the evident care of federal officials to use their power with caution, do not conceal from realistic observers the steady diminution of the influence of the state. The federal government has found a "modus operandi" for influence in state matters over which it has no constitutional power; and the actual extent of federal influence now rests less upon the constitutional allocation of power than upon the contemporary agreement of the parties to the federal arrangements."

While centralization has been progressive and almost imperceptible, it has not been intentionally advocated or fostered by the Forest Service. In most instances centralization has not even been recognized by the states. This can be said of almost all grant-in-aid programs. V. O. Key writes in this regard:

"In the discussion of federal-state administrative relationships,

some persons violently oppose any sort of federal control; others uphold federal power with equal fervor. It is significant that neither state nor federal administrators discuss their relationships in these terms. The degree and scope of control must fit the particular situation; and federal requirements tend to be mutually acceptable to officials of both levels of government. The relationships may be in the form of control, but the actual operations tend to be in the form of collaboration."

Three levels of government are involved in this trend toward administrative centralization -- federal, state, and local. Local governments initially identify their responsibility as being directed primarily toward the state. This is proper under recognized theories on delegating responsibility and placing authority. But what often happens is that the Forest Service investigates, analyzes, and assays local practice. Then it secures compliance to federal standards through administrative machinery.

While localities probably experience some loss of independence, they assume that such losses are to their own state governments. So they do not generally recognize enlargements of the federal sphere. Thus the state becomes an effective buffer between local governments and the federal administration, and the first centralizing step has been taken within established bounds of state and local organization.

Centralization is continued from here by several other factors. They all increase the importance of the federal government in over-all unification and supervision. Under the Clarke-McNary program, states have to keep prescribed records. On the basis of these they have to make standard, periodic reports on fiscal and operational aspects of the cooperative project.

State officials want reported data to reflect as favorably as possible upon their administration. So most state foresters are continually being encouraged and "almost gently coerced" through this indirect pressure, to bring their protection practices up to a standard considered adequate by the Forest Service.

A second factor encouraging centralization process is the voluntary shift of administrative decisions by state officials to the federal sphere. For example, in the appointment of personnel or the re-allotment of federal funds, political and economic pressures are frequently exerted upon state administrators. These influences can be overcome if the state forester refers to federal policy statements regarding possible curtailment of grant-in-aid funds by the Forest Service.

Not only does this often result in closer conformance to federal standards, but it instills within the sphere of local interests a respect for, and a knowledge of, federal authority which perhaps was absent previously. Such pressures then become progressively less important. And state authorities begin to rely more upon Forest Service decisions. So they are less tempted to regard later federal prescriptions as adverse to their administrative rights.

One other factor has widened and strengthened federal administration. Some students of public administration have called it the "relaxing tech-

nique." Initially the Forest Service developed high standards for fire control practices and various other associated administrative procedures. These criteria supposedly are to govern the over-all administration of the protection program. To be eligible for grant-in-aid funds, each collaborator theoretically must comply with such prescriptions.

But in practice these rules have frequently been waived and the Forest Service has been criticized because it has so often "excused" states from full compliance. Usually the Forest Service has done this to maintain the cooperative relationship or to accomplish quickly some results in every area. This does not mean that proper practice is not emphasized continually by the federal authority. It is. But administrative interpretation is relaxed initially to make objectives less hazy to the lower agency. Then the attainment of desired practice is gradually brought about through concentration upon one part of the program at a time. Thus, credit is added item by item to a state's administrative and functional processes. Desired standards are reached eventually. But this has usually been accomplished in a relatively painless fashion -- with a less irritating realization by the states of a loss of rights.

The Cooperative Philosophy

When continued indefinitely the centralizing process results in high caliber state performance. It also ends in a situation in which the federal government can administer the program more directly and with less attention to state and local sovereignty. Under the cooperative philosophy characteristic of the Clarke-McNary program, neither party makes a recognizable effort to advance or resist the process. So the cooperative technique frequently has the same results as direct means would have.

Cooperation results in a transfer of loyalties to the federal government. This transfer is painless and sometimes even voluntary. The cooperative approach might be considered the "democratic way." It fits problems and conditions of democratic federalism more suitably and equitably than would more direct means. While many problems still hang in the balance, many state and federal officials believe that present administration has fostered genuine cooperative relationships between federal, state, and local forestry agencies. From the collaborators point of view, these cooperative relationships are more important than 100 per cent immediate protection through a more direct federal administrative technique. Use of this cooperative philosophy is the second major aspect the writer wishes to emphasize as characteristic of Clarke-McNary administration.

