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WILLIAM R. SCHOFIELD

FORESTRY, LOBBYING, AND RESOURCE LEGISLATION

1931-1961

An Interview Conducted by

Amelia R. Fry

Berkeley

1968

Produced Under the Auspices of

Forest History Society



William Schofield 1946

California Forest Protective Association
Lobbyist

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FOREWORD

This interview is part of a series produced by the Regional Oral History Office of Bancroft Library, University of California at Berkeley, under a grant from the Forest History Society, whose funding was made possible by the Hill Family Foundation.

Transcripts in the series consist of interviews with: DeWitt Nelson, retired head of the Department of Natural Resources, California; William R. Schofield, lobbyist for timber owners, California Legislature; Rex Black, also lobbyist for timber owners, California Legislature; Walter F. McCulloch, retired Dean of the School of Forestry, Oregon State University, Corvallis, Oregon; Thornton Munger, retired head of U.S. Forest Service Experiment Station, Pacific Northwest Region; Leo Isaac, retired, genetics research in the U.S. Forest Service Experiment Station, Pacific Northwest Region; and Walter Lund, retired chief, Division of Timber Management, Pacific Northwest Region. Copies of the manuscripts are on deposit in the Bancroft Library, University of California, Berkeley; The Department of Special Collections, University of California at Los Angeles; and the Forest History Society, Yale University.

Interviews done for the Forest History Society under other auspices include: Emanuel Fritz, professor of forestry, University of California, Berkeley, with funding from the California Redwood Association; and a forest genetics series on the Eddy Tree Breeding

Station with tapes by W. C. Cumming, A. R. Liddicoet, and N. T. Mirov, currently funded by the Forest History Society Oral History Program.

The Regional Oral History Office was established to tape record autobiographical interviews with persons prominent in the history of the West. The Office is under the administrative supervision of the Director of the Bancroft Library.

Willa Klug Baum, Head
Regional Oral History Office

Regional Oral History Office
Room 486 The Bancroft Library
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Berkeley, California

INTRODUCTION

William R. Schofield is a lobbyist, a term that sometimes conjures up images of bribes being passed in the dark recesses of a bar, of furtive agreements between rotund, cigar-smoking characters in smoke-filled rooms. While Mr. Schofield does enjoy a certain rotundity, the similarity ends there between the deliciously evil prototype and the real man.

Schofield's advocacy in the California Legislature was honest because it was open. There was never any doubt in anyone's mind where he stood or for whose interest he spoke. For twenty of his thirty-five years in the "Third House," he represented the California Forest Protective Association whose members own eighty-five percent of private and commercial forest land in the state. He brought to this advocacy an authority of his own stemming from his professional training in both forestry and law.

His style of operating, therefore, carried with it an expertise and integrity that now allows him to speak freely on a topic that some members of his profession might attempt to whitewash, sweep under the rug, or dispose of altogether with resolute silence. Schofield's long career has served to uphold the validity of lobbying-done-right, and he has long since lost any defensiveness about it, if indeed he ever possessed any.

However, the significance of Mr. Schofield is not limited to the "Third House." His training in forestry, his early experiences and innovations on the national forests of Montana and Idaho as a fire guard, mapper, and timber appraiser; his completion of correspondence courses in engineering and law; and his winning an election for county engineer in Blaine County, Montana--all combined to form an unusually comprehensive training for one who later was to be an important gladiator in the arena of politics of conservation.

When he resigned from the Forest Service in 1923, he moved to southern California briefly; then Hammond Lumber Company in Humboldt County lured him north as timber engineer in the redwood country. Four years later, he became Secretary-Manager of the Humboldt Redwood Reformation Association, then in 1930 accepted a job as the entire staff of the Humboldt County Planning Commission.

It was in the latter assignment that Schofield first appeared at the Capitol in Sacramento as a lobbyist. The task was seeking passage of a resolution that would set up a state committee to study the tax situation, and in Humboldt County this meant an opportunity for the timber owners to receive some property tax relief. The resolution did pass, allocating

\$90,000 for the study and setting up a Tax Research Bureau, which Schofield joined as its timber engineer the following year after his county job had petered out for lack of funds. The new tax proposals that came out of the Bureau's study were put on a special ballot in 1933, proposing that (1) utility property be taxed state-wide but transferred to county coffers, and (2) that the state levy a sales tax and an income tax.

With other members of the State Board of Equalization, Schofield campaigned long and hard for this Constitutional amendment, and after it won the election, he worked equally hard in the Legislature for bills to implement the amendment. Then in the new Valuation Division of the Board of Equalization, he became the Senior Valuation Engineer, a position he held until 1943 when he followed S. Rexford Black as Secretary-Manager of the California Forest Protective Association.

Mr. Schofield's first two decades of lobbying coincided with what is usually referred to as the Samish Years, named after the self-proclaimed superlobbyist; for it was then that Arthur H. Samish was attempting to make a personal empire out of the "Third House," if not of the entire state government. Despite the sensational exposé of his operations which followed legislative investigation, the lobbying world in those days did in fact consist of much more than Samish's shady domain.

It was a world also peopled by legislative advocates who openly represented a specific interest, who were able to impart to a legislator needed and reliable information about the industry or association he represented, and who satisfied a mutual need to provide the particular point of view of that interest toward any legislation.

Mr. Schofield shows that he has always accepted his lobbying duties with a sense of responsibility. As a professional forester, he was in a position to present technical advice as well as the candid attitude of the timber industry toward any pertinent legislation--especially land taxation. Schofield recognized and respected the crucial nature of his role: he was a legislative advocate representing a group of people bound together by a common interest, and as such in the democratic process he supplemented the legislator, who represented people with only a geographic locale in common.

Perhaps one of the most important pieces of legislation that Schofield was involved in was the 1945 Forest Practice Act, which he helped author. Ray Clar, who then was Assistant State Forester and later became the author of California Government and Forestry, says that when the Forest Practice Act came up, along with proposals for state forest lands acquisition and insect control legislation, Schofield was a "friendly assistant"--friendly to the State Division of Forestry. "He had enough power to kill it," Clar continues, "but instead he helped."

Schofield explains that state regulation of cutting practices was just good sense. The heat from federal regulation attempts was reaching the boiling point, and state regulations, which could be formulated by representatives from industry, would take the heat off.

Schofield's story starts at a time when only House rules required lobbyists to register but carried no penalty if they did not. There was no compulsive financial reporting as there is today. Many, like Schofield, registered for each session with the sergeant-at-arms. "After all, there was nothing to lose," he points out.

Those were the days, too, when lobbyists were allowed to enter the Assembly chamber and sit with a legislator--even though each house had adopted a loosely-worded rule against this friendly practice. However, Schofield usually operated in the Senate, where the custom was verboten, not because of the official pronouncement, but because the Senate functioned with a modus operandus that was a "gentlemen's agreement that certain things would be ethical," and lobbyists on the Senate floor was not one of those things.

In those days (as now), it was commonly the custom to supplement the extremely low pay of a solon by paying him a generous "lawyer's fee" if he was a lawyer, or if he wasn't, by finding other ways to grant him favors. At the same time, the State Constitution held lobbying to be a felony and defined it as influencing "the vote of a member of the legislature by bribery, reward, or intimidation." Understandably, no one had ever been convicted under this statute. (Finally, in 1962 several lobbyists, including Schofield, managed to put through a Constitutional change redefining lobbyists simply as "persons appearing for or against matters of legislation" and separating their functions from the criminal activities of bribery and intimidation.)

The contrast between the official regulatory pronouncements on lobbying and the actual operating mores in the Capitol is apt to provoke a bemused grin from Schofield, who has long been operating within the dichotomy. He knows the real ground rules are based on the solid rock of long-tested truth: legislators and lobbyists need each other.

So it was that after the sorry state of lobbying in California was exposed in H. R. Philbrick's Legislative Investigative Report in 1939* it took ten years before any legislation resulted. Even then, Schofield maintains that the reform legislation changed very little the methods of the "Third House," although he concedes there were two or three years of real watch-dogging and strict adherence to the new legislation before laxity set in. "And it'll get more and more lax," says the old pro with an indulgent chuckle. "Then we'll have another big investigation. That's the way it always goes."

Schofield does speak of a few differences in lobbying then and now, however. The contrast he sees is not the sudden onset of virtue springing from the required financial reports; rather it is changes in the accepted behavior codes among the lobbyists and legislators themselves. For instance, he mentions that in the Thirties electronic bugging was more of a common

*Senate Daily Journal, April 4, 1939 [quickly stricken from record but later issued as a book by Governor Olson].

practice in Sacramento. On the other hand, there was a certain credo of honor--a promise was a promise. Be it that of the lobbyists or legislator, the word of a man was to be depended on; now, not so.

In addition, the affable Schofield has found that today the access of a lobbyist to a legislator has been made more difficult because of the advent of the legislative intern program. The solons now depend more on their interns and less on the lobbyists for information on pending legislation. And forester Schofield feels that the young interns sometimes are not as knowledgeable about technical matters, such as those involving the timber industry, as they need to be. There is no doubt that this practice has somewhat weakened the tie between lobbyist and lawmaker; in fact, in some offices now it is the intern with whom the lobbyist must deal, not the solon himself.

We began tape-recording the interviews on May 11, 1966, after this office finished some recording sessions with Schofield's predecessor in C.F.P.A., Rex Black. It was five years after Schofield's so-called retirement. He had spent the first two years of his retirement as a special consultant to train a new lobbyist for the East Bay Municipal Utility District. The following year, he went back into harness to consult when needed with his successor in C.F.P.A. because severance tax legislation, the traditional bugaboo for California timber owners, had suddenly grown into a serious threat.

After that was scotched, he apparently acknowledged the fact that his "retirement" was a failure and agreed to handle the lobbying for the geothermal energy interests of the Morton Salt Company, seeking to liberalize the land-leasing acreage limitation which applies to underground steam supplies. For a year, he represented the Northern California Association of Employment Agencies.

In addition, he has an on-going agreement to lobby to prevent any moves by the state Legislature to turn over to the federal government the proposed state park lands that are slated to become a part of the Redwood National Park. To round out his advocacy portfolio, he now represents the California Agricultural Aircraft Association--the crop dusters.

For a year and a half, both Schofield and myself were too involved in other work to apply ourselves to editing this transcript. Finally, each went through the typed manuscript for ambiguities and errors; in our office, Alice King and Evelyn Fairburn also assisted. Schofield was as diligent as any lifelong scholar in his gathering of supporting material for illustrative purposes, and he was scrupulous in checking over the transcript for vaguely-worded conversational phrases that might lead to misunderstanding.

One diversion that postponed our editing was a request by the University Television Office that we attempt a forty-five minute video-tape. Bill Schofield seemed to be the ideal subject for such an experiment: his lucid articulation, his direct approach to a subject that sometimes drives others underground, and his marvelously flexible face that would be a

camera man's delight.

The result was a video-tape that covers the subject of lobbying much as it is dealt with in this manuscript. The video-tape serves as one way to explore whether visual-oral history is worth the effort and financial outlay for archival or classroom use. Those who have used it in classrooms are generously laudatory, at least to us. Archival use is another question. In view of present costs, and the limited time most scholars have, forty-five minutes seems unnecessarily long for such an archival supplement to the transcript of the audio-tape.

Schofield is currently doing a bit of scholarly work at his home in Albany, California, between trips to Sacramento. Over lunch the other day, he expressed the hope that, if he can resist the charms of his youthful offspring--such as the daughter who just returned from Iran with his first grandchild--his "History of Laws, Legislation, and Lobbying in California" can be finished.

(Mrs.) Amelia R. Fry
Interviewer-Editor

December 10, 1968

Regional Oral History Office
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W. R. SCHOFIELD

Bachelor of Science, in Forestry, University of Idaho, (1916)
Registered Professional Engineer (Civil), State of California
Registered Legislative Advocate, State of California
Member, Society of American Foresters
Member, Association of Consulting Foresters (President 1966-1968)
Member, Forestry Advisory Committee National Lumber Manufacturers Ass'n.
Contributing Member & Trustee, Western Forestry & Conservation Ass'n.
Member, Statewide Natural Resources Committee, Calif. State Chamber of Commerce. (President, Western Forestry and Conservation Ass'n 1963)
Member, Forest History Society, Inc.
Member, Commonwealth Club of California.
Legislative Consultant; East Bay Municipal Utility District, Oakland, Ca.
Imperial Thermal Products, Inc. Chicago, Ill.
Employment Agencies Association of Northern Cal.
California Forest Protective Ass'n, Sacramento, Ca.

Chronology of Employment & Experience

Summer 1913 ----- Fire Guard and Fire Patrol, U. S. Forest Service, Selway National Forest, Idaho.
Summers 1914-15 - Grazing and Timber Reconnaissance & Appraisal; Caribou, Sevier and Cache National Forests, Idaho and Utah.
1916 ----- Grazing and Timber Reconnaissance Compilation and Analysis; Cache National Forest, Logan, Utah.
1917-1919 ----- First Lieutenant, U. S. Army Air Force.
1919-1920 ----- Chief of Mapping, Range and Timber Reconnaissance; District 1, (now Region 1) U. S. Forest Service, Missoula, Montana.
1921-1922 ----- County Engineer, Blaine County, Montana.
1922-1923 ----- Deputy Forest Supervisor, Wyoming-Bridger National Forest, Kemmerer, Wyoming.
1924-1928 ----- Logging Engineer, Hammond Lumber Company, Samoa, California.
1928-1930 ----- Secretary-Manager, Humboldt Redwood Reforestation Association, Eureka, California.
1929-1930 ----- Secretary-Manager, Humboldt Redwood Reforestation Association, Eureka, California.
1930-1931 ----- Secretary-Engineer, Humboldt County Planning Commission, Eureka, California.
1932-1933 ----- Timber Engineer, Tax Research Bureau, State of California.
1933-1943 ----- Senior Valuation Engineer, California State Board of Equalization.
1943-1961 ----- Secretary-Manager, California Forest Protective Association, San Francisco, California.
1962- Present--Consulting Engineer- (Forestry, Legislation) Public Relations

Thirty-Five Year Graduate

Biographical Sketch of William R. Schofield

By Helen M. Schofield

(for use at a class reunion at the University of Idaho in 1951)

A Native of Illinois, William R. Schofield completed his elementary and high school education in El Paso, Illinois, and entered the University of Idaho in the fall of 1912.

During the summer vacations he was employed by the U.S. Forest Service on the Selway and Caribou National Forests. Following graduation in June 1916, he was employed on the Cache and Sevier National Forests until World War I.

In May 1917 he entered the First Officers Training Camp at Presidio of San Francisco, later transferring to the Air Service Ground School at the University of California. Trained with the French as a pilot, he was commissioned a First Lieutenant and served in France until the close of the War.

On his return from the War in 1919 he became Chief of Grazing Reconnaissance in District One, U.S. Forest Service, with headquarters in Missoula, Montana.

In 1920 he resigned from the Forest Service and was elected county engineer of Blaine County, Montana. After one and one-half years in this position he resigned to become deputy supervisor of the Wyoming-Bridger National Forest, headquarters at Kemmerer, Wyoming. In 1922 he resigned from the Forest Service to go into business for himself which took him to Southern California.

From 1924 to 1932 he was a resident of Humboldt County, California, employed during these years as a timber engineer for the Hammond Lumber Co., secretary-supervisor of the Humboldt Redwood Reforestation Association, and secretary-engineer of the Humboldt County Planning Commission.

From 1932 to 1943 Mr. Schofield was employed by the State of California as timber engineer for the State Tax Research Bureau, and as administrative assistant and senior valuation engineer for the California State Board of Equalization engaged in timber taxation and valuation.

In 1943 he assumed his present position of secretary-manager of the California Forest Protective Association, San Francisco, California, one of the oldest existing associations of private timber ownership in the nation. During its forty-one years of existence this Association has played a major part in the development and enactment of California's efficient and progressive forest protection and management laws. As legislative representative of the timber owners and operators in the state, Mr. Schofield co-authored the California Forest Practice Act of 1945, designed to promote sustained forest production on California's 8.3 million acres of privately owned forest lands.

Mr. Schofield married Elizabeth McMillan of Samoa, California, in 1920. Lieutenant Richard M. Schofield, the only son of this marriage, was killed in action in the third B-29 bombing raid of Nagoya, Japan, on December 22, 1944.

In 1942 Mr. Schofield married Helen Meyer of Sacramento, California. We have two daughters, Marian, eight, and Roberta, seven, and our residence is in Berkeley, California, where the welcome sign will always be out for grads, former students, and faculty of the University of Idaho.

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APPENDIX A. The Black-Pratt Affair

APPENDIX B. Lobbyist Activities

APPENDIX C. California Forest Protective Association

EARLY CAREER

Childhood and College Training

Fry: May we start out and introduce you as a person? Where were you born and where did you go to school?

WRS: I am a native of Illinois. I was born in Hudson, Illinois, on April 5, 1894. The doctor at my birth was the father of Elbert Hubbard, the famous Roycrofter (and agnostic). I was born on a little farm next to the small town of Hudson, Illinois, just north of Bloomington. My father was first a farmer, then a building contractor. We moved into town when I was about eight years old.

I went to public schools in Illinois, through high school. From there I went to Montana, where my father had a ranch in the Bear Paw Mountains, to spend the summer, and was planning to go to school at the University of Montana to take forestry.

Fry: At what point did you decide that you were interested in forestry?

WRS: When I was a sophomore in high school, I had a very close friend who was a junior in high school. He and I had read much of the glamor of the U.S. Forest Service and its role in public service. Do you remember the old picture of the ranger riding on the horse, which was on the cover of a little Forest Service brochure? Well, that was the inspiration. We decided that we would go to a school of forestry. However, when he graduated from high school, his father insisted that he stay on the home farm there in central Illinois and become a farmer. So he lived and died a farmer.

I carried out my end of the pact by deciding that I would still go to a forestry school. So I went west. My father's ranch in Montana drew me out to the country where there were forests. I did not like the setup of the schools in Montana because of the division into three schools: mines at Butte, agriculture at Bozeman, and the University at Missoula. Having looked it over, I thought they couldn't have too much money to carry on their program well, so in 1912, I headed for the University of Washington in Seattle, where they had a good school of forestry at the time.

On my way to Seattle, I stopped off in Spokane, Washington, and having a little time, I took the electric train that ran from Spokane to Moscow, Idaho, and visited the University of Idaho. While looking around there, I met Dr. C. H. Shattuck, who was the head of the Forestry School at Idaho. He persuaded me to stay at

WRS: Idaho for my forestry training, which I did.

There were four of us in the freshman class. Ours was the third class to graduate in forestry, but I was the only one left of the four when 1916 came along. In the meantime, during the summer months of my school years, I worked for the U.S. Forest Service as a fire guard in northern Idaho and on range and timber reconnaissance work in southern Idaho and in Utah.

After graduation, I was employed on grazing reconnaissance in southern Idaho. Then World War I came along and having had military training, I went into the officers' training camp at the Presidio in San Francisco and eventually went overseas. I was transferred to the Aviation Section, Signal Corps (now the Air Corps) ground school at Berkeley. That was the occasion of my attendance at the University of California.

Fry: Did you know Rex Black when you were working in reconnaissance in Idaho?

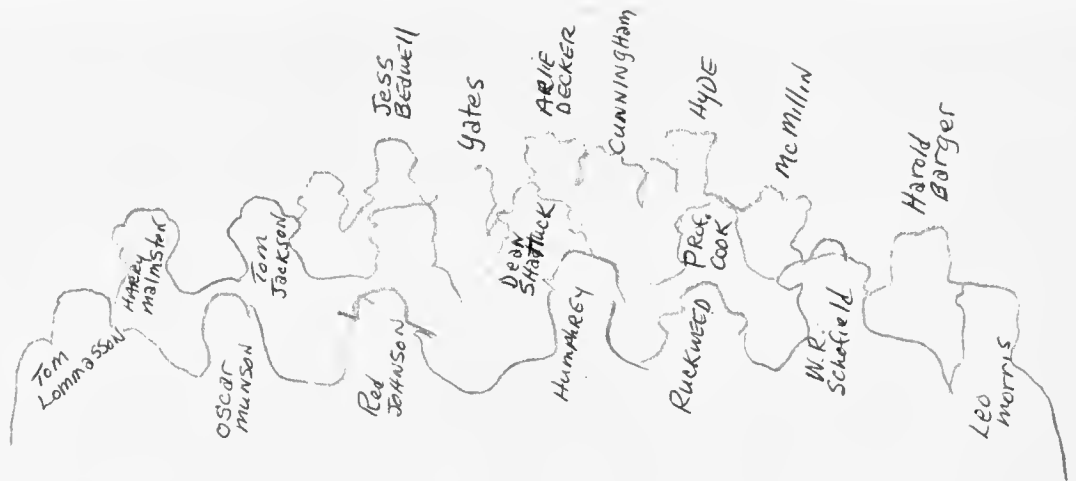
WRS: No. I never knew Rex Black until I came to California years later and when he was the secretary-manager of the California Forest Protective Association. (He came from Michigan originally.)

Rex Black decided to go on a trip to South America and Europe in 1929. I, at that time, was the secretary-supervisor of the Humboldt Redwood Reforestation Association in Eureka, California. The California Forest Protective Association hired me for a six months' tour as the acting secretary-manager of the California Forest Protective Association. I probably did a good job for them, so when Rex Black went with the Weyerhaeuser Timber Company back in St. Paul and resigned from the Forest Protective Association in 1943, I was hired by the directors of California Forest Protective Association.

Fry: Let me return to your summertime work during college. Who was the forest supervisor on your first job with the Forest Service?

WRS: The top man in the district office (they called the areas "districts" then, and they call them "regions" now) in Missoula was Major Fenn, an old-timer in the Forest Service. My immediate superior was a Frenchman, or at least his first name was French: René McPherson. He was the ranger on Tahoe district of the Selway National Forest, and I became the forest guard during the summer after my first year of school.

I spent two and one-half months all by myself in the Tahoe ranger station on the Selway Forest. I used to make a patrol twelve and one-half miles out in one direction to a fire lookout one day, and the next day twelve and a half miles in the other direction to another lookout.



Forestry Students and Faculty

University of Idaho-- 1913

WRS: The rest of it was wandering over the trail through timber, picking huckleberries and canning them when I got home. I canned huckleberries and had huckleberries all the rest of the following year at school. I used to pack my supplies from the South Fork of the Clearwater River, about three thousand feet difference in elevation (a fifty to sixty pound pack). I would pack up from the river.

I didn't see a soul, but I used to sit on a chair in front of the country telephone, which had about fifty subscribers on the one line, and listen to the ladies tell about what fruit they had canned, how many eggs they got, and everything else. My experience was interesting, but I was all alone.

I only had two forest fires. One I found after three days: it turned out to be Indians picking berries who had built a camp-fire. The next one was a real forest fire right on the edge of the forest. I was sent a crew from the railroad to help me out. I think the crew kept it going so they could keep the job, because it never stopped and it wasn't until snow came that the fire was put out. That was my first experience as a forest fire fighter.

Early Assignments, U.S. Forest Service

WRS: The next year I spent in grazing reconnaissance on the Caribou Beaverhead National Forest, headquartered at Montpelier, Idaho. At that time, grazing reconnaissance was a new project of the Forest Service. I worked with Clarence Forsling, Jim Jardine (whose brother, William M. Jardine, was later Secretary of Agriculture), Fred Douthitt, Clarence Favre, Homer Young, Jess Bedwell, Arthur Stevens, and Leon Hurt. That party was really the original grass-counters crew, and the Caribou was the location of the first project on which this type of reconnaissance took place.

Fry: What was it like to work with Mr. Forsling and Mr. Jardine?

WRS: They were splendid fellows. They came from the Middle West. They had an education in botany from the University of Nebraska, and they were excellent to work with. We were one big happy family and we traveled around in a lumber wagon. We had a big old lumber wagon with a big team of grey horses. We packed all our equipment in the wagon. We could drive practically all over the lower part of the Caribou National Forest which is in southern Idaho. We had a tent camp, and we had our own cook and lived in the camp during the summer.

Fry: They were fairly young too then, weren't they?

WRS: They were young; they were about my age. Herbert "Red" Johnson, a member of the 1916 crew, went with Forsling to Alaska to manage the caribou herd for the United States government. After they had been there a couple of years, they finally went out on their own to raise reindeer and caribou for meat for the Alaskans. Red Johnson stayed up there; Forsling came back.

Red Johnson just recently retired. I see him once in a while. He's living in San Francisco now. He lived on a small island in the Aleutian chain, had a few little boats and the contract for hauling of all the equipment for the DEW line, which was up above the Arctic Circle. He became quite a Russian bibliophile. There were all Russian people on the island; he was the only English-speaking man on the island for years.

Red's about my age. We went to school together at the University of Idaho although he was about three years behind me in school.

Fry: Was he a history buff of the Russian people on the island?

WRS: The history of the Russian people there, Russian artifacts, etc. When he came to California in the wintertime, he would go up to Fort Ross and dig out old relics at Fort Ross. He has contributed quite a bit historically to Fort Ross by being able to translate and interpret some of the things that came out of the old Fort diggings.

The following year (1915), I went with a reconnaissance party down to the Sevier National Forest in southern Utah, where we were going to do the same type of work.

Fry: Was this the same group of people?

WRS: A few of us, not all of us. Some of them stayed on the Caribou and finished that up, and some of us went down there. At that time, 1915, we took movie films for the Forest Service in Bryce Canyon. We were probably the first white people who walked over the entire Bryce Canyon. It's up and down with thousands of several-hundred-feet-deep chasms. We surveyed it and they type-mapped it for grazing.

They filmed a picture for publicity for the Forest Service which is rather amusing. We had a picture of the party coming into one of these beautiful settings with colored rocks, and setting up the camp, breaking camp and leaving. But we walked away and left the fire burning, so they had to cut that out of the picture. [laughter] There were some old-timers in the Forest Service in the picture too.

The next summer (1916) and the year following, after I

Bryce Canyon, United States Forest Service Movie Project--1915



WRS: graduated from college, I went to the Cache National Forest, which is in southern Idaho and northern Utah, on grazing and timber reconnaissance. At that time we used a pack train. The other time, on the Sevier, we had used a lumber wagon. One interesting thing was that we came out in November, because when all of our canned fruit and vegetables froze, we thought it was about time to break camp and come home. So we did.

In that group was Harry Malmsten. He was later an instructor in forestry here at the University of California with Arthur Sampson. (Sampson was at that time at Manti, Utah, at the Forest Experiment Station. He was a grass-counter too before he came to the University of California to head up the grazing studies.)

Harry Malmsten now lives in Spokane, Washington.* Over the years, I have seen him occasionally: sometimes he comes down here, sometimes I go up there. He was one year after me at the University of Idaho. He went to Washington State until the last year and a half and finished his four years of college at the University of Idaho. Harry Malmsten was reticent and a retiring sort of an individual.

I think he was always wary of me and the fact that I might disclose some of the foolish things that we did when we were together on the reconnaissance party. One such instance was when we were returning to headquarters after being slowly frozen out. We stopped at a little Mormon ranch. The rancher let us use a vacant log cabin that he had, to stay in overnight. It had a cook stove in it. Red Johnson went out scouting and found some nice turkeys in the haystack. We rigged up a rock on a rope and wrung the necks of three turkeys, and spent the rest of the night frying turkeys and burning the feathers. It was too cold to sleep.

On the Caribou National Forest, there was a fellow in the party named Arthur Stevens, who graduated from the University of Idaho the year before me. He was a forester. I think he was a dyspeptic; he was awfully hard to live with in camp. If you ever want to know what a person is, live in camp with him and be closely associated with him.

One of our customs was that when we moved camp, we had a wrangler who moved the camp while we were all out mapping on a plane table or a traverse board. We would know approximately where the camp was going to be located that evening, so we would work all day and then go into the new camp at night. I had gone out in one direction, Stevens had gone out in another. I worked a little later than usual, but along about six o'clock at night I reached

*Harry Malmsten died in 1967.



Grazing Reconnaissance, Caribou National Forest
July 14, 1914

left to right: Douthitt, Schofield, Bedwell, Favre,
Young, Stevens



Clear Creek Caribou National Forest, 1914
Bedwell, Red Johnson, Schofield extreme right

WRS: the creek on which I knew we were going to camp. I started up the drainage and finally ran onto a trail (the trail of the pack train). You could see by the way the horses' hoof marks were facing which way the pack train had gone. I knew it must be our pack train.

I was heading up this faint trail when who should I meet coming down the other way but Arthur Stevens. Stevens was a difficult individual and very positive. I said, "Where are you going, Steve?" He said, "I'm going to camp."

I said, "So am I. Here's the trail going up to camp." He said, "Oh no. This is the way to go." So he kept on going down. He was following the trail but going in the wrong direction.

I went into camp, and Stevens showed up about an hour and a half after I did in the camp. [laughter] He finally got down to where the trail crossed the little creek and then he began to follow up the creek. It was difficult going up the creek. It took an hour and a half after I got there before he reached camp. I got to camp first and that was amusing. I don't think Arthur ever liked me after that because I beat him into camp.

Fry: Because you knew how to read the hoof prints.

WRS: It just happened so and I didn't know why he didn't see it too. He was quite convinced that he was going in the right direction.

Fry: Do you have any funny stories about other old-timers in the Forest Service, Jardin or others?

WRS: An amusing incident took place in 1914, on the Caribou National Forest. Six of the party, Clarence Farre, Jess Bedwell, Homer Young, Clarence Forsling, Stevens and myself, decided to shave our heads as a Fourth of July celebration. The cook took a picture of us sitting in a circle, and all we needed was a big piece of watermelon for each of us and it would have looked like a southern Negro plantation scene.

Farre graduated from the University of Idaho in 1914. Following his work in grazing reconnaissance, he became supervisor of the Humboldt National Forest in Nevada. Later when I was deputy supervisor of the Wyoming-Bridger in 1923-24, he was the forest supervisor.

Bedwell was a graduate of the University of Idaho several years later than my class, and he became a Ph.D. in Forest Pathology and spent many years with the U.S. Forest Service. He is now retired and lives in Portland, Oregon.

Homer Young was a 1915 graduate in forestry from the University of Idaho. He headed the grazing reconnaissance in District

WRS: One in Missoula, Montana, prior to World War I. He was killed in the War and I replaced him in Region I after the War.

Stevens left forestry and was a procurement officer for the military in World War II. I last saw him in Los Angeles in the late '40's.

I have that picture of us all with our heads shaved. I also have pictures of Bryce Canyon which were taken by the Forest Service. They are not colored because we didn't take color pictures then. Bryce Canyon is one of the head drainages of the Grand Canyon; Bryce Canyon drainage flows into Grand Canyon down in the dixie country of Utah. Parowan is near the upper part of the canyon, and below is the Kaibab National Forest where the Kaibab comes in. I have some beautiful pictures of the formation there, although of course they are not in color.

Fry: The pictures would be good to file with the manuscript.

WRS: The people in the pictures are old-timers in the Forest Service because that was fifty years ago.

Fry: It was real original reconnaissance.

WRS: Oh yes. I never will forget the day we went down from the breaks into the canyon to take a picture. I was riding a saddle horse (I had a smart saddle horse). He didn't like me as a rider, and he went between two trees where there was just enough room for him to go through and not for me. He just brushed me off like nobody's business. He scraped me right off the saddle.

That reminds me of a time in 1922 when I was deputy supervisor of the Wyoming-Bridger. C. N. Woods, who was the deputy District Forester in the Ogden office of the Forest Service, and I were out on a spring trip on horseback in the Wyoming-Bridger Forest. As we went down a trail, I was in the lead.

We came to a stream which was in spring flood, and I rode my horse into the stream. The bottom had entirely gone out of the creek. Immediately the horse began to swim, and so did I. I had to swim to get out. C. N. Woods, behind me, laughed about it and very cautiously got across another way.

He said, "Schofield, let me remind you of this old saying: 'First in wood and last in water.' When you're riding along a trail, if you're first in the woods, that's fine--tree or brush branches may flip back and hit the fellow who follows behind, so be first in wood. But be last in water because the guy who is first will discover whether it's deep or not."

I had another experience on the Wyoming-Bridger. When I went there as the Deputy Supervisor, the Supervisor had sent me out to

WRS: visit the ranger stations. I went to one ranger station in Star Valley, which is just south of Yellowstone National Park, just south of Afton, Wyoming. The ranger there was a Mormon. (I think everybody in the valley except me was Mormon.)

