BLM LIBRARY

88055748

DISTRICT ADVISORS' CONFERENCE

DIVISION OF GRAZING
F. R. CARPENTER, DIRECTOR

SALT LAKE CITY, UTAH
JANUARY 13 & 14, 1936

SF
84.84
.D61

INDEXFIRST DAY -- Morning Session:

Address of Welcome by Governor Henry H. Blood of Utah.....	A- 1
Address by First Ass't Secretary of Interior T. A. Walters.....	A- 2
(Including messages from the President of the United States and the Secretary of the Interior.)	
Announcement of Order of Business by Director F. R. Carpenter.....	A- 7
Discussion - Grazing Fees.....	A- 9

FIRST DAY - Afternoon Session

Address by Assistant Secretary Oscar Chapman.....	A-19
Greeting from Senator Elbert D. Thomas of Utah (Read by Mr. Carpenter)..	A-20
Message from Congressman Edward T. Taylor (Read by Mr. Carpenter.).....	A-20
DISCUSSION:	
Local assessments.....	A-20
Motion - Who shall be allowed to vote.....	A-22
<u>Policies:</u>	
1. Change in order of preferential classes for licenses.....	A-23
Motion.....	A-26
2. Division of dependant property into classes.....	A-28
Motion.....	A-32
3. Should cuts within a class be made on numbers or by restriction of season of use.....	A-36
4. Should temporary allocations of range be incorporated in 1936 licenses.....	A-37
5. Should commensurate property be divided into classes and definitely defined.....	A-42

SECOND DAY -- Morning Session

Talk by Mr. Julian Territt, Assistant Director of Grazing.....	B- 1
Recommendations of State Committees, following caucus:	
Arizona.....	B- 2
California.....	B- 3
Colorado.....	B- 4
Idaho.....	B- 5
Oregon.....	B- 7
Montana.....	B- 7
New Mexico.....	B- 8
Nevada.....	B- 9
Utah.....	B-10
Wyoming.....	B-11
Talk by Director F. R. Carpenter.....	B-13
Lobbying.....	B-13
Special rules of the range recommended by district boards.....	B-14
Term Permits.....	B-14
Licenses as grazing privileges.....	B-15
Placing responsibility on local boards.....	B-15
Enforcement of rules and regulations by Government agencies.....	B-19

SECOND DAY - Afternoon Session

Telegram from Secretary of Interior regarding Assessments.....	B-28
Motion - Range allotments in 1936 licenses.....	B-21
Motion - Division of dependant property into classes.....	B-23
Motion and Discussion - Defining commensurate property.....	B-23
Motion (redraft) and Discussion - Range allotments in 1936 licenses....	B-26
Motion (redraft) and Discussion - Division of Dependent Property into classes.....	B-29
Motion and Discussion - License Fees.....	B-35
Organization.....	B-42
Associations.....	B-45
Improvements.....	B-45
Resolution of thanks.....	B-51

DISTRICT ADVISORS' CONVENTION
Salt Lake City, Utah
January 13 and 14, 1936

FIRST DAY

Morning Session

(Meeting called to order at 10:00 A.M., January 13, 1936, in the Lafayette Ballroom, Hotel Utah, Salt Lake City, Utah).

RADIO ANNOUNCER: Nearly 1,000 stockmen from ten Western States have assembled this morning in Salt Lake City's Hotel Utah to confer with F. R. Carpenter, Director of Grazing, and other representatives of the Department of the Interior on the administration of the Taylor Act, providing for the proper use of the public domain by graziers of livestock. Assistant Secretary of the Interior T. A. Walters has come to the meeting as the representative of Secretary Harold L. Ickes, bringing messages from both the Secretary and President Roosevelt. Governor Henry H. Blood of Utah opens the conference by briefly welcoming the delegates.

GOVERNOR HENRY H. BLOOD OF UTAH: Mr. Chairman, Mr. Walters and other representatives of the Department of the Interior, and livestock-men: It gives me real pleasure to welcome you here on behalf of the State of Utah, and to assure you of our desire that your stay will be as pleasant as we know it will be profitable. The State is glad to be host to a gathering of this kind.

The last decade of adverse climatic conditions served as a timely warning that the day of unrestricted use of public lands for grazing purposes was at an end. Something had to be done. And that something had to be done now.

Utah was the original supporter of a movement for proper regulation by the Federal Government of the public domain. The Taylor Grazing Act and the rules and regulations based upon it constitute the machinery set up to accomplish this purpose. We are all of one mind in the hope that a successful culmination of our plans and wishes will be realized. Much depends upon you gentlemen who represent the major interests affected. We know and appreciate the single-heartedness of purpose of the Federal administrators of this law. But, gentlemen, they are relying upon you to assist in working out ways to accomplish the greatest good to the greatest number. The efforts of all concerned should be unselfish. I feel sure that you will approach this problem, which affects the West for all time to come, in a broad and just spirit.

Many times the thought has been expressed that there are only two major interests directly affected by the program of administration of the public range. This is not wholly correct. I can hardly conceive of an activity within a State that is not vitally affected by the grazing problem. In so far as a proprietary interest in the land is concerned, three groups are involved. First, the owner of the fee lands; second, the United States which is in a position of trustee; third, each individual State, which, as in the case of the individual, owns the land in fee simple title.

The Department of the Interior is the delegated Federal authority to administer the public domain. You members of advisory boards are expected to aid with your knowledge, ripened by your many years of experience in the livestock industry.

Just as the Department of the Interior through the Grazing Division is charged with a trusteeship of the remaining public domain, so are the various land departments of the public land States assigned the duty of

administering the State lands for the purpose of raising funds for the support of the institutions for which the lands were granted to the State by the Federal Government.

The third ownership, representing individual holdings which have been acquired in various ways, is also seriously concerned with the problem of administration of what has formerly been its public pasture grounds. Speaking for Utah alone this third interest is abnormally great because of the community life which is typical of rural districts in this State. The interests of the residents of these small towns and hamlets are worthy of careful consideration.

As you know, State land holdings are scattered in many thousands of individual tracts. Since the enactment of the Taylor Grazing legislation, the land departments of all of the Western States have been endeavoring to work out in a cooperative way a solution of what is admittedly a perplexing problem. As I understand it, their unanimous opinion is that these State lands should be grouped into compact bodies. This is a question which must be decided between the States and the Federal Government. It should be possible to bring about a consistent and satisfactory settlement of the issue.

May I say in conclusion that it interested me greatly to learn that my own State has 6,500 of the 15,000 licensees in the ten Western State districts? This State is, therefore, not only the geographical center of the public domain, but is also economically its core.

Mr. Walters, I wish to welcome you in a personal way as representative in this large gathering of the President of the United States, who signed the Taylor Grazing Act, and of Secretary Harold L. Ickes, of the Department of the Interior, who has initiated its administration. I also welcome other representatives of your Department.

Permit me to wish this conference every success in its deliberations.

MR. CARPENTER: Thank you Governor Blood. It was the original intention of Secretary of the Interior Ickes, who has taken a keen personal interest in every step of the administration of the Taylor Act, to appear in person before this conference. Press of business, however, made it impossible for him to attend. In his stead he has sent Mr. T. A. Walters, First Assistant Secretary of the Interior, who has a message from his chief as well as the greetings of President Roosevelt to this conference.

Secretary Walters is known personally to many of the delegates from Idaho. Others know him because of his leadership in civic and public affairs and through his work as chairman of that State's Board of Education. I take pleasure in presenting First Assistant Secretary Walters.

MR. WALTERS: Mr. Chairman, Governor Blood, Ladies and Gentlemen: It is not only a pleasure but a privilege for me to meet with you this morning, and I am delighted that so many of you are present. I have the distinct and distinguished honor of presenting to you this morning, through the Secretary of the Interior, a message from our great President Franklin D. Roosevelt. (applause)

"The White House, January 3, 1936. The Honorable, The Secretary of the Interior. My dear Mr. Secretary: On the occasion of the forthcoming Salt Lake City grazing conference, I desire to offer my congratulations.

"The grazing program on the public domain under the Taylor Grazing Act is a new conservation movement that promises to have historic significance. It is the first time since the settlement of the West that there is an opportunity to regulate over-grazing on the public domain. In less than fifteen months after the law was enacted the cattle and sheep men have buried their differences and combined in a joint effort to abolish unfair range practices and to conserve natural resources. The most noteworthy feature of the program, however, is the unique coordination of local and Federal effort whereby fifteen thousand stockmen have participated successfully in the policy of the Department of the Interior to give local autonomy in the administration of the new law.

"Very sincerely yours,
Franklin D. Roosevelt"

My great immediate chief, Secretary of the Interior, has also sent a special message dated January 6, Department of the Interior.

"To the Members of the District Advisory Boards and others attending the Salt Lake Grazing Conference.

"It had been my hope and expectation to be with you on this important occasion, but demands upon my time have made it impossible. However, I have designated other officials of the Department to be present, and they will be prepared to discuss with you all phases of the grazing program. I am taking this opportunity to extend to you my best wishes for a successful meeting.

"Notable progress has been made in carrying out the grazing program since the preliminary organization stage has been completed. In any new undertaking of this kind many questions of policy and procedure inevitably arise which must be determined, with a proper consideration of the law and of the diversified interests involved. This is especially true if such a stupendous cooperative plan of administration, as we have decided upon, is to be established and maintained.

"Various rules and regulations have been promulgated for the development and use of the range and others are being compiled. All of these are in the interest of orderly and simplified procedure. The assistance given to the Department of the Interior by the duly elected members of the Advisory Boards has expedited the transaction of business and has made possible a smoothness of operation that otherwise would be impossible.

"As I said at the Denver Conference last year, the District Advisory Boards are expected to work out and propose an equitable apportionment of available range privileges within each district. The Boards will not have administrative functions. Their functions while advisory will be of the highest possible use to the Department of the Interior and of great benefit to the grazing interests if they are wisely used. Already, as a result of the work of these Boards, approximately 15,000 temporary licenses have been issued during the past few months. I want these Boards to have and to exercise all of the responsibilities which they can carry and which, within the law, it is possible for them to carry.

"I am sure that everyone interested in the grazing law understands that the administrative functions are conferred in express terms upon the Secretary of the Interior. Those administrative functions, I have no power to delegate to others. For the purpose of enlisting the interest and the active cooperation of the stockmen of the West, I did authorize the setting up of the Advisory Boards to act in the capacity which their name implies. I want these Boards to exercise all the rights and assume all the responsibilities consistent with a sound administration of the Taylor Grazing Act that they can exercise and assume under the law. It will be understood, of course, that no executive officer has any power to go beyond the law that limits and defines his authority.

"One of the principal purposes of the present conference is to discuss the question of grazing fees as provided by the law. I will refer again to a statement I made at the Denver conference which I still believe to be applicable. I quote:

'The Interior Department will have no quarrel with stockmen on that subject. You are willing to pay reasonable fees, and that is all we will expect. I believe that fees should be on a sliding scale varying with the earning capacity of the land as measured by the market value of the livestock grazed upon it. Fees should not be so low as to arouse the envy of those not entitled to public range rights or as to subject the permittees to a charge of receiving a Government subsidy.

'The whole question of fees, at the beginning, will be experimental. We will approach the matter with an open mind and consider it from the standpoint alike of the public interest and of the welfare of the stockmen.'

Since the Denver meeting we have gone far toward placing the grazing program on a sound basis, and I am sure that the report of progress which Director Carpenter and others will make to you will meet with your unqualified approval.

"Sincerely yours,

"Harold L. Ickes,
"Secretary of the Interior"

Friends of the West: It is altogether fitting and proper that President Roosevelt should have signally honored this meeting with the congratulatory message which I have had the pleasure to deliver to you, for this is indeed an historic occasion. This convention is a mile-stone on the road of American conservation, no longer a narrow path beaten through the wilderness by the dogged determination of the Department of the Interior, but a broad well-planned highway, built through understanding and cooperation, and leading literally to greener pastures.

It is an occasion because this meeting is the first of its kind in the history of the industry. It is a pioneer gathering of the representatives of western stockmen bent on establishing a new frontier, - and I use the term "frontier" in its fullest meaning, - "an advanced region of settlement and civilization". We have advanced under the Taylor Grazing Act to the settlement of important economic problems as well as administrative questions. We are, therefore, establishing a new frontier for the stock industry of the West. We hope to perpetuate all the spirit and romance of the Old West and weave it into a sustained and regulated industry of the future.