Cooperation is nurtured in many ways. Most so-called cooperative techniques are scarcely discernible in everyday action. People at various levels do not realize that their actions have already been determined through gradual evolution. But a few activities could be called observable techniques deliberately used by the Forest Service to foster cooperation. These activities fall into two major groups.

The first group respects and maintains established lines of political and administrative authority and responsibility. Federal inspectors habitually work through proper chief administrative officers of any particular state or local government. For example, inspection results are discussed

with such individuals before final and formal reports are written and submitted. Federal funds are always deposited with proper state authorities, allowing these state agencies to redistribute the grants.

Federal recognition of mediocre or marginal state and local administrative organization has, to some degree, lowered the efficiency of the forest protection program. But most federal men closely associated with the project regard this recognition as a cornerstone of federal-state forest protection. And state administrators generally have more respect and tolerance for Forest Service personnel who practice such philosophy. The writer recalls one state official who said of a federal inspector:

> "He knows what our situation is and what our organization is up against. He doesn't try to reform us, and we pay a lot more attention to him because of that."

A second major group of observable Forest Service cooperative techniques respects state and local administrative procedures. In the interest of national uniformity, the Forest Service wants certain things to be done in a prescribed manner. But this standardized practice is not intended to work hardships. For example, several criteria must be observed in state, local, and private operational and fiscal reporting and record systems. Federal officials try to integrate such requirements into existing state and local procedure rather than to disrupt it.

But some state administrative methods are such that they threaten the integrity of any federal program. In these cases, direct pressure is often applied to bring about improvement. However, the general feeling of most state officials and many federal men is that a state forestry agency has many other projects to administer. So it cannot be expected either to change its procedures completely or to establish separate administrative machinery for grant-in-aid work.

A third over-all cooperative technique seeks prior collaboration and consent of states when major policy items are established or changed. This idea came up first during Clarke-McNary hearings in 1923 (52). The law was fashioned largely along lines of political, economic, and social feelings observed during these hearings. Since then the states and other interested agencies, such as the Association of State Foresters, have been asked to comment upon and approve the revision of administrative manuals and contracts.

At the regional level, state agencies are consulted on federal allotment and disbursement policies and procedures. Within states, organizations are active in constructing long range protection programs (section one plans). Through collaboration, cooperating agencies get a sense of participation in the national program. So their contributions to its progress become more valuable.

The trend toward centralization, and the cooperative concept -- the two major threads of Clarke-McNary administration -- might seem antagonistic to each other. Centralization definitely has resulted in a progressive flow of administrative prerogative toward the federal level.

Yet harmonious collaboration often requires a conscious and voluntary relinquishment of supervisory power by the Forest Service, to foster cooperative federal-state relationships.

There seems to be this conflict between cooperation and vigilant maintenance of prescribed federal standards. But if centralization is gradual, cooperative methods may act as a buffer to reduce antagonism of state and local agencies. Cooperation probably also affects speed of standardization, and uniformity and efficiency of administration and operation.

Under present administrative techniques and concepts, state and local practice will eventually reach uniform standards considered adequate to protect our timberlands and their related resources. But federal administrators must decide whether the present rate of progress is satisfactory from the long-range point of view. Any measurable improvement in the near future will probably need to be based on closer adherence to federal standards of operation and practice.

This would be an artificial stimulation of the centralizing process. It would very likely be accompanied by less cooperation. The entire program should be analyzed under the law of diminishing returns -- at what point does pure cooperative collaboration begin to lose its productive capacity in terms of tangible results?

Federal, state, and local administrators must recognize a common goal in nationwide forest fire control. They should work towards this goal and consider it a major objective. As a secondary consideration, the administrative and political integrity of each cooperating agency should be respected as fully as uninterrupted administrative and operational improvement will allow.

State administrators and their organizations must be prepared to participate more readily in progressive forest policies and procedures. Federal officials must recognize that economic, political, and social conditions influence lower levels of government, and that the road toward greater efficiency in national forest protection administration must be paved with patience and understanding.