I discovered that this ranger had been renting ranger stations to schoolteachers and pocketing the money. He also had been selling free-use permits for timber to the natives of the valley. He sold fire tools to the natives of the valley, Forest Service tools.

It was my job to dig up the evidence and be the witness against him in the federal court in Cheyenne, Wyoming. The only happy thing about it was that they discharged him from the Forest Service and put him on probation, so he didn't go to jail. But I was as popular as a rattlesnake in Star Valley, Wyoming, because the natives all stuck together. They had all been party to it too. That was one unfortunate event that disturbed me.

Fry: You had a diversity of experience in your days in the Forest Service. You did forest reconnaissance, you worked as a ranger, and in range management

WRS: I did timber estimating, I did range reconnaissance, I did mapping, and in 1920 I instituted the use of an ordinary post-card-sized camera, setting it up on a plane table to photograph the area from a high point. Then I put the pictures together to assist me in drawing my contour maps. We had of course elevations scattered around, but the pictures helped me considerably in drawing the maps.

One time in 1914, Homer Young and I were together on top of Caribou Peak, which is the highest peak in the Caribou National Forest, when a thunderstorm came up on the Fourth of July. Boy, it did snow and thunder and lightning. The lightning struck the telescopic alidade which was on the plane table. (An alidade is an instrument something like a transit only it sits on the plane table board and you draw lines from it.)

Homer Young was taking a sight through this when lightning struck that alidade and knocked him colder than a turkey. He was out for two hours, and here we were alone on top of the peak. It kind of shocked me, but I was far enough away so it didn't actually hit me. He was still breathing, and he finally came to. I was able to get him tied on a pack horse and down from the top of the mountain. There was no serious aftereffect. Ordinarily, it might have killed him, I suppose.

That was quite an experience for me. I was all alone with a man and I didn't know if he was alive or dead on the top of a mountain during a thunderstorm and snowstorm on the Fourth of July. It was the first snowstorm I had ever experienced in the summertime.

WRS: When I left the Forest Service, I told the assistant District Forester who was in charge of personnel that I hoped he would shoot me if I ever went back to the Forest Service again because they weren't paying too much money. His name is Chet Morse, and he lives in San Francisco. He's Grant Morse's father. He was one of many of the old-timers in the Forest Service whom I knew and was associated with.

Nevertheless, I do owe the Forest Service the credit for a well-rounded education after I got out of school. I got practical education and knowledge from the Forest Service which stood me in good stead during the rest of my life.

Fry: Does this picture of your background pretty well bring you up to World War I?

WRS: After World War I, when Homer Young had been killed, the Forest Service people wanted me back. I stopped off in San Francisco in 1919. The District Forester wanted me to go on grazing reconnaissance, in District 5 out of San Francisco. But I was undecided what to do, and I went back to northern Montana.

They kept after me and after me, and finally I went to Missoula to take over the grazing reconnaissance work out of the District office in Missoula. I set up the reconnaissance work on the Beaverhead National Forest, south of Butte with headquarters at Dillon, Montana, and supervised that.

Another interesting thing that took place when I was there in the Forest Service at Missoula was that there was a William Schofield who was in the Bureau of Public Roads in Missoula and working for the government. He was an older man than I. I was detailed to the Ogden office for a month's work that winter, and I left the same day that he left to go to Spokane, Washington, on vacation; and I returned the same time that he returned.

But when he returned, he returned with a widow he had married and her five children. I had an awful time explaining to my girl friends in Missoula that it wasn't me.

[laughter]

Fry: This was primarily range management that you had after World War I?

WRS: This was range management until I finished there and left the Forest Service in 1920. Then I ran for the office of County Engineer of Blaine County, Montana, and was elected on account of being a war veteran. Right after I was elected, I got married. In 1920.

Fry: What was your wife's name?



Schofield, (center) U.S. Forest Service, 1915



First Lieut. Schofield, Issoudon, France, 1918
Assigned to B79 Bombing Esquadriile, French Army

WRS: Elizabeth McMillan.

Fry: What was the name of your father-in-law?

WRS: W. R. McMillan. I've had two fathers-in-law; I have a second wife now. W. R. McMillan was the superintendent at Hammond. He was with the Hammond Lumber Company for many years. He came from Michigan to Samoa about 1905 and was there for many years. Then he became the head of the sales force in Chicago and New York, and lived in Chicago.

I served one and a half years as County Engineer, but I was disappointed in the position and didn't like it very well. Blaine County is in northern Montana, at Chinook.

Deputy Supervisor of the Wyoming-Bridger Forest

WRS: I corresponded with R. H. Rutledge, District Forester in District Four, to see if I could get back into the Forest Service. He was the District Forester at Missoula when I had been there in 1919 and 1920, and later went to Ogden and became District Forester down there. He immediately wrote back and told me, "Yes, we've got just the opening for you as the Deputy Supervisor of the Wyoming-Bridger," which was a combination of the Wyoming Forest and the Bridger Forest.

They were combined in World War I and held together as the Wyoming-Bridger, the largest national forest. Both of them totaled better than three million acres of land. They were separated by a big valley. I think they call the Forest the "Bridger" now.

I was in the administrative end of it. Soon after I went there I built a bridge on the Wyoming-Bridger. We had a stock bridge across a stream, Fall Creek, which had broken down. It was a bridge over which the stock, mostly sheep, had to cross to get into the upper range in the summertime. The engineering staff in the District Office had \$6,000 allocated to build a bridge, but they never got around to building it; and we were very anxious to get this bridge completed so we could get the stock across without having to send them way around some roundabout way.

Having taken some courses in engineering besides my forestry, I told the supervisor, "I can build a bridge across there, and I'll build it cheaper than they can." So without any plans, I built a queen truss bridge across the river out of logs from the timber that was near there, and the bridge is still there. This was in

WRS: 1922, and in 1962 I talked with a man who said that the bridge was still in use. I built it for about \$500 [laughter] but we used our own timber.

Fry: In your grazing land management experience, did you get a lot of political experience that has stood you in good stead since?

WRS: From a political standpoint, my administrative work with the Forest Service was where I gained political experience. It was quite difficult dealing with the grazers on the national forest. In the reconnaissance work we didn't have to use our native ability in contacting the public. We worked alone; we had specific things to do. But the administrative work that I did in District One (Montana) served me in good stead, I'm sure.

Add the fact that following that, I became a politician and ran for the office of County Engineer which helped me considerably. Maybe I had the native ability to pick it up. When I substituted for Rex Black as head of the California Forest Protective Association in 1929, I had to exert a certain amount of political ingenuity in order to handle that work. So I think it too served me in good stead.

Fry: How long did you stay on the Wyoming-Bridger National Forest?

WRS: I went down there in April, and I was there a year and a half. I left in the winter of 1923. To sum it up, I had gone from World War I to District One and the Beaverhead National Forest. From District One, I went to Chinook, Montana, where I ran for County Engineer. Then I went to the Wyoming-Bridger Forest.

To Southern California

WRS: When I left the Wyoming-Bridger, I went into, of all things, selling insurance and bonds.

There was another humorous incident that took place when I moved to Wyoming. I had a Model A Ford with a Ruckstell axle that could almost climb a telephone pole. It had power. My family went to California to be with my wife's parents while I spent the summer in Wyoming alone. I was to get a place to live and they were to join me in the fall.

When I moved down from northern Montana, I had this Model A Ford just packed to the top. All the way down from Butte, I had heard the story about the big white team of horses that was waiting to pull you through the mud hole on the Idaho state line. I

WRS: got down there and there was a long string of people waiting to be pulled through, from both sides of the mud hole. It seems that the man who owned the team of white horses lived in Idaho, and the mud hole was in Montana. He would charge you five dollars for pulling you through if you would wait. If you didn't wait, he would charge you fifteen dollars if you got stuck and he had to go out and pull you out of the middle.

Here was this long string of cars, and me being young and smart, I thought I'd outsmart them. It looked like it was going to be dark before I'd get through this mud hole anyway. So I started off up-country over the foothills there and through ranches to go around the mud hole.

I went way back in there, and all of a sudden I hit an alkali spot and my car went down clear up to the hubs. I tore down about ten feet of fence to get the posts to pry myself out. With that car loaded as it was, I finally got out and went back and took my turn in line and paid the five dollars.

Fry: Did you have roads when you began to go around the mud hole, or did you go cross-country?

WRS: No, I just went cross-country.

Fry: What made you leave the Forest Service?

WRS: I left the Forest Service primarily because I couldn't see too much of a future for me. It was going to be a long wait; promotions were very slow in the Forest Service. Salaries were not very good. After I left, they started boosting the salaries and promotions were going faster, but I was already out.

Fry: You started selling insurance right after you left the Wyoming-Bridger?

WRS: Yes, and I was too soft-hearted to sell insurance and bonds. I'd have my prospect already hooked, and then I'd let him off the hook because I got sympathetic with him and didn't think he should take on too much of an investment. So I didn't do too well as an insurance salesman. The insurance business is the highest selling game one could possibly go into.

In late 1923, I went down to Long Beach, California, and engaged in the contracting business. At that time, my father was in the contracting business in that area. My father and I built about half of the subdivision known as Castle Park.

Then the bottom fell out of the real estate market. We had about ten houses on our hands that we owned, and the only way we could get anything out of them at all was to rent them, which is the poorest thing you can do in real estate.

Mapping for Hammond Lumber Company

WRS: In the meantime, my father-in-law, who was the manager at the Hammond Lumber Company in Samoa, California, just across the bay from Eureka, California, knew that a young man who had started to make a typographic map of all of the Hammond timber land, wasn't doing too well. He was costing them too much money.

My father-in-law, knowing my experience with the Forest Service in mapping, talked to Mr. Peed, who was the logging superintendent, about me and they hired me. In 1924, I moved my family from southern California up to Humboldt County without a contract and no assurance of how much money I was going to get for my job. We moved into a very comfortable place in Samoa, a company-owned town.

I went out into the woods. After the first month that I had been on the job, I was able to cut down the expense of typographic mapping from about three dollars an acre to seventy-two cents an acre, for which I was rewarded by a substantial increase in salary. I instituted several innovations that I had used with the Forest Service.

Fry: Did you use your camera technique?

WRS: That, plus the fact that I put into operation other procedures. We had four crews of three men each: a brush cutter, a head chain-man, and a transit man. The brush cutter would go ahead and cut the brush in order to open up a sight along the line of the traverse. In the redwood region there is a lot of brush to be cut. We ran from one control line on top of the ridge to a control line in the drainage at the bottom.

One night one crew got stuck a little later than usual, didn't get to the control line, and it got dark on them. It just happened that one of the boys had a flashlight on him, so the brush cutter took the flashlight. He went ahead, not cutting any brush at all, with the flashlight. The man with the transit could sight on the beam from the flashlight.

Fry: I see. Because it's a straight beam.

WRS: He would sight on the light at eye level, and would thus get a reading of the angle on that light. So that suggested doing away entirely with the services of the brush cutter. We could go a full chain length through the brush by using the flashlight, even in the daytime. That is the first time a flashlight was ever used in that work.

Ralph Hall, who retired from the School of Forestry at Berkeley, would remember that. He was on the party with us at that time. He

WRS: is the secretary of the Northern California section of the Society of American Foresters and lives in Orinda. He was one of a group of boys from Syracuse University who were in the party that I was directing.

It saved us a great deal of money, not having that extra man for brush cutting. And we went a lot faster. I ran the survey work during the remainder of that summer. The second summer I did the same thing. I directed the survey on most of the holdings of the Hammond Lumber Company, and from that made a topographic map of the Company holdings.

Fry: Was this written up as a new technique at the time?

WRS: Yes, it was in the Journal of Forestry. Somebody happened on to the technique many years later and wrote it up as something new. Ralph Hall wrote to the Journal of Forestry that we had instituted it in Humboldt County many years before and it was not a new thing at all.

In the winter, after we came in from the field work, I worked in the engineering office of the Hammond Lumber Company doing engineering work. I designed a new log dump for the mill, where they moved the flat cars with logs on a tilted track, and then with a jill poke would push them off the dump into the water of the bay to be transported to the sawmill. I designed and built the log dump for the Hammond Lumber Company. The dump was an elevated and tilted track that the car was spotted on.

After the second year out in the woods, they made me the fire chief of the Company fire department. We had our own volunteer fire department at the mill. My vehicle for transportation was a bicycle. I used to ride all over the plant and everywhere in Samoa on a bicycle. We had our fire equipment of course--our hose carts and chemical engines. Most of my time was spent as the fire chief, supplemented with some plant engineering work.

Redwood Reforestation, 1928-1930

WRS: I moved from Hammonds into the Redwood Reforestation Association planting program, the planting of redwoods, primarily because I had been working for the logging superintendent of the Hammond Lumber Company, Mr. W. W. Peed, who was very active in the Redwood Reforestation Association. We had a big nursery in Scotia which was operated by Pacific Lumber Company. They grew several million seedlings annually.*

Each company belonging to the Reforestation Association took

* See last item in appendices, William Schofield, "Reforestation in the Humboldt Redwood Belt". Journal of Forestry. Feb. 1929

WRS: hundreds of thousands of these seedlings and hired planting crews to plant them in the winter and spring of the year. Some of the planting stock were one-year-old seedlings, some one-year seedlings and one-year transplants; some were two-year seedlings and one-year transplants. These trees were planted on the cutover land. We planted thousands of acres of cutover land in Humboldt County.

Simultaneous with our planting in Humboldt County, there was a nursery operated by the Union Lumber Company in Mendocino County. Walker Tilley, a forester, was chief of the crew that did the work in Mendocino County. They operated much the same as we did in Humboldt County.

Fry: How would you compare those two? Did you get identical results?

WRS: No, we didn't, primarily because we were doing it without any rhyme or reason, planting them eight feet apart over hill and dale, sun-shine and shadows, stumps and no stumps. There were different elevations, different soil conditions, different species.

The result was that we got not too good of a survival count over the years. The first two years after planting they were fine. I have always said that the Forest Service brags about their survival count from planting that they do in the National Forest; but they better wait five years before they start counting their chickens, because over a period of five years you lose many of them.

One reason why we lost so many of them was that some of these "bindle-stiffs" who planted the trees didn't know or care anything about the planting program. They would take a bundle of five hundred trees and just stuff them in an old empty stump. I'd find them there the year following, whole bundles of them all wrapped up that were never planted at all.

Another reason was that the companies were grazing cattle over these cutover lands and they would tramp them out, plus the wildlife which browsed or tramped them out. Fireweed and all the other brush that would grow up in cutover land made it difficult for their survival.

However, I can take anybody over certain areas of the Hammond lands, the Little River lands, the old Northern Redwood lands, and show them plantations where there are trees that are better than three feet in diameter that we planted some forty years ago. They survived and made good stands, but those were few and far between.

Fry: Did you think that the Union Lumber Company nursery had better results?

WRS: No, they had the same problems that we had. They were just planting hit-or-miss with different species. Our best planting probably was on excellent soil in good places located in the Pacific Lumber

WRS: Company holdings. We had one of the best stands of survival on the Eel River. After it had been there for about seven years, it was completely swept by fire and the young plantation was destroyed. There are some areas that are still there that we planted at that time.

The impetus on the companies to plant was not so much the idea of planting for timber to be grown and to be used in the years to come as it was to offset the propaganda that was being circulated advocating the use of pine rather than cutting the redwoods. At that time there was a big furor all over the United States about the cutting of redwoods.

Fry: This was sort of a Save-the-Redwoods League movement?

WRS: It was, and the League was primarily in on it. To offset the unfavorable publicity and the false publicity that went out (and is still going out) relative to whether redwoods grow and so forth, the planting program was created. It was created purely to offset this publicity in the minds of most.

There were some sincere company plantings. The Little River Redwood Company perhaps was more sincere in their planting than some of the others, I can't say how much. But I will say the main reason was to gain favorable publicity. We were planting four or five trees for every tree that was cut. That was really the purpose of it.

On account of the unsuccessful survival that we had, when the lean years began to come in the industry, the planting was one of the things that they abandoned. Neither nursery is any longer in existence. The planting was done, but some of the trees that we planted are still growing.

Fry: We don't have a clear picture of your role in this.

WRS: I was the Secretary-Supervisor of the Humboldt Redwood Reforestation Association.

Fry: Was this a dual type of job, requiring both public relations and a knowledge of forestry?

WRS: No, we carried on the planting program primarily.

In those days they had voluntary rangers for the State, and I was a voluntary forest ranger for the State in Humboldt County. I had a badge and a siren and everything. We looked after fires on private land, supplementing the very meager crews that the State had at that time. We had our own fire organizations within the various companies too.

Of course, at that same time the California Forest Protective

WRS: Association was doing a similar job. As a matter of fact, the California Forest Protective Association at one time received better than half of the Clarke-McNary money, which came to the State of California, in compensation for the amount of fire prevention and fire suppression costs for the work that was done by the individual companies in the Association.

The money was apportioned between the State Division of Forestry and the Association, and the latter got the bulk of it. Later on, the State decided to take over the whole thing, so the C.F.P.A. lost out entirely in its fire suppression and fire prevention reimbursements. Nevertheless, the C.F.P.A. carried on as they had always done with fire suppression and fire prevention work, but without being compensated, without the Clarke-McNary funds.

Fry: The Clarke-McNary fund was used to help support the payment

WRS: It reimbursed us in part for crews, equipment, and everything that we had expended. We had a real fire department in the C.F.P.A. for the private owners. This was used, of course, both publicly and privately and for many years.

Fry: Let me back up a minute. You were the volunteer fireman for the State and for Humboldt County at the same time that you were the Supervisor and Secretary of the Redwood Reforestation Association?

WRS: Yes. Then I resigned that and entered into planning commission work for Humboldt County. I still directed the office of the Reforestation Association while in my position as engineer for the Planning Commission of Humboldt County, until I went with the State Board of Equalization.

Fry: You were primarily a county employee?

WRS: That's right.

Fry: You had been in the Redwood Reforestation Association from 1928 to 1931, and that brings us up to 1929-1931 when you were a planning engineer. Does that encompass land planning?

WRS: In California, they set up a law which required that each county have a planning commission. The Board of Supervisors were to appoint a planning commission, and this planning commission's job was to develop the economic promotion program of the county in the way of locating roads and all orderly planning for the development of the county.

It was rather a thankless job because the county supervisors were resentful of the fact that the planning commission told them what to do. They were so piqued that one of the strong leaders of the Board of Supervisors in the second year, in order to curb the

William Schofield

County Planning Engineer and Secretary
Humbolt County, California, Planning
Commission--1930



WRS: planning commission, refused to appropriate money for the financing of the planning commission. So it then was a planning commission in name only.

Fry: Was this your second year?

WRS: Yes, I worked for five months for nothing. Finally on that basis, I moved and took a research job with the State. I later was able to collect the back pay. The man who was responsible for urging me to quit the planning commission became, before he died, one of my closest friends.

Fry: Who was that?

WRS: George Cole, a long-time supervisor of Humboldt County, a remarkable and, I think, a very efficient supervisor in Humboldt County.

Tax Research Bureau

Fry: So in 1931 you moved to Sacramento?

WRS: 1931 was the legislative year. At that time, the Legislature met biennially, every odd year. The Legislature approved a budget for two years and performed all business in the time that was allotted them on these odd years. Later on they changed the law so that the odd year became the unlimited session and the even year a budget session plus whatever the Governor might put on special call. This change was made in the Constitution, so that the Legislature passed a yearly budget instead of one for two years.

The Legislature was meeting in the spring of 1931, when I went down and joined those who were promoting the legislation setting up the Tax Research Bureau; that was the reason I got appointed to the Bureau.

Fry: Was this your first work with the Legislature?

WRS: That was my first work with the Legislature, in 1931. I was with the Tax Research Bureau for two years. After we made our report* to the Legislature in 1933, the Legislature dissolved the Bureau.

*Schofield, William R., Report on Timber Taxation in the State of California, California Tax Research Bureau, November 1, 1932; mimeographed, 48 pp.

Fry: What was the purpose of the Tax Research Bureau?

WRS: The early Thirties was quite a depressed time throughout the United States. It was the same in California. The landowners and the common taxpayers were laboring under quite a severe tax load. The demand for schools was growing and growing. The question was, how were they going to finance such a program and where did inequity exist?

At that time the State's financing was from the gross receipts tax on the public utilities, such as the electrical companies, the gas companies, the railroads, the telephone company, and so forth. That was the source of revenue for State purposes added to whatever licensing there was in existence at the time.

There was and still is a law that the State has the privilege of levying an ad valorem tax, which is levied according to the value of the common property throughout the State. But only occasionally has it been invoked. Once they did it to finance the Panama Pacific Exposition in 1915, and there was one other occasion when there was a levy made.

The greatest need was for the financing locally from the local tax base and for the local work, particularly the schools. A study was made of the existing tax system--both the ad valorem tax on a local basis and the gross receipts tax, and how they compared with one another--to determine the relationship between the amount the utilities were paying and the amount the counties were receiving.

How could relief be given the counties in order to take care of this added educational load which they had? So the Tax Research Bureau was created.

We had an appropriation of \$150,000, which was quite a bit in those days. The Tax Research Bureau was administered by a director, Earl Lee Kelly, a real estate man who lived in Redding. He was appointed head of the Tax Research Bureau. He later became the director of Public Works; after that, he became a vice president of the Bank of America. He is now dead. He was quite a public servant. He headed it, but the direction was through the State Board of Equalization, the State Controller, and the Director of Finance.

The State Controller was an ex-officio member of the State Board of Equalization. The Director of Finance then was Rolland Vandegrift, probably one of the smartest men with a pencil that I have ever known in my life. He came from Utah, and he was really a whiz. He, in my estimation, was the best Director of Finance, unless it was John Pierce, who was the first head of the Bay Area Rapid Transit system and now has dropped down to being financial expert.

Vandegrift was extra smart. Van really was the man who ran the State deal. As an aside, not to be made generally known, I think

WRS: one of the reasons why I was able to get into the Tax Research Bureau was that he was a fraternity brother of my brother. My brother is a doctor and went to school here at the University of California. Vandegrift went to school at Cal, and they were both members of Acacia fraternity. I knew Vandegrift even when I was in the Ground School here at Berkeley during World War I, because he was in the house with my brother. That association formed a mutual relationship that stood me in good stead.

The direction was really by the Director of Finance and the Board of Equalization. The Board was quite active; of course, they had four other members besides the Controller. They really controlled it, but Vandegrift was the smartest of them all, and he was the man they looked up to. The Board members were elected officials and some of them didn't know too much about what they were doing in their jobs. They didn't have any particular qualifications other than the fact that they got elected. Vandegrift was a real accountant and one of the smartest men that had ever served the State of California.

The Bureau was set up with so-called experts (I shouldn't call myself an expert) familiar with various kinds of ownership of taxable property, and a survey was made. I made the first valuation of private timber lands that was ever made in the State of California. I went to every timber county in the State. My records, I think, are still as accurate as anyone's.

Fry: Did you take this from company records?

WRS: Yes. That is another thing that served me in good stead. When I went to work for the Board of Equalization, I had served six months as the secretary-manager of the California Forest Protective Association, which is the association of private timber ownership. (I was filling in for Rex Black.)

I was able, through my promise that any information that I received from them (and they were very jealous of their ownership and knowledge of what they had in the way of stands and acreage) was never to become the property of the State but rather always to be mine, to gain access to their private cruises. Their cruises, which had never before been made available to anyone, were made available to me.

I was a State employee. I promised them, and my word was always kept, that the information was always to be only mine, and I still have that information. I was to use the information only collectively, like ownerships of the entire county put together, and to designate the total species volume in the county; but I couldn't single out one particular company and say that the Hammond Lumber Company had so many acres, and so much timber volume per acre, and so forth. I couldn't say that, but collectively I could use the information in my report, which served just as well

WRS: as far as the State was concerned. I had access to their records carte blanche, which was an unusual thing. The timber owners were very jealous of all their records, but I kept my word and did not disclose the confidential material. I was censured somewhat when I left the Board of Equalization because I took many of these records with me, but I was keeping my word to the timber owners. All that was available was in the Tax Research Bureau report in 1932, an over-all picture. All the complete statistical data that I had, I kept to myself.

I made a complete survey of the taxation of timberlands. I won't say that I was on every foot of the timberland in every county because I wasn't; I didn't have the time. But I did some very good sampling, something that had never been done before. As far as the timber specifically was concerned, there was a woeful lack of knowledge of timber on the part of the taxing authorities, locally and statewide.

They were using various forms of timber taxation. Del Norte County at that time had a county cruise, which they assessed on the cruise basis. There were only about two counties in the State that had anywhere near the semblance of a cruise.

Fry: Why was that?

WRS: It was quite difficult information to get, because it was very expensive to make a cruise and the timber owners did not furnish their records. There was a fellow who set up a deal with some of the counties to make a cruise of all their timber and to allocate it to its location. He did some funny things. As a matter of fact, he went to jail for practicing abortion, of all things. He inveigled about three counties into giving him a contract to map all their timber.

Fry: Were you able to use these cruises?

WRS: Oh yes.

Fry: Was this Del Norte?

WRS: No. Del Norte had their own cruise made by another man. You can find the information in the report of the Tax Research Bureau of 1932 as to what counties had cruises. Some of them merely assessed their timber on an acreage basis--so much an acre; however, they did govern the rate by the location of the acreage, quality, and quantity, how near it was to transportation or how near it was to the mill, the accessibility.

Fry: And this influenced the assessment?

WRS: Yes. In Humboldt County they had a group of citizens who put together a map for the assessor. They mapped out the whole county:

WRS: this was zone so-and-so, that was another zone, and so forth. The assessor used that for years as the basis of his assessment of timber. Some of them, as I said, went on an acreage basis.

Some of them hadn't the slightest idea of what they had. A rather amusing thing happened one day when I was in the assessor's office in Susanville. A man came in and said to the assessor, "I want a reduction in my assessment on such-and-such a piece of land." The assessor said, "Well, what do you want the reduction for?"

He said, "Well, I had timber on it, but I cut the timber off." The assessor looked it up and found that he never had assessed it for timber at all. All the time the assessor thought it was just grazing land. They were woefully lacking in knowledge of what was on the land.

I determined what the assessment ratio was and the relationship of the assessment of timberlands with agricultural lands and to city and business lands. The information is all in the report. The University has six copies of the 1932 report. I have a more detailed report of my survey in a mimeographed form which was my report to the Bureau.* The final printed report was somewhat condensed from the detailed one.

I was one of two who proofread that whole Tax Research Bureau report; that's where I became a proofreader. I'm as versatile as can be. [laughter] I can read a page and almost by instinct I can pick out a misspelled word by proofreading; the errors seem to jump up at me.

From this report came the action of the Legislature in 1933 which was known as the Riley-Stewart Plan. Riley was the State Controller, and Stewart was a member of the Board of Equalization. However, it was A.C.A. #30 (Assembly Constitutional Amendment #30) which was voted on by the people, which changed the form of taxation of utility property from the gross receipts tax, setting up procedure whereby the State was to determine the assessed value of utility property and allocate back to the county the assessed value of the utility properties in the county.

The county, in turn, would apply the tax rates to the assessed value the same as applied to assessment made by the county assessor. As a result, the counties in which utility property was located received quite a bonus, which was supposed to be used for school purposes. It was quite a savings, particularly in some of the large timber counties. They were just rolling in wealth, but within three years the county supervisors had absorbed all that tax saving by increased expenditures.

*See Appendix, Bancroft Library copy of this transcript.

WRS: Simultaneous with this arrangement, there was also instituted a sales tax of three percent, which was reduced later to two and a half percent, and an income tax. The agricultural people--the Grange and the Farm Bureau--insisted that if a sales tax was going to be instituted on personal property, an income tax be instituted simultaneously. From the sales tax and from the State income tax came the major portion of the income for State purposes. The utility property was no longer an asset of the State. It became a part of the tax base of the counties.

That is the setup we have today. There has been a fluctuation and changing of the sales tax. Now we have authorization that cities can levy a sales tax which is tacked onto the State sales tax, so that's the reason why you pay a sales tax for the State and a one percent or more sales tax for most of the cities.

Fry: This, then, was really a great asset to the timber growers who were kind of up against it just then?

WRS: Yes, it was a life-saver for property owners.

Fry: They could reduce their local taxes?

WRS: Their local tax was reduced. There was a spreading out of a base on which taxes are levied, and there is now a broader base on which a levy can be made. But the constant demands of the public for more and more public services has absorbed that many times over.

Since that time, there was an interim committee formed in the Assembly which was trying to equalize things again, but the utility people were not too happy over it because in the long run they paid more money. They went along with it to begin with.

Fry: They didn't fight it at first?

WRS: No, they didn't, but it developed into something more than they expected. They didn't oppose it. There were some people who were violently opposed to that setup. I debated with ex-Governor Young on the constitutional amendment, I remember, down in Washington School District in Alameda County one night. C. C. Young was stumping the State opposing the sales tax.

Fry: Just the sales tax but not the income tax?

WRS: No, he wasn't opposing the income tax. He was opposing the constitutional amendment. He wasn't really opposing the sales tax. What he was opposing was the change from gross receipts tax because the gross receipts tax historically goes way back to the King tax bill, which was the original gross receipts tax. He thought the tax should be kept on the same basis.

WRS: He was a little bit dubious, I guess; having been Governor, he was afraid that the State was going to suffer from a financial income standpoint. He was opposed to it on that basis. I don't think the poor Governor understood exactly all that it was supposed to do, because he wasn't too close to the picture, but they used him because of his political prestige.

Fry: I guess this really pulled the State out of its financial difficulties.

WRS: Yes, it did. It was fantastic what the sales tax produced in the way of income, far beyond the imagination of the people who were instrumental in setting it up.

I remember when they set up the sales tax after they had the authorization. In the first two months of the collections, everyone wanted to know how much it was. Every newspaperman was trying to get a scoop on the others.

The result of trying to add the first return the way it was done, showed up six months after. Another employee and I found better than a quarter million dollars' worth of checks in the back of stenographers' chairs, in drawers, scattered all over, or where they just disappeared in files. Some were even found a year and a half afterwards. Of course, by that time some of the checks weren't any good at all. The result was that the manager of the Sales Tax Division at the time got fired.

Fry: Because the system for collection was so poor?

WRS: It happened because nobody was taking account of the slipshod count. They were so busy opening up these envelopes and we don't know how many were thrown away. They might have been thrown in the wastebasket. It was a sad thing.

We estimated at that time--and this will show you what good estimates we can make--that there would only be seventy-five people working for the sales tax in the State of California, just seventy-five people. Now look at it--thousands. It was an interesting development.

Fortunately, it was a painless sort of income, and it did help the property owners. It's something that's here to stay. Of course now we have some forty-two states which have a sales tax; only a few are left that don't have one. It's a good system, and California has an excellent system of collection now.

Fry: They don't lose checks anymore?

[laughter]

WRS: No. They now employ auditors who even spend time in Chicago and

WRS: and New York with out-of-state business. They make audits and some of them live back there and do yearlong auditing. Hundreds of thousands of dollars in sales and use taxes are brought in this way. Since then they have added the use tax with the sales tax, and the income is even greater. If you buy something out-of-state for use in California, then you pay a tax on it.

They get you going and coming on all of these things. It is something that will never be abandoned. Even so, since that time there have been other sources of revenue developed for the State. The State gets a lot of income from bank, corporation and franchise taxes.

Fry: As this was being voted on, I gather that you were also involved in the campaign.

WRS: I was. Just for the period of time of the campaign, I was not working for the State of California. I was working for the Common Property Taxpayers Association. They hired me to stump the State for that.

Board of Equalization

Fry: Was your activity largely in the form of speeches, or did you do more than that?

WRS: I made speeches and also lined up individuals for support throughout the State. When I went back to work for the State, I set up a rather euphonious but perhaps a phony title. For the Board of Equalization, I was "Assistant to the Executive Secretary," and I was doing the engineering work.

I had crossed swords with the then controller, Ray L. Riley. He, by manipulation, succeeded in ousting the man who had been chairman of the State Board of Equalization for many, many years, some thirty years. He went in as chairman himself. He controlled the votes of the Board so that he got to be chairman.

His first act after becoming chairman was to fire three people. One of them was Bill Schofield, one of them was Clem Whitaker, and the other was Elwood Squires, the assistant secretary of the Board.

Fry: Was Clem Whitaker the same one who started the public relations firm in San Francisco?

WRS: Yes. Clem Whitaker stayed fired and set up the public relations firm which did a fabulous job for the American Medical Association,

WRS: opposing medical insurance in the Fifties.

Fry: Right after Whitaker was fired, he ran the campaign for Riley?