The romance of the West has not vanished like the waters of a dry river. It has merely changed to less spectacular but certainly to no less thrilling courses. You have but to substitute "the saving of the West" for the empire builders battle cry "the winning of the West" to realize the full import of the present undertaking. Stockmen will no longer have to win and hold range lands in the West against human marauder, but they will have to battle the forces of nature to save the rolling range from erosion and from the unrestricted competition leading to devastating over-grazing.

This first annual meeting of the grazing district advisors, - and I am proud to stress the word "annual", - is unique in our annals as it initiates a yearly gathering of those dedicated to the policy of a prudent use of public grazing lands for the benefit of the livestock industry. We are gathered together because the administration of the Taylor Grazing Law, under the rules and regulations set up under the Department of the Interior, calls for your advice and recommendations. It will be recalled that Secretary Ickes, speaking to the stockmen of the West at Denver, Colorado, eleven months ago, said, "a patriotic regard for the highest interest of the Nation will impel you, I am sure, to work hand in hand with your Government in making this epochal Act the means of a National contribution to the prosperity and contentment of the whole people". It was in that same speech that he predicted that the election and use of advisory boards of stockmen in every grazing district on the public lands would play an important and vital part in the administration of the Act. The presence heretoday of more than 130 delegates from the 34 grazing districts now operating in 10 States of the West is proof, positive, of the fulfillment of the Secretary's prediction.

Few laws administered by the National Government so vitally affect the economic welfare, the industrial activities, and even the standard of living of the Nation as does the Taylor Grazing Act. Through it we seek to conserve one of our great national resources, - the remaining public lands of the West. By conservation we mean not only to hold for future use the remaining broad acres of the Western States, but also to overcome erosion and its evil effects on the water supply in a land where water is life, not only for agricultural purposes but for the benefit of urban populations which more than ever will depend on the streams and rivers which take their rise on the public domain.

The President pointed out in his message to you "as the most noteworthy feature of the program **** the unique coordination of local and Federal agencies whereby 15,000 stockmen have participated successfully in the policy "

of the Department of the Interior to give local autonomy in the administration of the new law". Certainly no one is better qualified to advise and recommend in the administration of the Taylor Grazing Act than you delegates from the 34 grazing districts. This Act, like the majority of laws enacted by Congress, was postulated and grew out of the actual experience of the industry which it is designed to perpetuate. Its administration is being developed on that same principal and your presence here today shows how successfully this is being accomplished.

The Department of the Interior, charged by law with the administration of the Act, has had, and has now, absolutely no intention of setting up a bureaucratic, despotic organization to carry out the purposes of the Act. The Department earnestly prefers to take advantage of your wide knowledge of local and general conditions and to use your services to develop a cooperative movement for your benefit and for the benefit of the Nation.

The attitude of the Department is well illustrated by the history of its effort to put the Act into operation. It will be recalled that almost immediately following the signing of the Act by the President, a party from the Department, headed by Assistant Secretary Oscar L. Chapman, came to the West for the purpose of contacting the stockmen and learning their wishes and profiting by the experience of the citizens of that portion of the country in which the Act is of paramount importance. This was followed by a series of State meetings where the stockmen themselves suggested the boundaries and size of the grazing districts. Then, after a period of study, of drafting regulations, and of coordination of information in Washington, the rules for the apportionment of the ranges and for the distribution of licenses were brought West and submitted to you for criticism and advice before being finally approved by the Secretary. Elections of grazing district advisors in each of the 34 districts followed. With the formation of advisory boards, recommendations on the applications for grazing licenses and for the establishment of rules for fair range practice followed quickly. This procedure is new and practically unheard of in establishing an organization to execute a national law. It is, however, in accordance with the finest conception of democratic cooperation and government by the consent of the governed.

May we summarize some of the accomplishments since the establishment of the first grazing district. There are now 34 fully organized and operating districts. The elected representatives of the industry in these 34 districts advise and assist in the administration of practically 80,000,000 acres of public grazing land in 10 Western States. In round numbers, 15,000 grazing licenses have been issued for 8,000,000 head of cattle, sheep, horses and goats. This, in itself, is an achievement in so short a space of time. These licenses reveal significant and relevant facts. They are, that of all of the cattle licenses issued 94% are for less than 500 head, and of all the sheep licenses issued 87% are for less than 3,000 sheep. In other words, it is apparent that the Taylor Grazing Act is already functioning to an amazing and gratifying degree in protecting and encouraging the little man. This is a consummation much to be desired. Herdsmen with a small flock, the farmer with a small number of sheep or cattle is as much entitled to the use of the public domain as is the large operator. The operation of the Act has already in a large measure done two things long hoped for, that is, the burial of the differences between the cattle and sheep men, and the establishment of peace between the big operator and the little fellow.

These results have been brought about under the rules and regulations set up by the Interior Department which, incidentally, employs only 37 full time people in the Division of Grazing. The Department, however, has had the advice of 509 district board advisors who are familiar with local problems and conditions. In the election of the District Advisory Boards the principle of "One man - one vote" was put into practice and it was a perfectly natural result that the 94 and 87 percent of the "little men" received a fair and proportionate representation on all of the advisory boards.

The way in which the District Advisory Boards have assisted in this work has been most gratifying. You have adopted a wholly non-partisan attitude and earnestly sought to provide the vital basic information concerning range

operations in your respective localities. You are to be complimented on your willingness to accept the many responsibilities in recommending and advising on the solution of the difficult problems which have arisen and will arise. The Department has faith in you and in this cooperative system of administration.

The success of our effort is primarily one of conservation and restoration. In many places on our public lands forage resources have practically disappeared. Development of the industry depends upon the improvement of range conditions. Under the leadership of President Roosevelt, conservation of our national resources has become a reality, and new mediums of conservation have been created. One of these is the Civilian Conservation Corps. We have available through the CCC a means whereby range improvements which would otherwise take years to accomplish may be made in a comparatively short time. Before the enactment of the Taylor Grazing Act it was not thought advisable to make range improvements because there was no adequate protection for them when they were completed. The Grazing Act now provides this protection and the Department intends to further the CCC program of improvements to the fullest possible extent.

There are now 43 CCC camps in operation on various portions of the public domain, chiefly in the southern areas where they are now engaged in important work. During the coming season we hope, and expect, to begin similar work in higher and more northern regions. There has been more than a little apprehension among you concerning possible curtailment of our CCC program. I can assure you now that there will be no cut at this time. Moreover, we are making strenuous efforts to obtain additional camps through which this program can be spread to all areas of the public domain.

The law specifies that permits shall not be issued until the land has been classified. The Division of Grazing has already begun this work which includes classification studies of ranges and of commensurate properties so that these leases can be related to the land and water owned, occupied, or leased by stockmen within or near grazing districts. In order to expedite the work of classification, an additional force of qualified range men will soon be employed. The President has recommended to the Congress an increase in appropriations for this classification work.

Under existing rules and regulations and Executive Orders, Sections 8, 14 and 15 of the Taylor Grazing Act are now operating. Regulations for the leasing of land under Section 15 have been approved and are here for distribution. This Section provides for the leasing of isolated tracts of land to contiguous land owners for grazing purposes. Inasmuch as these lands are to be leased in blocks of 640 acres or more to owners of adjacent land, may I point out that with the issuance of these final regulations the first move in the leasing of these lands must come from neighboring land owners. Since the preliminary regulations for leasing these lands were formulated on September 20, 1934, there have been received 3,200 applications for leases. Each lease will be handled separately and the terms of the lease will depend on the local conditions.

Section 14 authorizes the Secretary of the Interior, in his discretion, to order the sale of isolated tracts of the public domain which do not exceed 760 acres. It also grants to contiguous land owners a preference right to buy the offered lands at the highest bid price, not exceeding three times the appraised value.

Section 8 of the law authorizes exchanges in the public interest of State and privately owned lands of equal value for public lands. Regulations for the operation of this Section were issued on February 8, 1935. They were amended on November 20th so that no fees are required on exchanges involving State-owned lands. It may interest you to know that so far there have been filed 236 applications for exchanges of State-owned lands and 10 applications involving land in private ownership. We are working on arrangements which will make it unnecessary to refer to the Division of Grazing all applications involving lands so situated as not to justify their inclusion in grazing districts, and thus expedite action under these three sections of the Taylor Grazing Law.

We are now faced with the larger and more difficult problem of establishing equitable and reasonable fees. It must be assumed that benefits which will accrue under the Grazing Act cannot be obtained wholly without cost to the livestock industry. The Act contemplates and imposes upon the Department of the Interior the duty of fixing a charge to be paid in the form of grazing fees. Of these fees, 50% of the money collected is returnable to the States for local purposes and 25% is, upon appropriation by Congress, to be used for the improvement of the range.

It might be well to banish the ghosts of a few rumors which have been wandering in melancholy fashion around the West. The Department of the Interior has not now, and never had, any intention of adopting a scale of high fees. One of the purposes of this meeting is to work out a fee which will be reasonable and satisfactory to the industry.

Representatives of the stock industry have suggested that a nominal grazing fee be established during the license period which would be less than that charged when permits are issued. A permit is an asset, different in character from a license and would justify a larger fee. It has been suggested that a temporary fee of five cents per-head-per-month for cattle and one cent per-head-per-month for sheep be established. I was very glad to have those suggestions come from stockmen and they seem to me to be reasonable and practical. This will prevent any discrimination between those using the year-round range and part-year range. It will also prevent discrimination between those using ranges of varying quality, which would arise under an acreage basis. On a head-per-month basis, those using a scant range will pay no more per month per animal than those using a well covered range. The suggestion of the five cents per-head-per-month fee for cattle and a one cent per-head-per-month fee for sheep will, in my opinion, have the favorable consideration of the Department. By setting up a nominal fee, we will gain some time to settle certain problems before us and to attack problems which will arise in the adjustment of the permanent fee. Under the adopted practice and procedure any suggestion as to fees is subject to the approval of the Department.

While our great President, Franklin D. Roosevelt, and my dynamic, and efficient superior, Secretary Ickes, are true conservationists, they are also practical men. Your problems are real to them and receive rational and sympathetic consideration. I feel that coordinated, democratic, and understanding administration of the Taylor Grazing Act will meet the problems of the present and measure up to the possibilities of the future.

I thank you.

MR. CARPENTER: Thank you Secretary Walters. Gentlemen we are ready for business, and in order that you may understand the method that we will use, I will say that we expect to conduct this conference in a rather different way than what many conventions you may have attended have been handled. We have worked together before but largely in separate States.

We are now gathered, the 10 States by delegates, here together. It is necessary, therefore, for us to get the national objective of the act clearly in mind and do all that can be done in two days to get closer to that objective. I will state briefly, in order that we may never have absent from our minds, what I conceive to be that objective, and that is the proper use of the lands not only of the public lands but commensurate property so situated around and scattered through this public domain, that in order to have any value to men they must be hooked up with range rights.

The second objective, which will follow naturally when the first is attained, is to stabilize this business, which means a living to all of us. Now we have been engaged in the last 17 months in steps approaching that objective. It seems proper at this time that we should take a little account of stock and see what we have done, but more than that we want to take further steps in the same direction provided we have been headed right. In order to get there it would seem that the policy of discussion would be more fitting for this assembly than a matter of papers and speeches, and for that reason there will be no more formal papers or speeches made at this convention until the last afternoon of the last day, when the last two topics will be taken up briefly by speakers with five minutes allotted to them.

The entire business of the convention will be divided under four heads. The subjects of finances and policies will consume today and half of tomorrow, and the last two subjects are organization and improvements. The first topic is the topic of finances and in discussing it, after the problem is stated, we will call for discussion from the floor and various points of view. Immediately after the noon hour you will be asked, in order that we can get our machinery into action, to meet by States and meet under the banner for your State in this room and elect a temporary State chairman who, when that State is called upon to give the point of view, will have a spokesman. We will then be ready for business again at 2:00 o'clock. We will then take up the matter, if we have not finished it, of finances and start in with the matter of policies, which will take the rest of the day and tomorrow morning.

