

The 1911 Weeks Act: The Legislation That Nationalized the U.S. Forest Service

Nearly a century ago, Congress passed legislation that enabled the Forest Service to purchase land and created the foundation for cooperative agreements with non-federal forest owners. Signed into law by President William Howard Taft on March 1, 1911, the Weeks Forest Purchase Act represented years of efforts by public and private advocates who wished to see Eastern forestlands come under Forest Service protection. By purchasing forests across the U.S., the Weeks Act allowed the national forest system to become truly national. Just as significantly, the Act provided federal matching funds for state forestry programs for the first time. The matching funds for non-federal programs marked the beginning of a new era in cooperation that extended federal forest management policies beyond national forest boundaries that continues today. The Weeks Act provided the statutory foundation for cooperation and forest restoration work that remain key elements of our agency's current emphasis on forest ecosystem management.

Prior to the late 19th century, federal land policy consisted of disposing over 1.8 billion acres of government held lands to raise revenue and encourage settlement. Land disposition successfully helped to populate the continent and enjoyed broad popular support, but the system suffered from massive fraud and created some less desirable land use and ownership patterns.¹ Notwithstanding the popularity of public land disposition and the perception of abundant land resources, near the end of the 19th century a general perception of scarcity of natural resources in the East fostered a groundswell of support for land preservation. Ideas to prevent forest abuse and rectify previous natural resource mistreatment began to coalesce into a general call for preservation and protection of some of the country's remaining natural resources. This coalescing of ideas became known under an umbrella concept, conservation. The champions of

conservation felt forest resources were at critical enough levels that only planned, sustainable use could provide timber for future generations.

Conservation efforts of forest lands enjoyed considerable success in the 1890s. In 1891, the Forest Reservation Act gave the President power to declare forest reserves from the public domain. Presidents Benjamin Harrison and his successor, Grover Cleveland, created 18 million acres of reserves. One characteristic the new reserves shared was their location in the West, the reason being the 1891 Act authorized the President to create reserves only from the public domain. Nearly all land in the East, particularly the lands that suffered the gravest abuse and prompted the debate about forest conservation, were in private hands and thus ineligible for inclusion in the forest reserves.² In the 1890s private conservation efforts centered in two Eastern locations, the White Mountains of New Hampshire and the southern Appalachian mountains of North Carolina. Despite their success, these groups and their Congressional allies were never able to pass legislation authorizing the federal government to purchase and add lands in the East to the forest reserve system.

A series of events over the intervening years added weight to the case for reserving forests in the East. In 1907, a series of violent floods swept through deforested areas throughout the East, illustrating the important role that forests played in flood control.³ The second major event in 1907 involved a legislative attack on the forest reserve system. That year Senator Charles W. Fulton of Oregon introduced an amendment to an appropriation bill to take away the President's power to create new or add to existing forest reserves in Oregon, Washington, Idaho, Montana, Colorado, and Wyoming. Passed with little debate, the Fulton Amendment took effect on March 4, 1907. To create national forests in the East, some new mechanism would have to originate in Congress.⁴

Efforts to pass a bill in Congress to grant the recently renamed U.S. Forest Service authority to purchase forestlands had been tried for decades but always ran into Western opposition, led by House Speaker Joe Cannon of Illinois, against expanding public lands. In 1906 Representative Asbury F. Lever of South Carolina approached the Forest Service's lawyers for help crafting a bill to authorize the purchase of Eastern forests. The task of building an argument for a bill that would pass the constitutionality test that Forest Service opponents would subject it to fell to attorney Philip P. Wells. Wells believed the only constitutionally sound argument to justify the expenditure of federal revenue on forestland hung on the improvement of navigation in the rivers that ran through the mountains. Wells explained that he placed the proposed bill "on the navigation improvement basis by limiting the area within which purchase might be made to the watersheds of navigable streams and declaring in the title and body of the bill that its purpose was the maintenance and improvement of navigability."⁵

Speaker Cannon was not entirely immune to the growing public and Congressional support for forest reserves. Cannon appointed Representative John Weeks, a banker representing Boston who hailed from New Hampshire's White Mountains and still spent his summers there, to the House Committee on Agriculture in 1908. Cannon promised his support for a forest bill if Weeks could draft one acceptable to a businessman. In 1908 Weeks introduced the Weeks Forest Purchase Act that authorized Congress to appropriate money to purchase forest reserves for "the conservation land improvement of the navigability of a river." Still, even with considerable support, the Act stalled in committee and in filibusters for two years.⁶

As the Forest Service and its allies in Congress worked on an iron-clad argument for legislation to purchase Eastern forests, public support for the agency, its mission, and for creating national forests in the East solidified. During the first decade of the century, Cornell,

Yale Universities, and the University of Michigan founded America's first forestry schools.

Recreation groups committed their support for conservation efforts and backing also came from Eastern towns and citizens threatened by the periodic floods from denuded watersheds as well as boosters eager for federal spending in their local areas.