WRS: No, he ran Ray Riley's campaign before, and Ray Riley reneged on financial obligations that Clem Whitaker had obligated for him. They Ray Riley withdrew from the governor's race and left all these bills. He left poor old Clem Whitaker trying to collect for these little newspapers in the country towns, whose services he had engaged. Ray just had it in for Clem Whitaker.

Ray Riley had a little different deal with me. I had made an unfortunate observation to Ray Riley one time. We were sitting in the meeting in the Equalization Board room, and I made a remark to him, that I had learned that he had been a pharmacist in Dillon, Montana, at the time that I was with the U.S. Forest Service and headquartered in Dillon.

Those were the days of prohibition. He had gotten into some nefarious deal and left Dillon between dark and daylight. I had heard that he had come from Dillon, Montana; it wasn't any secret. So I mentioned to him in a friendly talk (we had been good friends) something about the fact that I had lived in Dillon, Montana, at such-and-such a time, and that he had also been there at that time. I think that Ray Riley was afraid that I knew more than I had said about why he had left Dillon, so he was bound to get me, and he did.

But within a half hour after I was fired, I was hired by Fred Stewart, a Board member, as the liquor chief for the Stockton District of the Board of Equalization. That's when they were setting up the liquor control too. I served as liquor chief of the Stockton District for five months.

Then the Board member from the Northern District wanted somebody to run the liquor district at Santa Rosa. He asked Fred Stewart if he could borrow me to take over the liquor control of the north coast district. That's where I had a ball. I was a liquor chief, making raids and all kinds of things. It was a lot of fun.

When I went as liquor chief to Stockton, they changed the Board of Equalization personnel from appointive to Civil Service positions. Some of them were "blanketed in" on that basis, but in view of the fact that I had been doing some engineering work on another job and had then been appointed liquor chief, Ray Riley, who was still the chairman, said that I had to take the examination for liquor chief, which I did.

Ray Riley was also a member of the personnel board, as was Fred Wood, who was the Legislative Counsel and later became a judge, and is now dead. Fred Wood lived in Berkeley and was a great friend of mine. At one of the meetings right after I had taken the examination,

WRS: Riley said, "Well, Schofield doesn't have to take the examination," (I had already taken it and passed it) "because the duties of a liquor chief were similar to that of a forest engineer." How one could reconcile that I don't know. But his remark was a matter of record as far as Fred Wood was concerned.

Fred was my close friend and always fought to get me back into my old position with the Board. He persisted, and finally they overthrew Ray Riley and got Dick Collins back in again as chairman. Then the question was reinstating me in Civil Service as a valuation engineer with the Board of Equalization.

Ray Riley had always said, "over my dead body," but Fred Wood remembered what he had said. He said, "It works both ways: if the duties of a liquor chief are similar to those of an engineer, then the duties of an engineer are similar to those of a liquor chief." So I got back to my old job with the State Board of Equalization.

One night we set up the Division of Assessments Standards and the Division of Research and Statistics in the Board of Equalization. Three of us set it up: myself, John Keith, and DeWitt Krueger, who is now one of the directors of the East Bay Municipal Utilities District and also is associated as a tax man for the Safeway Stores. He was to become the director of Research and Statistics. John Keith was to be the head of the Assessments Standards Division, and I was to be the supernumerary who worked behind the scenes, as a Senior Valuation Engineer.

Fry: Didn't this have to be legislated?

WRS: No, it was done within the Board. The Board set it up. This was 1933. Later on, after twelve years with the State Board, I was picked to go to the California Forest Protective Association. About the same time, DeWitt Krueger went with the Safeway people.

Fry: Once Keith and Krueger were working, what were your main duties?

WRS: Then I was the "bird dog" for the Board when the Legislature was meeting. I was doing all the legislative contact work. Besides that, when the Legislature wasn't meeting, I was helping in the inter-county equalization, primarily dealing with timber and timber evaluation and keeping up-to-date the record of timber cut.

Fry: It sounds like you were a one-man computer. What does "bird-dogging" mean?

WRS: It means digging things out, doing errands, and making public contact with the legislators for this individual member.

Fry: This put you in touch with the timbermen in all the counties?

WRS: Yes, that's right. That's one reason why it wasn't hard for Rex Black to say, "Well, Bill Schofield would make a good successor to me in the California Forest Protective Association."

Timber Taxation Exemption

Fry: During the time that you were working for the State Board of Equalization, were you also involved in helping legislation that would enable the various fire plans to go into effect in the State, in the 1930's and early 40's?

WRS: No. The State Board of Equalization was not interested in that. The members' interest was only in the tax issues.

Fry: I thought maybe with your interest as a forester, you might have helped a little.

WRS: Well, I may have given my opinion, but I didn't take an active part. Mine was purely from the tax standpoint.

Fry: There haven't been any great changes in taxes that would affect forest landowners, have there?

WRS: We [C.F.P.A.] saw to it that there weren't. There were many attempts made. Many times we fought a severance tax on timber or natural resources. In my time, a little over nineteen years, during three legislative sessions we fought severance taxes. Even last year there was another attempt for a severance tax, but we were able to overcome that.

Many pieces of legislation were just taken off the top of somebody's head with no thought to it at all, so we were able to control; we did pretty well. By and large, we have done pretty well, but it's getting more difficult.

Fry: Were the timber owners happy with the 1926 tax law, Article 13, Section 12 3/4?*

WRS: Well, that was their bill originally.

Fry: They remained content with this through the Thirties while you were on the State Board of Equalization?

WRS: Yes. Originally, prior to the passage of this bill, Senator Johnson, who was the author of this bill of 1926 that was voted on by

*See Appendix.

WRS: the people, had introduced a very similar bill which had got by both houses of the Legislature, but it was vetoed by the Governor because the Governor said it was unconstitutional. Then the work began. Rex Black got the State Chamber of Commerce to help and in the next session of the Legislature, Johnson introduced the bill. It was a bill drafted by Rex Black and the industry.

Fry: Was it Dunwoody who helped you?

WRS: Charlie Dunwoody was in the State Chamber of Commerce and he helped somewhat. He was Director of Natural Resources for the State Chamber at that time. Is Charlie still alive?

Fry: He lives up in Washington in the summers and in Pasadena in the winters now.

WRS: He used to work in Santa Rosa for a hardware company after they fired him out of Washington, D.C.

Fry: He has a manuscript on his lobbying against the transfer of the Forest Service, but he says that it's not publishable yet.

[laughter]

WRS: Charlie was quite a boy. He was his own worst enemy; he bragged too much.

Fry: But he was able to work with you on these pieces of legislation?

WRS: Oh yes. Charlie was not bad, although Rex never liked him. You had to be a little bit careful with Charlie. He was apt to do things differently from what you thought he was going to do. The fact that he claimed so much for his ability back in Washington was his downfall back there. The State Chamber got rid of him.

Fry: Article XIII Section 12 3/4 was really a taxation exemption article?

WRS: That's right, exempting the growing timber from taxes. Have you a copy of the Attorney General's opinion that was given on the interpretation of 12 3/4 in 1962?

Fry: No.

WRS: I'll have to get that for you because I wrote it.* [laughter]
That was the funniest thing I ever saw. A fellow by the name of Klee, who was in the Attorney General's office, a nice young fellow, was assigned the job of writing the opinion. It was the question of the application of 12 3/4 as to whether they should tax that timber which remained (when 70% of the original growth timber had been taken off) because now it was marketable, or wait until forty years when the maturity boards established by the Section would be functioning.

WRS: Klee didn't know anything about the provisions. He first talked with the attorneys from the Board of Equalization, and he became completely indoctrinated by the State Board of Equalization and was all for having it their way.

Fry: Was this when you were with the California Forest Protective Association?

WRS: Yes. It just happened that one of the assistants to the Attorney General, who was in Los Angeles, was a very close friend of mine. (I worked with him very closely because he was representing the State Board of Forestry for a number of years for the Attorney General's office.) I went down to see him, and I said, "Now these boys from the Board of Equalization have had their day with Klee, and I think industry should be allowed to have their day with Klee and give him information."

Fry: He said, "By all means, you should have." So he paved the way for me to go visit Klee. I had never met him before and I talked with him. He was awfully hard to convince; that is, it was hard to make him understand what we were trying to accomplish primarily. He was thinking completely in terms of the State Board of Equalization. I talked with him about it, and I later furnished him with quite a report on what I had talked to him about.

A couple of months elapsed. He was still working on it. Somebody had told him about the Yale taxation seminar that was held at the University of California, in which I was one of the participants. He wanted the California story which I had presented at this seminar. Apparently he couldn't get a copy or the library wouldn't give him a copy. So he contacted me and asked me if I had a copy of it.

I said, "Yes, and I'd be very glad to give you my copy to review." It was the Forestry School that didn't have it in their library. I said, "Sure, I'd be happy to furnish you with it."*

He took it, and it completely reversed his thinking. He wrote his argument from what I had set forth in that seminar presentation. It was all in our favor. If there was anybody with red faces, it was the attorneys of the Board of Equalization. [laughter] It was good. It was a good opinion. You must have that, because it's an interpretation of the law the way that industry has always interpreted it. And they've always followed it.

When 12 3/4 was passed by the people, the C.F.P.A. members, like Pickering and different ones, were in an era where they needed to grow timber and could grow it because it wasn't going to be taxed while it was maturing. The lumber industry went for it 100%.

*See Appendix.

WRS: Over the years, however, the Board of Equalization and some people who didn't know the background of the law had been pressing to tax timber that was left. But it wasn't marketable at the time, and therefore shouldn't be counted as taxable in the 30% remaining, although it had become merchantable because of the change since 1926 in the value of fir timber, which wasn't of any value at all before.

Industry has always maintained that once it was exempt it was still exempt up to the end of forty years when the maturity board determined it to be mature. The Attorney General ruled right down the line for us, and boy, they were mad.

This occurrence was just before I left C.F.P.A. It was one of the last things I did in 1960 and 1961, when the opinion came out. They have been trying ever since to upset the ruling. That was the reason why the State Board of Equalization introduced the bill which Senator Peterson authored and it was passed, setting up the Board of Equalization procedures and describing the method in which timber should be reported to obtain exemption.

Industry is still fighting about that. It is still very controversial. The State Board has devised a form, to be filled out by the timber owner, that is demanding more from the timber owner than was ever anticipated by the author, Senator Peterson, who says so himself. We're still in the process of arguing that one.

The Black-Pratt Affair

Fry: I heard a rumor that in one of the earlier attempts to dislodge the State Forester, you were slated to take his place.

WRS: I was commissioned as State Forester for twenty-four hours. I had to give it back, although it was signed by Governor Merriam.

Fry: When was this? Was it when Rex Black was on the Board?

WRS: Black was chairman of the Board of Forestry in 1934. He was also executive secretary of the Forest Protective Association. There was much dissatisfaction with Merritt Pratt, who had been the long-time State Forester. Pratt was getting a little obstinate. I never will forget a meeting of the Board of Forestry held one time in Ukiah. The Board said to Merritt, "At our last meeting we ordered you to do so-and-so. Did you do it?" He said, "No."

They said, "Why didn't you?" "Because I didn't want to."

That was the attitude that he took--that he was chief and bottle washer, and he wasn't going to take any dictation from anybody.

WRS: else. And he didn't. It got worse and worse and it was very difficult. Merritt was getting old. Finally they got an agreement out of Pratt.

Let me go back and explain it another way. Rex manipulated around until he had a pretty good group with him in the State Board of Forestry. Supposedly, he thought he had a majority who would support him in a vote to remove Pratt.

Mrs. Pratt was a politician. They thought they had it all cut and dried that Merritt had agreed that he would not oppose being moved down from State Forester position. They would put him in charge of the State Nursery. He would get the same salary. He had agreed that he wouldn't make any fuss about it at all.

Fry: Do you know how they got him to agree to that?

WRS: Oh yes. He knew he was in bad with the Board of Forestry. He wasn't cooperating with them and there was a lot of outside influence against him. He actually agreed to do that. On that basis . . . but let's go back a little further.

Emanuel Fritz was one of those that Rex had picked on the Board of Forestry. They had a meeting all set in which they were going to fire Merritt and hire me. Emanuel Fritz went to Sacramento for the meeting, but instead he sat in the lobby of the Senator Hotel, reading Anthony Adverse.

Fry: Did he think he was being used?

WRS: I think he was and he thought he was.

Fry: He was sitting in the lobby while the meeting was going on?

WRS: He didn't go to the meeting at all. They manipulated around and got rid of Fritz very quickly and got the Governor to appoint someone else who said that he would go along. A fellow from Lake County said that he would go along, and he did go along in the firing of Merritt.

Of course, this was the agreement with Merritt (I had already been chosen to follow him as the State Forester): he was to go along in the firing with no objections, and move to the head of the State Nursery at Davis.

I never will forget that night after the meeting. We had a big celebration. I was a drinking man in those days and we had a real time. We had it out at Mitchell's place, at his home. I was presented that night with the commission, all signed by Governor Merriam, as State Forester.

Fry: Was this the meeting in which part of the Board met in one building

Fry: and part in another building for a while?

WRS: They were meeting all kinds of ways. There was a division in the Board, but Rex had the controlling vote in this one meeting.

Fry: Rex was with one group while the dissenters were over somewhere else?

WRS: Yes.

Fry: Did they think they were holding their own meeting?

WRS: They didn't know what they were doing. Rex was way ahead of them that meeting when the Board fired Merritt. I don't know whether Pratt ever knew that I was in line for the position at that time. Merritt and I were always good friends. Even to the day he died, we were good friends.

This happened in the afternoon, and he went home afterwards and told his wife. That's where his agreement didn't hold. He and his wife went down to the old riverboat, The Delta Queen, and went to San Francisco while we were partying at Mitchell's. The boat traveled at night and landed about three o'clock in the morning. Early in the morning in San Francisco, Mrs. Pratt got hold of some very influential politicians and the bubble was broken.

Fry: Who did she get hold of?

WRS: I don't know specifically. She got hold of some friends of hers. She was the politician, and she knew the right people to contact from a political standpoint. So it blew up, and there was the biggest furor in the State of California that you ever saw. Messages went to the Governor, just flooding the Governor's office. Poor old Frank Merriam had to call me up--I had the commission--and ask me to return it.

As an aftermath of that, Emanuel was very apologetic to me. He was so afraid that he had been responsible for it. He was apologizing, and I said, "Oh, that's politics, Emanuel. I don't hold any resentment against you because you didn't stay by your word." But he has never forgotten that he didn't stay by his word. So I was State Forester for twenty-four hours.

Fry: Right after that, Riley fired you?

WRS: Yes, and then all of this followed. In years to come, I finally came back, but I was always glad that I never was State Forester.

Fry: Why?

WRS: From a financial standpoint, I made twice over what the State

WRS: Forester made or is making.

Fry: Do you think you had about the same amount of influence?

WRS: Well, I shouldn't say this, but there wasn't much that took place within the State Board of Forestry--after the 1944 reorganization--there wasn't much that I didn't have a pretty good finger on and control of--for the industry, not for myself. We had a good Board of Forestry, so much so that when I retired, I have an autographed commission as an honorary member (ornery is right) [laughter] of the Board of Forestry and am allowed to speak at any meeting and say anything I want.

They have taken my judgment quite a bit because I have had a lot of experience and they know it. The newer they are, the more influence I have, I guess. I'm still in pretty good with the Board of Forestry. It was an interesting experience, but I was awfully glad that I never became State Forester.

Fry: There was one by-product of this controversy over Pratt that I think you had a part in too, and that was Black's being dropped from the Society of American Foresters.

WRS: Pratt's friends (mostly the Forest Service people) were instigators of kicking Rex Black out of the S.A.F. for unprofessional conduct. It was done rather surreptitiously, without any real background, because he was, as some of his friends believed, exercising the duty of any individual who, as a member of the State Board of Forestry, was acting in the best interests of the State of California. It wasn't unethical (Black's behavior).

The result was that there were some fifteen of us in California who resigned from the S.A.F. in protest. For a number of years, I didn't reinstate; Rex never did. They finally threw it out, but we demanded that it be cleared up, and it was eventually cleared up.

Rex was offered reinstatement, but he never reinstated. Most of the resigners, like Swift Berry and others that I know of who protested, didn't go back into the S.A.F. after that. It was quite a jolt. At that time, the S.A.F. was pretty near broken right in two. The major part of S.A.F. on the west coast was about to be reestablished.

Fry: You were really thinking about forming an independent organization?

WRS: Oh yes. We had the thing pretty much under control and organized, and that was probably the real reason that the S.A.F. rescinded its action on Rex Black. But the damage had been done.

Fry: How far did you get in trying to establish a new Society for the West?

WRS: We were already the western part of the Society. We were all for going in for a new one, if it could be set up. We could have split up S.A.F.

Fry: Who were the leaders in this besides you and Swift Berry?

WRS: There was Swift Berry and a number of others in the northeast.

Fry: Maybe the ones who wrote the initial letter to the Journal, asking for the investigation on the action against Black?

WRS: Yes, it was that bunch that were strong for it, mostly industry people who were members of S.A.F.

Fry: Do you think this was a division along the lines of U.S. Forest Service people and the industry?

WRS: Yes it was, because Black's termination with S.A.F. was primarily instigated by Bevier Show, who was then the federal Regional Forester for this [California] District. He was the ringleader. I often think of some others who claimed they supported Rex, but were really responsible for the action to get Rex Black out. Show and his brother-in-law, Eddie Kotok, were the strong ones who were in on the deal. It was primarily a Forest Service move.

Fry: Why did the Forest Service want Pratt kept in as State Forester, or did they?

WRS: Merritt had been an old Forest Service man, for one thing, plus the fact that Merritt was in the School of Forestry here at U.C. at one time. He was an assistant professor of forestry before he became State Forester. Many of his old students were Forest Service people who came out of the University of California Forestry School. So there was that tie-in that gave him Forest Service support, plus the fact that there was not too good blood between the Forest Service and industry.

Fry: The fact that industry had lined up and was behind Black

WRS: They lined up, but that wasn't it so much. There were other reasons why there was a cleavage between the Forest Service and industry, and there has been for years.

Fry: Was this proposed federal regulation of timber cutting an issue that added to the cleavage?

WRS: Well, it was that. For a long time there was quite a pressure on the part of the Forest Service to have complete federal regulation of all forest lands, including private lands. That was one big reason why there was this difference.

Fry: Do you think that a man like Merritt Pratt, who was relatively

Fry: weak, judging from what everyone else has told me, would be desirable from the U.S. Forest Service standpoint because he was more easily manipulated?

WRS: Yes. I know that he went to the Forest Service for practically everything. They directed and dictated to the State Forester to the detriment of private timber ownership. The Forest Service was very influential. It wasn't until after the reorganization of the State Board of Forestry that industry really got its licks in.

Fry: What are some examples of this? Was the division of responsibility of fire control and patrol one of the sore points?

WRS: That was the function of the State Forester in those days, primarily fire control and some sort of fire prevention. That was their main purpose in life. It's only been in recent years that there has been the diversification and expansion of duties that there is in the Division of Forestry. There weren't any regulations of industry or anything of that kind.

Fry: The California Forest Protection Association and others were not too happy with the way this was organized under Pratt?

WRS: No, they were not. Industry really wasn't dealt with as it should have been.

Fry: What about the proportion of protection the State gave to the foothills and chaparral lands, the ratio of this to the protection given forested areas, in the higher altitudes, at that time?

WRS: Private ownership was located in the lower lands rather than the upper lands, and there was a tendency, even where the State gave money to the Forest Service for the protection of private lands within the exterior boundaries of National Forests, to not give too good protection. It was just forced upon them.

There was a neglect of private lands in the area set aside for protection by the State. The Forest Service was doing more in the protection of federal lands than they were for the protection of private lands, although they were paid by the State and obligated to protect private lands. The State Division of Forestry was becoming more and more of a glorified fire department. That's what they were, until the reorganization.

Then some capable people were appointed to the Board of Forestry in 1944 who were able to control the State program. The policy was changed. The Board of Forestry was a policy-making group after the reorganization, and the State Forester had to follow the policies adopted by the Board.

In this last [1965] session of the Legislature, they almost

WRS: threw a monkey wrench into the deal by doing away with the Forest Practice committees and the Board of Forestry, practically cutting out the entire setup and leaving the responsibility to direct all activities entirely in the hands of the State Forester. The Board of Forestry was to be just a figurehead.

Fry: Did you come out of retirement for that one?

WRS: Sure, and helped to beat it. It was a recommendation of the so-called Little Hoover Commission that was set up. Their recommendation was to do away with the Forest Practice committees and have the State Forester be in complete charge of things. They wanted him to do just exactly what we wanted to avoid and what we did avoid, by having these District Forest Practice committees devise the ways and means of setting up criteria for forest practices on private lands.

Fry: Under the Little Hoover Commission, the cutting regulations would have been devised strictly by the State, without any voice on the part of the private owners?

WRS: That's right. Intrigue within intrigue in the State of California.

Fry: Legally, the Board of Forestry did have policy-making power over Pratt, didn't it?

WRS: No, it wasn't spelled out. The fact is that with each new administration, there was a change of the Board of Forestry membership; there wasn't anyone who could be too firm. They were subject to the whims of the Governor. It made it possible for the State Forester to say, "I'll do it the way I want to do it."

After 1944, the reorganization setup specifically spelled out that the State Board of Forestry was a policy-making group, and the State Forester was to administer the policies established by the State Board of Forestry rather than his own policies.

Other State Foresters

Fry: Could you describe how Dewitt "Swede" Nelson was appointed by Governor Earl Warren?

WRS: Well, it went back to the time when Merritt Pratt, who survived the attempted ouster, finally saw the handwriting on the wall. Becoming of age for retirement, he decided to retire in November, 1944.

Fry: And this was when Ray Clar became acting

WRS: Ray Clar was made acting State Forester from the retirement of Merritt Pratt. Ray was second in command until the time when Swede Nelson came into the picture and when the new Board came into the picture. Ray Clar was not about to be moved up. He had a little difficulty, I think a nervous breakdown, but he was not going to be moved up anyway.

Fry: But his illness came later.

WRS: Yes, his illness came later, but he was just not the man.

Fry: Do you mean because it is a high pressure situation?

WRS: He wasn't an administrator. Ray is not an administrator.

It became the first task, or one of the tasks, of the new Board of Forestry in '45 to get a State Forester. The State Forester, under the law, was required to be a technical forester. He had to have a degree and be a technically trained forester. It was a question of looking around as to who it should be.

As I recall, the Board of Forestry did consider some others outside of the division of personnel, but it seemed, and I don't know just how it occurred, that Swede became an individual who was a possibility and who might be available.

Fry: I believe he was on the San Bernardino National Forest.

WRS: He was the Forest Supervisor of the San Bernardino National Forest at that time. He was finally chosen by the Board. Now industry didn't have anything to do with that particular part except the approval of the Board's selection with a little bit of tongue-in-cheek because they were a little bit uncertain, since here was a career man in the Forest Service being lifted out into the position of State Forester having to do with private timberland, which was his primary duty. Swede was never a politician as Mrs. Pratt was.

Fry: A powerful woman.

WRS: Yes, she was.

Fry: Did this reservation have anything to do with any specific brushes that Swede might have had with industry in the State

WRS: No, no.

Fry: or was it just guilt by association?

WRS: It was guilt by association. No one feared him; they had nothing specific against Swede. It was merely the question, can we make a

WRS: real State Forester out of a U.S. Forest Service career man? That was the only question. General Hannum said, "Well, he's either going to perform as a state forester with a consideration of the duties of the State Forester, or else!"

And Swede did nobly that way. He was very good. Later on, he got to be appointed the Director of Natural Resources in place of General Hannum. Swede was a good State Forester.

Fry: A while ago you said that this was with the concurrence of industry. What form did this take--C.F.P.A. or other organizations?

WRS: Primarily it was through C.F.P.A. because we were doing the talking for the industry. We always talked, that is, I always talked, for industry (I say "we," but I was the spokesman for industry through the C.F.P.A.). There was also acquiescence on the part of the redwood people through their trade association and the Western Pine Association, which was operating in the pine region.

Individual timber owners and people in the state not connected with C.F.P.A. found Swede acceptable too. But Swede had the qualifications. Had we objected, I'm sure that the Board of Forestry would never have appointed him, but he turned out to be an excellent State Forester.

Then came the time that Swede was moved up to Director of Natural Resources. The present State Forester, Francis Raymond, had been a deputy, and there never was a man who had more endorsement and backing from the industry than did Francis Raymond, but in the beginning he was a problem child for us. For a time, we all wished we had Swede back.

Francis was a stickler for some things and he was inclined to go by the rote of law, and he listened to some poor advice from some of his immediate underlings, which was quite a problem to us.

Fry: Which immediate underlings?

WRS: I don't think this should be published, but one was a man by the name of Stewart Schick, who was the law enforcement officer for Francis Raymond when Raymond was the assistant in charge of the redwood district. Stewart Schick was just an impossible individual as far as industry is concerned, and rather a dishonest individual, we know. He influenced a lot of things for a time until he finally dropped out of the picture.

Fry: This problem then was in regard to the enforcement of the provisions of the Forest Practices Act?

WRS: That was part of it; primarily, that was it. Stewart Schick was a policeman.

Fry: Not a forester?

WRS: He was a forester too, but his attitude and actions were those of a policeman. Industry didn't care too much for being policed under a voluntary law. Stewart Schlick was making it a compulsory law in every way with no chance of cooperation, which was essential at the beginning of the Forest Practice Act, and we didn't like it too much.

At that time, and every once in a while since, about the time that we thought that Francis Raymond was really with us, he would do some things that were a little bit disturbing. We were so much for Francis Raymond as the man to succeed Swede Nelson, that although Francis Raymond had never received his degree in forestry, we partially made it possible for Raymond to obtain a degree in forestry from Colorado, in absentia.

Fry: Was this an honorary degree or a real one?

WRS: It was a real degree. He had practically completed his forestry course. They gave him a real degree but without his having completed the full curriculum.

Fry: This was from Boulder?

WRS: Yes, at Boulder, Colorado. We were willing to go to bat for him on that. It was a political move that we were able to do and endorse him for. They were happy to give it to him, and he was entitled to it. It was just a question of a little shortage of time until he would have gotten a degree, but he didn't. I don't remember just why he didn't get it, but I think he was called out of school.

Sometimes we say we thought we had him going all right and then all of a sudden he breaks over the traces again. He's a perfectionist to the degree that he loses sight of any practical application. He's a stickler for doing this and that. He's apt to listen to some people who might give him poor advice.

However, we were able to work on him because of the fact that under this reorganization plan, the policy-making authority was established in the Board of Forestry and the State Forester was only the administrator to administer the policies that were adopted by the State Board of Forestry.

Last year, the Little Hoover Commission pretty near wrecked the whole situation when they proposed to relegate the Board of Forestry to more or less an advisory group. The State Forester was to make all the policies and administer them and everything else. We were able to stop that one, but whether we'll be able to hold the line on the thing, I don't know. They were going to do away with the Forest Practice committees too, which was the fault of the Forest Practice committees to a degree, and the fault of the State Forester in that he didn't follow through.

ROLE OF CALIFORNIA FOREST PROTECTIVE ASSOCIATION

Positions of Timberland Owners

Fry: Perhaps we can discuss the issues that later culminated in the reorganization of the State Board of Forestry and the passage of the Forest Practice Act.

WRS: The issue of what should be done dates way back; it started even as early as the 1920's. The public awareness of the private ownership of timberlands, and its becoming so-called "conservation minded" (particularly the operations of the Save-the-Redwoods League in California) had a great deal to do with developing this trend.

The Legislature felt there should be some sort of timber harvesting control. The federal government wanted to enact a federal law, whereby the Forest Service would regulate private owners of timber. The new State Board of Forestry, established in 1945, was very sympathetic toward industry, and it was therefore opposed to a federal law being passed to regulate private timber lands.

William Rosecrans was chairman of the Board. Because of the Legislature's opposition to federal control, the Board suggested the development of a Forest Practice Act for the State of California which would do and accomplish what was necessary, in other words, provide for the continuous production on timber growing lands in the State of California, for the benefit of industry as well as for the benefit of the people as a whole for recreational use.

Fry: If I understand what you're saying, this more or less started out as a kind of defensive measure against the threat of federal regulation of private timber practices.

WRS: It was, yes. There was very definitely a feeling by most people in the State of California that they didn't want federal intervention. There had been indications that if the federal government were to take over, it would be much what we have now in some of our federal laws with regard to regulations for the entire United States which are not applicable to the diversity of the regions that are being dealt with. That's the reason why we wanted a California law

TIMBER OWNERS IN CALIFORNIA ORGANIZE FOREST PROTECTIVE ASSOCIATION TO FIGHT FIRES

TIMBER BARONS CONSERVATIVE

**Owners Determined to Work
 Out Reforestration
 Problems.**

A T A meeting of the representatives of the leading timber corporations and individual owners of the State held yesterday in the Merchants' Exchange building an organization was perfected to be known as the "California Forest Protective Association." Through this organization, which is to be incorporated under the State laws, the timber owners will have their lands patrolled to prevent forest fires, assessing themselves to meet the cost.

The committee which is to draw up the articles of incorporation is composed of the following members: T. B. Walker, G. X. Wendeling, C. M. Stafford, H. B. Hickey, A. B. Hammond, C. R. Johnson and O. C. Hazlett.

Some idea of what is in the minds of the organizers of this association may be had from the suggestions made for a name. "The California Forest Fire Association" was first suggested, but the objection was made that this was too limited to include other joint action contemplated, as toward securing reduction of taxation on stumpage and cut lands and efforts in the direction of reforestation. "Forestry Association" was suggested, only to meet the objection that it savored of "the long-haired brethren," and "Forest Association" was found too barren in meaning. "California Forest Protective Association" was then determined upon and adopted.

SOLUTION OF PROBLEMS.

This action of the timber men in starting a work in the State, which will mean an annual assessment of 2 cents for each acre owned by the members, is significant in that it marks a long step toward a solution of some of the problems of conservation by the owners themselves, rather than by the State or National Government through paternal legislation enacted on the principle of the public interest in the privately owned forests. The timber men present yesterday expressed themselves as being quite as reluctant to see their timber burned as the public could be, and their convictions took material form in the \$20 gold pieces which each left with the treasurer to defray the initial expenses of the organization.

The meeting had been brought about by State Forester G. B. Lull, and the principal speakers were T. B. Walker of Minneapolis, who owns large holdings in the northern part of the State; D. P. Simons, the fire warden of a similar association in Washington, and E. T. Allen, district forester of Portland, Or.

Walker, who acted as chairman of the meeting, made the address at the morning session, in which he urged a reduction of the taxes on standing timber and on lands which had been cut over, so that the owners could afford to hold their lands longer, cut with less waste, and keep the denuded lands while new trees were growing. He said that at the present rates of interest and taxation the cost of holding timber lands would be as great as the original investment in ten years; "in twenty years it would be quadruple the original cost, in forty years multiply it by fifteen, and in sixty years the cost would represent fifty-eight times the amount of the original investment."

ORGANIZATION OF OWNERS.

E. T. Allen spoke on the arguments for organization of timber owners, in which he took the position that the reforestation problems, as well as fire protection, could be better worked out by the owners themselves than by legislation which might in the enthusiasm of the framers become punitive upon the owners.

"The public and the lawmaker have got to be shown the importance of your industry," he said. "The timber owner must avoid the weakness of a forced defense. No doubt the public will awaken. It will and perhaps soon. One of the first ideas of the awakened public mind will be that since timber is a vital resource its private ownership is a public trust. The public has been made so suspicious that it may not volunteer co-operation. They must be shown the effect of taxation. Show them that if they force cutting by taxes and burn the rest that they will have to pay all the taxes and more for their houses, fences and fruit boxes. Show them where they lose by assessing cut-over lands so high that you must abandon them to be reburned into a desert, and that such lands pay little taxes after that."

"The other fellow is organizing. Look at the forestry and conservation associations and commissions springing up everywhere. My advice is not to ignore it. Study the problem and beat him to it. I see no surer way to show the public you are doing it sincerely than to organize a fire association, and the beauty of it is that it will pay in dollars and cents besides."

D. P. Simons read a paper at the afternoon session in which he showed what had been the practical operation, benefits and costs of the organization of the Washington timber men for fire protection, and when the motion to organize was put it was decided to "do it then and there."



D. P. SIMONS JR.



E. T. ALLEN

D. P. Simons, Fire Warden of Washington Timber Men's Association, and E. T. Allen, District Forester of Oregon, Who Addressed the Meeting of California Timber Men Yesterday.