For those primarily interested in the sale, lease, and exchange of land, as Assistant Secretary Walters has told you, there will be a separate meeting at 2:30 this afternoon on the roof garden where the Assistant Secretary and Mr. Havell will be present with their regulations and go into that interesting subject, and you are all invited to attend that meeting on the roof garden, and we will go ahead with the primary grazing work here in this room at the same time.

I have not been trying to work on a split minute, but I figured we would reach this point at eleven o'clock and it is now four minutes to, so I will tell you we are running right on schedule.

The first order of business is to take up the subject of finances before we approach the matter of fees. It is well to know what the budget of the Division of Grazing includes, and for your convenience that is set forth in the program paper on the third page, which you have in your hands. I will do no more than run over it, and then if there is a question or two, answer it. Then we will take up the matter of fees.

The Federal fiscal year runs from July 1st to July 1st, and the fiscal year that we are now in the second half of, which in official parlance is denominated the 36th finance year, provided \$150,000 for the full time employees of the Division of Grazing and expenses and \$100,000 for the district advisors. There was transferred from the Geological Survey \$68,000 more. We have not nearly used up that apportionment, neither has the full time Division of Grazing used their half, nor have the district advisors used their half, and you may smile and think when you are through maybe you will owe the Federal Government something for working. But I wish to assure you that this was a new method of paying district advisors, and the necessary tape to unwind is being unwound. You may all be assured that you will get your pay, and if you don't you may be assured your heirs and assigns will.

Now, gentlemen, next year the budget, as approved by the Appropriations Committee of Congress with whom I met a few weeks ago, calls for a total of \$412,000. For the full time employees \$312,000; for district advisors \$100,000.

The increase in the full time Division is due to the necessity for the range examination which we are going to undertake this year in order to make the necessary range allocations and allotments, and particularly to get the land ready for term permits which is the first great and permanent step for the protection of land and the stabilization of livestock values, and, of course, for the conservation and development of what grows on it.

Are there any questions on this budget? If not, I wish to say the relation of the budget to the fee may or may not be desired by the stockmen to be considered. You will recollect that the Taylor Act says that 50% of all the fees shall go to the States for the use of the counties. Now it is not denominated what the counties may use it for. The counties help take care of the poor -- or they used to. They have quite a bit to do with the roads. They have their county revenue funds for the pay of county officers and incidental expenses. Also under the county comes a general school tax. In my own State, Colorado, the legislature has said that 50% of the Taylor fees shall go from the Federal Treasury to the State Treasury to the county treasury and into the general school tax. If the State legislatures do not act, it will go into the general fund, wherever the county commissioners wish to put it.

In the State of Oregon and the State of Nevada the legislatures have met and said that the State Treasury and the county treasury shall be a conduit for 50% of the fee which shall thereupon be paid over to the district advisors for the betterment of the district, so that there are four possibilities for every dollar you are going to pay, that it goes into the general county fund, general school fund or for the betterment of the district, as your legislature may provide, but in any event it goes for home purposes. Twenty-five percent of the fees will go for the betterment of the district to be expended by the Department under our present set-up. This two-bits on the dollar has been rather over-shadowed by the emergency program which has been going on in CCC camps. But as we go on and believe we are climbing out of this depression and we see less and less reason for this emergency measure, Congress indicated every desire to turn back this two-bits appropriation which is going to be of immense value in developing and protecting these grazing districts. If it could be expended to include the lands not in the public domain within the districts, think of the possibilities. You would then have a full use not only of grazing districts which could be improved but the actual addition of rented or purchased properties.

What becomes of the other 25% of the money, the act does not state, but it is commonly supposed that that was to take care of the actual administration of the act. I was questioned on that point by the Appropriations Committee. I told them that as to fees the stockmen had been assured that no fee would be set until they had a full time to discuss it, but that it was generally supposed in the West that the stockmen preferred to pay as they went and that they would provide a method to take care of these expenses and get down to business basis as soon as possible. That may or may not be advisable at this time. There may not be value enough received in these temporary licenses to take care of it. But if it is the wishes of the stockmen to go on to a business and paying basis, it will be necessary to adjust fees on a 4 to 1 basis, fifty cents to go to the local governments, or as indicated two-bits to go for improvement and the other two-bits to take care of the appropriation. One advantage is that it makes every one of the 15,000 users of the public domain watch the expenses. You know the general tendency of all Government expenses. The inevitable tendency when not watched, and even when watched, they have a tendency to creep upward. So we immediately get the feeling that the more workable these units are held, and the lower the expenses are kept, the better off will be the stockmen as regards fees.

I will divide the topic of grazing fees into two heads: First, should there be any grazing fees or do you wish to go on another free year as we went in the past? Having had expressions on that matter, we will take up the question, and it will be referred to the committees to report back here, as to how much that fee should be. Now I am going to ask speakers when they get up if they will please give their name and State in order that the reporters may get into the record what was said here, and I will ask for expressions of opinion as to whether, with your knowledge, particularly your knowledge of your local district, you believe it is going to be advisable to have any fees, or whether you think it advisable to continue on a strictly gratuitous basis as we are today. We should not be afraid to talk with each other, as we have talked before.

MR. OLIVER LEE OF NEW MEXICO: May I suggest that because there is a number of livestock raisers present in this meeting that are not on the advisory boards that they be asked especially to discuss this question at this time. I feel that the members of the advisory boards should hesitate at this time until they are permitted to caucus and determine as a body just what their position should be.

MR. CARPENTER: Mr. Oliver Lee has taken the position that the advisory boards would like to hear from those not on the advisory boards before they go into their caucus. Is that correct?

MR. LEE: Correct.

MR. BROCK OF WYOMING: Inasmuch as the credit of the stockmen is vital at this time -- I saw Mr. Stewart of the Farm Credit Administration here -- I wonder if we could get an expression from him as to what effect temporary licenses would have as against permits in the credit facilities of the Government. I think that might be quite a factor in answering the question which you asked here before.

MR. CARPENTER: I would be very glad to hear from Mr. Stewart, but at this time I would like him to take up the question as to whether any fee is advisable

MR. BROCK OF WYOMING: My thought is just what effect he would consider temporary licenses in making loans. That would have some effect on the other question.

MR. CARPENTER: We are not discussing whether we will have temporary licenses or not, but whether we will have a fee for them. Would you like to hear from Mr. Stewart on that, Mr. Brock? We are going to reach the matter of temporary licenses or permits a little later on in the program.

MR. WING OF CALIFORNIA: Mr. Chairman, the stockmen from Nevada and California who are temporary licensees under the Taylor Grazing Act have not caucused in reference to the following, but have made these suggestions. They offer them for your consideration, and although when they do caucus they may change their present stand on these matters.

The licensees under the Taylor Grazing Act of California Districts No. 1 and No. 2; Nevada No. 1 and 2, are not in a position to pay fees for grazing at this time, unless:

1. In consultation with credit agencies they will agree to allow the increased amount necessary in the stockmen's budgets. In this connection it will necessitate consultation with individual stockmen and credit agencies affected.

2. The livestock men who are licensees of California No. 1 and 2, Nevada No. 1 and 2, today are paying their full share and are largely supporting school, county and State taxes.

The valuation of the deeded lands of these stockmen gives full consideration to the public domain which said deeded land controls.

With local, State and Federal taxes increasing and with these deeded lands and personal property already paying an undue share of the tax burden for the support of schools, local State and Federal Governments additional costs of livestock production at this time is unwarranted and will work an undue hardship on the livestock industry.

3. Any business in employment of labor does not pay cash in advance for labor to be done. In other words, if additional benefits to the livestock industry are to accrue through the operation of the Taylor Grazing Act, such benefits should be paid for after it has been demonstrated that said benefits actually do exist. The land was classified during the year of 1935; the protection of the individual stockmen's range from trespass thus assuring the stockman of range protection and the actual making possible of additional feed has not yet materialized.

4. At the present time range rights have not been established. Federal loan agencies today will not accept a license to graze on the public domain (Taylor Grazing Districts) as collateral. If said Federal loan agencies are not willing to accept a grazing license as collateral, it is clearly demonstrated that no additional benefit has been derived by the stockman and that the stockman's license is not secure.

Until the determination of range rights, and the issuance of long term permits (licenses) to graze, the stockmen are not in a position to pay additional costs of handling livestock on the grazing districts.

5. The water which makes possible the grazing of livestock on the grazing districts is 99% owned by the livestock men. The stockmen have developed said water and invested heavily to make this water available. The feed without the water is valueless. The stockmen have paid out in the developing of the water -- all the feed is worth.

It also should be considered in this connection that the wild life inhabiting these grazing areas depends upon this privately owned water. The stockmen do not charge the Government in its protection of wild life for the use of this water. The number of deer, antelope and other forms of wild life would be much less if it were not for the water development carried on by the stockmen.

Therefore, we the delegates representing California Grazing Districts No. 1 and 2, and Nevada Grazing Districts No. 1 and 2, ask that no grazing fees be placed into effect for a period of five years commencing with January 1, 1936, and that at the expiration of said period if it can then be shown that additional benefits have accrued, that there is stability of range use; that Federal credit agencies recognize grazing licenses as collateral; and if the stock-raising industry has the ability to pay -- that then grazing fees be assessed on the basis of the total animal months and feed units which said livestock graze within said grazing districts in comparison with the animal and feed units which said livestock graze in the national forests or on privately-owned land.

Further, that said grazing fees shall be only the cost of administration of said grazing districts.

Whereas, the Taylor grazing act is one of the constructive pieces of legislation passed by the New Deal for the purpose of the protection and stabilization of the livestock industry and the conservation of the range, and

Whereas, the livestock men of the public land States have made a tremendous effort to maintain their industry so that it will be an asset to the counties, States, and Nation and have only been able to do so with the aid of the Federal Government.

Therefore, we now earnestly request that during the period of setting up of grazing areas and in the determination of rights for use of the public lands in connection with private ownership, prior use, that no fee be charged for grazing privileges and,

Be it further resolved, with the full understanding of the stockmen that grazing fees will be approved by them when they are in a financial position to bear this additional burden.

MR. CARPENTER: Gentlemen, we are off to a good start. I thought we were coming to it inevitably -- that when we were through the Federal Government would owe you something for running on the range.

SENATOR CAUDLAND OF UTAH: Mr. Carpenter, I should not object so much to the grazing fee. I don't object so much to the grazing fee if I get some grass, but if I have watering places on the range and people who go on the winter range before I do and sweep all the feed away from around my watering places I don't think I should pay a grazing fee when I don't get any grass, and that to me is more important than the question of the amount of fee or when I begin to pay it.

MR. LUBKEN OF CALIFORNIA: Stockmen: Mr. Wing here gave you a statement as to the attitude of California No. 1. I will have to have it understood that I am from California 1, from the Mojave section, and I believe I am the only one here from down there. The sheepmen did not come.

My instructions were that we should pay for this range, that it was worth it to us, and the amount was 10 cents per head for cattle and $2\frac{1}{2}$ cents for sheep per month, or a dollar per year for cattle the year round or 25 cents for sheep.

I could not very well let that statement of Mr. Wing go by without making that statement. I plodged myself to the committee back in Bakersfield that that is where I would stand, as that was their sentiment and I would do all I could to put it through on a pay basis. We feel that we should pay for what we got, and if we got it we are going to pay for it. It is a great deal like the Forest Service in the early days, when there was not any fee the Eastern representatives thought we were getting a big thing and made all the fuss they could. That is the reason we are where we are today with the Forest Service.

I believe it is worth 50 cents an acre on rented land like we have to pay in our country, and we can get better grazingland on the public domain. I believe 10 cents is all O. K. I am giving you the attitude of my district. As to what the balance of you want to do is all O. K. with me.

MR. NEILSON OF UTAH: I think we have presented by those two gentlemen the two extremes.

MR. STAAS OF UTAH: In my district when we started to put in an assessment, and I have to tell you that when we have the money in our treasury -- and we got two riders -- we have got wonderful district and do protect every man. In every dispute we send our riders and settle, and after we got orders from Interior Department broke down the money, we are entirely up against it.

My friend spoke about the work. That is the question. If we have got riders and can enforce the law and can get them to respect the law, that is going to be wonderful law. I wonder how we can control our district without any way to enforce the law. Without any means to enforce the law I am afraid every one here -- all of us -- are going to be disappointed. If we later increase the assessment we are going to have wonderful system, protect every man, especially the men who are liable to be overpowered by some of the people. Therefore, I believe we are going to have to find some way to finance the act, otherwise we are going to be disappointed.