At the same time, events in the West during the summer of 1910 helped turn Western support in the Forest Service's favor. That August, great fires swept across the Northern Rocky Mountains consuming nearly four million acres of prime timber and killing dozens. Shocked by the horrific losses, the public cried out for action and Congress quickly doubled the Forest Service budget. The fires also helped clear the legislative log jam blocking passage of the act to purchase Eastern forests.⁷

With popular and Congressional support, President Taft signed the Weeks Forest Purchase Act on March 1, 1911. The momentous piece of legislation authorized the Forest Service to purchase and manage forests in states unable to fund extensive forest acquisition and management programs on the watersheds of interstate rivers. The Act permitted the purchase of "forested, cut-over, or denuded lands within the watersheds of navigable streams..." deemed "necessary for the regulation" of their flow. Just as Forest Service attorney Philip Wells had predicted, the Act passed under the Constitution's Interstate Commerce Clause regulating navigation on interstate rivers but added specifically forest restoration as one of its goals.⁸

The Weeks Act was pivotal in creating the national forest system in the East by giving the federal government the ability to purchase land. Eventually over 20 million acres in 42 states entered the national forest system. Another key tenet of the Weeks Act created the foundation for cooperative agreements between the Forest Service and state, and private forests still in use today. By 1911, the public desire for fire control on forests throughout the U.S., regardless of

ownership, called for the Forest Service to act cooperatively with states and private forest owners to provide guidance to help support fire prevention and suppression. By 1919, twenty-three states had entered into cooperative agreements with the Forest Service.⁹ Even though the first cooperative agreements focused on fire prevention, it did not take long before the Weeks Act authority was used for a myriad of partnership agreements.

The Weeks Act gave the Forest Service's State and Private Forestry branch the financial means to extend its influence. Although the Forest Service formed the State and Private Forestry branch within the agency in 1908, its tiny budget limited the branch's influence over non-federal forest management. The Act appropriated the needed funds and, combined with the 1924 Clark-McNary Act, also ended a debate within the agency about what role the Forest Service should play in forest management beyond national forest boundaries. From this time forward, Forest Service influence over state and private forestlands would come through cooperation and partnerships, not through laws that required compliance.

The 1911 Weeks Act along with the 1891 Forest Reservation Act and the 1897 Organic Act form the statutory foundation the national forest system and its administration are built upon. Purchases under this authority created national forests in the East and brought millions more acres into the national forest system across the rest of the United States in an effort that nationalized the U.S. Forest Service. Perhaps the greatest legacy left by the Weeks Act is the important restoration work that takes place on the national forests. Weeks Act land purchases nearly a century ago gave the Forest Service its first experience with landscape scale restoration as agency foresters applied professional forestry practices to once neglected lands across the East. Purchasing lands that had been cut-over, repeatedly burned, exhaustively farmed, and badly eroded was only the first step in restoring these forest ecosystems. At present many of these

national forests have recovered and support abundant flora and fauna, hiding most of the scars from their past abuse. Today as the Department of Agriculture emphasizes ecosystem-wide land management and restoration, the centennial of the Weeks Act reminds the Forest Service of its long history of leadership in forest restoration.

¹ James Snow, "History's Lessons: Politics, Policies, and Laws," (working paper, Office of General Counsel, U.S. Department of Agriculture).

² The Forest Reservation Act was one section of the General Revision Act of March 3, 1891. 26 Stat. 1095.

³ "The importance of forests in flood protection was recognized by foresters—largely based in the USDA Forest Service—but not the Army Corps of Engineers...Forest Service Chief Gifford Pinchot believed that the Corps' position undermined one of the key arguments for creating additional forest reserves and national forests...The issue of flood control was important because of the need to gain political support for purchase of lands in the East for national forests. The task fell to the research sector of the Forest Service to counter the view that forests were unimportant to flood control...the Wagon Wheel Gap Watershed Study in Colorado, a cooperative project with the Weather Bureau stud[ied] the effect of timber removal on water yields. The study began in 1910 and its results helped ensure the passage of the Weeks Act of 1911." Terry West, *Centennial Mini-Histories of the US Forest Service*, FS-518, Washington, D.C.: USDA Forest Service, 1992.

⁴ *Congressional Record*, 59th Congress, 2nd session, February 23, 25, 1907, p. 3720, 3869; Pinchot, *Breaking New Ground*, 300; William B. Greeley, *Forests and Men* (New York: Doubleday and Co., 1952), 65.

⁵ Philip P. Wells, "Philip P. Wells in the Forest Service Law Office," *Forest History* (April 1972): 23-29.

⁶ Martha Carlson, "Private Lands—Public Forest: The Story of the Weeks Act," *Forest Notes* (Summer, 1986), 3-9.

⁷ Stephen J. Pyne, *Year of the Fires: The Story of the Great Fires of 1910* (Missoula, MT: Mountain Press Publishing Co., 2008); Timothy Egan, *The Big Burn: Teddy Roosevelt and the Fire That Saved America* (New York: Houghton Mifflin Harcourt, 2009).

⁸ Italics added by author. Ise, *United States Forest Policy*, 211; Pinchot, *Breaking New Ground*, 240.

⁹ Harold K. Steen, *The U.S. Forest Service: A History* (Seattle: University of Washington Press, 1976), 130.