WRS: that would be adaptable to California. Within the Forest Practice Act, we divided California into four Forest Practice Districts because of the different situations and conditions. That was the primary reason why industry was fully supported by the State Board of Forestry in their promotion of the Forest Practice Act.

In addition, everyone feels (and in outright experience proven even with the Volstead Act in the United States) that to try to regulate something by just passing a law isn't the solution in many situations. When it becomes objectionable or even restrictive to the point that the economy is affected, then you are going to have the end of the road for regulations, and things will be more or less voluntary and localized rather than on a federal basis.

Fry: In the early Forties, did C.F.P.A. have any contact with the feelers that were sent out from the Forest Service in Washington, on this federal regulation proposal?

WRS: Do you mean were we in contact with those feelers? We were well aware of it and on top of it at all times.

Fry: You had seen sample bills that were circulating then?

WRS: Yes, and of course the industry itself had its connections through the National Lumber Manufacturers Association, which was the Washington representative of the timber interests in the United States.

Fry: What about the American Forest Products Industries?

WRS: That was an offshoot of the N.L.M.A., but separated entirely from the N.L.M.A., which did lobbying and legislative work for the timber interests in Washington. The A.F.P.I. always was and has remained an agency for the dissemination of facts and information. It is the agency where people can go to get true information concerning the industry and its operations.

Fry: Was it primarily statistical?

WRS: It was statistical, and it was not propaganda, it was factual. It still remains as such. It is a very elaborate organization. It has an educational setup through which is disseminated much information to the public school system throughout the United States, relative to forestry. A.F.P.I. follows through and gives corrective information to the Encyclopedia Britannica and other publications which publish factual information.

A.F.P.I. has been kept completely divorced from the N.L.M.A., although it is supported by the industry. I am amazed: sometimes I get involved in organizations similar to the A.F.P.I. with a little different name, which engage in controversies and actually do lobbying--of course, honest lobbying, but at the same time they become

WRS: involved in controversies between the Forest Service and other governmental agencies. This activity doesn't lend itself to giving them a reputation as a place to get unbiased information. That is the reason why the N.L.M.A. has set up the A.F.P.I.

Fry: I suppose that a regional body like C.F.P.A. would work with them.

WRS: C.F.P.A. is very closely related to it. N.L.M.A. is really a trade organization, and you would say that the representatives from a trade standpoint in California would be the California Redwood Association and the California branch of the Western Wood Products Association, which is the old Western Pine Association. They are the trade associations. The California Forest Protective is not a trade association per se. It is a timber ownership organization. That was the basis of the membership.

You will find in its bylaws and its articles of incorporation, that its setup and its requirements are timber ownership. In order to become a member of C.F.P.A., you must have at least one acre of timberland. C.F.P.A. works primarily in the interests of forestry and conservation, and legislation having to do with forestry and conservation.

Fry: When you mention that you didn't like the federal regulation because of the difficulty of getting a law that would allow for all the diversity of timber resources, I wonder if you found these suggested bills contained provisions for regional committees to be formed?

WRS: No. They practically centered it all in the United States Forest Service. Of course, there were the regional offices of the U.S. Forest Service, but it was the principle of federal regulation which disregarded (we thought, and the people of California thought) states' rights. We're kind of states' rights people, the same as they are in Texas.

Fry: I read one of the proposed bills, sent out by Earle Clapp, Chief Forester, which did set up regional committees made up of the timber owners.

WRS: I don't recall it ever was seriously considered. I think it was made as a suggestion.

The private timber owner today has conflicts with the federal Forest Service. Basically, the federal Forest Service is set up in order to protect the timber held by the government, but it was supposed to be harvested and not just locked up. We had such controversies as the Wilderness and proposals of that kind which have always been started federally but which locally you have to fight off. We have many ways in which the federal government still has sort of an Indian sign on the purchaser of federal timber. So far

WRS: it hasn't been too bad, but the method used for determining stumpage prices, for instance, are, we think, not too soundly based in many cases. It is believed the federal agency takes into consideration the top stumpage value rather than the average value in order to establish its stumpage prices.

Demand brings about higher prices. Industry is responsible too for the fact that bidding on timber, which is quite essential to some of them, has been upped to such a point that no one makes any money except the federal government. It makes a lot of money from the returns, which is all right and it should make money, but not to the point that the purchaser must throw up his contract because he can't operate and make any profit out of it.

It's a necessity for many of the small owners of private timber to be dependent on federally-owned or state-owned timber, because they don't have enough individual ownership to have a good operation with sufficient production.

Fry: An organization like C.F.P.A., which is comprised mainly of large timber owners, must find it a little difficult to accept the Forest Service policy of preference for small timber owners in sales.

WRS: Yes, that is so. Even the federal government became very much involved in one of its setups in awarding the timber sale, to the point that there were severe conflicts.

This Forest Service requirement of sales going to a local industry often runs into a snag. You'd be surprised. Even the large owners are still dependent on the reserves in the federally owned timberland. A few of them could operate on a continuous production basis on account of their large holdings, but very few. Many of the large owners in California are dependent on the supplementing of their own ownership with that of the federal government.

Of course, this is good conservation too, because there is ripe, mature timber growing on federal land which should be cut. There should be an allowable cut established that will take care of harvesting timber which has reached its maturity, in order to open up the area for a more continuous growth of timber.

The result is that there is considerable stumpage being bought by large timber owners and run through their mills. They, of course, are able to preserve their timberland, which is growing too for a longer period of time. But even on their own land, they harvest mature timber and supplement it with mature federal timber in order to gain full production.

Fry: It seems to me that an organization like C.F.P.A. could do a great deal in trying to clarify and alter the policies of the regional Forest Service office in this matter of bidding and the margin of

Fry: profit to be allowed. Did you do anything like this?

WRS: C.F.P.A. has worked with the two trade organizations in California; it's really a trade organization's problem. C.F.P.A. is not in the production business per se. There are timber owners who are in the production business, but these problems of stumpage and allowable cut are problems of the production angle--the operating and manufacturing business. C.F.P.A. is still a land ownership body.

There is about a fifty-fifty division in the Association between land ownership that has no operation and land ownership that does have lumber operation. It is a trade association problem in relation to Forest Service timber and how it is marketed and how it is harvested, and so forth. C.F.P.A. is also tied in; you can't completely divorce it or separate it. C.F.P.A. does work very closely with Western Wood Products and the California Redwood Association.

Another place where trade associations come in very strongly is in controversies about large acreages to be taken out of private ownership and put into public ownership, such as for a redwood national forest or park. That is an important problem of C.F.P.A., but it is also one of the trade associations because it curtails production and limits the allowable life of an organization.

C.F.P.A. primarily, in its very beginning, was what its name said: a protective organization. At the time it was organized, there was no federal or state protection of timber from fire. That was the primary reason for its organization. It led to and expanded into protection from insects and disease also. By that time, the federal government and the State were concerned in insect and disease damage too.

Fry: When did you expand into insects and disease?

WRS: Insect and disease damage actually became a consideration in about the early Forties. It was recognized that there were insect and disease problems, but as far as the private timber owner was concerned and the State itself and the actions of the C.F.P.A., it was not until the early Forties that anything was done on private timberlands.

Fry: But C.F.P.A. was vitally interested in the Forest Practice Act, which is concerned with production.

WRS: Yes, that's our baby.

Fry: But this was more the concern of trade organizations rather than a landowners' association.

WRS: It is a combination. The fundamental thing is that timberland,

WRS: timber-producing lands, be maintained in a productive state so that there will be a sufficient production of timber and an orderly harvest of the mature timber, and to allow for the regeneration and for the carrying on of the operation, primarily of the industry itself.

That was the basic background of the Forest Practice Act and reason for it. That was the thought of the Forestry Study Committee of the two houses of the Legislature and the Board of Forestry, hoping to accomplish that as their purpose, and it is being accomplished, maybe not to the maximum, but they are still working on it. Forestry is not static. It moves and conditions move, and how to do these things changes very materially.

The Reorganization of the Board of Forestry

Fry: This brings us to the Reorganization of the Board of Forestry, which included, among other things, staggered terms in order to get away from this cyclical pattern of the government.

WRS: California has always changed governors every four years, except when Earl Warren went for three terms, and Brown is now going for three.

Fry: Do you feel that there was a complete consensus on the Rosecrans Board about the importance of instituting some kind of state regulation to prevent federal regulation from coming in?

WRS: Oh yes, we had the complete support of the members of the Board of Forestry.

Fry: Do you have knowledge of how these members were appointed or chosen?

WRS: They were chosen by a method which had restrictions that were objected to by Governor Warren at the time. Each member must be selected from a group that is recommended to the governor by industry. In other words, the redwood people recommend one or two to the governor and from among these he makes his choice. He cannot make just a political appointment.

Judge Peter J. Cormack, who was appointed by Governor Brown as a representative of water, merely had something to do with a little water district in southern California. Primarily he was a judge, a police judge. He didn't last long on account of his health. Now they have a real water man, an engineer who knows water problems. The original appointee for water, Jeff Prendergast, was an authority on water and a water engineer who headed up the Bear Valley Water District in southern California. Although restricted by certain

WRS: requirements, Earl Warren's appointments to the first Board under the new setup were good ones. Rosecrans was the representative of the public, a very outstanding man in the conservation field, and in other fields a dedicated man, and an excellent official.

Fry: Was he with the State Chamber of Commerce at that time?

WRS: He was always a member of the State Chamber and had a lot to do with State Chamber committees. Primarily he had been with the Los Angeles Chamber of Commerce. He was also very closely affiliated with the American Forestry Association and was president for a number of years of the A.F.A. He was always an individual who followed problems of water as well as timber and natural resources generally.

Jeff Prendergast was an outstanding water man in the State.

Kenneth Walker, of the Walker family ownership, represented the pine industry.

Frank Reynolds, who had been a member previously of the State Board of Forestry and who was a Democrat, was appointed by a Republican, Earl Warren, to the Board of Forestry simply because he was the choice of the redwood people. He had been a supervisor in Mendocino County, county assessor, and was a timber owner very closely affiliated with the redwood area. He was considered a real representative and a knowledgeable man in the redwood producing industry.

On the timber ownership, we had Wendell Robie. He was a forestry man and a forestry operator in the retail business, but also was a private timber owner (non-operational); he didn't have a sawmill. He had previously been on the Board of Forestry too, so he was well qualified.

As livestock man, we had Rod McArthur, an outstanding livestock man from Modoc County. He died and was replaced by another outstanding livestock man, A. T. Spencer.

The agricultural man was from Ventura County. He was a real agriculturalist, Domingo Hardiston. His father was very prominent in the Chamber of Commerce and the California Taxpayers Association and an outstanding agriculturalist. Domingo Hardiston was a partner in large agricultural interests in the Santa Paula Valley. Real representation and fully qualified men comprised the first appointed Board.

Each one fulfilled the requirements and particular functions, and they were a very cooperative Board. There was an article published in the American forestry magazine, American Forests, "Bringing Forestry to the People." The title implied something to that effect. The article described this Board of Forestry, the original Board of Forestry of 1945.

Fry: Were these men appointed before you took over C.F.P.A.?

WRS: No, they came in after. I came into C.F.P.A. in 1943, and they were not appointed until 1945.

Fry: I was wondering if Warren would have consulted you and some of the trade organizations for some of these appointments.

WRS: Well, he had to and he did. Bill Rosecrans always used to like to tell a story about how he was coming up from Los Angeles on the Lark one night, and I happened to be on the Lark too. We had adjoining bedrooms. I didn't know Bill Rosecrans personally at the time except by reputation. I had never met him.

Somebody--I don't know who it was--recalled to me the conversation that went on in our bedroom that night, to the effect that the man who was being considered as appointee of the people at large was outstanding and all. I blew him up to the sky; I didn't know he was in the adjoining bedroom. He always teased me about the conversation we had.

He and I were very good friends after that. I had known him by reputation, but never before had I known him personally. The industry had a great deal to do with advising Governor Warren in his appointments.

Fry: Did the Board, as it materialized, more or less follow along the lines that you suggested?

WRS: Oh yes, very definitely. They were very responsive to good reasoning put forth by industry, and they were the champions, I think, for industry. Had it not been for that kind of a Board, I think that the start of the Forest Practice Act would have been very much handicapped if it had been purely a political football. That was what we avoided and have avoided.

Even today, the present Board of Forestry with an entirely different personnel now are very cooperative and responsive to the people they work with, that is, private timber ownership. They also see industry's side of the controversy.

Writing the Forest Practice Act

Fry: Could we go back to the time of the first writing of the State Forest Practice Act? Perhaps you could comment now on why you selected as a pattern the "Model Bill for Public Control of Cutting on Private Forest Land," by the Forestry Committee of the Council

Fry: of State Government. It was primarily from Earl Snell, the Governor of Oregon. The original Forest Practice Bill in California was SB 637.

WRS: Right. When the Forestry Study Committee was set up, they hired Emanuel Fritz as the expert for the Committee. Naturally, as in every case, the expert directs and guides the thinking of the committee he is working for. It developed through the field studies and the hearings that were held that legislation would be forthcoming. The Committee wanted something in the way of legislation that would do certain things to bring about better production and leave the harvested timberland in a better condition. The result was that Emanuel used the Maryland Act as the pattern for such a bill, which had already been passed and was established in Maryland. He took that Act and modified it to fit California conditions.

Mind you, Emanuel's first Forest Conservancy Act, which I have in my files, was a statewide deal. There wasn't any such thing as forest districts; there wasn't any division of the State. Fritz's adaptation of the Maryland Act had many and sundry individual ideas which he injected into his law. Emanuel proposed establishing more or less of a police state in the administration of the Act.

Fry: This was when the idea of bonding timber operators first originated?

WRS: Yes, he wanted bonding, licensing, and all of that. That was what he developed for the Committee and what he gave to the Committee.

I had a problem within my own organization, because in C.F.P.A. about half the membership--such fellows as Dick Colgan and Swift Berry--were very much opposed to any kind of regulation at all. They didn't want it at all.

Fry: Were they opposed to the Forest Practice Act too?

WRS: Oh yes, they were. After Fritz had developed his Forest Conservancy Act, we had a big meeting in San Francisco in 1944. We had an enormous attendance; we had some eighty or ninety people there from industry.

Fry: And C.F.P.A.?

WRS: Well, it was in conjunction with the State Forestry Study Committee. The Forestry Study Committee called the meeting, but C.F.P.A. was there at its initiation. Individuals in industry spoke out in opposition to the various portions of Fritz's Forest Conservancy Act, and after a day's argument, Bill Rosecrans said (and the Committee concurred), "We'll put a challenge to the industry. You present to us what you think would be a livable regulatory act."

Fry: This was the original Committee, was it not?

WRS: Yes, this was the first Forestry Study Committee, in 1944.

Fry: "It met in the field four times for a total of eighteen days with seventeen indoor sessions," it says in the report. So the challenge from Rosecrans occurred during one of those meetings.

WRS: Right. Industry took Rosecrans' challenge; it was a challenge really to C.F.P.A. I, being the only one who represented C.F.P.A. (and because I was employed by them), was delegated to draft a law. I took the Council of State Governments' Act, which was a proposed Act, as my basis. It was patterned from the Maryland Act and similar to the original Maryland Act.

I called my proposal from the beginning the Forest Practice Act. From that I developed the various phases of the Forest Practice Act which I, knowing the industry and its ramifications, felt the industry could live under. One of them was the establishment of specific forest practice areas where there could be modifications and they wouldn't be the same, which would be controlled by the industry and where there wouldn't be any issuing of permits or licensing: it was to be a purely voluntary Act which I hoped the industry could be talked into adopting and practicing.

After I had developed that and presented it to the Committee with arguments, the Committee said in effect, "Well, here is a difference. We like your Act; we like your proposal, we even like it better than we do Fritz's Forest Conservancy Act, but there are some features of Fritz's Forest Conservancy Act that we like and that we would like to see incorporated in it."

That resulted in what I set forth in my comparison of what the differences were and what we were able to keep in the final Forest Practice Act.

Fry: What were the major complaints industry had at the San Francisco meeting? When I read your 1962 speech on the differences between your bill and Fritz's, I got the idea that one of the main things was that the Study Committee wanted to include a lot of wildlife management, stream and watershed provisions and make it a much broader Act than what you aptly named Forest Practice Act.

WRS: It was much broader. The original Fritz proposal was really a conservancy measure, containing the whole gamut of what we now consider forest conservation. However, the main study was made with industry itself and forestry generally, without much consideration of other conservation practices. That didn't enter into it.

The next year (1946) the new Committee that was formed by the resolution was purely a Senate Committee with a lesser appropriation, a Committee in which George Craig came into the picture instead of Fritz. They delved into other things than what the original Committee did. The original Committee confined itself primarily and

WRS: pretty near entirely to forestry, and they were not about to be moved into other fields. They didn't want to run the complete gamut. They were interested in the forestry angle of it. I know there were some things in the Forest Conservancy Act that Fritz wrote that would lead you to mingle forest practices and conservation and would have injected other fields as well, which we didn't want.

Fry: This would have set a policy.

WRS: We objected to it very strongly. After all, mind you, we were finally asked at this meeting in San Francisco to really write our death knell. That's what we were really writing. They were asking us to write regulations for ourselves--something unheard of before. It's never been done by an industry, this writing its own regulations or a policing of any kind. It was somebody else who wanted to regulate you, that wrote the regulations, not the person who was to be regulated. That's the reason it was so open.

Our main objection to Fritz's original Forest Conservancy Act was that it was getting us into the police state. We wanted it to be a voluntary deal. If we were going into it and being a party to it, we weren't about to write our death warrant by allowing ourselves to be policed, hampered, and constantly under surveillance by a bureaucracy. We might just as well have taken the federal regulations and been done with it. We had a sympathetic Committee, fortunately, who went along with us.

Fritz is another one of these individuals who has ideals above just mere practicality. He has always been that way. That was one reason why he injected those various things into his particular Act that he presented to the Committee.

Fry: Who worked for the redwoods in this? Was the redwood industry included as part of the C.F.P.A. representation?

WRS: It was represented through the redwood members of C.F.P.A.

Fry: What about the California Redwood Association?

WRS: They were not represented as such. There was an overlapping. In other words, all the members of the Redwood Association were members of C.F.P.A., so there wasn't any individual representation as far as the Redwood Association or Western Pine were concerned. There were many more Western Pine members than there were members of C.F.P.A., but the major owners in the pine regions were also joint members with C.F.P.A.

Fry: After you drew up the industry bill, did the men who were opposed to it, like Dick Colgan and Swift Berry, come around or not?

WRS: Let me fill this in. After I had written this bill, we went back

WRS: to the Committee with the bill. They saw the differences and voiced their opinions. There were some things of Fritz's that they liked and there were some things they liked about ours. It was left to us to sit down and battle out what should go into the final Act. Between the two of us, whether you believe it or not, as stubborn as Emanuel Fritz is, Bill Schofield was more stubborn than Emanuel Fritz. I was able to prevail in so many things because I was representing 85% of the private timber ownership in the State of California.

So he had to listen to me, and he had to give in on many things. There were still some differences that had to be finally argued out with the Committee itself in the final drafting. We both presented our arguments for and against, and finally there was the adoption of the Forest Practice Act.

Now, you asked about Colgan and Berry. All along, from the very beginning, Swift Berry, Dick Colgan, and some others, were awfully suspicious of any kind of a regulatory act. They were also suspicious of the Forest Practice Act as it was originally introduced, and historically the exact position they took has been proven.

Over the period of years, we have been subjected to amendments to the Act, particularly last year. Had I still been with C.F.P.A., I don't think all of the amendments would ever have been adopted. I would have held more to the original bill. The C.F.P.A. secretary who succeeded me, John ^{Callaghan}~~Callahan~~, let much get into it because he wasn't as stubborn as I was in the first place, and he was more of a bureaucrat.

^{Callaghan}~~Callahan~~ John ~~Callahan~~ came out of the Division of Forestry; he had been a career man in the Division of Forestry. I never could get my viewpoint across to him, although he was my understudy for two years before he took over my job. I was unable to indoctrinate him with my philosophy. It was quite understandable that I couldn't. Nevertheless, he allowed the individual interests, and particularly the State Division of Forestry attitude and the bureaucratic attitude, to creep into the Forest Practice Act.

The Attorney General's office was hardly involved in the original Forest Practice Act, but the role of the Attorney General's office increased particularly in the modification adopted last year. There were things injected in there that bear out exactly what Swift Berry and Colgan and others who were opposed to the original law said would happen. They claimed that this was what eventually was going to happen.

When modifications and suggestions for amendment have come up, I've warned the Board of Forestry that eventually this Forest Practice Act is going to become what the bureaucrats want it, which is purely a police measure, and private industry is going to suffer

WRS: from it. I said, "I hope I don't ever live to see that. I'm going to fight to the last to keep it as much under control of industry as I can."

Insect Control

Fry: I was going to ask you about the protection provisions of the bill, because in the Fritz report there was a great deal of concern about the damage done not only by fires but by insects. It was a known fact that insects had been doing more damage than fires.

WRS: That fact developed from the field trips and hearings in 1944. After all, we had always talked about protecting from fire, and it developed that the insects and disease had been causing greater damage than was caused by fire.

Fry: I think they reported six times more loss in board feet from insects and disease. Was this a relatively new concept of needs for protection at this time?

WRS: It was the beginning really of the time when the thought of forest protection expanded into that kind of protection. After all, what's the use of saving it from fire if you're going to have it destroyed by insects and disease?

Fry: This was primarily the bark beetle damage?

WRS: That was the big thing. Of course, it had been known before. There had been studies by the Forest Service. Rex Black was on bark beetle study in the Forest Service right after World War I, before he joined C.F.P.A.

Fry: We have the U.S. Bureau of Entomology and other government agencies to deal with this, so why hadn't they done something?

WRS: The entomologists were not concerned with forest entomology. Their entomology was agricultural troubles. It was just a neglected field, that's all. Forest entomology was pretty much neglected--not entirely. I studied forest entomology when I was in school but it was a very minor course.

Fry: The C.F.P.A. then, I assume, also got onto this problem of insects?

WRS: They had always been on it but the local legislation didn't actually start until later on. Finally, it became a matter which the Board of Forestry took a great interest in. The industry had set up the Forest Pest Control Council in 1947, which later was taken under the

WRS: wing of the State Board of Forestry. The Board of Forestry recognized them as an advisory committee, more or less a supporting and consulting arm of the Board of Forestry relative to forest pests, insects and disease.

Fry: What was the membership of this Forest Pest Control Council?

WRS: It was a rather loose group. Primarily it was composed of the technical foresters in the private forest industry, as well as those in the state and federal agencies. The forest pest committee was formed in California. The Northwest (Washington and Oregon) had a forest pest committee first. Later on, each individual state forest pest committee became an arm of a joint forest pest committee of the Western Forest Conservation Association, at the instigation of W.F.C.A. The organization is controlled by an elected group.

California and Nevada are together in a single committee which meets once or twice a year and presents reports to the State Board of Forestry. When there are epidemic outbreaks of disease or insects which need immediate action, they call it to the attention of the Board, and the Board, through its available funds and with the assistance of the federal government, move in on the various areas.

Of course, all this time the federal government has worked on the white pine blister rust, and the government has also been working on the bark beetles. In an outbreak in Yosemite where insects were eating up the little trees in the upper Yosemite, the federal agencies joined in a spraying program.

Now we have Forest Infested Areas, which are established by law by the State Board of Forestry, in which certain areas the state, the federal government, and industry all contribute to the eradication or control of the disease when there is an epidemic outbreak. It is not usually eradication but control which is accomplished. It's been quite effective.

Fry: Was there a great deal of concern on the part of members of C.F.P.A., at the time of the Forest Practice Act hearings, that the major problem in controlling insect infestation was that they couldn't get owners of adjoining land to join in with any effort? Was it this diverse ownership and lack of coordination that stalled cooperative efforts?

WRS: I don't know whether there was any concern as far as industry was concerned. It was a concern of the people who were interested in the control of infestation. You could have an isolated area in which you couldn't go out and do anything. In some instances the State went in and did it for nothing.

Fry: Even though the State did not own the property and didn't have it

Fry: under its jurisdiction?

WRS: Right, they just went in and did it or had it done in some instances. Industry wasn't and, even today, isn't too concerned. I think that the pine people are more concerned in Oregon and Washington than they are in California. We haven't had too strong an outbreak anyway, so the concern isn't equal to what it is in Washington and Oregon.

I guess it's understandable because there isn't too much knowledge about the problem. When somebody makes a statement about eradication, they just don't believe it because they've seen infestation all their lives and think that it is just one of those things that happens.

Fry: Some of the statistics from the Committee report sound frightening in the loss of board feet per year--620,000,000 in 1944, as opposed to 110,000,000 lost by fire.

WRS: Well, that doesn't seem to faze them too much.

Fry: It's not as dramatic as a fire.

WRS: That's it. It's not something that is visible. It's something that is constantly going on and it isn't too evident, so it doesn't enter into their thinking.

Fry: In cases of insects and disease, did industry in California ever attempt to institute cooperative research with either the Forest Service or the State and the Department of Agriculture?

WRS: Through the C.F.P.A., the Walker Fund was set up because the Walker Foundation became interested in having something done by way of research on forest insects and disease. They gave an endowment of \$10,000 to the University of California, with C.F.P.A.'s other members contributing a like amount over a given period of years, which enabled the School of Forestry to cooperate with the Entomology Department to support a single individual who works on these studies.

Fry: It's a kind of research chair?

WRS: Yes. That was operating until I left the Protective Association, but in the last four years it has been dropped by the Walker people and has fallen by the way as far as C.F.P.A. is concerned. The initial effort got things started and since then, the University has carried on. Through the nudging of the School of Forestry, it has kept on with work that never would have been operated if it hadn't been started in this way originally.

Fry: It looks as though the problem of bug infestation is not quite as well developed on a line of attack as the fires.

WRS: Oh no, nowhere near, because, as you said, it's not as dramatic, and it hasn't attracted the universal attention of the industry like fire has. Now in the state of California, anything that burns is called a forest fire whether there are any trees burned or not; it just burns grass, buildings, or anything else. That's the setup in fire fighting in California. They're a highly organized fire department for everything.

Second Interim Committee

Fry: Maybe you would like to go on to 1947 when George Craig became the investigator for the Senate Forest Study Committee in the Legislature.

WRS: Craig became investigator in 1945 under the '45 resolution, which lasted from 1945 to 1947; and in '47, the report was made, but that was only a Senate committee. The report was less voluminous than the '45 report, but it was a good report.

Fry: What were its legislative effects in 1947?

WRS: Very little emanated from it. It was rather the swan song for Senator Biggar. It didn't have the effect that the two houses had two years prior. It was purely and simply a Senate committee and it didn't have too much influence.

Fry: Why was it a Senate committee when the other had been a joint committee?

WRS: As I say, it was Biggar's swan song. They had exhausted most of the available new information in the original committee of '44-'45, which started in 1943. For that reason, there wasn't any real enthusiasm on the part of anybody to continue with the thing. It was just a Senate courtesy, granting \$10,000 to George Biggar for his swan song.

Of course then he really went off his rocker on that. He went overboard for forestry. I think Emanuel Fritz helped him along before he got rid of Emanuel Fritz. George Biggar used to attend Board of Forestry meetings, and he would just rave like a madman on a specific item. It was unfortunate.

Of course, there were some other things which entered into George's condition that way. He has since lost out in the Legislature and it was a sad thing. George was a nice fellow and a very dedicated individual, but his mind was completely warped on some things.

Fry: This Senate committee made a half-hearted attempt to restore a broader legislative base, for the Act to cover more conservation measures?

WRS: Yes. By that time, George Biggar was trying primarily to pick up the loose ends that were lost by the '44 committee. There were some things that were turned down. For instance, the forest acquisition setup was rather inadequate.

The acquisition of state forests was another thing that stemmed from the '44, '45 legislative study. That was another thing that Vandegrift was very violently opposed to, purely from a financial standpoint. Later, state forests turned out to be a bonanza as far as the State of California was concerned because their money was returned time after time.

Fry: From timber sales?

WRS: Yes, and they still have the Jackson State Forest.

Acquisition of State Forest Lands

Fry: What was the C.F.P.A.'s position on the acquisition of state forests?

WRS: We had a division in the C.F.P.A. The original idea was that the State was going to set up a state forest in each one of the Forest Practice districts. The State would acquire a certain amount of demonstration land in which they could locate technical foresters to study various and sundry ideas of forest management in a particular type of timber and location. This was to serve as a pattern for the industry of that district to use.

Well, they got off on the wrong foot. There are some very questionable things about how the amount of money that was appropriated was acquired. The bulk of the money was spent, without too much consideration, in the purchase of one great big area in Jackson State Forest from an individual lumber company.

There were individuals whom I cannot name and about whom I have no definite proof, but I am sure that there were individuals not only in the Division of Forestry but individuals outside of the Division of Forestry, who profited quite considerably from the acquisition of the Jackson State Forest area from the Casper Lumber Company.

If Mr. Vandegrift were alive, he would certainly concur with me, and I have pretty good evidence that the presentation of the

WRS: big block of timber from the Casper Lumber Company was manipulated by the Casper Lumber Company and certain individuals in the Division of Forestry whereby the State acquired land that the Casper Lumber Company was tickled to death to get rid of. They were about to fold up anyway.

Fry: It was cutover land with one species?

WRS: Yes. However, there was some merchantable timber, and some of it was very old cutover land which still had very good merchantable timber and from which the State has sold timber.

Fry: Casper Lumber Company made a great deal of money on it?

WRS: Casper Lumber Company made a great deal of money on it, and I think the individuals who engineered the thing did too. That was one thing that one particular member of C.F.P.A. was in on. Oh boy, I pretty near lost my head over this individual. George McCloud was violently opposed to the method by which the Forest Purchase Committee, which consisted of the Governor, the Director of Natural Resources, and the State Forester, rammed that thing through to the purchase.

At the hearing in the Governor's office, I had no direct evidence that I could use; I had to more or less approve some of the things that George McCloud didn't like. He never liked the fact that I went along with the approval of the purchase. I really had to go along because we had other members than George McCloud, who was representing the Hammond Lumber Company.

Fry: Did you have Casper Lumber Company in C.F.P.A.?

WRS: In the Association, yes. The purchase turned out to be a bonanza for the State of California. For years and years little was done in the way of establishing any demonstration of management practices. The State just held the property and sold some timber and made some money on it. The State Board of Forestry became very critical of the Division's management of the area, and they finally moved in on the Division and got busy setting up research projects.

Having spent so much money on so large an area in the redwoods, there never was any other purchase made of demonstration areas in other districts of the State. Industry was not interested one iota in adopting any ideas developed. Industry figured that they could demonstrate on their own lands to determine what they could and couldn't do and that they didn't need a demonstration by the State.

The State acquired the Latour Forest for a state forest area in the pine region, which was already owned by the State Land Division, and which the State transferred from one pocket to the other--from State Land to the State Division of Forestry--for administration.

WRS: There again, the administration was not too energetic but they still have it.

There was never allocation of a demonstration forest in the coast range pine and fir district nor in the South Sierra district. For years in the redwood demonstration forest, there weren't any real technical developments made, but there have been some started in the recent past. There has been some experimental cutting, and some stream clearance and programs like that. Together with the fact that the State was about fed up with giving money to buy state forests, further actions have been limited.

There was a lot of objection in the Legislature to the continuance of appropriations of money for purchase of demonstration forests to help out a specific industry in the state of California which I think is a legitimate complaint. It's like giving industry something on a platter.

Later on came an entirely different acquisition in the Big Trees. The Native Sons wanted the acquisition of a state forest for recreational purposes. It is not a state park. Although it was to be used for recreational purposes, it was to be a state forest. The Native Sons of the Golden West, and the Native Daughters, wanted to acquire it for a Native Sons Grove.

They couldn't put it over, but they did succeed in making it a state forest administered by the State Division of Forestry. Specifically in the bill appropriating the money, it is stated that the State Division of Forestry is to administer it primarily from a recreational standpoint. The State Division of Forestry is really in the park business.

Fry: When was that?

WRS: About 1947 to 1949.

Fry: In 1947, Joe Knowland, who is a big Native Son member, was head of the Park Commission. I don't understand why this could not have been put under the State Parks where it logically belongs.

WRS: The Native Sons weren't about to give it to the State Parks, and I don't think the State Park people wanted it. It was all down in Fresno County.