MR. WHINNERY OF COLORADO: Mr. Chairman: Speaking not as a representative of the grazing force, but as a representative of the man at home who is running this stock on the range, I believe Mr. Chairman that the payment of the fee, whatever may be agreed upon as just and right at this time, should be conditional upon the issuing of the permits.

(Applause).

MR. BACON OF IDAHO: I would like to indorse the statements made by Mr. Wing. I don't think our people in Idaho want to pay any fee until we have permits issued. We have not anything in the way of rights that is of any value whatever. We cannot borrow any money on it. When that permit is issued I think Idaho would be willing to pay a fee.

MR. MCFARLANE OF UTAH: Gentlemen: Utah has been in this thing a long time. They perhaps have been in the front because their necessity has compelled them to be. On account of the shortage of range, we felt the pinch earlier perhaps than any other State. And while I believe -- in fact when I was in Washington I told them that the cattlemen were willing to pay for what they got. But they want to get what they pay for -- that is what we have got to do now. I just want to say this, that if we don't take hold of this thing and are willing to pay for what we get, we are not going to get these lands.

We have the Wild Life asking for ten or fifteen million acres. We have the Park Service asking for fifteen or twenty million acres, and the Forest Service asking to put more in, and if we don't take hold of this thing now and try to do something, you are going to find that we will not have these lands to graze. And I think it would be a mistake to try and put it off for five years, because we would have nothing to supervise and regulate.

I can't tell you what I think is right on the part of a fee. I think it should be a sliding scale, but let us be right about it -- cooperate, cattlemen and sheepmen work together and try and protect these ranges and have something worth while. There is no use thinking you have got something when you have not got it. So let's get started and get this thing built up.

MR. WEBB OF ARIZONA: Mr. Chairman, Ladies and Gentlemen: Two extremes have been suggested. Extremes are rarely ever right or wise. I believe a happy medium is the best. Mr. Carpenter, I believe in Arizona we have been led to believe by talks of yours that under the license period there would probably be no fee. I think that is only fair and proper. I still think it would be wise, until the whole program has been worked out and operating in all its details, that there should not be a high fee. I should think there should be a reasonable amount. There have been reasonable ones suggested here.

The State owns a large proportion of the land, and every cattle and sheepman in the State -- practically everyone has State land leased more or less, and they are paying not to exceed 40 cents a head a year on very much better grazing land -- the best of the State -- because the first homesteader or settler took their choice of all the best. Then the State came along and they have selected all of the very best, and we are paying now not to exceed 40 cents, and sometimes much less than 40 cents. The public domain left is not nearly so desirable, and Mr. Carpenter, for your benefit, there are sections,

many of them in the State of Arizona, where the livestock owner should be paid to be permitted to keep their cows grazing on them.

I think I saw a lot of land in the State of Utah that I would not let a cow of mine graze on. I believe in your sincerity and your desire to make a success of this Taylor Bill operation. We believe it can be done. We are extremely anxious that it should be done. One reason we are anxious that it should be done is that we think if we can make a success of this and show that the degree of local self-government that is given us under this grazing district, that if possible it will have an influence in getting us a part in the regulation on the national forest.

Now I think a happy medium between these two extremes is right. As soon as permits are issued, we should be not only willing but anxious to pay a reasonable fee, or whatever fee the industry can stand.

MR. CECIL OF OREGON: I am from District 2 in Oregon. While we didn't have an opportunity to caucus more than one of our precincts, it was the opinion in precinct 1, District 2, that five cents per month per cow and one cent per head per month for sheep would be a fair and equitable fee as a starter.

Some of the gentlemen have said the importance of this whole thing is not so much the amount of the fee. It is what we get for our money when we get further along. But we all realize, in order to get started, we have got to pay a little as we go, and whether the one cent and five cents is exactly the right amount at this time as a starting proposition - it ought not to wreck any of us, and I think it fair and reasonable. It meets the approval of the people in District No. 2.

MR. HYATT OF WYOMING: Wyoming No. 1 feels while we are under temporary licenses we should not be charged for something we are not getting. We are under something like the gentleman from Arizona. Some of our area would coincide with some of that he has crossed over coming up, and I wish to state that is the way we feel - no charge at this time.

MR. JOHNSON OF UTAH: For the first time the Government has really turned to those governed, and it looks unfair to me, and I believe that District 1 Advisory Board will bear me out in it, that we don't want something for nothing; that inasmuch as the President and the Secretary have offered us this opportunity to work with them in a solution of our own problems that we not ask them to pay all the bills. I would like to assure you that in my opinion unless we do this thing and do it right we will be subject to bureaucratic rule as we have had in the Forest Service, and I am sure everyone of you have fought that all the way. It took them 25 years to do what we have done in 17 months. They have not our good will now, and I want to assure Mr. Carpenter and his superiors that they have the good will of a lot of us in 17 months. We are willing to pay in our district I am sure.

MR. CARPENTER: Mr. Johnson has come back to something you have heard before. The man that pays the price calls the tune.

MR. WILSON OF WYOMING: I may be out of order, but I want to ask whether or not copies of this record will be available to the State Association.

MR. CARPENTER: Copies of the record will be available to any interested party. It will be a public document.

MR. WILSON OF WYOMING: Then we can secure copies of it after it has been mimeographed?

MR. CARPENTER: Yes.

MR. WILSON OF WYOMING: I am not in a position to speak for Wyoming because Wyoming has not yet caucused. It seems to me that we have got the cart before

A-14

the horse. We have in many districts, one in Wyoming, and in many others, presented to the Department for approval certain rules and regulations that are not bound up with any other fees or any other policies, and until we have some action, some approval of those rules so the local advisory boards may know the measure of their control, I am inclined to believe that we are not in a position to discuss fees. Wyoming will have to caucus before they can discuss them, but I do think we should know something about the approval of these rules for range practice adopted by the advisory boards, which were to be approved by the Department of the Interior, some of which have been in Washington for six months.

MR. WILLIAMS OF UTAH: I want to state I never obtained the program until late last evening. Not knowing the contents thereof, our advisory boards and our constituents connected in that district have never caucused and No. 3 Grazing District of Utah is not prepared to act along this subject. I would like to see this, if possible, hold over until a later date before we have to go into a matter of voting upon this issue.

MR. CARPENTER: Before I recognize the next speaker I wish to say this to Mr. Williams, that it is simply brought up here in order that you may see the divergent national issues. Heretofore you have seen only your own district and your own conditions. Now you are witnessing and looking on this grazing map from Canada to old Mississippi and hear each part give their points of view.

After this is discussed in your committee this evening, you will take up the matter so that it can be expressed by States tomorrow and if at that time you do not feel you can reach a fair decision, then a conference committee will be appointed. There will be no pressure brought to bear to see if they can get together on a resolution.

MR. STONE OF UTAH: I do not feel we should be assessed at this time. Those temporary permits are not worth a "hoot" as I look at it. The stockmen feel that they are as bad or worse off than they were before the thing was inaugurated. They question our rights and they have made the country all common use territory. We are assessed on the cattle, and we don't feel like we should be assessed until it is in working order.

Maybe I don't see it just fair, but I have a ranch and have recently the advisory board have seen fit to hire its own members as riders. A sheepman is the rider in our district, and he just recently ordered a herd of sheep to put a camp within a mile of my place, within a half mile of my fence. I don't feel like paying a fee until I know I have got something to pay on, then I am perfectly willing to do my share. Five cents for cattle and one cent for sheep would be all right. I don't think it needs to be five years from now. As soon as the land is classified and we know what we have got, I am perfectly willing to pay my share for it.

MR. CARPENTER: I wonder when he says a license is not worth a "hoot" -- I wonder about those appeals, - hundreds of them, - they were denied licenses, what about their "hoots".

(Laughter)

MR. WYATT OF COLORADO: I am not speaking for the advisory board on which I sit or the delegation with which I came, but as an individual. While I am a sheepman and helped to hire a range rider, we hired a cattlemen and he is doing fine.

Washington hasn't any jurisdiction over a rider. The advisory board can hire him better than they can in Washington, or even Salt Lake, or Colorado, as far as that is concerned. The last few hours of being around this hotel and listening to various delegates from various States, there seems to be a feeling that the stockman wants to pay as he goes. The livestock man has never asked for a subsidy from the Government. He has tried to pay his debts and obligations. As I hear the talk I have the impression that the average livestock man wants to start paying now. Perhaps not too much, but he wants to know where he is going. He

wants a permanent permit just as soon as he can have it.

Now the Department may tell you, Mr. Chairman, and these delegates -- we feel you are one of us of course -- that they are not prepared to issue a permanent permit. How long should it take to get their affairs into shape? Then a man will know where he is going. He can go to his bank or his financial agency and he has an asset. I believe a happy medium, as the Gentleman from Wyoming stated, is the best solution. We might get together where we would start paying on a temporary basis, but not for very long, and get on a permanent basis within the next few months, but I for one would rather be on a permanent basis where I know where I am going and can adjust my finances and have something to show for the work which I have done through the years, and I think a great many feel that way.

MR. MATHIS OF ARIZONA: I am not speaking for the board. We have not discussed on this matter. I am just speaking my own individual views on this. There is a temporary period now that we have licenses for, that I think we should pay for the administering on, but I don't think, until we get something permanent, that we have a real asset that we can depend on and offer as collateral that we should have to pay anything into the county or the State.

We are already taxed until the Federal Government has had to come in and help us out of this condition, but while operating under this temporary period, in which time we hope to adjust our claims and our rights, there is expense that is necessary. We can't get by. Down in our part of the country we have already incurred bills that we do not know how to pay. We can't assess, and to try to get it by contribution -- there are only a few, as in all other things that are financed by contribution, that would pay. So I think it would be right and proper that we be assessed for the administering of the affairs in each district and that only until we have a permanent set-up. Then after we get our permanent set-up I think we can work with our county officials and State officials and adjust our tax so it will be in proportion with everything else. But now to be assessed, for that purpose, and school purposes, it would be a double assessment that the livestock interest can not stand at this time.

MR. LEE OF IDAHO: In Idaho we have three districts. One of them is organized and two of them have not been organized. We asked the boys from the districts that have not been organized to speak for themselves. Speaking for the district that I represent, No. 1, we discussed this informally and formally in several meetings and tried to come to some agreement about what we would do about this fee or assessment, whichever you would like to call it. We adopted certain rules that we asked the Department to pass for our district. Among those things we asked to do was to classify the land and also classify the people, the applicants that should be issued licenses, and we agreed at such time as they could classify this land and see about what the fee would be worth on that, and also classify the permittees and see who was going to use this land and who would be allowed to use it.

That meant, of course, it would be segregated, some part would be in permits. There might be some territory in our district that would be advisable to run in common although we are not able to agree on how that should be done. But until such time as the land was classified and the permittees classified we could not agree as to where we could assess ourselves for administration because we don't have anything to administer. It was probably at our organization that these tentative fees originated. We agreed after this was set up that we might pay one cent a head for sheep and five cents a head for cattle as a starter that we would have something to go on. We realize that there would have to be some kind of policing in the district so that every fellow would get what he paid for.

We realize that in Idaho that we are differently situated from the southern part of the United States. I understand down there that those boys have permits, and they pay for it where they can graze the stock the year round. Up in our territory, the immediate vicinity that I represent, all of the land that we use, all of our State, about 75% of it belongs to the Government as forest. The rest of it is in agricultural leased lands and privately-owned land. Since the Government allowed a 640-acre homestead, a great deal of it has passed into the hands of the county, and the public domain is very small. Part of our grazing set-up, except in one part of the district, that is what we call the south side of Snake River. The rest of the territory there is just a little hold-over ground in the spring of the year until the people can get back on

their own land or got on the forest reserve. When that has been classified and the follow looks for the grass, he will probably think we are entitled to a little bonus for staying there the length of time that we do.

I am not speaking for our district now as to whether we will make the assessment, but I believe the consensus of opinion from our part of the State would be that this assessment should be very nominal until such time as we have a permit and know we are going to get some consideration for what we pay for.