Only through bi-lateral discretion can forest fire protection and related programs become more meaningful to American forestry.

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APPENDIX

CLARKE-McNARY LAW

Act of June 7, 1924 (43 Stat. 653), as amended

An Act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is hereby authorized and directed, in cooperation with appropriate officials of the various States or other suitable agencies, to recommend for each forest region of the United States such systems of forest fire prevention and suppression as will adequately protect the timbered and cut-over lands therein with a view to the protection of forest and water resources and the continuous production of timber on lands chiefly suitable therefor.

Sec. 2 /as amended by Act of March 3, 1925, 43 Stat. 1127, and Act of April 13, 1926, 44 Stat. 242, and as amended by Sec. 207, Title II, of the Department of Agriculture Organic Act of 1944, 58 Stat. 736/. That if the Secretary of Agriculture shall find that the system and practice of forest fire prevention and suppression provided by any State substantially promotes the objects described in the foregoing section, he is hereby authorized and directed, under such conditions as he may determine to be fair and equitable in each State, to cooperate with appropriate officials of each State, and through them with private and other agencies therein, in the protection of timbered and forest-producing lands from fire. In no case other than for preliminary investigations shall the amount expended by the Federal Government in any State during any fiscal year, under this section, exceed the amount expended by the State for the same purpose during the same fiscal year, including the expenditures of forest owners or operators which are required by State law or which are made in pursuance of the forest protection system of the State under State Supervision and the Secretary of Agriculture is authorized to make expenditures on the certificate of the State forester, the State director of extension, or similar State official having charge of the cooperative work for the State that State and private expenditures as provided for in this Act have been made. In the cooperation extended to the several States due consideration shall be given to the protection of watersheds of navigable streams, but such cooperation may, in the discretion of the Secretary of Agriculture, be extended to any timbered or forest-producing lands or watersheds from which water is secured for domestic use or irrigation within the cooperating States: Provided, That for each fiscal year during the existing emergency the Secretary of Agriculture may authorize expenditures not to exceed $1,000,000 from appropriations made pursuant to this Act for preventing and suppressing forest fires on critical areas of national importance without requiring an equal expenditure by the State and private owners.

Sec. 3 [as amended by the Act of May 5, 1944, 58 Stat. 216]7. That the Secretary of Agriculture shall expend such portions of the appropriations authorized herein as he deems advisable to study the effects of tax laws, methods, and practices upon forest perpetuation, to cooperate with appropriate officials of the various States or other suitable agencies in such investigations and in devising tax laws designed to encourage the conservation and growing of timber, and to investigate and promote practical methods of insuring standing timber on growing forests from losses by fire. There is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than $9,000,000 to enable the Secretary of Agriculture to carry out the provisions of sections 1, 2, and 3 of this Act: Provided, That the appropriation under this authorization shall not exceed $6,300,000 for the fiscal year ending June 30, 1945, $7,300,000 for the fiscal year ending June 30, 1946, and $8,300,000 for the fiscal year ending June 30, 1947.

Sec. 4. That the Secretary of Agriculture is hereby authorized and directed to cooperate with the various States in the procurement, production, and distribution of forest-tree seeds and plants, for the purpose of establishing windbreaks, shelter belts, and farm wood lots upon denuded or nonforested lands within such cooperating States, under such conditions and requirements as he may prescribe to the end that forest-tree seeds or plants so procured, produced, or distributed shall be used effectively for planting denuded or nonforested lands in the cooperating States and growing timber there: Provided, That the amount expended by the Federal Government in cooperation with any State during any fiscal year for such purposes shall not exceed the amount expended by the State for the same purposes during the same fiscal year. There is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than $100,000 to enable the Secretary of Agriculture to carry out the provision of this section.

Sec. 5. That the Secretary of Agriculture is hereby authorized and directed, in cooperation with appropriate officials of the various States or, in his discretion, with other suitable agencies, to assist the owners of farms in establishing, improving, and renewing woodlots, shelter belts, windbreaks, and other valuable forest growth, and in growing and renewing useful timber crops: Provided, That, except for preliminary investigations, the amount expended by the Federal Government under this section in cooperation with any State or other cooperating agency during any fiscal year shall not exceed the amount expended by the State or other cooperating agency for the same purpose during the same fiscal year. There is hereby authorized to be appropriated annually out of any money in the Treasury not otherwise appropriated, not more than $100,000 to enable the Secretary of Agriculture to carry out the provisions of this section.