Fry: Near Sequoia?

WRS: It's the ^{Mountain Home} ~~Mt. Hume~~ State Forest below Sequoia; it's out of Porterville. The State bought it from the Hume Lumber Company. Senator Burns was from Fresno County, and he and I put the thing over in the Legislature. The attorney that was hired by the Hume Lumber Company to get the State to buy this land from the Hume Lumber Company never gave us a dime. We worked our heads off and had it

WRS: through the Legislature before he knew it was up for a hearing. He got there too late for the hearing. [laughter] He was paid by the Hume Lumber Company. He later was made a judge. Strother Walton was his name.

Fry: Was he in favor of this becoming a recreation area under the State Division of Forestry?

WRS: He didn't care one way or the other. The Hume Lumber Company just wanted to sell it, and they tried to get the Native Sons to sponsor the purchase of the Native Sons Grove for a state park, but it didn't work that way. Burns introduced the bill, and we pushed it through to make it a state forest for recreational purposes. It was down where there are some of the big tree redwoods.

Fry: You say that the main problem with state forest acquisition programs was that they never did really allocate the money?

WRS: No, not for the demonstration forests. It was out of the picture. About that time, the time of the acquisition, there was a considerable amount of unregenerated cutover land which, it was hoped, could be regenerated through demonstration that it could have new growth started. That was the primary purpose, but about that time things began to pick up in the timber industry and there was not the same demand for demonstration forests, plus the fact that industry was very much disgusted with the way the State operated to acquire this particular piece of land from the Casper Lumber Company.

Results of Forest Practice Act in Timber Management

WRS: When we first started the operations of the Forest Practice Act, we found that there were many things needed beyond what was originally in the bill. Of course, it was the plan that the Forest Practice Act was to be kept on a practical basis, so that the timber owner and the operator could maintain, with the minimum of restrictions and regulation, an operation which would accomplish the purpose of the Act. We think it has.

Fry: By "practical," do you mean well-defined and specific?

WRS: Yes--workable. It was purely voluntary and we wanted it to remain voluntary, but we found that there were recalcitrant operators so we had to put some teeth into the law. The Sierra Club and the Department of Fish and Game would like to have a lot more teeth in.

Fish and Game are interested in what they think logging does: that is, to what degree does it contribute to erosion and siltation.

WRS: You can't disturb the soil on any slope, whether you do it with logging or whatever, without getting a certain amount of sloughing off of soil into the streams, which is not conducive to good fish propagation.

But there has to be a happy medium. Industry cannot be so restricted that it cannot operate. Fish and Game would like us to preserve some two hundred feet of timber land (which is the very best timberland) in a strip along all streams, in order to protect the water temperature and habitat of fish and game.

Well, that's just beyond the point of economics. There is a breaking point as to whether you're going to protect fish or whether you're going to protect the basic contribution which timber makes to the economy of the state. For that reason, we have always tried to make it purely a forest practice act.

Fry: This might be a good place to put in your ideas on the major differences in cutting practices and forest policy that exist among these four Districts in California.

WRS: That of course is a determination that is self-evident to a forester. For instance, we have in the Redwood District the principal species of the redwood, with the associated species. In the Coast Range Pine and Fir, we have the pine and fir species. In the North Sierra, we have primarily the yellow pine, or ponderosa pine, with some white fir and sugar pine. But the South Sierra, starting at the break-off we have a little above the American River, is different in the topography, climate; and the species is a white pine or sugar pine with more association of white fir and other species and very little of the pure pine. Douglas fir appears in all of the Districts.

In the mind of a forester, that calls for a different kind of cutting, management, and regeneration practices in each area. Regeneration, of course, is the primary function of the Forest Practice Act. For instance, we have (and it's practiced in the fir region of Washington and Oregon) a regulation that you can't selectively cut Douglas fir and leave these single stems of fir standing alone. They'll blow down. Regeneration is brought about in the fir regions through a block-cutting and a reseeding, or some other way of regenerating than leaving seed trees.

In the redwoods, the redwoods lend themselves to a selective cutting. The reseeding in the redwoods doesn't reseed to the redwoods so much as it does to the fir. You see, the redwood is the final species of the redwood region. The other species first establish the under story, which then becomes the upper story, under which the redwood germinates, so eventually it would be the redwood dominance again, over many years.

WRS: The regeneration is different, the topography is different, the climate is different, and the rainfall is varied; so the method of logging is different. It takes an entirely different type of logging to log redwoods than it does to log in the pine region or in the fir region.

There are so many differences: the soils are different, the handling is different, everything is different. So to get a good management plan for a type of timber, you've got to have a different management plan in the redwood than you do in the purely fir stands, in the pine and fir stands of the Coast Range, and in the Northern Sierra regions of the pine region, and in the South Sierra pine regions.

It's a different type of management, a different method, that any technical forester would use to get the regeneration which is the ultimate end of the forest practice rules. That's the reason we said you couldn't just establish forest practices for uniform application for the whole state of California. It just wouldn't work because the seasonal conditions, the rainfall, the topography, all demand different management in different areas.

Fry: When you became head of C.F.P.A., wasn't there an act that established a minimum diameter for cutting, of eighteen inches? (It was Chapter 172 [State Statutes] about 1943.) As I understand it, this was across-the-board, for all species.

WRS: There had been a specific eighteen inch diameter limit, measured six inches above the ground, throughout the state for all species. That was instituted much before 1943, and it was superseded by the variances in diameter limits in the various forest practice Districts.

Prior to the Forest Practice Act, we had also a law which stated that a person could clear cut if he wanted to, providing he was going to convert this area to some other use than timber growing. This provision was carried into the forest practice rules.

Fry: Like range land?

WRS: Like range land or agricultural land. That law is still in existence, and has been a bone of contention between industry on one hand and the State Forester and the Director of Natural Resources on the other hand. They claim that there shouldn't be such a thing; but it's still there, and we want it there because we feel that otherwise it would be taking away the property rights of an individual.

If a timber owner wants to convert his land to something else, whose business is it? It's the landowner's. We still are jealous of property rights. The present trend of society may eventually make him subservient to everything society wants and not what he wants, but so far, not now.

Fry: In a speech which Mr. Nelson delivered when he was head of Natural Resources, he said that one of the major problems was that this law did not provide any method by which the State Forester could compel the landowner to convert to another use, even though he had submitted an affidavit that he intended to put the land to another use than timber growing.

WRS: A bond was proposed to guarantee that the landowner would convert and he would sacrifice the bond if he didn't do it. We say, "No. That's destroying private ownership."

Fry: Emanuel Fritz recommended this bonding in his Forest Conservancy Act?

WRS: Yes, he did. Many of the owners might be honest in their belief, but there are those of us who are still independent enough to feel that private land ownership carries with it certain property rights.

We're just as strongly for that angle of it as the other people are on Proposition 14.* That's the reason that Proposition 14 won, because we felt that the right of private ownership was being completely emasculated because an owner ought to control unless he was infringing on the life, liberty (not happiness but life and liberty) of the citizens. Happiness might be destroyed but life and liberty--no.

After all, a man who has owned timberland for half a century and paid taxes on it certainly has an inherent right to do certain things with his property, a right that should be left inviolate. Bonding would have destroyed it.

Fry: The key problem here would be those who honestly change their minds after they clear off the land.

WRS: Yes, of course, and the Division of Forestry and the Director of Natural Resources, we've always contended, made a mountain out of a molehill in saying that there were hundreds and thousands of acres that were being falsely clear cut in order to get every last drop of blood out of the land and that they had never intended to convert it. We disagree with that. We disagree with it very vehemently because we feel that most people that do that have a right to do it and that they have a right to change their minds. Once they may have had a good idea and a sincere one.

Something came up yesterday at the Board of Forestry in an alternate cutting plan [a plan that varies from that provided by

*A referendum to rescind the "Fair Housing Law," which made it illegal to refuse to rent an apartment to a person on the basis of race, 1962.

WRS: the rules] that was suggested. There was an argument within the Board relative to the fact that the man said that he put in an alternate plan that would have an extension of five years. But on questioning, he was told that the alternate plan, plus his proposed management plan, would not be consummated for ten years. One member of the Board said, "Well, why don't we make it ten years?"

He said, "I was told that five years was all I could have." Then they started an argument, and the first thing I knew, I was up there arguing with them on the basis that it didn't make any difference if the man didn't complete it. All he was doing was asking for a modification of a particular section, which had to do with the cutting, not his management. There was nothing in the Act that he was modifying. He was going to put a change in his management. All he was asking was that at the end of five years, ten years, or fifty years, he be allowed to quit. And I said that the man ought to have a right to quit.

Somebody said, "Well, if we had this for ten years and he sold it before the ten years was up, then we'd make the new owner carry out the program."

I said, "Yes, you would--over my dead body and everybody else's, until you've disestablished the right of private ownership." If I make an alternate plan and it is approved by the Board and I sell my land, that alternate plan doesn't carry over with my sale to John Jones here. He doesn't have to do what I wanted to do at all.

Fry: What does a person do who has not been able to comply with his alternate plan affidavit? Has the general practice been for him to go before the Board again and modify it?

WRS: Yes, if they've accepted it. It has been done.

Fry: But if he does not go before the Board to modify it, what recourse does the Board have to see that he follows the plan?

WRS: Here's the thing. A man says, "I want a permit to clear cut this area, and under my modification, if you will grant me the right to clear cut the area, I agree to regenerate this either naturally or artificially so that I will have a stocking of young growth to a certain percentage. To establish whether I have complied with that or not, instead of leaving seed trees, I am going to stock it another way."

The Board may make the life of his alternate plan long enough so that they are satisfied that he has fulfilled that requirement that he is going to restock it either artificially or through natural regeneration to a point of stocking. Then he is off the hook. But if he doesn't do it within the life of that contract, they can move in and force him to do it. In other words, it is an obligation

WRS: for him to plant if it doesn't naturally regenerate, so that he does get that stocking. They give a sufficient number of years and extension of time for it to be stocked. But this setup that the man had yesterday was entirely different. It wasn't a question of re-stocking. All he was asking was a modification of one section.

Fry: Have alternate plan problems existed largely among the small owner-ships rather than the large ones?

WRS: No, that's the gist of it with all of them. Let me go back to my original concept of the Forest Practice Act. You will note in the Forest Practice Act, that if a company sets up a management plan which will satisfy the aims of the Forest Practice Act, then he can substitute in its entirety his management plan for the rules of the Forest Practice Act--if his management plan is approved by the Board. In other words, then he is bound to operate under his management plan.

I had the concept and the idea that all of the major companies with large land ownership would develop a management plan which would far exceed the forest practice minimum required by the Act, and that we would accomplish the desired results. But unfortunately, that didn't happen. There were two reasons why: some of them were not interested enough to go that far with a management plan development; others who had a management plan already could never get it approved, because they were told by the local forest practice committee and the Board that they weren't true management plans.

Fry: Why?

WRS: On a technicality more or less. There again were the differences of opinion of technically trained people.

Fry: These were some of your larger companies?

WRS: Oh yes.

Fry: Which ones?

WRS: The biggest one was up in Plumas County, at Chester. Collins Pine is the name of the company. They tried several times to get their management plan adopted and were unable to get the plan accepted.

Fry: Why were they not considered "true management plans"?

WRS: On account of the technical differences as to what John Jones' concept of a management plan was and what their concept was. I maintained, and I still maintain, that a management plan, if it sets up their procedures and actions on how they were going to operate an area and if it produces the results that are equal to or better than the requirements of the Forest Practice Act, then it should be

WRS: accepted regardless of whether John Jones thinks it is a good plan or not.

I had envisioned all of these big companies having management plans, and that regulations of the Forest Practice Act would be applying primarily to the small owner or the owner who didn't have sufficient area to have a management plan or technically-trained men to devise and operate a management plan, which was also a necessity to a management plan. Your personnel must be of sufficient technical capacity to manage it. For instance, Crown Zellerbach is big enough to have technically-trained men who can manage it, and they do have them. But overall, it just didn't work out that way.

Now the alternate plan was an arrangement in which an individual who wanted to could accomplish the same thing in a little different way. That would be an alteration of a specific, or several specific, sections of the Forest Practice Act. They would abide by all other sections of the Act. It resulted in not only the little man but the big company too going under the alternate plan rather than the management plan.

Fry: The definition of what a "management plan" is, then, ambiguous.

WRS: It has never been defined.

Fry: And it is left up to the individual committees to decide?

WRS: The first determination is by the owner of the land: what the management plan is and how he wants to manage the land to accomplish those purposes. Then it has to be approved by the forest practice committee of the district and their actions, in turn, have to be approved by the Board of Forestry. And it never has happened.

Collins Pine is the only one that has gone up against the gun twice to get a management plan adopted. I always thought that Pacific Lumber Company, Georgia Pacific (that used to be Hammond), Arcata Redwood, Collins Pine, and Diamond would have management plans. They do have management plans now.

Fry: And they're approved now?

WRS: No. None of them are operating under an approved management plan, none of them. They each have a management plan, but never a Management Plan accepted by the forest practice committee.

Let's put it that way, because there's no operation like Diamond or Crown Zellerbach. Now they've got a management plan. They have all planned out the things they propose to do over the years and how they intend to treat this and that, and it's all worked out. All these big companies have it. They have to have it. That's good management.

Fry: But it's not even approved by their own district committee?

WRS: No, they haven't submitted them. Collins Pine is the only one that submitted, and their experience was so sad that no one else has submitted any.

Fry: Do you think that there's an inherent difficulty here because of the group of lumber companies which are essentially competing with each other and one will have a man on the committee?

WRS: Now you're getting down to the real facts of the thing, which is that there is more or less an ownership jealousy which is represented, of course, by a diversification on the practice committee. Company A, represented on the forest practice committee, objects to Company B (who may or may not be on the forest practice committee) being given the right to adopt their management plan. They don't want them to have it. Later, the same thing may happen with Company A. Company B may have someone on the committee who would block the adoption of A's management plan.

It is really a defeat of the real idea which could have been a much better solution, in my estimation, to good forest practices. The major companies should have left the Forest Practice Act itself to the little owner who didn't have the personnel or the acreage to really have a management plan and had therefore to be regulated to a minor degree to accomplish certain purposes of the Act.

The purpose of the Act was the regeneration of timber-growing lands. At the time we drew up the Act, I thought we would all go out there and jump in at once and everyone would come up with a management plan, but my guess wasn't any good.

Fry: But the larger companies then are on paper operating under the forest practice rules?

WRS: Oh, they're operating under forest practice rules. They have to.

Fry: But their own management plans are not "alternate plans"?

WRS: There are two differences between a management plan and an alternate plan. Some of them are operating certain portions of their area under alternate plans on account of certain physical conditions or difficulties--geographical or species conditions. But there are none that operate under a true management plan which is approved and filed.

Fry: Under the terms of the Forest Practice Act, they don't have to file a management plan, do they?

WRS: They don't have to file one, but they are subject to all of the

WRS: rules of forest practice as adopted in their district. They are subject to operating under those unless they are able to convince the practice committee and the Board that an alternate in certain sections of the Act is acceptable. They can't make an alternate which will cover the whole Act, just specific sections that they want to change a little bit to accomplish the same purpose. All the rest they must operate under as written in the Act and in the adopted rules themselves.

Fry: At the time when the Forest Practice Act was being drawn up, did the larger industries feel concerned about the postwar influx of small operators into California that Professor Fritz speaks of?

WRS: No. Now there's where Emanuel Fritz is wrong. In his paper that he gave at Redding,* he lays the development of the Forest Practice Act to that fact. Emanuel Fritz forgets that the influx of all these "cut out and get out" operators had not really started. They didn't come in from Oregon until after the Forest Practice Act had already been developed.

It was postwar, it started in 1944. So you see Emanuel was wrong on that. He put in his paper, which is a matter of record of the Redding meeting, that this was one of the causes of the Forest Practice Act. No, that wasn't it at all.

The primary cause was the desire to get out from under and to offset the proposal of federal regulations. That's number one. Secondly, the fact that the Board of Forestry and the Legislature realized that there were some things which should be done in the harvesting of timber in the state of California that would be better for the economy and for the state. That's the reason they had the Study Committee. It was in 1943 that the Study Committee was established to study what the conditions were and to come up with recommendations as to how the forests could be maintained in the best and most orderly manner.

Fry: Then these little operators who came in presented a problem in the enforcement of the Forest Practice Act, rather than serving as a motivation for the passage of the Act?

WRS: They weren't the motivation; they came in and cluttered up the deal so that we had to go through modification of the Act in the years following in order to get at them. If you read the original Act, you will note that it was very open because it was purposely written without enforcement, only as a voluntary deal. An operator could come in under the Forest Practice Act, buy up a piece of timber and harvest it any way he wanted to, and get out before anybody could catch up with him for not conforming to the Act. For the

*Meeting of State Board of Forestry held in Redding, June 15, 1962.

WRS: first six months or year of the operation of the Forest Practice Act, the policy of the Board of Forestry and the State Forester was to be very, very lenient with all operations, to try to get the operators into the mold of doing these things on their own even better than what the Act called for. That was always the incentive: to try to get them to bend over backwards a little further and do more.

It was not until we found out about these recalcitrants, who were these individuals who came in for a fast dollar and got out, that we were provoked to modification of the Act to the point that we had to put penalties in as some way to reach them, so that we could regulate them before they had done the damage. Once you cut the timber off, it's gone and you haven't got anything left there to regenerate with. Even though it is in the law that you are supposed to have seed trees, they didn't leave them. It was hard to catch up with them.

Difficulties in Relations With Government Agencies

Fire Control

Fry: Can you describe some encounters the Board of Forestry has had with other government agencies in its supervision of the Forest Practice Act?

WRS: A little thing arose here a few years ago, 1959 or '60, relative to the handling of some fires in the pine region. The blame was upon the U.S. Forest Service for the mishandling of the fire control up in the pine region in the Sierras. The State Division of Forestry came in for criticism too. There was an investigation which was started by the Board of Forestry to determine who was at fault in the way this matter was handled.

Fry: In the fire suppression activities?

WRS: Yes. It developed that the U.S. Forest Service, in the area of private lands that they were supposed to protect, suffered from mismanagement. Their own lands were mismanaged, and protection of lands by the State Division of Forestry was mismanaged. There were corrective measures taken on account of this investigation by the Board of Forestry, but it was instigated by industry because industry members were the greatest sufferers.

We obtained volumes of testimony at the hearings. The Forest Service didn't like that too well. Mr. Connaughton, the head of the

WRS: Forest Service in Region 5, didn't like it too well because at first he had made the statement, "Whoever is responsible for this is going to have to pay for it." He kind of changed his tune, and rightly so, to protect his own personnel, but that's been resolved too. As a matter of fact, the Michigan-California Company was reimbursed to the tune of about a million and a half dollars, for an escaped fire.

Fry: By whom?

WRS: By a contractor for the Forest Service. The Forest Service was negligent in supervision, but the contractor had to pay it because he was building a road.

There was mismanagement and mishandling. The criticism, and a justified criticism I think, by industry was that the U.S. Forest Service move its personnel around so much in promotions that there are rangers in charge of districts who don't know their district. They don't even know how to get around. It's a just criticism.

In the old days when I was in the Forest Service, the ranger lived and died in a district. He very seldom moved. He was a forest ranger and that was all. He could walk all over his district in the dark, blindfolded. He could get around; he knew it.

But the changing and moving of the personnel so much, plus the fact that the Forest Service set up a brand-new way of fire protection, caused trouble. They always considered every fire as being a major fire, and they would go ahead and set up an elaborate camp with cook-house and everything else before they would even send men out on the line.

That happened in one instance for which they were subject to criticism. They established their camp and everything, then they would go out to fight the fire. They had bulldozer operators who knew how to operate a bulldozer on the flat, but when they put them in the mountain country, they didn't know where to go or how to go or what to do. There was very just criticism of their operation.

Fry: As opposed to this, what about the State fire department?

WRS: The State's Division of Forestry was equally guilty in one instance too, in the South Sierra country. The Forest Service areas of criticism were mostly in Modoc County and Lassen County areas.

Those are things that take place and need correction, and some Forest Service and State people resent the criticism. You can't very well blame them. The criticism set up quite a division between the private timber owners and the State and the federal government for a period of about a year and a half.

Fry: Was it more or less the State and the private timber owners on one

Fry: side and the federal government on the other?

WRS: No, the State Board of Forestry was even criticizing its own agency, the Division of Forestry, because they were negligent. They were getting top-heavy in administration--too many chiefs and not enough Indians. But it has been corrected pretty well. The federal government has reorganized its fire-fighting program. The State did too.

Fry: Was this a typical incident in which the State Division of Forestry found itself on one side of an issue and the U.S. Forest Service on the other?

WRS: No. It was a case of the handling of two or three fires by the Forest Service and two fires by the Division of Forestry which, in the opinion of the Board of Forestry as well as industry, were very poorly managed. They were not well handled administratively.

The criticism originated in the Board of Forestry. However, it probably stemmed from industry also because Ken Walker, the chairman of the Board of Forestry, initiated the complaint, and he was an operator and timber-owner. He was very adamant and insisted that the Board of Forestry hold a complete hearing. There were fifteen or twenty witnesses from various organizations and the timber industry who testified and gave specific evidence which resulted in a hand-slapping by the Board of both the federal Forest Service and the Division of Forestry, which was not a reflection upon the Regional Forester and the State Forester.

However, both the Regional Forester and the State Forester immediately set up a review of the charge and took another look at their whole fire suppression setup. The result was that there was a considerable change in both federal and state administrative policies and actions.

Fry: What would you say was the major change?

WRS: Primarily the change involved a pre-season get-together of industry or private ownership and federal and state agencies to establish an outline of procedures to be used in the current year and also to modify fire suppression plans.

The fact that the Forest Service was considering every fire a grandiose thing and setting up a regimentation like the army and maintaining a full camp was the main difficulty. As a matter of fact, there were industry personnel that had gone to assist with the fires who were kept waiting for hours before they were taken out on the fire line to do any fire suppression. There was a lack of proper coordination and direction. The review resulted in quite a bit of reorganization of programs.

Fry: Had there been any confusion at all about who was directing the fire suppression?

WRS: Yes, there was that too. The line of command was very imperfect. Oftentimes, fire suppression personnel would come in and make contact with the one who should have had some directional ability, but he wasn't able to give it because the next man in line was the fellow who was supposed to do the directing. The Forest Service moved in equipment that was unusable because of the condition of the country and terrain, which should have been known.

Also in getting to a particular portion of a fire, there was no one, except industry people, who was familiar with that particular area of the country and who knew which trails to use. The Forest Service also found that some of the access, or fire suppression, roads and trails were so completely blocked that they couldn't get equipment through. They had to first be opened up; they hadn't been kept open.

Many of the things that happened were sins of omission rather than commission. The result, of course, was that the fire was able to get an enormous stride ahead of them, so that it really became a conflagration, which could have been nipped in the bud in the beginning.

There were instances of no coordination between lookouts, with one reporting and no checking in with another to coordinate where the fire was. Sometimes fires were reported by private landowners to supposedly proper authorities of the Division and of the National Forest Service which never apparently were logged and had to be reported two and three times before it was finally accepted as a fire to which they were supposed to send men and equipment.

Fry: You're talking about both the Forest Service and the State Division?

WRS: Both the Forest Service and the State Division were negligent.

Fry: One of the problems, as I understand it, was that the man in command sometimes did not make use of the information that the private landowners gave him.

WRS: That's right, information that the landowners had and knew, in addition to the fact that the forest ranger was in a completely unfamiliar territory.

Another criticism that industry had was that quite a number of Forest Service personnel were shipped in from southern California who knew nothing about the terrain or the country of northern California. There used to be and still is a kind of a joke among private timber owners about the so-called Zuni Indians and their great fire fighting ability, who are imported for fire fighting in unfamiliar country.

Fry: It's become legendary.

WRS: We think that the Klamath Indians or anybody else with the same kind of training could fight fires just as well. The Forest Service didn't utilize the men who were real woodsmen, familiar with terrain and adept at handling certain equipment, because they had to go through this echelon of control just like an army. This was quite an eye-opener to both divisions. They had become top-heavy, as I said, with chiefs, and not enough Indians.

Fry: And some rigidity in procedure.

WRS: Yes. Over the years since then, these things have been ironed out pretty well, and they are much improved. There is still perhaps some individual criticism, and maybe we're over-critical. But when you're about to lose thousands of board feet of timber by fire which you feel could have been spared, you have to get a little bit critical about the way they handled it.

Forest Practice Inspection

WRS: Then we had our difficulties with the Division of Forestry. This is a criticism of the administration of the Division. When we wrote the Forest Practice Act, the Division wanted inspection to assure compliance with the forest practice rules. We had a woeful lack and avoidance of inspections of operations, to the point that the State Forester and the Assistant State Forester were using the personnel, who were supposed to be technical inspectors, on everything and anything (fire, for example) rather than on inspection.

They were also using rangers, assistant rangers, and personnel who didn't know forestry at all and who were just fire fighters to make technical inspections. We were very critical of it. The industry supported the creation of these technical positions. We supposed they were going to devote one hundred percent of their time to inspections of operations.

It went on this way a while, and then they asked for more funds, and we even supported them for an additional supplement. The State Forester was again taking them off the job and putting them on something else. We were very indignant about that. He was putting them on something else because he wanted them for the other job.

Fry: So it was a personnel shortage?

WRS: No, it wasn't a personnel shortage. He wasn't using the personnel that he had who were designated to do the inspections.

Fry: But at the same time he was calling for more money for inspectors?

WRS: Yes. We gave him a boost on it too. We helped him again on that.

WRS: Then industry was condemned because the Act wasn't working, when the State Forester was using this additional personnel for jobs that were not inspection work. That's when the criticism came.

Our big argument was that within the Division of Forestry (and this is a thing that bothers industry) they say, "Well, there are no people to enforce it, so we won't do it." The lackadaisical administration of the Forest Practice Act and the mishandling of the personnel who were supposed to make inspections were the two main reasons why the Act was declared inadequate and not filling the need.

One constantly heard it expressed in open meetings by the Division of Forestry that it was an unenforceable act. That put on our backs people like the Sierra Club, the Fish and Game, and everybody else who felt the Forest Practice Act was inadequate. It really was a problem.

Fry: Was this when Swede Nelson was State Forester, or Raymond?

WRS: Both Swede and Raymond. The fault was not one of commission but omission.

Control Burning

Fry: Would you like to discuss control burning, the issue as it has developed over the years?

WRS: I'll give you a little background on that, although the State Forester ought to be able to give you a pretty good background of it. With the setup in the Board of Forestry, the State has representatives from the livestock industry and the agricultural interests. The livestock industry particularly has always been interested in the burning of cutover land to develop grazing land. We've had what we term "light burners," who without a permit set off fires to burn out the brush on cutover land in order to establish a grass cover.

The surveys and studies that have been made by the Soil Conservation Service, the Forest and Range Experiment Station, and the Forest Service, to determine what will and will not support a grazing area, have indicated that there are many areas that simply don't lend themselves to the establishment of grazing land. Just because one burns off the brush, grass will not necessarily grow, and vice versa.

For that reason and in view of the weather and fire conditions in the summertime, these proposed range areas burned by the "light burners" have been quite a hazard to the control agencies.

WRS: The livestock interests have always wanted to get all of these areas burned off. They have always wanted a law, or permission, or a position by the State Division of Forestry of setting up and regulating a controlled burning of the area in order to avoid conflagrations as well as to get the lands cleared. The Division of Forestry, and rightly so I think, has fought off the establishment of provisions that would require them to furnish the stand-by crews for these controlled burns, because it is quite expensive and it has been historically proven that many fires escape even with controls around it.

However, we have in the law at the present time a provision that the grazers can form a district and can establish certain control lines to control the fire and develop a plan or program of how they are going to burn off one of these areas to establish a grass cover. Sometimes they reseed artificially and sometimes they let natural reseeding of the grass take place.

There is a provision whereby the State Division of Forestry can, if available, supply a certain amount of stand-by fire fighting equipment to prevent the escape of this fire from the area which has been designated and prepared by these ranchers. The State also advises them as to the best method to establish control lines, where they should be, and how the burning should be done.

Actually going in and operating a control burn of these areas the State has been avoided. It's not in the law. The ranchers would like to have it in the law, but it has never been provided. That is the reason there is a constant pressure for State participation on the part of the livestock men. They want the responsibility of the burn to be entirely in the hands of the Division of Forestry, which the Board of Forestry has never acquiesced to and never will.

The State Department of Fish and Game

Fry: Can you describe your relations with other agencies interested in the natural world--like the State Department of Fish and Game and the Associated Sportsmen?

WRS: We maintained a pretty amiable and reasonable association with the representatives of the Fish and Game people and the Associated Sportsmen. If we had no one to deal with other than the Sportsmen, we could get along pretty well. It was the Fish and Game, the over-dedicated bureaucrat, we called it, who is trying to promote things that sometimes they know nothing about.

We have a peculiar situation in California as far as our fish and game laws and operation is concerned. For many, many years, they have operated through the complete control by the Legislature.

WRS: Then that was taken away from the Legislature and set up under a Fish and Game Commission. The Legislature just dropped out of the picture as far as regulations are concerned.

At one time in California, about half the legislation which was introduced was fish and game legislation because it was a pretty good vehicle for the politician to use for reelection. But in the Legislature in the past few years, there are still some people who are not very friendly to Fish and Game because the Department personnel are dedicated scientists in a particular line, and sometimes they can't see any further than their own little research project.

Fry: These are Fish and Game biologists?

WRS: Yes. They don't have any real answers. The sardine situation is an example, and presently they're talking about the salmon. I talked with a man just yesterday who has for many, many years owned property at the very head of a small trickling stream, which runs fairly well in the freshet time of the year, but which just becomes a trickle at other times. He dammed it up and made a reservoir. He thought that perhaps he should have water rights, which he should obtain from the state: the rights to the water that originated on or flowed through his land in this particular drainage.

He was doing fine until all of a sudden the Fish and Game appeared. They are about to make him tear out his dam to let the water flow in this drainage, because they say it prohibits the salmon and steelhead from getting up there to spawn. Well, they couldn't go up there if they had four legs, because they can't get up that far. There isn't enough water to carry them up there. That's just one story of what the Fish and Game do.

They are so unreasonable that they say because you're logging at the very head of a drainage that if you drop a tree down in that drain, you're obstructing the flow of water and prohibiting the fish from getting up and down the stream. That's the reason why we always had to fight them in the Legislature when Fish and Game introduced bills to which we objected.

We wrote in the law that the courts were to determine what was a reasonable requirement and whether a logger should be prohibited crossing a drainage in any way, either by bridging it or fording it. Of course, the logical location for a sawmill is often in the bottom of a draw.

The Department of Fish and Game was not willing to permit some detrimental effects to take place which would be rectified by nature very shortly after logging moved out of that area, as it has been in the past. The Department of Fish and Game attributed much of nature's own action (the abnormal rainstorms that we had in 1955 and again the floods of two years ago) to logging, or rather blamed the

WRS: siltation on logging. But you can't attribute it to logging. The Department always blames the loggers for erosion and flood damage where there never has been any logging. The Department claims some six thousand miles of streams have been obstructed by logging to the detriment of the fish; yet we can't understand why the actual production of salmon and steelhead in some of these areas has increased rather than decreased.

Fry: Did you find it easier to work with the Fish and Game people when they had the Commission or when they were under the Legislature?

WRS: It was easier to work through the Legislature than it is through the Commission because the Commission has members so biased that they are for fish only and to hell with the people. Timber owners take the opposite position: to hell with the fish, get your fish off of our land, out of our streams, and out of our hair. The Commission is really governed primarily by the Department and its dictates.

Fry: Do you mean that the Department selects the Commissioners?

WRS: No. The Commission is dependent on the Department for its information, plus the fact that the Commission is often appointed from those people who are ultra ultra fish and game and wildlife people, to the detriment of any industry at all.

Fry: How are they appointed?

WRS: They are appointed by the Governor. It's a political appointment, and of course he picks someone out of the fish and game and sportsmen groups. There are so many people who are in Sacramento promoting fish and game interests that the Governor goes to that interest group, the same as he would if he could, I think, (which would be a natural thing, perhaps) appoint people from the Sierra Club to the Board of Forestry, people who would have no background in timber production which would qualify them for such a Board.

Inroads on the Forest Practice Act

Centralization Threats

Fry: Have there been any significant efforts to amend or modify the Forest Practice Act?