MR. MONTGOMERY OF MONTANA: I am not a member of a Taylor Grazing District Advisory Board. I take it you are asking for discussion from those who are not. In my work between the stock grazing associations, which have gone quite a long ways in Montana, and the Taylor Grazing Act districts, I have found expressed desires on the part of the stockmen of Montana to pay their way for whatever they got. I have found this, to my best knowledge, that there has been no licenses issued in Montana as yet. The stockmen of Montana, therefore, would like to know, in discussion of fees for licenses, what they are getting in a license. Would the Chair please explain just what license means?

MR. CARPENTER: Mr. Montgomery, I think you have in view District 1, in Montana, where, in order to perfect the stock organizations, no licenses have been issued. But it is my understanding that in other districts in Montana licenses have been issued the same as other districts in other States -- that is the temporary grazing privileges.

MR. WOOD OF MONTANA: I was listening to the different ones in regard to fees, and I believe a large majority in our district will favor a fee, and that seems very reasonable - 1 and 5 - but not until we have something for it.

In our country the land is checker-boarded by railroad land, dooded land and State land. The Government land is in small tracts. I think practically all of the people there will favor an allotment, and I think they will be glad to pay the fee just as soon as the land can be classified. But I have noticed in the advisory board -- I can't very well speak for the board but know of our members of our advisory boards -- I just met them at the door as I came in -- and I am just speaking for myself -- but what I have learned on the board, and I am satisfied that the stockmen in our locality would be perfectly satisfied to pay a fee, but they want something for their money; they want some protection.

We have not any large tracts of Government land as they have in other localities, mostly dooded land and State land. I think the only satisfaction would be to allot this land. So far in our country our advisory board has agreed on everything that has come up, and there is no question between the two interests, and I believe and approve and would like to see it on a paying basis as soon as we can get some protection, and I highly approve of the plan that the Secretary and Mr. Carpenter have worked out, and if it can be referred to the advisory boards -- the men who have been on the range for years -- I have been on the range for almost 50 years and I know the range men will maybe work that out better than some smarter fellow in Washington. We would like to see the land classified.

MR. WHITE OF UTAH: I don't think that we are so much concerned by the fee we are going to pay as we are about the management of the range. I have been running on the desert, Utah and Nevada, ever since 1934. I am also running on the desert at the present time, and I find that the Taylor Grazing Act has not eliminated the hazards on the desert. One trouble we are having at the present time we are over-stocked. There is more sheep and cattle on the range today than there ever has been in the history of the country, I believe. That is the case in our district.

I think that as to fees it depends on the locality in which we are running. Utah probably is different from other States. Utah and Idaho and Nevada probably are very similar, but we are not so much concerned if we will get value received in the amount that we pay, but I want to tell you the sheepmen are running a big chance when run on the desert. They are not assured of feed. They are subject to heavy snow falls at any time -- they are worried continuously about that -- and it is very necessary that we have supplementary food that we have to buy. We are already taxed to death. We are taxed now to the extent that we can not pay them. We are taxed now more than we were during good times, and we can't stand to pay very much for the grazing that we are receiving at the present time, and I think we only should pay the amount that is necessary to handle the supervision of the range.

MR. COX OF UTAH: I am not speaking for any advisory board, but I am, however, speaking for the Southern Utah Livestock Association which represents 80 to 100 livestock-men and over 150,000 sheep. Our association has resolved against assessing any fee under the license period, or until such time as the livestock industry can carry the load. We feel, and we have been led to believe and led to understand by the Department, that there would be no fees during the license period. We understand that this law was not a revenue measure but a measure to rehabilitate the ranges and the livestock industry, and in the law it has directed the Secretary of the Interior, at his discretion, to refund in part or in whole any fees during certain emergencies, and certainly the livestock industry was never in more of an emergency or a bad position financially than we are today. The only difference is we think some of us can see a little daylight.

There is plenty of precedent why the Government, why the Department should carry this load at this time. They have gone out -- the Reclamation Department just as an example -- and spent millions for dams to reclaim a few hundred thousand acres of land for irrigation purposes. Certainly they should spend some money to rehabilitate the public lands. Further, they are spending money to rehabilitate and bolster up or subsidize, if you please, other business, and we think we are entitled at this time to be rehabilitated. We are back of the law down that way a hundred percent, and we think it is good, and we are back of the Department -- but those are our sentiments regarding the fees.

MR. CARPENTER: Gentlemen, on account of the time, I will have to interrupt this interesting discussion; but it is not ended. Let me summarize it by saying that it is very evident here that we will not be able to take up the subject of fees and reach any reasonable conclusions until we have all of the facts that we have to discuss, which means policies, allotments and term permits, and we come back to the discussion made by Mr. Williams that it would be unfair to try to reach a solution on this until you have looked over the whole field, and for this reason and because it is two minutes to twelve I am, after a few statements and one other important item of business, going to adjourn this meeting, and then we will take it up where we have left off, but before continuing the subject we will make a statement on policies, range allotments and term permits, and then if it is the wishes of the conference we will go into the matter of policies in order that by 7:30 tonight when we meet by States you may have covered the field entirely and be better able to fit the fee subject into other matters.

I am going to recognize Mr. Marshall from the floor.

MR. MARSHALL (Secretary of the National Wool Growers): I ask recognition for -- I ask it as a friend of the court -- the chief difficulty of this fee question is because we are short on grass. We don't have anything like a working idea at all as to how much money we are talking about. That is why I ask this question before you adjourn so that these men in their various conferences after lunch will know how much money you are talking about.

I would like to ask a few questions. On page 4 of the program reference is made to paying all cost of administration and relieving the Federal Treasury of that burden. Does that refer to the \$412,000?

MR. CARPENTER: Yes.

MR. MARSHALL: If you will give us the information I ask now, I think I can work out for your information how many cents per head per month we will have to assess ourselves. We know the Bill. Now who is going to pay it? Under the licenses now in effect, what is their equivalent and how much?

MR. CARPENTER: Thank you, Mr. Marshall, for getting down to "brass tacks" on this. Roughly there are six and one-half million sheep licensed. They were licensed indefinitely for the year, most of them. As to how many months they run of the year, it will be your guess as well as mine -- probably somewhere between 3 and 7 months -- different in different districts. Take an average if you will.

There are one and one-half million cattle, approximately, and the number of months they run will be somewhat the same - longer in the southern States and shorter in the northern States.

MR. MARSHALL: When you divide that into the Bill, there will be a rude shock to the boys. I believe you are going to make some statement as to the period?

MR. CARPENTER: In order that we may talk about the same thing, I suggest that in the figures you bring back this afternoon that you state whether you have calculated on a five months basis or whatever you have figured in order that we may not be talking about different things.

It is evident that before we get down to actual figures there is going to be some discussion. But a sound basis is the full setting forth of all the facts. We will give you the exact figures on horses, goats, cattle and sheep as soon as we come in this afternoon. We will then continue for a short time for discussion and go into policies in order that we may fit one into the other.

Now, gentlemen, before we adjourn I am going to ask all of the delegates, both of local boards and State boards, that are here, to remain in their seats until they have filled out the registration card, and that they hand the registration card in either to a member of the Grazing Service at the door or at the table, in order that we may have a list of the delegates who are present. Let me remind you, all delegates will be requested to be in their seats by 1:30, but that others will be asked not to come into the room until 2:00 in order that the States may take parts of this room for their State to elect their State Chairman and get their preliminary acquaintance which will be perfected this evening at 7:30. At 2:00 o'clock, and that means exactly 2:00, the conference will be reopened. The delegates will take their respective seats, and the audience also, and this discussion will be continued.

At 2:30 any desiring to attend on the Roof Garden, the discussion of sale, lease, and exchange of lands, at which First Assistant Secretary Walters and Mr. Havoll will be present, may leave this conference and go to that, or they can go direct to that at the time if they wish.

MR. METZ OF WYOMING: I wanted to call your attention to the matter of Section 14 and 15. A great many of the men who want to take part in the meeting here want to also take part in the other. Practically everybody wants to take part in both. We wanted to take two minutes and ask if we could not set that time sometime in the afternoon right here in the same meeting, at the same place, with the same officers, so we could be at both meetings. I am very much interested, and I know a great many others are, in this Section 14 and 15, and also in the organization under your district. I respectfully ask for a revamp in this schedule.

MR. CARPENTER: Mr. Metz has suggested that a large number of those who are interested in Sections 14 and 15, sale, lease and exchange of lands, do not wish to leave this assembly to attend the other meeting. I will ask in general whether that is the sentiment, -- that you do not wish those meetings to go on at the same time. Is it the general feeling that we should not have the sale, lease and exchange meetings while this is going on? Let me hear by "aye".

AUDIENCE: Aye.

MR. CARPENTER: I will ask Mr. Walters if it will suit his and Mr. Havoll's convenience to open the meeting on the Roof Garden at 5:10.

MR. CARPENTER: (After a short whispered discussion with Mr. Walters). Mr. Walters suggests that that part of the time be taken in the assembly. Is that your wishes?

SEVERAL VOICES: Make it here.

MR. CARPENTER: It is suggested that instead of having it in another room that we attempt to finish discussion of policies at 4:30 and then go into the

matter of sale, lease, and exchange right in this room. How will that suit you?

(Applauso).

MR. CARPENTER: That will be the order of business and when the delegates have signed their cards and handed them in, the meeting will be adjourned to 1:30 and 2:00 o'clock.

(Recess for lunch at 12:15).

Afternoon Session
January 13, 1936

(Meeting called to order by Director F. R. Carpenter at 2:00 P. M.).

MR. CARPENTER: Gentlemen, it is exactly two o'clock. If you will resume your places, the meeting will come to order. (Pause to permit audience to become seated).

Gentlemen, we have a pleasant surprise this afternoon in having with us by chance Assistant Secretary Chapman, whom you all know and who started the Taylor ball rolling in the way we hope to keep it rolling. Assistant Secretary Chapman.

MR. CHAPMAN: Every time I try to speak before one of these things (referring to the microphone), I find my power runs longer than it does and it breaks off on me. So I will get out here away from it and talk right to you.

It has been about two years since we stood in this room with about five members of the Taylor Act Committee that came out from Washington. I remember sitting here that same day starting in as "green" as some of you here this morning on that same Act, and I can yet see that fellow from Wyoming sitting over in the corner and asking those annoying questions. I want to tell you he does not only ask them here in these meetings, but he keeps coming to Washington asking them. But anyway, after following me over eleven western States he finally found that we were trying to work out this act for the benefit of the people for whom it was passed. I am sure that Mr. Wilson, to whom I am referring, feels today we have made at least some degree of success in carrying on the operation of the Taylor Act.

I did not come here to make a speech. I dropped in a little late to this meeting, and it makes me feel a little like the boy on the first day of school. He ran in kind of out of breath, kind of late, and the teacher patted him and said, "You are a little late. Do you know your A-B-C's?" He said, "Hell no, I just got here." (Laughter). . . . Leave that off the record, lady, please.

Well, a lot of us just got here when it comes to the operation of this act, and we are all trying to learn the A-B-C's together and carrying on and working for the interests of the people in this country. I want you to know that I appreciate the opportunity of stopping in to say hello. I see many familiar faces, especially of those who sat in this first conference here. Where is Mr. Johnson from Arizona? I am sure he has either sold or bought the Arizona strip by this time. (Laughter).

You people have an opportunity, I think, through this act to contribute more toward the success of real conservation, I believe, than through any other one single act that we have on the statutes, and I believe you are broad-minded enough and generous enough for the interest of the American people that this act will be so handled that it will not be one termed a selfish-interest act; that it will be one for the interests of all the people. That is all I want to say today, except to thank you for letting me come up for this one brief moment. Good-bye Mr. Carpenter. I will see you in Colorado.

(Applauso)

MR. CARPENTER: Thank you Assistant Secretary Chapman. It is always a pleasure to see and hear you. (Applause).

I have a couple messages I want to read at this convention, one from Senator Thomas of Utah that he wished to have read sending greetings to the stockmen of the Utah conference:

"Through you I wish to send greetings to our Utah stock graziers assembled for conference with yourself, Mr. Chapman, and Mr. Carpenter.