Sec. 6. That section 6 of the Act of March 1, 1911 (Thirty-sixth Statutes at Large, page 961), is hereby amended to authorize and direct the Secretary of Agriculture to examine, locate, and recommend for purchase such forested, cut-over, or denuded lands within the watersheds of navigable streams as in his judgment may be necessary to the regulation of the flow of navigable streams or for the production of timber and to report to the National Forest Reservation Commission the results of such examination; but before any lands are purchased by the commission said lands shall be

examined by the Secretary of Agriculture, in cooperation with the Director of the Geological Survey, and a report made by them to the commission showing that the control of such lands by the Federal Government will promote or protect the navigation of streams or by the Secretary of Agriculture showing that such control will promote the production of timber thereon.

Sec. 7. That to enable owners of lands chiefly valuable for the growing of timber crops to donate or devise such lands to the United States in order to assure future timber supplies for the agricultural and other industries of the State or for other national forest purposes, the Secretary of Agriculture is hereby authorized, in his discretion, to accept on behalf of the United States title to any such land so donated or devised, subject to such reservations by the donor of the present stand of merchantable timber or of mineral or other rights for a period not exceeding twenty years as the Secretary of Agriculture may find to be reasonable and not detrimental to the purposes of this section, and to pay out of any moneys appropriated for the general expenses of the Forest Service the cost of recording deeds or other expenses incident to the examination and acceptance of title. Any lands to which title is so accepted shall be in units of such size or so located as to be capable of economical administration as national forests either separate or jointly with other lands acquired under this section, or jointly with an existing national forest. All lands to which title is accepted under this section shall, upon acceptance of title, become national forest lands, subject to all laws applicable to lands acquired under the Act of March 1, 1911 (Thirty-sixth Statutes at Large, page 961), and amendments thereto. In the sale of timber from national forest lands acquired under this section preference shall be given to applicants who will furnish the products desired therefrom to meet the necessities of citizens of the United States engaged in agriculture in the States in which such national forest is situated: Provided, That all property, rights, easements, and benefits authorized by this section to be retained by or reserved to owners of lands donated or devised to the United States shall be subject to the tax laws of the States where such lands are located.

Sec. 8. That the Secretary of Agriculture is hereby authorized to ascertain and determine the location of public lands chiefly valuable for stream-flow protection or for timber production, which can be economically administered as parts of national forests, and to report his findings to the National Forest Reservation Commission established under the Act of March 1, 1911 (Thirty-sixth Statutes at Large, page 961), and if the commission shall determine that the administration of said lands by the Federal Government will protect the flow of streams used for navigation or for irrigation, or will promote a future timber supply, the President shall lay the findings of the commission before the Congress of the United States.

Sec. 9. That the President, in his discretion, is hereby authorized to establish as national forests, or parts thereof, any lands within the boundaries of Government reservations, other than national parks, reservations for phosphate and other mineral deposits or water-power purposes, national monuments, and Indian reservations, which in the opinion of the Secretary of the department now administering the area and the Secretary of Agriculture are suitable for the production of timber, to be adminis-

tered by the Secretary of Agriculture under such rules and regulations and in accordance with such general plans as may be jointly approved by the Secretary of Agriculture and the Secretary formerly administering the area, for the use and occupation of such lands and for the sale of products therefrom. That where such national forest is established on land previously reserved for the Army or Navy for purposes of national defense the land shall remain subject to the unhampered use of the War or Navy Department for said purposes, and nothing in this section shall be construed to relinquish the authority over such lands for purposes of national defense now vested in the Department for which the lands were formerly reserved. Any moneys available for the maintenance, improvement, protection, construction of highways, and general administration of the national forests shall be available for expenditure on the national forests created under this section. All receipts from the sale of products from or for the use of lands in such national forests shall be covered into the Treasury as miscellaneous receipts, forest reserve fund, and shall be disposed of in like manner as the receipts from other national forests as provided by existing law. Any person who shall violate any rule or regulation promulgated under this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than $500 or imprisoned for not more than one year, or both.

Approved, June 7, 1924