WRS: Last year [1965], the Little Hoover Commission pretty near wrecked the whole situation when they proposed to relegate the Board of Forestry to more or less an advisory group. The Commission proposed that the State Forester was to promulgate all the policies and administer them with everything else delegated to the Division.

WRS: Industry was able to stop that one, but whether we'll be able to hold the line in the future, I don't know.

It was proposed to do away with the local forest practice committees too, which was the fault of the forest practice committees to a degree, and the fault of the State Forester in that he hadn't followed through with more activity on the part of the committees. The forest practice committees got to the point of acting by mail or telephone rather than meeting.

It brought about criticism from the expert of the Little Hoover Commission. The Commission said that they recognize that in the beginning there was the necessity of having forest practice committees, but they saw no reason why there was a need to have forest practice committees anymore, and that all of the forest practices could be originated by the State Forester instead of originating in the district committee as provided in the Forest Practice Act.

This would have completely destroyed what we worked very, very vigorously to set up: that we must have at least four divisions in the state of California where there was a difference in conditions and operations. They also criticized the fact that we put the private owners on the forest practice committees.

It would have completely destroyed the fundamental foundation of the Forest Practice Act to have had the State Forester take over those functions. Then you would have had a statewide law, just as we had originally set it up to not have, or a federal law that would be all-inclusive for the whole United States.

Fry: You mean they were going to do away with the districts as well as the committees?

WRS: Yes. They might have had them, but in name only. They were going to have the State Forester make up the rules. If he had made them up, they would have been on a uniform basis. That would have been the first thing any State Forester would have done if he had the authority to do it, but he couldn't very well; he wasn't sufficiently informed to draft workable rules. That's the reason why we established a safeguard by having local people on these committees who were conversant and informed on workable rules.

Immediately after this threat blew over, the Board of Forestry had the State Forester call forest practice committee meetings to review the rules of their districts. The committees are now meeting regularly to go over any possible changes in the rules, with the result that the current meetings are now being attended by representatives of the Fish and Game, presenting their big program that they've already developed in the Fish and Wildlife Plan. That is a bureaucratic setup if you ever saw one.

They were trying to incorporate all their ideas and make the

WRS: Forest Practice Act an arm of their administration. So far we've been able to stave them off. Now we've got the Sierra Club coming in and wanting to tell us what to put into our Forest Practice Act. So we're always on the defensive on something like that. It gets more and more that way as we get further and further away in our Legislative representation setup from the grass-roots, the timbered areas.

It remains to be seen what's going to happen under reapportionment because representation in the Legislature is now coming from population and not from the grass-roots. Our defense and support will be to try to cultivate and educate these people to the point that they don't completely by-pass the real things that we're trying to do. That remains to be seen.

Fry: So the direction of the functions of the State Board of Forestry is to take more and more responsibility in response to these group pressures--and to get more centralized.

WRS: Now the Board is urging the forest practice committees to meet and review the rules. The State Board of Forestry was not called into consultation by the Little Hoover Commission. About fifteen minutes was all the expert from the Little Hoover Commission ever talked with the chairman or with other members of the State Board of Forestry as to the functions of the Board, and you can imagine what kind of report you get from something like that.

So the State Board of Forestry is on the defensive too. They have to protect themselves. To have them merely an appointive board with no authority would relegate forestry to the period before 1945.

Fry: The threat from the Little Hoover

WRS: It's a big threat, both as concerns the Board of Forestry and the forest practice committees.

Fry: This threat resulted in closer working then between the State Board of Forestry and the district committees?

WRS: Oh yes. It resulted also in more direct action on the part of the committees, as well as the State Board of Forestry. The Board also has a personal pride in the fact that they are appointees of the Governor to serve and to do certain things. There are specific things in the law that the Board of Forestry is now supposed to do, and they don't propose to be relegated to the position of a non-policy-determining board. People like General Myer have had positions that call for judgment.

But all these things come up. Now here comes the Little Hoover Commission, which is doing away with Boards and throwing committees out and completely destroying the forestry program in the state.

WRS: The Fish and Game Department and Commission are trying to inject themselves into the picture. John Callahan of C.F.P.A., as well as some other people, are willing to let them come in to a certain degree and are not keeping them out. They are telling them to stay with their own rules and regulations rather than coming into our Act and destroying its original purpose.

County Control Stymied

WRS: An amendment was introduced and passed in 1957 at my instigation, through the aid of a representative from the Attorney General's office. The Legislature enacted a particular clause in the Forest Practice Act which provided that once the forest practice rules have been adopted, they have, in effect, the force of law, and the control and operation of forest practices and operations of private forest land are exclusive to the State of California. (This is a paraphrase.)

This clause stopped a big inroad or attempt on the part of those who would modify the Forest Practice Act by going to the counties and having counties pass ordinances which would control and completely annihilate the principles of the Forest Practice Act. Now they can't do it because forest practices per se (not fire, which comes under general law all over the state) cannot be county-regulated. They can't come in and regulate timber harvesting. They can't do it; it's exclusive to the State.

Of course, the amendment could be stricken out of the Act; we were able to get that in the Act, and it got by because nobody knew why it was there except John Morris of the Attorney General's office and myself. We were just then being threatened by a deluge of county ordinances which would have completely disrupted the Forest Practice Act and would have permitted within a county ordinance the regulation of the forest industries and their operations. Ordinances were being used to suit the whims of the people who were concerned, like the Sierra Club, Fish and Game, and others, under the guise of being a county ordinance.

Fry: I thought the forest counties were usually pretty sensitive to the needs of the larger operators in the county.

WRS: The operators have a lot of influence in the counties, but the counties are not "sensitive" to their needs. As a matter of fact, the industry, generally and historically, has been the whipping-boy of the county supervisors, because they were in the minority politically to the point that the county could do whatever they wanted to do in the way of regulations and taxation.

We have had objections to the Forest Practice Act on the part of some of our C.F.P.A. membership. It's developed over the years that forest landowners were right in their objections and fears to

WRS: a degree, but, as I have pointed out to them from time to time, it's better to try to control how you're going to be regulated than to be forced into it eventually and have something that you just can't live with. I don't think they had any real clairvoyance that enabled them to determine what was going to happen in the future; they were just fearful of it. Their fears have been borne out to a degree but not entirely. The Act hasn't been completely destroyed yet.

Fry: Then this bill that you came up with for C.F.P.A. never did have unanimous approval of its membership?

WRS: Yes, they accepted the bill, with some talk against it but not official talk. They were willing to go along. It was officially adopted by C.F.P.A., although with some reservations on the part of the dissidents. They didn't openly come out and say, "We don't want it," but they said, "We don't want anything." That's what they said. But since we had to have something, they went along with it.

Timber Inventory in California

Fry: There was quite a bit of discussion in the Forties on the actual volume of available timber and inventory and classification of land in California. I guess at that time nobody really knew what the volume of standing timber was, and the estimates usually were used to either support or deny the need for more regulation of cutting.

WRS: There still is such discussion. You'll find that information in the beginning of that mimeographed report that I prepared for the Tax Research Bureau in 1932.* There's just a woeful lack of knowledge. Still within the individual companies and in the state generally, there's quite a variance of estimates, but the information is much more accurate than it used to be concerning the total volume. There has been and will be quite a divergence of figures because much of the timber is still isolated and many areas have old cruises that didn't consider volume and species that would be considered today.

It's gradually getting into a knowledgeable grouping however, because of the intensity and pickup in the local assessing of timber lands. The counties themselves are acquiring this knowledge. They have their own forestry staffs and are really getting into the volume that was not a matter of concern before, because they weren't

*Schofield, William R., A Report on Timber Taxation in the State of California; California Tax Research Bureau, November 1, 1932, mimeographed.

WRS: interested in it. Thirty years make a lot of difference.

Fry: Right at this time the U.S. Forest Service was sponsoring a timber inventory. Can you give me a run-down on that?

WRS: The Forest Service never had access to or made too much of an in-road into inventory of private timber ownership. There are seventeen million acres of private timberland in the state of California, which about equals the timberlands of the national forests, so there is half of the timberland that they know little about because they never had access to it to determine the volume. The result is that there is quite a gap in knowledge in the inventory and even within many of the companies themselves.

A company may have just held onto a piece of land that they bought on an acreage basis, at perhaps fifty cents an acre, and held it over these years. They've had perfunctory cruises or no cruises at all unless they were to sell it, so their information is indefinite.

In addition, we have an enormous volume of second growth on the cutover land which heretofore hasn't been given any consideration at all. This is beginning to show up through the county assessment processes. There are some areas of land which were cutover in the earlier days that have a greater volume than that of the original volume, and it is merchantable now.

Fry: In 1945 it seems to me that it would have been in the interest of the large timber owners to make available the figures of their standing timber. At that time the situation was such that if anything was done by the Forest Service, you would have expected it to be a promotion of federal regulation on the basis that timber supplies were low.

WRS: The timber owners in 1945 were peculiar individuals who just held unto themselves many things for reasons that to you or me (maybe not to me but to you at least) would appear unfathomable. You couldn't understand either why they so jealously guarded this or that when it could be so easily found out by somebody else. That was their property and they didn't want anybody to know anything about it. They very jealously held onto the facts that they did know for sure.

Most of them in '45 were not too familiar with what they had, but those who knew what they had were not about to disclose it to anybody. They would keep it to themselves because it was a lever as far as a purchaser might be concerned. They didn't want somebody to know just what was there or how much was there.

Fry: What about county timberland assessments? What were they based on?

WRS: Assessments were, and still are in many instances, taken on an

WRS: acreage basis or just a general over-all average which they didn't want to disturb or disrupt.

Fry: But you said earlier that you hadn't had any trouble getting information for the Tax Research Bureau survey.

WRS: Yes, but my figures weren't the property of the State except in total volume figures. Specific volumes were not available to the State; it wasn't designated anywhere. It just entered into the economic analysis of taxation.

Fry: It didn't enter into the levying of taxes either?

WRS: No, it didn't. It was confidential information that never got out.

Fry: In the late Forties, the State Division of Forestry was allowing some of their men to help the U.S. Forest Service in making the timber inventory, including private ownership. But this had to be stopped because of protests from the

WRS: Yes, from the private timber owners, C.F.P.A. Industry objected to the basic proposal of the Forest Service, as to the method to be used and the disposition of the data. Industry objected to it very strenuously. Ed Crafts, Assistant Chief of the U.S. Forest Service, was very vehement that they were going to do it in a particular way, and Industry was not about to let them do it.

We had the same controversy also in Washington and Oregon, but the Forest Service men were able to get away with it up there. They never got away with it here because the data was obtained by the State but never turned over to the Forest Service. We of the industry had gotten the Board of Forestry on our side to tear things wide open and tell the State Division of Forestry, "You don't turn that over unless such and such a thing is done."

That's the only way they could get it, by agreeing that the Forest Service must use it for certain specific things and such specific things alone.

Fry: But not for the timber inventory?

WRS: For certain specific studies within the timber inventory, yes; but not to be a basic figure from which they could develop all their fantastic projections. We didn't want it. The State Board of Forestry said the only way it would agree to turning this information over to the Forest Service was if it was to be used for this, for this, for this, (specifying uses) and nothing else. The Forest Service was to accept it on those terms.

They wouldn't accept it on those terms, and they made a second plea which the Board turned down. The Forest Service never got it.

WRS: It was too late to get a true inventory, and they had to rush like mad to step up and interpolate the past figures that they had and to make some very perfunctory field work analysis of their own.

Fry: The field analyses then were done through the U.S. Forest Experiment Station at the University of California, right?

WRS: The Experiment Station practically did all the work for the Forest Service.

Fry: Under Ed Kotok?

WRS: No, Ed wasn't here at that time. He was in South America with FAO and came back later.

Fry: As I understood the controversy, you first protested to the Board of Forestry on the grounds that the State Forestry Division did this work for the Forest Service without the State Board's approval.

WRS: Yes. The State Forester had on his own initiative delegated his personnel to get this information without ever having been instructed to do so by the State Board. Of course, we hit a sensitive spot on the State Board when we pointed that out, and the State Board immediately jumped on the State Forester. [laughter] Intrigue within intrigue.

Fry: How about the figures for inventories on private lands? Do they fit with the records of the state, county, and federal lands in California on a survey like that? Or are there discrepancies that show that some of the records give a truer picture than others in land ownership?

WRS: Do you mean the individual determination by industry compared with the federal? (Of course the state and county really do not enter into the picture. It's really a division of private and federal timber ownership.) I think that the estimates are good enough for what they need. I don't think the Forest Service needed anything more or that anything more would enhance any projects that might be carried on from a purely forestry standpoint. It is not necessary for them to know it in any more detail than they do now.

Fry: The State Forester isn't concerned with timber inventory by the State then?

WRS: I don't think it's their concern or that they have ever made it their concern. The State Inventory in the Thirties was primarily a taxation need for the Board of Equalization more than it was purely a conservation deal. The Division of Forestry is interested of course; they have their own ideas. But it isn't so essential, as I view it, and I think they view it that way too. They make no attempts on inventories of any extent.

LOBBYING

The Beginning

Fry: Could you give us a background of your own personal experience in the "Third House"? What years did your experience cover?

WRS: To review briefly, my first appearance before the Legislature was in 1931, when a resolution setting up a committee for the studying of the tax situation in California was before the Legislature. As I was telling you earlier, I was interested in seeing the bill go through, and the Secretary of the State Board of Equalization was also interested in getting the resolution passed and adopted.

It carried an appropriation of \$90,000 to set up a study of the tax situation, which had been emphasized by the fact that local property taxation was becoming quite burdensome to the common property taxpayer. This was during the depressed condition existing generally throughout the country.

The Legislature agreed to this resolution setting up the study for comparison of the amount of taxes paid by the common property, assessed locally, and the utility properties, which were assessed on the basis of their gross receipts for State support.

The resolution set up the Tax Research Bureau, comprising the Governor, the Director of Finance, the Controller, and the Board of Equalization. They in turn hired Earl Lee Kelly, who was a resident of Redding and was in the abstract business, to be the director of the Tax Research Bureau. He gathered around him a number of people, at the suggestion of the Bureau members, individuals versed in special

A 45-minute video-taped interview of Mr. Schofield, based on the material in this section, was made by the Regional Oral History Office, Berkeley, in July, 1966, with Professor Peter Odegard as advisor. The Forest History Society later purchased a 16 mm. film copy of the video tape for their archives.

WRS: taxable properties. I happened, because of my experience in the timber and lumber industry, to be chosen the timber engineer for the Tax Research Bureau.

Fry: Was that also your primary interest in lobbying for it in the first place?

[laughter]

WRS: No. At that time I didn't have any thought of being on the Bureau. I later became interested in it to the point that I did work, after it was passed, to get on the Tax Research Bureau. I was primarily interested in it in the first place because I was concerned with the timber interests' payment of taxes, as I was then the planning engineer for Humboldt County. We were interested in it from the standpoint of what it would do for the County as well.

Fry: Do you mean county tax income?

WRS: Yes, income to pay for county expenditures.

Fry: And also its potential for alleviating some of the tax burden on the timber owners.

WRS: That's right. That was my first thought, of course--the timber owners that I had been working for before taking over this job for the County. I had a few little differences with the chairman of the Board of Supervisors. They wanted to do away with the county planning commission per se, not because of individuals but because they didn't like to have the planning commission dabbling in any of their affairs at all, over which the planning commission had some authority.

In order to squelch the planning commission, they just didn't appropriate any money, and so I didn't have a job. So I was interested in the proposed Bureau from that standpoint too. The Bureau was set up and started functioning in the beginning of 1932.

Fry: As timber engineer for the Tax Research Bureau, did you do any lobbying?

WRS: No, not for the Tax Research Bureau. During the year of our Tax Research Bureau activity, which was in 1932, there was no Legislative session. The Legislature was meeting in the odd years and making a budget for every two years. The Tax Research Bureau was operating in 1932, and they reported to the January session of the 1933 Legislature.

The report of the Tax Research Bureau brought about the suggestion that there be a change-over whereby the utility property would be assessed by the State through some agency to be created, and the value would be passed back to the counties of sites of the utility properties. The utility property would then be taxed at the same

WRS: rate as other property locally, so it was to be an additional income for the county.

There was a very great necessity for educational funds, and for this reason they set up the sales tax at the same time, which would be used for school purposes. Originally, the sales tax was only to be for a temporary purpose and use, maybe a few years, in order to augment funds for school purposes.

The Farm Bureau and the Grange insisted that if there was going to be a sales tax on the sale of personal property, there should also be an income tax. The establishment of an income tax went along with the establishment of a sales tax for the state of California. The personal income tax was to get those people who were making money to pay a greater amount to augment the funds needed.

Fry: This was put on a ballot, wasn't it?

WRS: It was put on a ballot of a special election in the middle of 1933. The Legislature recessed for this special election. I was active with the Board of Equalization in promoting this legislation. My activities in lobbying really started with that, for the Board of Equalization, when I took part in the campaign for the passage of State Constitutional Amendment 30.

The proposition was passed, and the Legislature came back into session to set up and pass enabling legislation that would set up within the Board of Equalization the sales tax, the income tax, and the Division of Assessments Standards. The Valuation Division in the State Board of Equalization was to be the evaluating agency of the State to place the assessment of utility property.

The Legislature gave power to the Board of Equalization to set up the Valuation Division. That was the beginning of the Valuation Division, which continues today valuing utility property for assessment purposes, specifying the operative properties of the utilities.

Fry: Your lobbying activities, then, began in 1931 in getting the study bill passed by the Legislature.

WRS: Yes. In 1933 in the next session of the Legislature, I was lobbying for the recommended implementation bills, which were recommended by the Tax Research Bureau.

Artie Samish and Other Key Figures

Fry: Whom did you get to know in these early days?

WRS: Everybody.

Fry: You immediately met other lobbyists and knew the key figures?

WRS: Yes. There were lobbyists in existence at the time; they had been there ever since the very beginning of the State to a greater or lesser degree. They were quite active. Of the group of lobbyists, there were a number who had been there for many years.

Some of the old-timers were Charles Stevens, who represented the Standard Oil Company; Monroe Butler, who represented the independent oil companies; Vincent Kennedy, who represented the California Retailers Association. He has a retired supervision of that Association yet although he is not directly active.

Vince didn't come, however, until later. He was a secretary to Governor C. C. Young; then he became a representative of the California Retailers Association. There was Elmer Bromley, a former Assemblyman who was a representative of the Southern California Edison and the P.G.&E. [Pacific Gas and Electric Company.]

Fry: How did he feel about your bill to change the taxation routing of utility property?

WRS: I can't recall that; I'm sure that Elmer Bromley didn't represent the utilities at that time.

There was also, in the years following, Walter Little, a Speaker of the Assembly who later became the representative of the steam railroads; Charlie Lyons, a former Speaker of the Assembly, a very good one, who became the representative of the California Motor Transportation Association and the Associated Contractors. Charlie Lyons unfortunately went to jail later on for some other illegal activities.

Fry: This was not for his lobbying activities?

WRS: Well, indirectly.

Sam Collins, who was also a former Speaker of the Assembly, became a lobbyist.

Fry: Did he represent any particular interest?

WRS: I would have to check that. Another man who was a former assemblyman was Kent Redwine. Since he retired from the Legislature he became a representative of the motion picture industry. An interesting thing is that a woman lobbyist worked with Kent and helped him out: Hulda McGinn was an old-timer with the California Theatre Association, an organization which is very closely related to Kent Redwine's work. She retired a few years ago and I haven't seen or

WRS: heard of her since.

Another man, whom I already mentioned, Charlie Stevens, was a highly ethical man, a very wonderful man, a man upon whom the Legislature depended a great deal for good advice, particularly in the Senate.

Frank Agnew represented the insurance agencies; he was there for years until he retired. Frank was another highly ethical man. Colonel Blank, a very good friend of mine who is retired, represented the Telephone Company. He was a colonel in the United States Army in World War I. His services were sought after not only by the Legislature but by the Director of Finance, because he really was a budget whiz. He gave a lot of good advice to the legislative committees. He's still alive and lives here in Berkeley.

Jack Pettis was in the Legislature at one time, back in 1910 when the King tax bill was being passed. He was around the Legislature quite a bit, but I would have to look up who he represented. He's been dead for many years. I knew some of the later ones who are still there.

I knew Artie Samish very well, and I've always thought that they gave him credit for more things than he actually did, although he was a pretty shrewd lobbyist and got a lot of money from his supporters. He wasn't always responsible for some of the good legislation that was passed. He would get on the bandwagon if he found out it was a good bill; he was a great claimer.

He was of Jewish extraction, a poor boy who made his first money by acquiring some interest in and control of a bus system between San Francisco and San Jose. That was his first deal. He had been a newspaper boy on the streets of San Francisco, but I think he originally made his money by starting out in this bus situation, and he made it pay. He was very shrewd. His primary supporters were the race tracks and liquor people.

Fry: Could you give us a profile of the people he lobbied for? There does not seem to be too much known about whom specifically he represented.

WRS: He represented the race track people and the wholesale liquor and beer suppliers. He had many accounts that nobody knew about at all, people who wanted something that money could buy. Artie Samish would handle it.

Fry: Were these kind of ad hoc?

WRS: They were never declared accounts. Artie Samish never registered when the registration law came in. In the very beginning when he first came in he may have been recorded; that was rather perfunctory:

WRS: he had to register his name with the Sergeant-at-Arms in both Houses in 1931. That was the law then.

Fry: Which meant nothing?

WRS: It didn't mean anything. When the 1949 lobbying bill was passed, Artie Samish never registered.

Fry: He never did come back and register?

WRS: No, but he was there. He operated out of the Senator Hotel. Artie very seldom went to the Legislature; he had a lot of lieutenants.

Artie Samish's success as a lobbyist was greatly due to the fact that at the time that he became a lobbyist, prohibition had just been repealed and the element represented by the bootleggers and the underworld took up the "legitimate" business of operating the sale and distribution of liquor.

During the time that they had been conducting their underworld operations in violation of the law (prohibition), they were used to "paying off" for the benefits received, to allow them the major violations of laws governing what they were doing. So the people in that business and in the underworld generally were ripe for Mr. Samish entering the field of lobbying for them.

Possibly over ninety percent of those in the legalized liquor business had been members of the underworld. This made it easy for Mr. Samish to impress them as to his ability and for that, to extract large sums of money from them to represent them in legislative matters. And he used this procedure of paying off for services rendered, in this case by certain members of the Legislature.

Having established such a reputation for being able to secure favorable legislative action, as the years went by, Mr. Samish laid claim to being the chief advocate of much good and legitimate legislation, and oftentimes laid claim where he had done nothing.

"Legitimate Graft"

WRS: Frank Flynn, a man who is now dead, was his chief lieutenant with the liquor industry. Frank worked around the Legislature in Art Samish's place. A man nicknamed "Shovel Nose," who operated from Los Angeles, was one of Art's chief lieutenants and was the procurer who brought in women for the legislators. He was the most nefarious guy you ever saw. His real name was Bill Jasper.

There were others. Jimmy Sims used to bird-dog for Artie Samish. Sims later worked for the State Board of Equalization, and I think that Artie Samish probably got him the job. He was a pretty

WRS: smart operator.

As a matter of fact, nobody knew just who all the lieutenants were who worked for Artie Samish. He employed anybody and everybody. He had women aids. I have no way to prove it, but I'm quite sure that he had legislators on his payroll as well as men who worked on the Senate and Assembly desks. Jimmy Sims was one of the clerks working on the Assembly desk.

Fry: By this he was able to control whether bills went to the governor's desk then?

WRS: Perhaps. Jimmy Sims did all kinds of strange things. He would shift bills around out of order, take them out and maybe even stick them in his pocket so they never showed up. Joe Beek, Secretary of the Senate, was accused of having done that himself, but Jimmy was actually doing that. I know of one instance where there was a bill which certain interests were anxious to have passed, and Jimmy moved the bill ahead of others.

Fry: Timber interests?

WRS: No. I don't recall specifically what the interests were, but they were outside of the State. Jimmy Sims took the bill (and this was legitimate all right, but this was the way he operated), shoved the bill ahead of others, and they passed it. In twenty-five minutes, it had gone through the Assembly, was rushed over to the Senate, was passed by the Senate, and was down to the Governor's desk before the day was over.

Of course, the last day of the Legislature is when many pieces of legislation get through, when the number of the bill is read and nothing else. They just pass them in a hurry to get rid of them before the clock has run out. That's the reason so much bad legislation gets through, through manipulation.

That is where your unethical lobbyists can really perform. That is where "legitimate graft" takes place. Through various promises they get pieces of legislation passed that otherwise would not be passed and that might otherwise lay dormant for months. That is not done by the ethical lobbyist.

Payment to Legislators

WRS: The purported fact that lobbyists would go to the bar, particularly in the Senator Hotel, which had the most attractive bar at that time, lay a hundred dollar bill on the counter, and walk away and leave the change with the legislator who might be taking a drink with him and who could pocket the money, are just fictions of somebody's idea. It may have happened once, but seldom if ever did it happen. (The

WRS: original bar in the Senator Hotel used to be where the American Express office is now.)

Fry: You never really saw anything like this happen?

WRS: Well, I have seen some money change hands but not at a bar that way.

They say that in the old days, back in the Eighties and Nineties, there used to be payoffs made in the basement of the Capitol in gold by those who wanted legislation. Of course in those days a legislator got nothing by way of expenses or anything else, so he was very susceptible to money. They were susceptible to money, even when they were getting \$100 a month with very limited expenses. Now they're getting \$6,000 a year with a daily expense allotment of \$25 or so, plus cars owned by the State which they are given to use, and a lot of side benefits that they never got before.

Legislators aren't as dependent upon lobbyists as they have been in the past. They became more independent and less susceptible to money. You have seen in the records that MacMillan just a year ago was indicted for bribery, but he was acquitted. MacMillan is a good friend of mine. I don't say he did or didn't, but I say that he wouldn't be any different from a lot of others if he had taken the money.

Fry: Some that are caught make sensational headlines.

WRS: Yes, and there are many of them that don't. There is many a way in which a legislator is compensated. For instance, there have been two instances after general sessions where trips to Hawaii have been promoted with a charter plane and a legislator and his wife as guests. Going along with them are members of the "Third House" and their wives and friends.

The forthcoming money is never spent by the legislator; it's somebody else's money. His whole fare and entertainment is paid. Even today a lobbyist can entertain a legislator, if he is willing to accept it, to a meal or drinks. However, if you spend more than twenty-five dollars, you are supposed to report it, but if you don't report it, who's going to tell it?

Fry: And you didn't have to report until

WRS: Until the lobby law went into effect in 1949.

I recall that lobbyists were supported by the people that they represented, and they, in turn, did, without a question, give some sort of an emolument to the legislators, perhaps through campaign funds. That's still legitimate.

However, if you contribute an amount over one hundred dollars

WRS: to a campaign fund, the person to whom it is given must report from whom it was received and the amount. Many, many times over the years I have given \$99.99 into the coffers of a campaign fund of a legislator.

Fry: I've wondered why people couldn't simply give many contributions of \$99.99.

WRS: Well, that has been done too, because it gets away from the fact that they must report it. There is another method of support which I and others have done. For instance, you say, "Joe, go down to the printers and get your cards or billboards printed up and have them send the bill to us." And we pay it. With that technique, there is no direct connection with them, and that is legitimate expenditure.

However, a smart lobbyist never supports a candidate in the primaries unless the candidate is an old-timer. There are too many candidates in the primaries. You ought to see the book that the Secretary of State has of candidates for office now. When they ask you for support, the smartest thing to do is to say, "Well, we don't support anybody in the primaries, because there are too many."

You have to be awfully careful to pick the right horse even in a general election. If you support the loser and the winner finds out, he's not going to be very friendly toward you.

Another gimmick which has arisen recently and which is played to the highest degree is the so-called testimonial dinner, which legislators and candidates for office put on. They blatantly and openly send out letters saying that they are going to have a testimonial dinner for Jesse Unruh (or someone) at \$100 a plate, \$500 a plate, or tables at \$1000 a table. They ask, "How many will you take? Will you support it?" And they get it.

Unruh now has, I know for sure, better than a half million dollars, which was raised by a testimonial dinner in Los Angeles. Primarily, the money came out of the "Third House." There are many "Third House" people who don't support those things or contribute to them.

Fry: This would have to be declared, wouldn't it?

WRS: No. It's just a testimonial dinner, and the committee turns over the money obtained to finance the campaign of the individual for whom the dinner was given. That method is being played to death, and many lobbyists are getting fed up with that means of obtaining funds.

Fry: In other words, when you receive a letter for a dinner, you feel that you don't have much choice other than to go because you know that there's competition.

WRS: It's the pressure. They just take the whole list. Everybody who is a lobbyist is listed and everybody gets a letter--from people they never heard of, who never did anything for them and never would do anything for them.

Fry: But you feel you might need to be on the candidate's list of contributors?

WRS: If you are going to stay as a lobbyist, you better have some good excuse why. Your name is brought up before that candidate by the committee. He is told that you contributed. That again is a circumvention of the bribery laws. Again, it is legitimate graft, which has so completely infiltrated both the Legislature and the Congress.

It amounts to blackjacking; they just blackjack us into it. I know people who have contributed considerable sums of money to Jesse Unruh because he is Speaker of the Assembly and is the big wheel and power. They would openly make derogatory remarks and even condemnatory remarks about the way Unruh was doing this and that.

I've always said to them, "Well, you guys are suckers. You give him the money, and he gains his power by taking that money and spreading it out judiciously among the other candidates for the Assembly, so that he can then have those Assemblymen obligated to him." That's the reason he has the control.

I maintain that Unruh can be brought to his knees by going into his District in Los Angeles with that same amount of money and financing a good, popular individual to beat him in his own District. Then you're through with Unruh. But they have allowed themselves to be sucked into it.

Smart lobbyists, smarter than I am, who represent the biggest interests in lobbying in Sacramento, have been sucked in in just that way. And I never was. My people never authorized me to support legislators to that extent.

Patterns of Influence

Fry: You're talking about C.F.P.A. [California Forest Protective Association]?

WRS: Yes. When I was lobbying for them, I did support particularly the county senators [non-urban]. I put most of my eggs in the senatorial basket because one house was easier to control than both Senate and

WRS: Assembly. In addition, it was a fact that we had sympathetic legislators in the Senate whereas we didn't always have them in the Assembly. The assemblymen came from metropolitan districts and were not generally interested in natural resources. So I played the Senate, and so did many other lobbyists, like Don Cleary, who is the lobbyist for San Francisco.

Don Cleary at one time used to say and, probably rightfully, boast, "Well, I've got twenty-seven votes in the Senate." To have twenty-seven votes out of forty is enough to move anything, even if it requires a two-thirds vote. I used to twit him about it after he lost his twenty-seven votes. He was very close to Senator George Hatfield, who was quite a power in the Senate.

Fry: I understand that Hatfield and Samish were quite close. Is it true that they had regular Friday night meetings?

WRS: Oh yes. There is no question about the fact that George Hatfield was one of Art's supporters. George Hatfield and some of the rest of them were awfully scared when Artie Samish was pulled up by the investigation* because they were afraid that somebody was going to sing and they'd be brought into the picture. They never were but everybody knew.

It was brought out in the Philbrick Report that Artie Samish had contributed to George Hatfield's campaigns and had supported him in some ways. George Hatfield was an associate of Fred Wood, who was the Legislative Counsel for many years. Hatfield was always and forever going onto the floor of the Senate and saying, "Let's get a legislative counsel's opinion on this piece of legislation." George Hatfield would write the opinion and Fred Wood would sign it as Legislative Counsel.

Fry: How did Hatfield have this particular power over Wood?

WRS: They were law partners, associated in the legal profession. George

*See Senate Daily Journal, Fifty-third Session, April 4, 1939, first printing. This is N. R. Philbrick's "Legislative Investigative Report." Principal target was Arthur H. Samish, after widespread rumors of corruption in 1935 and 1937 sessions. Schofield notes on his copy of the Report: On April 5, 1939, "Senator Seawell moved that the Senate Journal of Tuesday, April 4, be corrected by striking out the inadvertently entered Philbrick Report accompanying the Governor's letter of April 3rd, on the grounds that said Report is not a public document but a prejudiced and unsupported confidential report of a private detective. Motion carried and such was the order." From the Senate Journal of April. Mr. Schofield carefully retained his copy of the Journal that includes the Philbrick Report. It is deposited in Bancroft Library.

WRS: was smart; he was a good attorney.

Fry: I guess a lot of compensation can also be passed back and forth if you are a law partner.