"I am happy that you are meeting. The need of the hour which I am sure we all have is patience in working out the Government system for the benefit of all. The Government works best when it attempts to and succeeds in attaining harmony among the people to be affected by its measures. I am glad Mr. Chapman is going out and that Mr. Carpenter is going to be with you. You have an opportunity for an exchange of thought from which much good may come.

"Knowing that Mr. Chapman is going out and having had Mr. Chapman express a desire that I might be there too, I have taken it upon myself to send greetings to you, to Mr. Carpenter and to the stock graziers.

"With best wishes and compliments of the Season, I am, Sincerely yours, Elbert D. Thomas."

I also have a message from Congressman Taylor for whom the Bill was named and one of the sponsors, as follows:

"Kindly extend my cordial greetings to the Western Stockmen. I heartily join with all their friends in wishing them a successful meeting. They have the opportunity of making the public domain grazing law a great success and I will gladly do everything possible to help them. Edward T. Taylor."

MR. CARPENTER: Gentlemen, I am going to make a brief summary, and then a statement about a matter that has not come into the talk on finances. Then I believe you will agree with me that for the present we had better leave finances alone and proceed to the matter of policies with which it is interlaced, then come back to it in order that we may have somewhat of a whole picture for the State Committees to consider when you assemble tonight.

The matter of local assessments has not been mentioned here; that was in essence a service fee for which you were supposed to get back what you put in for your further use and payment. As you know, collection and disbursement of these fees was stopped at my request, the reason being the question of whether or not these funds were Federal moneys, and whether, as Federal funds, they should be covered in the Federal Treasury. If any of you ever had any experience with any money that anybody ever claimed should go into the Federal Treasury, you certainly would not want to go any further with it until an authoritative voice said it was all right, because even though they may be overcrowded at Ft. Leavenworth I am sure they would build extra rooms for distinguished visitors. (Laughter).

The opinion is in course of preparation, and Mr. Walters was assured he could have it before he came out here, and he has now wired to get it, and we are hoping before this conference ends that a definite announcement can be made. No proper view of finances can be taken until the grazing fee and the service fee, if you wish to call the assessment that, can be all taken up and considered together. That is the reason I mention it here in order that you may have, in your deliberations and your study of this matter, these facts. I would like to ask if there are any questions on the assessments before we take up the matter of policies?

MR. WILLIAMS OF UTAH: We have just completed a caucus of District 3 Grazing District of Utah, wherein and under the advice of the administrators during the board sessions of our board meetings, we levied an assessment of one cent a head on sheep and five cents a head on cattle -- that was for the year -- for administrative purposes for the benefits of the local organization to be expended

for the purpose of the advisory board.

In our meeting here today the graziers of District 3 have gone on record as supporting this levy that has been made, or this assessment. While we have approximately two-thirds or a little better of the assessment collected, we find it can not be tied to the license as was given us the impression at the time it was made. I think, notwithstanding, they believe it is essential and we have gone on record that they collect and continue to pay this assessment for administrative purposes in the local boards for those benefits. We make this recommendation to you, Mr. Carpenter, and we hope it will meet with your approval.

MR. CARPENTER: Thank you, Mr. Williams. And I assure you that the wishes of the local board in this respect have my hearty approval. However, I feel at this time that the matter of finances and fees, assessments and budgets -- that we must exhaust every angle, and there are a number of possibilities in which the matter may be finally settled.

Just to give you one thought, the Taylor Act was passed by men who had in view the Mizpah-Pumpkin District in Montana. In the Mizpah-Pumpkin District in Montana -- Mr. Nick Monto, the State Range Commissioner, is here, one of the principal organizers of that district -- they have some railroad, State, and Government land; they organized into an association and entered into a cooperative agreement with the Government and took over those lands, and their fee, which I think runs \$1.25 per year for cattle whereas it has been averaging about \$1.50, includes the service and the grazing and everything in one fee.

It may be possible that with the development of this Act, you will prefer to come under Section 9 of the Act, which says that local State associations in grazing districts can enter into cooperative agreements with the Government. In those districts where the majority of the lands are not Federal lands, it may be more agreeable and convenient to have the stock associations enter into a cooperative agreement. I make this suggestion because there is before us in the next few hours a number of divergent developments of the way this is going to be handled. We have started in a fairly simple way. Where there is fifty, sixty or ninety percent of the lands public land we have, so to speak, been following one pattern only.

It must be patent to you that in cases where there is much public domain lands, tax default, county lands, etc., that the local associations are going to have to, by partnership agreements or corporations, take over most of the lands. Furthermore, that as allotments are made on the range, say between cattle and sheep, that the cattle section is going to be interested in the rent of the lands in the cattle section, and the sheep section is going to be interested in the rent of the lands in the sheep section.

In some districts in Nevada where one or two individuals have been carrying heavy leases of checker-board land, those individuals should be relieved of that burden, and the association, if it is joint use, or one section of the association, if it is cattle or sheep, should take that over and prorate the charge.

I do not wish to confuse the issue we are discussing by suggesting many developments. It seems to me very advisable that we should take just what we have, and, so to speak, squeeze all the juice out of it. Let us see what we can do with this pattern, bearing in mind that the Taylor Act lets us form local associations and use the pattern we have started as a stopping stone. Now with that explanation of the matter of fees, and in order that we can fit in what we have to the pattern of the whole thing, I am going to launch the question of policies, and the first matter on your sheet, which is on Section 2, you will notice is the matter of swapping Classes II and III under temporary licenses.

You will recollect, gentlemen, that at the Denver meeting, when the rules and regulations under Section 2 were submitted to the stockmen as they were at Salt Lake City, at Reno, and at Rifle, that your consent was given that Class I licensees should be those with commensurate property and priority, dependent commensurate property and priority, that Class II, because we were taking care of the industry as it existed and not as we expected to have it got before the Taylor Act under Section 3 was put into effect, should be those with priority

with adequate commensurate property, whereas the third class, which was to be taken care of only when Class II was taken care of in full, and Class I, of course, was taken care of in full, were those people with commensurate property and without priority. The so-called "beginners", those people who, fortunate or unfortunate, have not been in the livestock business. You will recollect that at the Denver meeting the fear was expressed that after those classes were made that they would be left that way forever. The promise was made, according to my understanding, that after a year, after Class I had been determined, after we had gone through this great appraisalment of users, that we would be in a position to reverse Classes II and III, and after those with dependent commensurate property and prior use were taken care of that the next class that would be admitted would be those with dependent commensurate property and without priority, and until and if they were taken care of, those with priority but with inadequate commensurate property would have to wait.

That is the first question that we have before this conference. Are you ready to go ahead and have the new circular, which will supplant Circular No. 2, name the classes for temporary licenses to be Class I, those with dependent commensurate property and prior use, Class II those with dependent commensurate property without prior use, Class III those with prior use without adequate commensurate property? The question is now open.

MR. HENDRICKS OF NEVADA: Before you get any further along in this discussion, I would like to kind of find out how we stand from the districts that were organized? You went out and caught the horses on the range and left us the horses with nothing to pull. Where do we stand in voting?

MR. CARPENTER: I wish to give the conference Mr. Hendrick's position. He is beyond the eighty million acre limitation in District 3 in Nevada, and legally he will be recognized whenever Congress expands the acreage so he can be taken in legally. There is a term in law that applies in his case. He is a de facto delegate. He is here because he is here, and if the Nevada Delegation choose to let him vote, of course it is up to them to say. Every State will settle the qualifications of their own delegates. Will that be satisfactory to the convention? Will that be satisfactory to you, Mr. Hendricks?

MR. HENDRICKS: I think so, Mr. Carpenter. I just wanted to get my standing. There are some very important questions coming up here. I am very much interested in all of them -- fees and regulations and priority, and all of that. I didn't want to be talking out of turn.

MR. CARPENTER: By the way, Mr. Hendricks is Chairman of the Arizona State Committee. All the members of the State Committee are invited to take part in the discussion as well as interested stockmen whether they are delegates or not, so that the meeting is free for all in that regard. In the matter of voting it will be up to the Nevada Committee.

MR. HENDRICKS: That is the thing I want to get at. You might talk a long while, but when it comes to voting that is what counts.

MR. CARPENTER: I expect we had better have this settled definitely. Do you wish to have each State determine the right to say who votes, or would you rather have it determined from the Chair or from the convention? I will hear a motion in that regard.

MR. TERRITT OF MONTANA: I move that each State be allowed to settle the question as to who casts the vote in each State.

MR. LIGGETT OF COLORADO: I second the motion.

MR. FRANCIS OF UTAH: I think that motion is a little unfair in this way, that one State might set up credentials which might be different from another State and therefore give advantages or disadvantages, whatever the case may be. Therefore, I move that the Chairman set up the credentials for the delegates here.

MR. CARPENTER: The motion is out of order, Mr. Francis, because there is a motion before the house. However, we will consider your remarks as an argument against the motion if we may.

MR. FRANCIS: I would like to move this as an amendment to the motion.

MR. THORNLEE OF UTAH: Second.

MR. CARPENTER: The amendment is seconded. Any discussion upon the amendment?

MR. CHRISTENSEN OF CALIFORNIA: From the information and instructions sent out by the Department there were four representatives of each advisory board to represent their respective advisory boards here. Representatives have been duly chosen by the advisory boards to represent the people in their district. I really believe that any voting should be held by the representatives who were delegated to appear at this convention in line with your previous instructions.

MR. CARPENTER: Any further discussion? Are you ready for the question? The question is on the amendment to the motion, which was that the qualification to vote should be ruled on by the Chair and not settled by the States separately.

VOICE: Who may vote on this question?

MR. CARPENTER: If it comes to a close vote, we will vote by voice, and then if they call for a poll vote, I will rule on that question when it comes up. Those in favor of the motion signify by saying "aye". . . . Those opposed signify by the same sign The no's have it.

We will now take up the original motion which you made, to the effect that the representatives from each State should settle the qualifications as to who should vote in the State caucus. I wish to make this clear. While they can vote in the State caucus, if the representatives of that State desire to let them, votes taken in here, in this meeting, will be confined to the accredited delegates. This refers only to the caucus by States and not what occurs in this room because we are already committed to accredited delegates in this room. The motion is carried that within the State caucuses the State representatives can fix the qualifications to vote. When it comes here, only the State delegates can vote.

MR. WILLIAMS OF UTAH: Who are going to be considered as the accredited delegates to vote?

MR. CARPENTER: The actual delegates will be the four representatives from each of the 34 grazing districts that are legally organized and only them. Are there any further questions? . . . If not, we come back to the question of whether you are ready to swap Classes II and III in the order in which they shall be taken care of for temporary licenses in the year 1936.

MR. ANDERSON OF UTAH: Before we go into discussion of that question, I would like Mr. Carpenter to answer this: In determining this order of preference, is that a matter for this group to determine by our action or is it one which must be controlled by the conditions already in the Taylor Grazing Act?

MR. CARPENTER: Mr. Anderson asks whether any action of this committee could or would have any effect on placing these classes. My answer is this, that the license set-up is not a set-up under Section 3 of the Act at all. It is a temporary set-up under the Secretary's power to do any and all things to carry out the purpose and intent of the Act under Section 2 of the Taylor Act, and having such wide latitude by those words he has chosen to set up a temporary set-up that does not follow Section 3 of the Act, and in his discretion the desires of the stockmen will have a very great effect, so that it is true, Mr. Anderson, that it is vital and very necessary that we know your wishes, and if your wishes are followed they will have a controlling effect on the circular when it is put out. Do I make that plain?

So you are deciding something here now which will be quite a controlling factor when the thing is considered and put into the new circular, providing you stay on a license basis for this year. Later on we are coming into term permits, so it is very necessary that we know your wishes.

MR. CONWAY OF COLORADO: After listening to the gentlemen here today and the people have expressed their opinion that they are desirous of going on a permanent permit basis, I feel like expressing myself on this Class B and C, and the fact that everybody has expressed their opinion that they would like to get on a solid foundation on the use of the range under the Taylor Act, I would like to say that I am in favor at the present time of putting Class B ahead of Class C on this classification. I feel like the quicker we make this change the quicker we are going to get on a solid foundation. So I say, let's get it going, change the classification and get on a permit basis and stop this argument we are having here today.

MR. MCINTYRE OF COLORADO: Doesn't the gentleman mean Class B instead of Class C?