WRS: There are a lot of evasions that can be made by a lawyer, particularly under the Lobby Act. Many a lawyer has lobbied in Sacramento and has hidden under the blanket of not disclosing his clients, so that they don't abide by the regulations. There are more and more legislators who are attorneys; after all, there are too many practicing attorneys.

I have maintained and my experience has been that you will seldom find an attorney who is very conversant and understanding of many problems outside of the legal profession. One of the smartest men who was Lieutenant Governor, Hans Nelson from Eureka, ran for Governor but withdrew before he got very far.

Hans Nelson was a smart attorney, but in matters outside of the legal profession you couldn't talk to Hans Nelson. For example, there was an occasion when it was possible for the State of California to have passed enabling legislation for participation in General Land Office Survey completion. There is still a lot of California that hasn't been actually surveyed by the General Land Office Survey.

With California participating with a very minor amount of money, the final conclusive survey of the whole state would have been stepped up. It was very easy for the State of California to have been a participant in that. I talked myself blue in the face with Hans Nelson to get him to support that bill because it was so vital to the timber interests.

Much of Humboldt County at that time was unsurveyed and poorly surveyed by the General Land Office, and some of it still is. In the early days of the General Land Office they would ride around on horseback and throw a rock out in the woods, and wherever it lay was the corner. The result has been many cases of litigation to determine where the section corner and line was, or to require a resurvey. As many as three or four section corners have been located for one corner.

There are notes of the survey from the horse-and-buggy days. The survey party would be in Eureka at the Vance Hotel, and they would report going to South Fork, which is a long way below Scotia (some forty miles from Eureka), to lay the lines and corners for two or three sections of land and be back in the hotel that night. With a horse and buggy!

Fry: When you mention a problem like Unruh's usurping some of the "Third House"'s influence, I don't understand why the "Third House" doesn't have more unity here. Why couldn't you simply agree not to go, not

Fry: to accept testimonial dinner invitations?

WRS: Lobbyists all operate differently. Every lobbyist has a technique that is not duplicated by the people who follow him or by others. It is characteristic of the lobbyist to use any and all means to get certain things for himself. It is the hopes of these people who contribute to Unruh that they can get from Unruh the things that they could perhaps get from individuals.

Fry: So your support is dissipated?

WRS: A lobbyist's support is dissipated, and I say they have been suckered into allowing that thing to happen. It has never happened before, and Unruh is just smart enough to develop it. He made hay while the sun was shining on that. He has built around himself a wall of influence--which has got some chinks in it now because he has ruled with a high hand, generally to his own detriment.

At one time a couple of years ago, he forced the Legislature to do certain things and kept them locked up until they did certain things that they didn't like too well. His party was the majority and his own people were the majority. Nevertheless, he created a lot of antagonism, even among his own people. They didn't like some of his tactics and don't like them now, but some of them have to take it. They are now beholden to Mr. Unruh.

Fry: Who are the people you refer to as his own people?

WRS: I mean the people that he has financed within his own party--the legislators.

Fry: What about the "Third House"?

WRS: He has no control over any of the "Third House," nor have they control over him. The "Third House" is just hoping that they have a certain amount of influence with Mr. Unruh because they have contributed. But that is beginning to show up rather negatively as a matter of practice.

Unruh is bigger than his job right now. He's smart; he's a political scientist and he knows how to operate. I would say he's a national figure in certain phases and areas. But he is a very ruthless individual. I think he has mended his ways in many ways from what he was at first. I don't think he's quite the same as he was, but he was pretty rough-shod. He's got control.

There is a reason why he didn't run for the Senate this time. Unruh had the feeling that he was going to be able to move into and have control of the Senate in the same way he got control of the Assembly, and that he would have support, so that he would not only be the controller but would either possess the seat which Hugh Burns

WRS: occupies today as President pro-tem of the Senate or be influential enough to control it. He would then be controlling the Senate. Then he would use his own followers that he has in the Assembly, so that he would have control of both houses of the Legislature.

I have talked with others who are as familiar with the ways things operate up there as I am, and I am positive that this is the reason Unruh didn't run for the Senate: When the Congressman from Contra Costa County died, and Jerry Waldie was the logical man to run and declared that he was going to run, Unruh had then lost a lieutenant in Jerry Waldie, a very powerful man in the Assembly and one of his strong aides in the Assembly.

If Jerry Waldie went to Congress, Unruh would lose control of the Assembly, and Jerry Waldie probably will go to Congress. In addition, Unruh wasn't too astute when he declared that he was going for both of them. He made a declaration that he was going for the Senate and the Assembly. He had an interim of time to choose one or the other before the ballot was made up.

When he declared that and everybody, including himself, thought that he was going to the Senate, there were immediately two people who wanted to take over his place. Both of them had been his lieutenants up to this point. One was Carlos Bee, from Hayward; the other was Robert Crown, and both of them wanted to be the Speaker. When Unruh declared himself for the Senate, each immediately decided to build their fences for the speakership, a split which was created between his two lieutenants.

That development was very bad because he was going to lose one or the other in having to pass his blanket on to one of them. A split in the Assembly between the followers of Robert Crown and the followers of Carlos Bee didn't augur well for Mr. Unruh, because he wasn't going to have control of the Assembly.

We have seen two factors now: one was Waldie, the other was the split over the speakership. There is a third. George Miller, the Senator from Contra Costa County, is almost as powerful, if not more powerful, at the present time than Hugh Burns. Mr. Unruh was not going to be able to work with George Miller because Miller was going to see to it that Mr. Unruh would not have control of the Senate.

Hugh Burns may lose out. There was a time a few years ago when Hugh was unpopular to the point that if George Miller had been willing to allow his name to be used, he would have been elected President pro-tem of the Senate over Hugh Burns. But George Miller at that time was quite friendly with Hugh Burns, and he wasn't about to be made the pawn in that instance.

Fry: This was back in the late Fifties?

WRS: Yes. George didn't do it, so he lost his chance to be in control. George now, in my estimation, is equally as powerful, if not more so in some instances, than Hugh Burns. Hugh Burns has become less popular; George Miller has become more popular.

Fry: I didn't think that Carlos Bee was a supporter of Unruh because I thought that he and Unruh had battled quite bitterly for the speakership at one time.

WRS: They didn't battle too strongly.

Fry: They are still in the same camp in the Assembly?

WRS: Oh yes. Bee is a lieutenant of Unruh, although maybe an unwilling lieutenant. Carlos Bee undoubtedly has become the lieutenant of Unruh for political expediency, hoping that he can work along with him until an opportune moment occurs. The opportunity was open for him to become Speaker if Unruh had run for the Senate.

Of course, Crown is not too friendly with Mr. Unruh anymore. Unruh put him on as chairman of the Ways and Means Committee, which is the most powerful committee in the Assembly. For that reason, he is beholden to a degree to Unruh, but he is breaking away. I firmly believe that Unruh is losing his power in the Assembly.

Fry: Have you ever known other speakers of the Assembly who carried as much power as Unruh does?

WRS: No, not as universal a power. They never had the opportunity that Unruh had to dole out the funds for campaigns. With this \$600,000 that Unruh has, he expected to name a lot of the Los Angeles County senators, which would also have given him support in the Senate. There is going to be a big change in the Senate so far as control goes.

There have been very powerful speakers. Take, for example, Charlie Lyons and Walter Little, and what they call "Rule Forty-one." Rule Forty-one is this: forty-one votes is the majority of votes in the Assembly. Often you would hear them say, "Would you like to vote in opposition to the Speaker's ruling?" That's a threat. The man has been elected by forty-one votes or more to that speakership. His supporters are going to stay with him any time it comes to a knock-down and drag-out, so he uses Rule Forty-one as his support. He can say, "I make this ruling, and if you don't like it, we'll go to Rule Forty-one."

Fry: In California, the Speaker single-handedly appoints the committees, doesn't he?

WRS: Yes, the Speaker does. We have a Rules Committee, which is another powerful body that the Speaker appoints. Now everything has to

WRS: funnel through the Rules Committee before it can get an O.K. to get out to the floor. They have the same procedure in Congress.

Another thing that Unruh introduced and another power that the Speaker has is the assignment of a bill to a committee. Upon the introduction of a bill, the Speaker, with the aid of the clerk of the Assembly, would assign the bill immediately to a committee. They would take into account the nature of the bill: a revenue and tax bill would be referred naturally to the Revenue and Tax Committee; a natural resources bill would be referred to the Conservation and Planning Committee.

Now, however, a bill is introduced in the Assembly, and it is held at the desk until Mr. Unruh personally (or one of his close lieutenants) reviews it and decides which committee to assign it to. It may be three or four days before it is assigned to a committee. That is more of a control than has existed before.

Of course, if a bill is misassigned (assigned to the wrong committee), the committee chairman can ask that it be referred to another committee and the committee can agree that the bill be re-referred. But once a bill gets to a committee, the committee controls it. There again is where lobbying comes in.

Processes of Controlling Legislation

WRS: This is a recent experience of mine. I was hired by the Morton [Salt] people this year for a bill they had on geothermal energy. The bill would change the leasing law of the State of California so that areas larger than 160 acres could be leased by a company for development of geothermal energy.

Larger acreages of land are needed for this operation than are now permitted by law. The Morton people have conducted an experiment into which they have put millions of dollars at the Salton Sea and they wanted to acquire a larger acreage there.

There was only one outfit that opposed this bill: the Signal Oil Company. They were sort of a dog-in-the-manger because Mobil Oil was also doing experimental work. Signal Oil had inherited a little bit of the Kaiser land up in Sonoma County, where there are steam geysers, but they didn't want anybody else to get into the picture and have any rights to the development of geothermal energy.

The representative of the Signal Oil Company is a very close friend of Hugh Burns, who is chairman of the Senate Rules Committee, which assigns the bill. Instead of this bill being assigned to the

WRS: Natural Resources Committee, which is the committee that heard all the testimony on geothermal energy, he assigned it to the Governmental Efficiency Committee (the "G. E. Committee") which is the so-called graveyard where a bill is assigned when they want to kill it. That Committee either kills it or amends it or handles it in such a way that it is very difficult to get it out of the G. E. Committee. Although Hugh Burns himself was a co-author of this bill, it went to the G. E. Committee.

Fry: Why?

WRS: Because they were going to bury it. I told the Morton people right away, "That bill is dead for this session of the Legislature because it never is going to get out of the G. E. Committee." And it hasn't.

Fry: This is due to the influence of the Signal Oil Company on Hugh Burns?

WRS: Yes. Their lobbyists influenced the assignment of the bill to the G. E. Committee when, according to all rhyme and reason, it should have gone to the Natural Resources Committee. The G. E. Committee had a hearing on it but they had their minds already made up. (The G. E. Committee always makes its mind up before it has its meetings.) They assigned it to an interim committee for study. It had already been studied. There isn't anything more to study about it. That's all they know or will know about geothermal energy until the final experimental exploratory work has been done.

To complicate the matter even more, I learned yesterday when I was up in Sacramento that the interim committee to which the bill was assigned was the Tideland Oil Committee.

Fry: So this is really under the control of Signal Oil?

WRS: Yes. I also learned that Signal Oil Company has made applications to the State Lands Commission to obtain exploratory rights for geothermal energy on 480 acres of land in Sonoma County. They'll get the exploratory rights, but under the old mining laws as soon as an exploration has been made after leasing and the area has been proven, the leasing of State lands can be for only 160 acres. This applies to oil and minerals, and they have put geothermal energy in that category.

There is a bill in Congress, authored by Senator Bible of Nevada, which will make a similar change in the leasing law for federal lands. The State bill which was introduced in 1944 has practically the same kind of wording only it applies to the State of California.

Fry: At that point you and the Signal lobbyist might be on the same side of the fence in trying to get an increase in the amount of land that might be leased.

WRS: We might, but after they have proven it. If their exploration proves successful, they too would like to have more than 160 acres, but right now they don't want anybody else to have it. The assignment of bills to committees is very important.

Lobbyists Working Together

Fry: I'm interested in how lobbyists work together for offensive and defensive types of legislation.

WRS: They work together because of common interests. For instance, timber interests are quite common to the interests of agriculture in many phases because they both involve land use. There is much that the ordinary agriculturalist, the timberman, the livestock man, and the large landowner have in common.

Where there are points of common interest, we immediately go to those lobbyists who represent those that have the common interests. We tell them about the situation--"We don't like this. We do like this. Will you give us support on this?" or "Will you give us support in opposition to this?" And they do because it is of common interest.

On the other hand, these very same people have divergent interests and perhaps entirely opposite interests. A smart lobbyist doesn't antagonize the other guy, but he knows he isn't going to get his support if he has a different view of a particular piece of legislation. Let me give you a prime example of how you work together.

Timber, oil, minerals are all natural resources. Historically, the following has proven to be true: when somebody introduces legislation for a severance tax on a natural resource or on natural resources, immediately all the natural resource people get together to fight it.

If there is a bill introduced for the severance tax of oil, the oil people can find that they have the support of the timber people, the agriculturalists, the mineral people, and others, because it's just another step until the other natural resources are included in the severance tax. We have had the oil people rally to oppose a severance tax on timber. That's one way we work together.

Fry: You build up credit this way with other lobbyists, so you can count on their support in the future?

WRS: Yes, we have that all the time. Of course, there are some lobbyists

WRS: who never get together, some that are diametrically opposed.

Fry: You wouldn't expect the Sierra Club to support timber interests.

[laughter]

WRS: The Sierra Club has never had lobbyists per se. They have influenced legislators individually, but they haven't had a Sierra Club lobbyist so registered. (We know there are some people who come up to Sacramento who maybe should be registered.) But we would probably never see eye-to-eye on anything with the Sierra Club. That's understandable. They are too far out to the left.

Working the Assembly vs. Working the Senate: Pre-Reapportionment Days

Fry: You mentioned that you emphasized activity in the Senate and that you concentrated on that.

WRS: Yes. In the first place, you can control your bill if you've got support in one house either for it or against it. There hasn't been too much legislation that the timber people have promoted. We have supported many things that we think are good but the promotion hasn't been ours. Section "Twelve and 3/4" of the Constitution was an exception along with a few others, but there weren't too many.* Much of our work was defensive. If we can get one house to stop legislation, we're safe.

Fry: But if you have legislation you want to push through, you've got to have supporting votes in both houses.

WRS: I think that anything that the timber interests have supported and that they have introduced are really worthwhile pieces of legislation, for which you can get a lot of support in the other house.

There again is the give and take that you have with your "Third House" support of other people. In other words, "John, go get so-and-so to give me his vote on this bill," John being a fellow-lobbyist. Or you may do some things for a legislator whom you'd ordinarily consider to be on your side. You say, "I'd like you to give me a vote on this." It isn't too important as far as he's concerned whether he gives it to you or not, so he'll give it to you if it doesn't influence his being re-elected or doesn't affect his constituency. Over the years, you build up a friendship.

*Cf. p. 76, Timber Tax Exemption Constitutional Amendment.

WRS: Just this last session, in 1965, I got support from an individual whom I have known since he first came to the Legislature. He's known me and who I was. I've never asked him for a thing. Even last year I didn't ask him for it; just out of the clear sky he gave me support because he had known me for years and had known who I was lobbying for, what my type of lobbying had been. He just gave me a vote, which was a very sensible vote too.

Fry: I suppose this is one reason why so many of the lobbyists have had some experience in the Legislature before they become lobbyists. It would be rather hard for a person without any patterns of support to have any influence. You have quite a few ex-legislators as lobbyists.

WRS: That's the reason why the next session of the Legislature is really going to be a boon to the individual who never has had experience, because your fences are all going to be torn down with an entirely new setup of representation to deal with. Even the old-timers will have to rebuild their fences to a marked degree, what old-timers are left, that is.

The geographical basis of representation has allowed the domination by landowners or at least sympathetic support in the Senate up to now. But now, on a population basis, that is going to be gone, and it's only going to be those whom you cultivate, or whom you may have known in the Assembly and have had a favorable position with, who are going to help you on the Senate side. The so-called "cow counties" are not going to dominate the Senate anymore. They can't.

Fry: Could you give a picture of those lobbyists who operate more in the Assembly and those who operate more in the Senate, and why?

WRS: I personally know that certain lobbyists, like the railroad lobbyists, seem to concentrate more in their operations and influence in the Assembly than they do the Senate side. Years ago, Charlie Stevens represented the major oil companies, and his operations were confined almost entirely to the Senate.

It naturally fell to those representing land ownership, such as the agriculturalists and timber people, to concentrate on the Senate in their operations. You only have forty men to deal with in the Senate, while you have eighty in the Assembly. Assemblymen come and go while Senators continued and were old-timers. There is a certain amount of prestige, whether assumed or actually there, and dignity about the Senate, so that people like to concentrate most upon the Senate.

Some play both houses; they have certain individuals who have Assembly contacts and some who have Senate contacts. The ones that are able to have enough will operate both houses. That's the reason

WRS: you find duplicate introductions, both in the Assembly and the Senate, of the same legislation, because if you lose in one you can go to the other. Often they get their legislation through on that account.

The initial house makes a lot of difference in a piece that you are trying to promote. If a bill goes through the initiating house, that victory adds weight to its support in the other house when it goes to the other house. Each house may have its differences in what it wants in the bill; also, you may stop it in the second house. You can stop it better in the Senate with forty votes than you can with eighty votes.

Those who like to concentrate on the Assembly do so because they come from metropolitan areas, where they have more direct contact with the assemblyman and his constituents than they do with those in the Senate. Those who come from the populated areas are in the same position with the Assembly as those who come from the "cow counties" are in relation to the Senate.

Fry: Because they need urban support for their interests. Railroads are an example of this.

WRS: Primarily, yes. They are supporting these urban representatives to a greater degree. Historically, the landowner, because there are less votes in the rural counties, concentrates on the Senate. The railroads are most distinctly the ones who concentrate more on the Assembly than on the Senate, but they work both.

Fry: What about Vince Kennedy, for the retailers?

WRS: Vince Kennedy and his cohorts work more with the Assembly than with the Senate. I think the insurance people attempt to concentrate more on the Senate side than they do on the metropolitan side in the Assembly. They work both of them; they don't neglect one. A good deal of it depends on the lobbyist himself and how he builds his friendship. Over the years, you could concentrate on building in a certain house through your gratuities and the things you do.

Building Gratuities

WRS: When Charlie Stevens left the picture, I took over Charlie Stevens' favorite technique of putting on a dinner for the secretaries of the Senate. Originally it was for the secretaries of the senators. By the time Charlie retired and I took it over, I used to put on a dinner for the secretaries of the senators. You would think you would have forty secretaries. Well, I gave dinners for 102 gals who were

WRS: working in various and sundry positions in the Senate. You have to be very careful about how you do that, for this reason: any legislator is a little bit jealous of what his secretary does, because she may disclose things that he might not want to disclose.

You have to be very careful, and it's a very difficult matter not to exploit that friendliness and friendship that you have. All the gals in the Senate knew me because I was the sponsor for the elaborate dinner they had every year.

Fry: Are you speaking of the secretaries for the individual senators?

WRS: Yes, but the girls at the Senate desk got into the picture eventually, so that I was entertaining them all. It cost some money too, I'm telling you; we really put on a banquet for them. But they got to know me.

Never did I use that friendship except in this manner: if you were a secretary for Senator Whozit, and I wanted to see Senator Whozit, and I walked in and you were working at the outer office, you would know me, and you would be glad to get me in to see the Senator when he was free.

That access to a senator is an important thing. That's the only thing I ever asked from the secretaries. I never asked her to disclose to me the inner workings of the Senator's operations on certain bills or issues. Sometimes they would volunteer the information, but I preferred that they didn't because I didn't want to find it out in that way. All I wanted was to be able to walk into Senator Whozit's office and have the secretary get me in to see him, perhaps ahead of somebody else.

Fry: Did the secretaries get some pretty good gifts? I know they do in Washington.

WRS: Oh yes. My gift was the dinner. I might give them a box of candy, but some of them get elaborate gifts too. You've got to be awfully careful how you treat the secretary.

Fry: You could get her in trouble with her boss.

WRS: Yes. She might get herself in trouble too by not being too astute in what she said and did. Charlie Stevens worked it successfully, and I watched him operate over the years. When he died, his successor, Al Shults, didn't do it; he was a different kind of an individual, completely different. So I took it on the first year after Charlie left. It was expected every regular session of the Legislature that the girls were going to have a party.

I was a little smarter than some of the rest of them because I had watched Charlie operate. I never sent out the invitations.

WRS: I went to the girl who was head of the secretaries in the Senate, and it was her party. She invited everybody, made all the arrangements for flowers, decorations, entertainment, and food, and I would just pay the bill.

Fry: Does someone like Charlie Stevens, who starts out by building up a good pattern of support in the Assembly, eventually find that he has a good pattern of support in the Senate too because assemblymen tend to progress to the Senate if they're successful?

WRS: They didn't in the past because changes didn't take place so much. Some of them switched to the Senate--Hugh Burns, George Miller, Hugh Donnelly--but it was over an extended period of years that there were moves up from the Assembly to the Senate. Assemblymen came so often for just one term, after which some more popular guy in the District would be elected. There was a big turnover in the Assembly, where there wasn't in the Senate. (That was another reason for concentrating on the Senate.)

Fry: You spoke of the higher status of the Senate. In the passage of a bill, did it help to have a senator behind it rather than an assemblyman?

WRS: No.

Fry: Then this status exists outside more than inside?

WRS: It's traditional that the senators look down on the assemblymen to a degree. The assemblymen hate to be dictated to by the Senate in any way. Now, under the Unruh setup, there is a reversal. The Assembly, it seems, is going to force the Senate to do something about this constitutional amendment on reapportionment before they are going to pass the budget. I guess they are going to be in session during the time of the election too.

After the primary, there are going to be a lot of recriminations. There are individuals who will be back and who will be in office until the end of this year. They will be lame ducks, who will have been defeated by other individuals who have been their colleagues in the past.

Just yesterday I learned that Senator Hugh Donnelly, the dean of all the legislators, is retiring this year, and he has endorsed Senator Begovich, who is running against Teale. One of those individuals is going to get the nomination. The loser won't be too cooperative.

Fry: They may lose a lot of strong men.

WRS: You may lose a lot of legislation too because there will be such bickering and fighting going on. Additionally, there are some

WRS: individuals who are coming out of the Assembly who have ambitions, like Assemblyman Mills, who is running against Senator Quick in that district. Whichever one gets in, the other one will be bitter towards the guy who defeated him. You're going to have some trouble. In some instances it will be in the same house, and in some it will be in the opposite house.

Fry: Next year will be your most interesting year of lobbying, I'll bet.

WRS: It will be but it won't be mine. I don't think I'll be back.

Effects of Lobbying Legislation

Fry: Would you comment on how a lobbyist's activities changed with the changing legislative requirements for lobbyists?

WRS: There has been for many years some legislation of sorts which was supposed to have controlled lobbying, but was handled usually by each house of the Legislature. Until the time of the Philbrick Report,* the legislators and lobbyists were able to come in contact with each other pretty easily.

In those days it was very easy to make a lot of personal contacts. On the Assembly side, when I first went to Sacramento in 1931 and for a number of years, until 1938 when the lobby investigations started, I was able to contact an assemblyman very easily. If he wanted to talk with me, he would get the Sergeant-at-Arms to bring a chair to his desk on the floor of the Assembly. I could sit down with him at his desk while the Assembly was in session and discuss what I wanted. Usually it was sufficiently important and worthwhile, not just passing the time of day, and it was easy to talk with him. Never could I do that in the Senate.

If I went into the Senate and wanted to talk with a senator, I had to stand in back of the rail, not on the floor itself. The Sergeant-at-Arms would have the Senator come to the back and I would talk with him there. Later on, there were restrictions so that one couldn't even go into the Senate.

The Assembly was a little slower with that particular rule. It finally developed that one had to talk with the assemblyman in back of the rail, in the rear of the Assembly Chamber. When the Philbrick investigation came up, things got a little tighter, and they began to lock the Senate doors on lobbyists, so that one couldn't get in to see a Senator in the Senate Chamber.

*Ibid.

Fry: This was during the investigation, before the legislation was passed?

WRS: Yes. Then rules were passed. I think that 1949 was the year that the first joint set of rules developed in both houses. These were the rules adopted by each house of the Legislature in which they had strict requirements of registering with the Sergeant-at-Arms in the Assembly and the Senate.

In order to appear before committees or even to talk with the senators any place, you had to be registered with the Sergeant-at-Arms as a lobbyist. That was perfunctory. Many people didn't do it; they didn't observe it too much.

Fry: You mean there was no provision for penalty in case of a violation of the rules?

WRS: No, there was no penalty. As a matter of fact, since the enactment in 1949 there are implied penalties and restrictions that seldom have been applied. There have been some cases in which individuals have been ejected from a committee or have not been allowed to testify before a committee when, upon interrogation, they were found not to be registered. Those were very few and far between, however, and occurred merely because some assemblyman or senator raised the question because he didn't like the individual, not for something particularly in the law. There are, however, restrictions and penalties in the law for not registering. But registration has never been fully invoked, and it's never been insisted on.

Fry: To the present day?

WRS: No. Artie Samish never registered.

Fry: Even after his own exposé in Colliers magazine?*

WRS: They didn't seem to think they had the authority to do it. That is the fault of both the federal law and the state law at the present time. You are dealing with the proposition that every citizen has a right of petition and a right to appear without any restrictions. They're very chary about trying to enforce and put on a penalty for not being registered.

There is a requirement in the registration for monthly financial reports. There are a thousand and one different ways in which these monthly financial reports are made.

Fry: You didn't have to turn in monthly financial reports until 1949, did you?

*Lester Valie, "The Secret Boss of California," Colliers, August 13, 1949, pp. 11-13, and August 20, 1949, pp. 71-73.

WRS: Until 1950.

Some lobbyists disclose the full amount of salary they receive, what expense money they receive for the current month, while others--and this is particularly characteristic of the attorneys who say that certain items are just "consulting fees"--don't even give you a figure of any kind. Most lobbyists now report something in the way of money.

Some report one way and some another. The result is that when the newspapers get hold of it, they get it all garbled up. For instance, I got in the newspapers as one of the high spending lobbyists during the month of March in Sacramento this year. They combined my retainer and the expense money which I was given, which was separately set out in my report. But in reading the report, they took a combination of the two, which put me among the top ten highest spending lobbyists in Sacramento.

Fry: Did they not lump together the salary and expense money in the reports of lobbyists they compared you with?

WRS: Some they do and some they don't. It depends on who read the report and how they interpreted it. I remember that when reporting was first required, I also broke into print. Some of the people that I worked for said, "Boy, you're a high spender," because there were other things I had added to my report.

My work for the California Forest Protective Association wasn't lobbying alone by any means, so only a portion of my salary was actually for lobbying. The rest of it paid for other duties as executive secretary of C.F.P.A. But the reporter, in reading it, read my total salary and reported that. That made it look like I was one of the big spenders, which I never was. I didn't have it to spend; they didn't give it to me. They didn't limit me particularly, but I was smart enough not to be a big spender because it wasn't necessary.

Fry: This might be a good place for you to explain how the assessments were made among the various timber owners and how your office budget in C.F.P.A. was divided up between lobbying activities and other things.

WRS: You might say that from its very beginning C.F.P.A. was a lobbying organization. It was primarily set up as a fire protective organization, and the C.F.P.A. assessments were based on the amount of acreage which the timber owner had. As the years went by, more and more money was needed for financing. Later, the assessments were on the basis of acreage ownership, and those who were in the manufacturing business also paid an additional amount of so much a thousand board feet for the lumber products they manufactured.

WRS: During the legislative sessions, much of my time was spent in lobbying activities but it was only a small portion of the total. It was so definitely a lesser portion of the total budget of the Association that we were able to have the Association declared tax exempt under the federal law, which it could not have been had the major portion or any large amount of the total budget been expended for lobbying purposes.

It was tax exempt because it was used for so many phases of work which the Association did and which required my services as manager. In order to keep the Association within that kind of a figure, the Association used to pro-rate the funds on a daily basis, that is, on the number of days the lobbyist appeared in Sacramento and spent in actual lobbying. This divided it up more or less arbitrarily but apparently it was a sufficiently honest division to be acceptable to the federal government.

Many lobbyists, of course, are lobbyists pure and simple. They have no other livelihood; that's all they do. Their total salary and expenses amount to considerably more than that of the average lobbyist.

Many lobbyists appear in the Sacramento report as having spent no money for lobbying, which is a bit incongruous because they spend some of their time and they must spend some money. There are a lot of people who just register, like some of these humane people who are dog-lovers and lobby for the dogs, and who don't report any expenses because there are no expenses which are reimbursed. Some people go to Sacramento and spend their own money. I know that one of the fish and wildlife lobbyists spends only his own money.

If a Sierra Club member goes to Sacramento, he spends his own money because the Sierra Club has never registered or reported. Sierra Club now has a new organization for lobbying which is pretty well financed and which is separate from the Sierra Club, but it is Sierra Club money that is used. It is separated so the Sierra Club won't be involved, since it is a non-profit, tax exempt organization. To avoid being tied in with the lobby work that was done, it is paid for and operated separately by this other organization.

Fry: If you're lobbying for a formal organization such as the C.F.P.A. instead of just a loose collection of members of an industry, do you have to make a lot of changes in procedure to incorporate this expense reporting into your monthly activities? Did you have to put on a bookkeeper after the 1949 law was passed?

WRS: No, we handled that through office personnel.

Fry: Even before 1949, were you keeping track of expenses?

WRS: Yes, that always had to be done. It was merely dividing the expenses

WRS: and allocating it on a lobbying basis and reporting it as such to meet the requirements. Among three hundred lobbyists, there are probably three hundred different ways of reporting money received and money spent, even today.

Fry: But you can't get any kickback on this except through the press, is that right? Is there a maximum allowable expenditure?

WRS: There is no maximum. Some lobbyists spend \$3,000 a month or more and report it as such. There is no limitation on how much you spend. However, you are always subject to having the federal income tax people looking down your neck. When you are reported as having spent \$3,000 a month for lobbying activities, they might check to see how much of that is reported on your federal income tax and whether you were just reimbursed for actual expenses.

An unfortunate thing for the employers of lobbyists, particularly when you get a free-lancer, is that they are often paid for lobbying when they don't do any lobbying at all. They just go to Sacramento and have a good time. However, they are not very effective.

Fry: I guess you've seen some of these then in operation?

WRS: Yes. Sometimes they ride on the coattails of somebody else in getting things done. They don't do it themselves. They might ask somebody to do something for them. Some lobbyists have been known to be in Sacramento who have never appeared before a legislative committee or made any committee statements.

When they do any lobbying, they do it in a bar or somewhere else in contacting individual legislators rather than appearing before a committee. That's quite natural, because legislation is usually approved or disapproved before it ever gets before a committee.

Schofield's Relationship With Other Lobbies

Artie Samish

Fry: You mentioned that Samish was never seen around the Capitol.

WRS: He operated out of the Senator Hotel. In the old days the hotel had a large lobby. I can envision him today sitting back in the corner of that big lobby, one particular corner where he'd sit and "hold court." It was situated so that everybody in the hotel, including many lobbyists and legislators who stayed there, would have to pass

WRS: by. He'd "hold court" like a king back in that corner and pull the strings from there. He'd have his lieutenants do the foot work and make the contacts. (He wouldn't make any direct contact at all.) He would assume direction and responsibility.

I think that he was an overrated individual. Lester Valie and his report* that stemmed from lobbying practices was influenced by the braggadocio of Artie Samish. True, he was influential, but I don't ever believe that Artie Samish was in such complete control of the Legislature and Governor Warren as he indicated he was in the article written by Valie. Of course, Valie made it fictional too in a lot of ways to make it interesting.

Samish was a great claimer. Oftentimes neither Artie Samish nor his lieutenants would have anything to do with a good piece of legislation, yet Artie would say, "See what I did, see what I did." He'd take credit for it if he could. I've seen him brag about lots of things that he didn't have a hand in at all.

Fry: I wonder if he was able to keep up with exactly what he did accomplish through his multiple agents.

WRS: He was pretty good about that.

Fry: Did you have anything to do with Samish?

WRS: No.

[laughter]

Fry: You tried not to.

WRS: I never asked Artie Samish for a thing.

Fry: He was primarily concerned with urban legislation, while you were more closely related to non-urban interests.

WRS: Yes, he was concerned with the liquor and the horse races, things connected with urban legislation. I have asked some of his lieutenants to get me a vote here and there on occasion because I knew they could, and Artie was very friendly. He never took exception to me.

I never played cribbage with him, but my friend, Al Knorp, who recently passed away, used to play cribbage with him. I'd see him lose fifty dollars just as fast as you can snap your fingers, playing cribbage with Artie Samish. There was something about him that was sort of glamorous, and you couldn't help but admire the way he

*Ibid.

WRS: operated. Anybody can operate that way but they have to play money like he did.

One time Artie Samish made a bet with one of his lieutenants on a fight. In the old days, above the lobby of the hotel was a balcony that ran all the way around the lobby. The lieutenant had lost his bet with Artie Samish, and the penalty was that he was to run a foot race ten or a dozen times around the lobby in his shorts. Everyone heard about; it was all publicized. The balcony was so crowded that it was a wonder it didn't fall down, and people were lined up under the balcony to watch. Morey Stavers was the man who paid the penalty but he was game; he did it to pay off Artie Samish.

[laughter]

Fry: I take it that he did have a sense of humor.

WRS: Oh yes. There were a lot of things about him that you couldn't help but like. You figured that there was a self-made man, and you were intrigued by the way he operated. He was a man who made friends and he had certain individuals who made spot checks of both houses. He could put his thumb down and just turn it a little bit and things would happen.

Fry: Did he pretty well control the Speaker in most situations?

WRS: I don't know of any Speaker who could be charged with being under the full control of Artie Samish. He may have been friendly toward him and may have done favors for him, but I don't think he was under Samish's "control."

On the Senate side, the Lieutenant Governor presides over the Senate. Our Lieutenant Governor was charged with being under the control of Artie Samish. When Hatfield was Lieutenant Governor he was so charged, but I don't think Samish controlled him.

Artie Samish passed out of the picture without too much of a disruption. Lester Valie wrote of the braggardly way in which Artie Samish said he controlled the Legislature like a puppet on his knee and that he controlled the Governor. That made Governor Earl Warren mad, and he immediately called a special session of the Legislature to get the issue thrashed out and to prove that he wasn't controlled and neither was the Legislature.

Fry: You're speaking of the session in which the Collier Bill came up.

WRS: Yes, 1949.

Fry: Did Samish ever try to stop legislation that you and C.F.P.A. were behind?

WRS: I never ran into an instance when Artie injected himself into our

WRS: legislation.

Fry: You operated in different realms of concern then in the legislative field.

WRS: Yes, that's right. We weren't concerned with the accounts that he represented.

Fry: What about C.F.P.A. in defensive legislation against things like laws regarding racing and slot machines?

WRS: We didn't take any position.

Fry: You took a hands-off attitude.

WRS: We just stayed out of it.

Labor

WRS: I had a very amiable relationship with labor and the labor lobby. Only occasionally did we have any labor legislation that we were particularly concerned about that affected the lumber industry or timber ownership. I was able in every instance to negotiate with the labor people: Neal Haggerty, the representatives of labor, and Charlie Scully, their attorney.

We were able to amend out most of the legislation that was of concern or harmful to the lumber industry. One piece of legislation, for instance, was introduced by Mrs. Pauline Davis, who accepted it from labor and the Labor Commissioner; it concerned the payment of wages.

The bill as first drafted would have required that anyone in the lumber industry specifically who employed people in their mill must have a bank account in the county in which the operation took place and must have in that bank account a sufficient amount of money to pay off the current payroll. If they didn't have a sufficient amount, they were to furnish a bond to guarantee that the worker, if he were to sue for his wages, would be sure to collect.

I was able to point out to the labor representatives that these types of operators were not the people that I represented. I admitted there were fly-by-night operators who came in with no capital to make a fast dollar and get out, and would leave without paying the laborer. But these operators did not belong to the industry group I represented.

But a number of the responsible operators who were members of C.F.P.A. didn't have a bank account in the county in which they were operating. Perhaps they were banking outside the state, and the

WRS: pay check might have come from outside the state. It was onerous for them to have to put up a bond. I got them to modify the law so that it stated that the exception was owners of real estate within that county, upon which a court judgment could be collected. Labor accepted the amendment.

Two years afterward, they found that they had missed the boat after all on that, on something I hadn't thought about. If a timber operator owned a little 50 x 100 lot, it qualified as real estate, but it certainly would not have guaranteed the wages of a man, should he seek payment through the courts. The labor representatives came to me, and we very easily worked out an amendment to that law to change it so that there was a sufficient ownership of land.

Fry: A minimum acreage requirement?

WRS: A minimum value, one that would support a court levy for the wages. My relationship with labor had always been very amiable, and when specific legislation like that came up, we worked things out very congenially and very satisfactorily.

Fry: You didn't negotiate with the labor lobbyists, but went directly to the labor officials themselves?

WRS: I negotiated with labor lobbyists and labor officials too. We never took any stand on the matter of wages and workmen's compensation. That was done by agencies apart from California Forest Protective because we felt that we could not afford to spread ourselves so thin in our activities.

At the same time, we had certain groups, like the California Manufacturers Association, of which the lumber people were members, which would openly and very vociferously fight labor legislation. The C.F.P.A. never did, and I think that was a very good position to be in.

Only when legislation specifically referred to timber operations did we have any arguments with labor, and we were always able to iron them out. That made it unnecessary for us to appear before committees or before legislators in opposition to any particular type of labor legislation, because we got our differences ironed out before a bill got to the floor.

Fry: The advent of the rules which locked you out of the Assembly and the Senate didn't really affect your work too much then, because most of your work was done elsewhere?

WRS: No, it never did. When I was representing the Board of Equalization, I appeared directly with a senator at the desk, but it was concerning a specific item. I did appear before committees with our legislation and in opposition to other legislation. Not all lobbyists appeared

WRS: before committees; they would try to accomplish what they wanted beforehand with individual legislators. I worked before committee hearings too. I would contact the members of the committee to which a bill had been referred, discuss it with them, and tell them how it affected C.F.P.A. members. The information which I gave them was factual information.

Often legislators would recognize that there was legislation before them which was of interest to the lumber industry. They would come to me and ask, "Well, how does it affect the industry?" And I would tell them. Much of the work was done to make them (the legislators) fully aware of how specific legislation would affect the industry.

Quite a large majority of the lobbyists today and the people they represent are looked upon with respect by the legislators. They ask them just what they used to ask me--for information--and they wouldn't just arbitrarily go ahead with something that would affect or might be detrimental to those interests.

There are some people who are in opposition to everything--good, bad, or indifferent. They soon gain a reputation. I know some lobbyists over the years who, if they were against something, would antagonize the legislators enough so that the legislators turned against the lobbyists. The legislators would be for it just because they knew so-and-so was against it. They took the opposite side.

Although every lobbyist operates differently and his approach is different, I know that if it were not for the lobbyists, our national and state legislation would be most terrible.

Fry: Since there are thousands of bills in a session

WRS: A legislator has to get information and there is only one place to go--to the people who know. If a lobbyist is honest with them, they'll usually accept his statement. Legislators may not always agree to support things that you might be for, but at least they'll respect what you have to say. It gives them an opportunity to weigh proposals.

There is no legislator who knows everything on the subject being legislated. There is legislation in every session of the Legislature covering most any subject you would care to name, so the legislators are dependent upon the people who know for sound and honest advice.

State Agencies and Interns

WRS: In my estimation, the worst lobbyists are those who represent state

WRS: agencies, and I was once one of them. There is a constant effort on the part of state agencies, as bureaucracies, to acquire power. Most of them desire something police-like in nature in order to expedite and help their enforcement of any particular law. They are constantly harping for more and more stringent laws, like the fish and game people, for example, or the forestry people. The State Forester is not free from guilt either; he wants to be able to say, "You can't do this, and if you do, you'll get a specific fine or go to jail."

That's the wrong attitude to take towards regulatory legislation because it often ends up with legislation like the Volstead Act. As soon as you unconditionally forbid certain actions by law, people are going to violate that law. You have the same thing with highway laws, the speed laws. People just don't like that kind of restriction. Constantly we have to fight the state agencies when they want to make it easier for themselves and, at the same time, rule the roost.

Now, unfortunately, besides the state agencies, we have so-called legislative interns who raise particular hell with the lobbyists because they think they know it all. These kids come out of political science or some other field in school and think they know all the answers. They have no respect for judgment or knowledge of the intricacies of a situation. They know the answer, and their answer is right. Unfortunately, some legislators are taking bad advice from their interns.

Fry: These are interns who are placed in a particular legislator's office, or do they operate with the Legislature as a whole?

WRS: There are some who operate generally for the Legislature, and now each legislator has an intern, an office boy who is supposed to be a researcher for him. But as I told a researcher once, "You're no researcher; you're just a statistician. You take what someone else has done and put it down. You don't do any research."

They are difficult to deal with, which makes it hard for the lobbyist because they do influence the legislator quite markedly in some instances.

Luther Gibson, chairman of the Governmental Efficiency Committee, has a specialist who may be a dyspeptic because he's the hardest man in the world to get by. He influences the chairman of that committee to the point that he is really the legislator. Whether Luther Gibson knows it or not, his expert is the legislator. That makes it difficult for us to try to do an honest job of lobbying, and it is very essential and necessary that the job be done.

Fry: Before the advent of interns, which has been relatively recent, what was the biggest competition of the "Third House" in influencing the legislators?

WRS: I think it was the state agencies.

Fry: Did a state agency usually have one particular man who was especially adept at lobbying?

WRS: It would have a number of them. The Department of Education, for instance, would dig up as many educators with doctorates as they could, who would come to the Capitol and try to impress people with their knowledge.

Fry: Primarily in committee hearings?

WRS: Yes, mostly in committee hearings. The state agencies usually operated through committee hearings. That was one saving grace as far as the lobbyist was concerned because the lobbyist had money to operate with. He could take a fellow out to dinner or do various things for a legislator that the state agency representative, in most instances, could not do.

Some, but not very many, of the state agencies operated like the lobbyists. Usually they were mainly dependent on what influence they could have with a committee, but they were sometimes pretty powerful with the committees. They were the biggest threat the lobbyists had at that time.

Fry: They would primarily be concerned with regulatory legislation, wouldn't they?

WRS: Primarily, yes. There is a constant desire on the part of a state agency to take over and be the boss. They like to make the laws too. There was a time when we lobbyists used to write the laws that we wanted, or we used to write amendments to the laws that had been introduced. We would draft them ourselves, type them in a sufficient number of copies, and give them to the legislator. He would simply take them and pass them over the House Desk.

Now, you may get authorization from a legislator to go to the legislative counsel and tell him what you want in the legislation, but the legislative counsel has to draft the bill. It is then given to the senator or the assemblyman for introduction.

That is sometimes very frustrating. I remember once a few years ago, at the very close of the session of the Legislature, I went to the legislative counsel with a lobbyist friend who wanted a change in a law. I knew exactly what should have been put into the bill to make the change, but without the practical experience the legislative counsel's assistant didn't know what to do. He drafted four different drafts without once hitting the point we wanted to make. I could have drafted it properly the first time.

With all this delay in drafting, the bill finally never got

WRS: through. As a matter of fact, the poor lobbyist lost his job. He had asked me to help him but we didn't have the time. The Legislature adjourned before he could get the bill out.

Now, with no exception, a bill has to go through the legislative counsel, which is a little bit unfortunate. If I wanted an amendment, I think I would know how it should be worded better than the legislative counsel ever would, because he is confined in his legal knowledge and interpretation. Sometimes they draft a bill or amendment with an entirely different meaning than we intended.

Fry: Is there some restriction which states that you cannot help a legislative counsel's assistant write a bill?

WRS: No, but the only help he will take is for you to tell him what should be in it. Then he does the drafting and the wording.

Fry: So you cannot draft it?

WRS: Not anymore. You have to get a note of permission from the assemblyman or the senator, saying, "Please draft a bill in accordance with what Mr. Schofield tells you he wants." We could much more easily draft it ourselves, with the wording we want, particularly when dealing with a technical subject.

Fry: Yes, one that takes an enormous amount of background.

WRS: It does require a background. The legislative counsel is just as ignorant as the legislator is himself of many phases of business and business operations, which the individual lobbyist knows forwards and backwards. The lobbyist, therefore, should be entitled to do the drafting.

Individual Senators

Fry: Was there any difference in the way you worked with various legislators after cross-filing was abolished in California? Did you do more work through political parties after that or not?

WRS: We didn't work through parties per se; lobbying emphasizes individuals. You completely submerge your political affiliation when you are lobbying.

Fry: Because you need the help of both parties.

WRS: I used to have lots of trouble with my own people, who were mostly Republicans. It seems that there are more Republicans in the

WRS: Lumber business than of any other political party. Many of them thought that no good at all could come from a Democrat. I used to constantly tell them, "We have more friends among the Democrats." For instance, Edwin Regan, who is now an appellate judge, was a Democratic attorney from Trinity County, but he did more for me and for the lumber industry than perhaps any other individual senator.

Ollie [Ollie] Carter, who is a federal judge, was Senator from Shasta County, and he is an example of the same thing. He and I worked very closely together. He did more than others for the lumber industry in spite of the fact that he was a Democrat.

Fry: As campaign contributions lined up more along the lines of political parties, didn't this influence the pattern of lobbyists' influence in the Legislature?

WRS: We supported Democrats as well as Republicans.

Fry: You don't think that the whole "Third House" underwent any particular change then?

WRS: Oh no. It is characteristic of a good lobbyist not to use political party affiliations. You can't.

Fry: The division is along the lines of industry and particular interests then?

WRS: That's right.

Fry: Who were some of the main senators who supported your timber legislation from the Thirties through the Fifties?

WRS: Senator Carter from Shasta County, Ed Regan from Trinity County, Jesse Mayo from Calaveras County, Senator Dan Williams from Sonora in Tuolumne County, Senator Howard Williams from Tulare County--all supported us. Although Senator Howard Williams from Tulare County was an agriculturalist, he was very friendly towards our legislation.

I had an experience with Senator Randolph Collier when he first came to the Legislature. He came from Siskiyou County, which is a timber county.

Fry: Is this the Collier of the 1949 Collier lobbying bill?

WRS: No, this is Randolph Collier, the Senator (the author of the lobby bill was an assemblyman). Collier was, and still is, a difficult individual, even with his own colleagues. During his first session, I could never get a favorable vote from him, and he was from a county that was almost completely financially supported by the lumber industry and the timber owners. I couldn't understand why he didn't give us some help.

WRS: I knew he was a great friend of Senator Jesse Mayo from Calaveras County, so I implanted an idea in Jesse Mayo's mind. Mayo was a good friend of mine, and I told him, "Jesse, Randy Collier hasn't given me a good vote and doesn't seem to give me good votes. The timber interests are going to reckon with him at the next election."

Within a few hours after I planted that seed with Jesse Mayo, Randy Collier was looking all over the Capitol for me. He wanted to know who the timber interests were going to run against him. I just kept him dangling on a string.

I made a good friend of him and he really changed his ways. I would go to him and say, "Randy, this piece of legislation affects your particular constituents. You had better support it (or oppose, depending on the bill)." He did very well. He is still a very close friend of mine. The approach of a lobbyist to different legislators varies. Collier finally became a supporter of good timber legislation.

Lester Davis, a railroad and labor man, came from Plumas County, which is another timber county. He died later and Mrs. Pauline Davis ran in his place. Although Lester Davis was a labor man, he took some legislation for me and worked for timber legislation for me, to his own detriment in his own labor organization. He was so good a friend that he did that for me, despite criticism of his fellow laborers. Mrs. Davis is also a good friend of mine. She had been his secretary and knew what he had done, and she carried on.

Fry: How did you get someone to take legislation against his own primary interests?

WRS: The legislation was not against his primary interests, although labor was not for it. It was not labor legislation per se. Labor was not too strong for him to take a stand on that particular issue. But he stood his ground. It's a surprising thing that you get support where you least expect it. Someone who was opposed to the legislation would go to a labor lobbyist and have him tell Davis, "Lester, you should oppose this." But he, having given his word, stood by it.

When I first began lobbying in Sacramento, a man's word was his word and was good. If either a legislator or a lobbyist said he would do something for you, he would do it unless he came to you and said, "Bill, I can't do it. I'm going to have to withdraw my position on that." If a lobbyist told a legislator that such-and-such was so, that word was his bond.

Now, a man's word is so prostituted that it's not even funny. There's a great deal of double-crossing between legislators themselves as well as between legislators and lobbyists and vice versa.

Fry: What brought about this change?

WRS: I think it is the type of individual who comes to Sacramento, both in the "Third House" and in the Legislature. I think the whole moral code of the American people has deteriorated over the years. No longer is a man's word his bond as it used to be.

Fry: You could be a lot more sure of the status of any particular bill in the Thirties and Forties than you can now?

WRS: Yes. If a man told me that he was going to support the bill or oppose it, I didn't need to worry. I didn't have to go back to him a second time. Now you have to ride them up to the vote, and sometimes even then you don't get it. It's entirely different today.

It reminds me how when I lived in northern Montana in the early days, the homesteader never put a lock on his door. A man going by who was hungry and wanted a place to sleep or to build a fire and cook a meal could help himself to wood and groceries. He would put things in order and leave.

Then it got to the point that they would steal them blind, so the homesteaders had to put locks on the doors. In a sense, the same thing has happened to legislation. A similar situation is characteristic of the relations between legislators themselves and between lobbyists and legislators.

Fry: Yet you had men like Samish in the old days. Was his word good?

WRS: I never thought Artie Samish's word was not good.

Fry: He could still be trusted to do what he said he would do?

WRS: Yes, I think he would do what he said he would do. His was a moral depravity, using money to influence everything, which is a little different.

I view the situation with alarm, and I don't think it is confined to the state. It is a national situation. One of the contributory factors has been the ignoring of laws by citizens--that is, the ignoring of various and sundry laws which they don't like, like the Volstead Act. They have been allowed to violate laws for so long without correction that the people are not honest even with themselves. I don't even trust myself anymore.

[laughter]

Fry: Would you care to add any more names to those you mentioned before?

WRS: Lester Davis was an assemblyman. Hugh Burns is a senator now; he was an assemblyman. Dick Dolwig was an assemblyman, now is a senator.

WRS: Senator Carl Christianson, an outgoing senator who did not return, became a judge.

I hate to name people and leave someone out. I could name those who were not cooperative rather than those who were cooperative. They come and go, of course. Many who have helped me in the past are no longer there. I think I had an amiable association with members of the Legislature.

Fry: What about Hatfield?

WRS: George Hatfield was a man who had received some support from Artie Samish. I never got to know Hatfield too well. He was an attorney and a stickler for the legal angle of things. I don't think that he ever opposed any of our legislation.

Fry: He wasn't someone you could go to to solicit support?

WRS: I never sought his support, but I know he got us votes lots of times. Senator Charlie Brown was another great supporter of our work. He was from Inyo County. All the country legislators were for us and helped us out. Irwin Quinn, who is now dead, was one senator who was a help to us.

I was having a little difficulty with Senator Way, who defeated Senator Quinn in Humboldt County, but we always remained good friends. I opposed some of Way's legislation. He was a susceptible individual; the fish and game people could put anything in his hand and he would introduce it. Then I'd have an awful time getting it killed.

Fry: Who were some of the others who were difficult but who were from the counties that you were dependent on? Where did your opposition come from?

WRS: We didn't have any opposition. I didn't have any; I retired from my job at just the right time.

Fry: You mean before all this national parks legislation got started in the redwoods?

WRS: I retired before all of these controversial developments appeared.

Success in Lobbying

WRS: My successor is having an awful time. I think some of it is his own fault in failing to make friends of the legislators. Maybe, with the reapportionment, if he starts in at the beginning of next

WRS: year he'll be all right.

He just doesn't like public contact, and he didn't learn to make contacts. During the three years I had him as an understudy he didn't do too much. I had to keep needling him. He just didn't like the public relations aspect of the job.

Fry: Isn't the position of head of something like C.F.P.A. largely public relations?

WRS: Yes, that's right. He's smart, has lots of good ideas, and works hard, but if you are going to operate with the Legislature you have to be willing to meet the public and to give and take. He may work into it; I hope he does.

I got out just in time, however, because I was beginning to lose my grip. My friends in the Legislature were beginning to disappear. It was more difficult to make friends after the legislators started receiving greater salaries. I was beginning to lose the influence I had had, although I will say that my last years were still successful. Having been there so long, I still had good contacts. Individual legislators would go to bat for me when I wouldn't even ask them for it simply because they knew me as an old-timer, I guess.

Fry: You really had them trained.

WRS: No, I didn't have them trained. They just knew me by reputation and sight, and when certain measures appeared and I was asking for defeat or amendment, they would listen to me.

Fry: Until you retired in 1961, did any competition or opposition from the preservation-conservation element offer you much trouble?

WRS: Yes, they did. They were there, but I never took them to heart too much. Their power was weak. One thing I credit to my success (and I'm not patting myself on the back when I say I had a successful tour of lobbying) is my predecessor, Rex Black. He was one of the most astute individuals I ever knew.

In addition, I had the support of other lobbyists, like Al Knorp, who were interested in land ownership and natural resources. Al Knorp was the mining lobbyist. He was very effective, a natural-born lobbyist, and very perceptive. He could anticipate things.

During the days of the nefarious Olson administration, Al Knorp was very close to Gordon Garland, a Democrat who was Speaker of the Assembly, and Paul Peak, who is now a Supreme Court Judge and who was also a Speaker of the Assembly. There was a direct telephone line under the desk of the Speaker of the Assembly to the Governor's office when Olson was Governor. Paul Peak, the Speaker, used to

WRS: carry on telephone conversations on legislation with the Governor from the Assembly Desk.

Insurrection and an uprising of some of the Assembly members resulted in Garland's pulling the telephone from under the desk and tearing the cord loose. They the Assembly unseated Paul Peak, and Gordon Garland became the Speaker.

Al Knorp was one of the ringleaders working with Gordon Garland during that period of time. That's when they were bugging the hotel rooms of lobbyists. There was the greatest espionage going on that you ever saw.

Fry: Emanating from the Governor's office primarily?

WRS: Yes, from Governor Olson.

Fry: Did you have your room bugged?

WRS: Oh yes. We found bugs. The funny thing about it was that some rooms didn't even need to be bugged. If anybody talked loud, you could hear the conversation from the top floor to the bottom. In the Senator Hotel, the ventilating shaft ran up and down from the bathrooms, and the openings in the bathrooms connected with the ventilators in each room. Many a secret was disclosed through those ventilators. But many of the rooms were bugged; we found bugs in our rooms.

Fry: Could you give an example of how this information might have been used?

WRS: It was used in various ways: to defeat legislation, to support legislation. Eavesdroppers learned the line-up of who was who, what there was to be done, the inner secrets of those who were opposing, and how they were going to oppose. They were fully informed of what was going on.

Fry: Perhaps you could comment on how some of the lobbyists you mentioned earlier were lined up.

WRS: Do you mean how they were lined up with the legislators and how they operated?

Fry: Yes.

WRS: The general pattern of the successful lobbyist was always dealing honestly and straight-forwardly with the legislator. You might ingratiate yourself with him by giving him some emoluments such as dinners, by doing something for him such as helping him out with a piece of legislation he was particularly concerned with. Lobbyists do a lot of that for a legislator.

WRS: The successful lobbyist characteristically, in order to get the support he wanted, dealt honestly with the man and left to his own judgment and action the decision as to what he should do. Some lobbyists spent more money on gratuities. Others spent time actually helping the man become a successful politician and legislator by helping him with good, sound legislation.

After World War II, we worked very closely with Randal Dickey on the water pollution law. We raised \$100,000 from industry, and the State raised \$100,000 for the study. We helped them in every way with the study and made available all the facilities we possibly could, and provided all the technical and legal help they needed. The result, I think, was a very successful piece of legislation.

Fry: And cooperation came from Dickey and the rest of the committee?

WRS: Yes, full cooperation.

Fry: Would you explain how that act was written?

WRS: It was left up to the legal minds of one of the industry participants to write the legislation, and he fell down in the job. When the last day, the eleventh hour, had arrived, nothing had been written. One of the engineers was brought into the picture. We sat down with another attorney and spent some fifty-odd hours writing this legislation. Otherwise it never would have been put into form in time.

It removed the power of control from the Department of Environmental Sanitation, which was pushing for strict water pollution control. They wanted police regulation. It was another case of a state agency that wanted full control to put clamps on and to say, "You're guilty; you're going to jail."

Fry: Didn't the agency have Governor Warren's support?

WRS: Yes, Warren supported the agency. We fought them tooth and toenail, and we wound up being most successful by our influence and concerted efforts in the Senate. The Senate finally demanded that the pollution control districts be set up, which Warren didn't want. He wanted it on a state-wide basis.

He didn't want the method we specified, by which the local industry representation was to be chosen for committees to interpret the rules. We specified in the legislation who should represent, and what their qualifications were to be in order for them to be on these regional boards. Warren wanted to be able to say who he wanted on the boards from a political standpoint.

Fry: Warren wanted to appoint the representatives?

WRS: Yes, that was one part of it. In addition, he was trying to save

WRS: Frank Stead's [Director, Department of Environmental Sanitation] point of view. They wanted it done right away, which was a physical impossibility if nothing else. They wanted all the violations of pollution that had taken place rectified immediately.

The Governor and Frank Stead were unwilling to allow a reasonable time for industry and people who were causing the pollution to rectify the situation. Even cities were depositing sewage into the streams and San Francisco Bay. Time was needed for government agencies to construct necessary sanitation control facilities.

Provisions were made in the law so the Water Pollution Control Board could use an approach that would allow industry to make changes over a period of time and not immediately, because it couldn't be done right away. Industry and governmental agencies are still in the process of constructing adequate sanitation facilities.

In addition to fighting this, we had another agency to fight. The fish and game department want the water more pure than the water you drink, in order to protect the fish.

Fry: So you really had two agencies on your back?

WRS: Yes. They have been the agency which has carried on the changes in the Water Pollution Control Board and its operations. Now it is named the Water Quality Control Board and more concerned with quality. Greater quality may eventually come, but we're so much better off here in California under our present law and water conditions than existed in the early days in the East and Middle West. Those areas really have a problem and because of population concentration and heavy industrial use of water, they have to be more particular about minimizing contamination and pollution.

If it hadn't been for industry's part in that California legislation, I don't know what would have happened. The State was determined to have some kind of legislation to control water pollution. We've been fortunate in having on these local committees those who understand the local conditions. The same conditions apply to air pollution. It's a local condition. We have air pollution control districts, and it is similarly regulated to fit the situation.

Our industry doesn't say that we're not polluters. We are polluters. But there is a certain amount of give and take that has to take place, which is accomplished through legislation. Legislation itself is a compromise by which everybody can live and work.

Fry: Each one struggling for his own interests.

WRS: Right. No one particular person is going to get the full benefit, but all persons are going to be able to live and operate and still not be harmed through contamination if pollution control is handled in the proper way.

Fry: What interests do you think have the best and most powerful representation in the "Third House"?

WRS: I think the strongest lobby a few years ago was the teachers' association, through the C.T.A. [California Teachers Association]. The teachers, oil and gas people, insurance and banking people were very powerful. Near the same level or just behind them would be agriculture and its various categories. Manufacturing, of course, covers all categories and cuts across all the groups, so that it is impossible to rate the power exerted by this group.

There was a time, under certain administrations, when labor was quite strong. It was strong under Olson and even under Warren. A lot of labor legislation was enacted under the Warren administration. Since then, labor has lost, and I think it's primarily due to the fact that they lost the services of Neal Haggerty, who was the labor lobbyist and who is now back in Washington, D.C. I don't think the present setup in labor lobbying in California is as effective as it was when Neal Haggerty was with them.

The League of Cities is quite strong in its operations, more so than the County Supervisors' Association, which is pretty strong too.

Fry: In reading some of the provisions of the lobbying legislation that was passed in 1949, I noticed that there was some desire shown to regulate or completely eliminate the lawyer-legislator from appearing in behalf of a state agency.

WRS: I think you mean before a state agency. As an example, when Charlie Lyons was Speaker of the Assembly, he was constantly appearing (after the liquor law was passed) before the State Board of Equalization on behalf of clients of the liquor industry, such as retailers and wholesalers, whom he represented. He was convicted for conspiracy in liquor industry operations and for having obtained things from the Liquor Control that were in violation of the law.

The lawyers are very jealous. This matter is coming up right now in a Constitutional amendment which has a clause relative to conflict of interest. The attorneys in the Legislature are very much opposed to the bill which has been passed by the Assembly, because in the Assembly bill, a lawyer-legislator cannot have anything to do legally with or for a client.

There is a happy medium. You are bound to come in contact with a state agency in one way or another as an attorney, so there are legitimate ways in which an attorney should be able to contact an agency. But there are illegal ways in which they might contact and influence an agency. It is quite characteristic for a strong attorney, who is a leader in the Legislature, to appear before a state agency in behalf of a client and get consideration for his client

WRS: that he wouldn't ordinarily get. He gets it because he is a legislator.

Fry: It gives him an edge in power to bring to bear.

WRS: That's right, and he'll use it, or at least some of them do.

Fry: Are the power and utilities lobbies very strong?

WRS: They are quite strong at times. Hiram Johnson was elected on the basis that he kick out the Southern Pacific, which is a utility, but the P.G.&E., Southern California Edison, and all the power people, are very vitally concerned with taxation. They pay an enormous amount of taxes.

They are concerned with the equalization of taxes, so they often take a pretty arbitrary stand in defense of taxation of utility property. They are quite powerful. Elmer Bromley, for instance, is over-all directing head of power interests. He represents Southern California Edison, but also P.G.&E. and all power subsidiaries. He is a former legislator and a very powerful man in many ways. The utility organization is pretty effective.

Pacific Telephone and Telegraph has been very powerful in the past too. Innumerable individuals work for them. They bring in people from various districts on bills that affect certain districts. They bring them in and have them work on the legislators from those districts. They perform a lot of gratuities for the legislators, like installing telephones for them or taking care of some of their needs, which ingratiates them somewhat with the legislators.

Fry: Which governors do you think were most amenable to good forest legislation, from the standpoint of C.F.P.A.?

WRS: Earl Warren was sympathetic to conservation and forest legislation for two reasons. That was the period in which a lot of forestry legislation was introduced. He was a governor for three terms, although he didn't fill the entire third term. It fell into his lap, being Governor when so much forestry legislation was passed.

Governor Friend Richardson, I think, was a friend of the timber interests. I don't know of anyone who was unfriendly. Most of our governors have been rather neutral in many respects with all interests. I think we have had good governors.

Fry: Thank you very much. This has been fascinating.

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Invitation to a 45-minute Screening
of a Televised Oral History Interview
with a California Lobbyist
(forest industries representative)

WHY: The purpose of producing this experimental videotape was to provide a tangible vehicle upon which criticism and advice from others could be focused. In addition, it seemed necessary to try one pilot taping to see how much time and effort is actually required for production. The result is a sample of a televised interview aimed at a wide variety of possible applications, and as such it should not be considered a sample "oral history" session, since the interview techniques used and the conditions of public presentation are quite different from the quiet privacy of the audiotaped interview.

POSSIBLE USES: Suggestions from others who have viewed it include

1. Instructional use--in classrooms, in professional conferences, and in adult education groups such as, in this case, League of Women Voters. Distribution might be handled by institutional rental film libraries and thereby offset part of the cost.
2. For deposit in libraries for archival use; however, it does not seem worthwhile to produce a complete video show for this use alone. Perhaps a 5-minute tape, done with a small portable machine, would suffice.
3. For educational television.
4. For public service programs on commercial television.

COSTS: About \$500 for a 30-minute film, which includes twenty hours of additional staff time on an interview series which has already been audiotaped. About \$250 of this amount is to cover the cost of converting the videotape to 16 mm. movie negative plus one print. This total cost presupposes that the institution will have TV production facilities and personnel available without charge to the Oral History Office. It does not include any editing; the cameras simply roll from start to finish, changing only to photograph the visuals and titles.

CONCLUSIONS:

1. By conducting the audiotaping sessions first, the oral historian can, in the process, gather ideas for appropriate topics as well as materials for visuals for a subsequent TV taping.
2. Thirty minutes is perhaps a more usable length for a videotape, both for classroom use and for more public showing.
3. The idea of eventually building a program of videotaping every interviewee does not seem justifiable, but individuals of significance or a series on one topic seem feasible.
4. Videotaping with oral history funds is probably quite a strain on any budget. Financing of such projects might be done with (a) special grants, (b) funds from the interested department for instructional use, (c) joint funding from the audiovisual office of the parent institution, or (d) possibly in conjunction with a local TV station interested in a series for public service programs.

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