MR. CARPENTER: Put people with dependent commonsurate property without prior use ahead of people with prior use but no commonsurate property, but leave in the first class those that have both commonsurate property and prior use.

MR. WINDER OF COLORADO: Does that mean that the man who has prior use should be given the opportunity to qualify before the man who has no commonsurate property with no prior use?

MR. CARPENTER: That is exactly the question. As long as you keep the license system going, you give the advantage to the man with the prior use and the dependent commonsurate property, the idea being to give him such period as he needs to have in order for the prior users that wish to stay in the business to have their dependent property in the right amount, so it will not make any difference about prior use because the existing industry will have shaped themselves up until they have the dependent commonsurate properties that control the range, and then to go under Section 3 of the Taylor Act which will take care of them.

In the meantime you have certain properties. My estimate is -- there is a rather low percentage of the whole, but some properties -- every now and then you hear of them -- that have not had any use of the range, although totally dependent on the range, and they want to know how long they are going to have to stay out of this picture. They were told definitely that they could not get a smell of it for the year 1935, and for those that had even a shadow of it would be taken care of. Now we are coming to 1936. Do you want to put people without commonsurate property that is adequate ahead of the people with dependent commonsurate property without prior use, both of them to start in back of those that had both?

MR. TOBIN OF NEVADA: In passing on applications in District 2, in Nevada, we were told by representatives of the Grazing Department that those who qualified as Class C applicants were automatically rejected. If we make this reversal proposed in this circular, what will become of those people that are in Class II now? Will they be automatically rejected?

MR. CARPENTER: In case the classes are reversed, then Class I will be taken care of in full, and if Class II is taken care of in full, Class III will then be taken care of, but Class III will not be taken care of until the other two classes are taken care of first. There may be range enough for all three classes and there may not. Practically all of you took care of Class I, and quite a bit of II this year. Nearly all of you went to Class II. You practically all took care of Class I, and you took care of a lot of people that were then on commonsurate property. This is pushing them a little further down the scale.

MR. WHINNERY OF COLORADO: I think you have already partially answered the first question I wanted to ask you, and that was, isn't that according to our general rules adopted last spring that this position should be reversed when we come to action next period?

MR. CARPENTER: It is my understanding that we were committed to reverse these classes at Denver. However, I offer the question to this assembly.

MR. JOHNSON OF UTAH: I take it, gentlemen, that we are asked to decide whether we will perpetuate what has been known as the "transient man, the travelling man, or the desert man," in fact over and above the stockman who has been in the stock business and owns the ranches. It becomes a question today whether through this license period we had not better go ahead and take care of the fellow that has the stock. As I understand you, that will be taken care of when we go on a permit basis.

MR. CARPENTER: The question was to take care of the fellow with property ahead of the fellow who had prior use.

MR. JOHNSON OF UTAH: It seems to me at this time we should take care of the man with the livestock, otherwise we go on record as setting up a new group of livestock-men in the West who are not even financed or can not finance themselves to stock the range and who leave the desert man, the man with prior use, without a home. It seems to me it should go on as it is during the license period and let that third man still sit in with his priority on the range.

I think I would be disinclined to leave the stock without a home as long as it is as indefinite as it is now. I believe we should take care of the stock, and we should serve longer notice than one year on those men to liquidate. It seems to me that the present arrangement is most satisfactory.

MR. WEBB OF ARIZONA: I can't possibly, with the wildest flight of fancy, disengage the priority of right from commonsurability. It seems to me that they are so closely united that they must be considered.

Now I have, if I may be permitted to digress, reference to a personal matter. I know of a case in the State Land Department in Arizona in the courts for seven years and ultimately decided by a Supreme Court judge who knew no more about the real interests in the matter than 762,000 of these people here. One week after this decision was rendered, the contestant who got the decision over me came around me and wanted \$10,000 for the things he won in that court case of seven years. I didn't buy him foolishly out. I didn't think he would sell them to anybody else, but he did, and he got less than \$2,000 benefit of it, and I lost at least \$20,000 in the transaction. Now I know entirely through the case that he was only contending for something with which he could hold me up. I knew it, couldn't prove it. All right, he got away with it, and there you are.

Now it is absolutely all wrong to consider for a moment that these chisellers that try to get in on the legitimate users of the public domain were handicapped. We know darn well what they intend to do, but we can't prove it. Now it is all wrong.

Now in a resolution in Graham County, the Gila Water Shed in Arizona -- I had the distinct honor of drawing the resolution -- providing this: That we ask that a grazing district be created with this understanding and with this condition, that the Federal Government, with a representative there present, understood that the State of Arizona was to have first consideration in the selection and the exchange of public lands, or unless that privilege of our resolution was recognized we would not ask for inclusion in a district, and with that inclusion we asked for a creation of the Gila Water Shed District with the absolute understanding, with the representatives of the Government there present, that the State was to have first right on the exchange of land in order to consolidate the different districts of land. We are still for that. We are still against everything else, and we want it distinctly understood that we are first for Arizona, first for the State land control of Arizona, and then we are for the Taylor Bill.

MR. CARPENTER: Thank you, Mr. Webb.

MR. WEBB: Now we want Arizona State lands all over the State of Arizona in one district, and when that is done then we are for the Taylor Bill heart and soul.

MR. CARPENTER: Thank you again. Now before I recognize Mr. Greer and

Mr. Lubken of California -- just a minute -- I don't want to get to talking about two things. Arizona and New Mexico have a situation that these men will sincerely and honestly talk about that is just as different in the South and the North as black from white. When you have a 12-month range how can you do anything but adjudicate as you go onto it? I have heard of cases where they have had them fenced up for a number of years. Now that is not what these gentlemen here from Utah, Oregon, Utah, Wyoming and Colorado are talking about at all. They are living in an entirely different country, so I want to keep this thing from missing fire if I can. While we are not going to shut off any delegates, I take it that the matter of nomadic sheep, which they do not have to take care of in certain localities, is nevertheless an important one.

In the northern country prior use and commensurate properties have been shown in many instances, and whether we are going to recognize them or not is the question before the house. That is the reason I wished to make those remarks after what Mr. Webb said because I can see his point of view, and it completely misses fire when you are considering the situation up in other States in the north.

MR. GREER OF WYOMING: Do these permits follow the land or the livestock?

MR. CARPENTER: Once and for all, the land and water.

(Applause).

MR. TAYLOR OF NEW MEXICO: In order to get this question before the house, I move that the order of preferential or preference classes for licenses be as follows:

1. Qualified applicants with dependent commensurate property with prior use.
2. Qualified applicants with dependent commensurate property but without prior use.
3. Qualified applicants who have prior use but not adequate commensurate property.

MR. CARPENTER: The motion is made that Classes II and III be reversed, that for the year 1936 the owner of dependent commensurate property with prior use remain Class I, commensurate property without prior use Class II, and prior use but not adequate commensurate property Class III.

MR. SHERMAN OF COLORADO: I second the motion.

MR. STAAS OF UTAH: I believe we are going to do grave injustice to a lot of people in a lot of States. We get a lot of sheep -- a lot of sheepmen who have not got a lot of property. Now if we do this and eliminate, I believe it is going to be a great injustice to all taxpayers to strike out all those people without prior use. By this movement you are going to ruin a lot of families and deprive a lot of old people and old women. If you eliminate all those people then they will be on the mercy of everyone.

I know a lot of people in my county who, if you eliminate those people, God knows how they are going to live. We have got livestock-men and sheepmen who have plenty commensurate property, how are those people going to take care of themselves? I believe it would be a great injustice if we eliminate those classes. The best way is to let them stay on until we get out of the depression. I beg you don't vote for this because you are going to ruin a lot of good families in the State of Utah.

MR. CARPENTER: Mr. Staas has raised the question as to what is going to become of the people with stock but without the property. I imagine there are some with the property but without the stock who wish to talk.

MR. ALLRED OF UTAH: I happen to be a representative of the section of the country that was formerly an Indian Reservation until 30 years ago. It has been

settled since that time, and the ranges adjacent to that country were being grazed at the time this country was thrown open. We have in there possibly a thousand people located on ranches operating in a small way, both sheep and cattle, and a very small percentage using those ranges simply because it was impossible to go out with a small bunch of cattle and hold your own under those conditions. We have been fighting for a long time for passage of the Taylor Grazing Act, hoping that it would stabilize the ranch undertakings.

Now that we have this undertaking and we were refused on the ground that we have no prior use that was understood with no and with people here at Salt Lake that we would tolerate that for this year with the complete understanding that in 1936 those too would be reversed, and the land with commonsurate property, ranch holdings and everything else we have there would be given some recognition after the man with priority and the commonsurate property, which is all we expect you to do.

This man spoke of a number of men that would be thrown out of business. That is very true. That will be the case with some of them. But if we are denied the range adjacent to our ranches, we are thrown out of business and the value is entirely taken off the ranch. I am only asking for what we agreed on a year ago, that we would be given second consideration.

MR. CARPENTER: We could go on with this for hours, but we have got hotter ones coming on. All in favor of the resolution say "aye" . . . Those against the resolution say "no" . . . The "no's" have it.

Do you wish to call for a division? I wish to state the motion again. The motion was this, as made by Mr. Taylor of New Mexico, that Class I remain the people with prior use and dependent commonsurate property, that Class II be those with commonsurate property, that Class III be those with priority without commonsurate property. Now there may have been a misunderstanding of the question.

MR. TAYLOR OF NEW MEXICO: With the consent of my second, I would like to amend my motion by adding three words on the Class II. As you have it, I would like for my motion to read as follows: "Qualified applicants within a district with dependent commonsurate property but without prior use" -- just a small technicality that I think you should rule on at this time. In your general rules and in the rules we have at this time we have placed in Class I the free user, and we have placed these other classes A, B, and C. This motion should, in my opinion, be that it reverse the position of A, B, and C and Class I, if the Chair so holds.

MR. CARPENTER: The free user was given a preferred position by the law. We are not considering him in our discussion. There seems to be a little misunderstanding about this vote. Do you all understand the question? If you do, I will put it to a vote over again before I put the division. I will state the question again.

The question is, do you wish to leave as Class I the man with dependent commonsurate property -- and by "man" I mean "qualified applicant with dependent commonsurate property and prior use". I will divide this question up and vote on them by classes. How many are in favor of leaving for the Class I applicant those with dependent commonsurate property otherwise qualified and with prior use? Those in favor of leaving him in the preferred position signify by saying "aye" . . . Those in favor of taking, after the Class I is filled, those qualified applicants with dependent commonsurate property but without prior use signify by saying "aye" . . .

VOICE: I think you should have included the amendment stated by the maker of the motion. He said "dependent property within the district".

MR. CARPENTER: I beg your pardon, Mr. Taylor. I didn't catch that. I can't at this time accept that amendment because it is going to come in under another subject we are going to take up. We have got to take it up under another heading.

VOICE: I would like to ask you if this could not be settled by the Taylor Bill itself or by the audience here? It seems to me that the Taylor Bill would answer this question.

MR. CARPENTER: The Taylor Bill sets up certain preferred classes under Section 3, but as yet, under the license system, we are not operating under that Section. For that reason this assembly is discussing the order of preferred classes under licenses. I am going to go ahead and state this question under three heads, and I am going to ask for affirmative and negative votes under each head -- those who believe that the first preferred class taken care of before anybody else is considered should be those qualified with dependent commensurate property and priority -- those in favor of that signify by saying "aye" Opposed the same sign (no negative votes). The "ayes" have it.

Those in favor of taking care of the following classes after this Class I has been taken care of before others are considered, to-wit the man with dependent commensurate property and otherwise qualified but without priority -- those in favor of taking care of him first after the Class I is satisfied signify by saying "aye" Opposed the same sign The "ayes" have it. Do you wish a division?

AUDIENCE: No.

MR. CARPENTER: If not, the third question has been ruled on, to-wit, it leaves in the third class the man with priority without commensurate property. Very well we have finished the first subject on the program, and we will take the next.

MR. BIGGS OF OREGON: I would like to ask two questions here for the purpose of getting it clear, a ruling clear before all of the people. A man who has prior use and not sufficient commensurate property is in Class I, so far as his commensurate property goes?

MR. CARPENTER: That is correct. He can get in partially as far as his commensurate property will let him, but no further. That is right, Mr. Biggs.

MR. BIGGS: Now there is another question, that in a discussion here or at some other point last year, I think that you stated that the man who has the common-surate property but was not using it, the man who had the prior use but not the commensurate property, that there would a certain period in which the man with the prior use had to decrease and the other could increase instead of changing it all at one shot.

MR. CARPENTER: Yes, if I understand what you mean by that, and I think I do.

Now the next question will be as stated on page 2: Are you ready to divide dependent properties into classes so that when you meet as boards you will take up the dependent properties stated and divide them into classes, as follows: Those within or immediately contiguous to a district, which places a construction on the word "near"; second, those properties that can or have been used in connection with the public lands of a district no matter where they may be situated.

In order that you can see exactly what that will do to the sheep licensees, I have had prepared, and you will find on your program here a sheet in which each regional grazer has shown exactly the number of applicants that would be taken care of in or immediately contiguous to a district and those that were not in or contiguous to a district. On page 2 is the question, and the analysis is Exhibit "A", which is third from the last sheet. Find your district there and find out what would happen. The district which appears to be suffering the most is Arizona No. 1, where only 36 of the sheep licensees are in the district with 47,000 sheep, and 96 licensees with 145,000 sheep coming from outside of the district, but in case any of those licensees are here and they think our action might bar them, you can turn to Exhibit "B" and find an analysis of the strip use, whereby an analysis of seasonal use for five months will not only take care of all the sheep that will come from Utah but will leave a surplus range.

In other words, with a restriction of season there need be no cut in numbers even to those who are outside of the district. Arizona No. 1, California No. 1, and Nevada No. 1, if you will notice from this sheet, are the main districts primarily interested in this problem. However, everyone is more or less interested in it.

The question is whether you are ready to make a classification of the word "dependency", which will give it a restriction of the distance from the district. The complaint is made, and justifiably, from some of the boards that they were not given sharp enough tools to make a cutting machine on those districts. This is suggesting giving you a good sharp hatchet.

You will notice that if you turn to the State of New Mexico on Exhibit "A" that it does not concern a single licensee in the State of New Mexico. So it does not concern those people. Outside of the "Strip" in Arizona, I venture to say it will not concern any people in the State of Arizona. As to the districts that are concerned, this is a very vital question. They need not be settled with one rule for the United States. There may be some districts wish to go into that at this time. After all, we are dealing with two sides, as Mr. Staats said. He presented the views of the man with livestock but no property. We have got to cut one or the other.

What do you think about making a classification of dependent properties for the year 1936?

MR. JONES OF OREGON: I believe the Class II men, or Class B as you call him, should get very favorable consideration. This man has not got proper commensurate property, has had this trouble for the past five years just like his neighbor in Class I. Assuming that you have a district and throw this man out of business, and your neighbor isn't able to replace him on the range, what is your Tax Collector going to do? What is the man with the hay going to do?

Our forefathers recognized priority. Our Oregon State laws recognized priority use. I don't see where there is any justice in deviating from that policy. In Oregon we have several good citizens that would be Class B. If those men are forced into the market, it means it is going to affect the sheep people as a whole. Every head of livestock forced into the market establishes a new low in livestock values.

MR. CARPENTER: Mr. Jones is a livestock-man in Oregon, and he was troubled with a cold year. Some of you in the back didn't get it. I am just going to summarize. He called attention to the fact that the men who did not have the commensurate property in many cases had had a hard time for the last five years, accumulated debts, heavy taxpayers, in many cases purchasers of hay. In other words, he was helping the community, and Mr. Jones felt that a greater consideration should be shown him.

MR. WILSON OF WYOMING: I wanted to remark a while ago that you could not see my "perfect thirty-six", but I didn't raise my voice. After all, it seems to me that while you make general regulations, if we are going to have this economy, it is a question going to be decided by each local advisory board. We have an entirely different situation between the States on both questions and as between districts within the States. I don't think it can be decided in any other way.

MR. CARPENTER: I want to say in explanation, Mr. Wilson suggests that this has to be decided district by district. I believe it should be, but I believe this assembly should crystalize opinion in the matter. It is fair to him and fair to the rest of you, and that is the reason we are discussing it. We will spend a few more minutes on it.

MR. ORCUTT OF MONTANA: I am heartily in accord with him. The question I want to ask is how can it be arranged so that this question can be decided by the local advisory board? Have you a suggestion how it can be arranged so it can be decided?

MR. CARPENTER: I can see that we can adopt an optional rule, -- a rule that each district can adopt this year if they wish to, or leave it alone, but if they care to do it, they can take it.

MR. ANDERSON OF UTAH: I represent a large number of wool growers from northern Idaho that winter in Nevada. If this body of men should rule that this question of owning the land in the district or outside of the district be classified in a lower class, he would simply be out. Our set-ups for the summer are located in northern Idaho. We were forced, some of us, to go beyond District 1 in Utah to winter. Not enough winter range for the stock we had on the summer range in Utah. We drifted into Nevada. They accepted us, made us welcome, and we have for thirty or forty years used that winter range in connection with our common summer properties in Utah. We certainly would object to making a different classification of our properties in regard to our winter range.

MR. HUGHES OF COLORADO: We have somewhat the same situation in Colorado. We have to take into consideration what the passing of this rule would mean, both from the standpoint of those who have gone across the Colorado line and those who are staying at home within its line. There are approximately 160,000 who come from Colorado, or grazing in Colorado in summer, who have commensurate property located in Colorado on the same water shed as the Utah land. They follow down that water shed and winter graze in Utah. Now if you are not going to permit that property in Colorado for grazing in Utah, you must admit that those men have a prior use of the range, that they have adequate commensurate property in some districts and necessarily they must be given their prorata share of grazing rights in districts where their property is located, even though that means a very serious cut in the graziers who are using and have used in the past that land in Colorado.

You can't put those sheep off the range, because they have both the commensurate property and prior use. What are you going to do in Colorado with the 136,000 head of sheep that have been using winter grazing in Utah No. 6? If we have got to make room for them, the privilege of grazing on public domain is going to be so small that it will not be of value to anyone as I view it in the districts where those 136,000 head of sheep graze.

It was admitted to the stockmen that lines on the grazing districts were drawn purely arbitrarily. They did not follow past use and custom. They did not follow water sheds. They stopped at State lines on the statement that there was no authority to carry the district across the State lines. In so far as the lands of the United States of America are concerned, State lines are not material. I think you will all agree on that.

There is only one fair way to view the situation, and that is to take the past as the criterion of what we should do in properties that are dependent or not dependent, based on the past use that has been made of that property, and if we violate that principle we will find certain areas that will be in a sad fix in so far as public grazing is concerned. I think we had better wait until a permanent set-up is made. While we are having the temporary license, until we have found exactly what the carrying capacity of these ranges are, who can be cut off and who is entitled to remain, we had better not make new great innovations as has been made in connection with the public domain grazing area.

The men from Colorado went onto these grazing areas, grazing on the U.S.A. They have made their investments in land, they have their commensurate property. You have drawn arbitrary lines. On one side or the other side of this arbitrary line your rights are to be governed accordingly. Until we are ready for a permanent set-up, ten year permits as viewed by the Act, we had better follow as closely as we can past custom or usage and not put a man out now and find a few years from now that he was unjustly put out of the picture.

MR. WALTERS OF WYOMING: It seems to me the procedure here being followed entirely disrupts what has gone before, because in our district we had ruled that we allowed 600 licenses and the people there are now grazing the range

similar to what they have in the past.

We have no authority to enforce the rules that were promulgated by our board, and we find that in many cases there have been flagrant abuses. We have promulgated a rule which made it necessary to make reductions in a herd over a period of years. Now we are adopting a different rule. We have changed the priority by classes.

My question now is whether it won't be necessary in the face of that to go back. My constituents will say that all is lost and must be gone over again. The licenses were predicated upon the rules then in existence. Now our rules will be different, and the licenses will have a different basis entirely.

MR. CARPENTER: Mr. Walters has raised the question that we are adopting a new set of rules to guide the boards by in 1936 than in 1935. We certainly are. There is no question but what we are making changes in them, and I don't want anybody here to think we are not, and every resolution here means thousands of dollars to hundreds of people. The point we can't get away from is this: We started in to aim at a certain objective which the Taylor Act gave us, that the rights were to go with grazing land and water. It said nothing about prior use. That simply could not have been put in without a tremendous liquidation and bankruptcy.

In order to give the existing industry a tapering off period, a method to get right and come under the Taylor Act and have this dependent commensurate property, the license system was started and cut as nearly as possible to fit the industry as it was and not as it would have to be to conform to the Taylor Act. Now bit by bit we are trying to change this picture so that when we take the final transition and go into term permits there will not have to be a great wrench to do it.

Now, Mr. Walters, the Taylor Act says that preferences -- this is Section 3 of the Act -- preferences for the issuance of grazing permits shall be given to those within or near a district. For the year 1935 we did not consider "near" in any sense. Now we are bringing up the question of whether you wish your temporary licenses granted in 1936 to continue disregarding the word "near" or whether you wish to take a little further step toward Section 3 of the Taylor Act and term permits and put into a second class those who are outside of the district, not necessarily to bar them but to put them in a class behind those that were in a district or immediately contiguous thereto. I want you to plainly see what you are doing if you do it.

A matter was brought up by a gentleman here that it might be left to the district board. If that is the wish of the conference, that recommendation will be made to the Secretary, but do you wish at this time to give the local board an option of giving a first class to those within a district and taking those without a district as a second class? Unless you take some action here on that the local board as regards this question will be in the same place in 1936 as in 1935. The question is whether you wish to give the local board a chance to make a Class I and Class II, according to location of property.

MR. WALTERS OF WYOMING: In explanation of the former statement, in our district a great many who are going out, pursuant to a rule promulgated by us, and are acquiring expensive properties to run their holdings, they are of the belief that the rules now in effect are to be the ones that are hereafter going to be the basis of their permit. It is not fair to them to leave them assume that they can go out and acquire properties and then find out we are wrong. They are outside of the district in some cases.

MR. CARPENTER: That is a fair question because we have got to deal fairly with both sides on this.

MR. REDD OF UTAH: My good friend, Dan Hughes, raised the question, with which we can agree, who live in District 6, Utah. He raised the point that we should follow past practice or customary use of the range in determining our

rules for allotting these ranges. I think you will agree with me that it was the hopes of those who drafted the Act and those who supported it that it would correct many evil practices that have developed without any regulation whatsoever.

I think if I draw for you the position of District 6 and its relation to western Colorado, you can see it is a very vital question to us. District 6 comprises Grant and San Juan Counties -- between four and five million acres of public domain. In this whole great body only four or five small villages exist. High table-land, very little irrigation water, just two little pimples of mountains that give us summer range and give us a water shed. The welfare of that section depends entirely upon the livestock industry. As you know, most of it is off the railroad, part of the towns off the railroad from 100 to 150 miles.

We have been discriminated against in the matter of acquiring summer range. Our only asset is the summer range we now have. The gentleman who asks that we follow the system of following past practice, giving preference to those who have been able to qualify because of their residence, because of the location of their farms, for permits on national forests. Because of their qualifications they have been able to go into the cattle and sheep business in a big way and have come down and used our ranges. Now we could not qualify. We are citizens of the United States. We live just as near as they do to the mountains of Colorado as they do to our winter range. We have been excluded very largely from the summer range. Under the system of past practice they have got both a summer range and winter range.

I think you will agree that the people should have first call upon the range that is contiguous to them, who live in that area and who have ranch property. It is entirely consistent and in harmony with the letter and spirit of the Taylor Bill that the man who has ranch property in or contiguous to the district be given first consideration under Class A. Among other things, we hope that the Taylor Act will equalize the opportunities for making a livelihood and equalize the opportunities for making something out of the range. If that thing is to be obtained, then the people who live in and adjoining the range must have first consideration to that range.

I move you, therefore, that Class A, under the major Class A, those who have land or water within or contiguous to the district, be first satisfied.

VOICE: Second.

MR. MATHIS OF ARIZONA: What do you mean by "near"?

MR. CARPENTER: Immediately adjacent to.

MR. MCINTYRE OF COLORADO: Sometimes a thousand miles in a circle during the year was termed contiguous, others 50, others a hundred.

MR. CARPENTER: This definition will be the nearest definition of near-nearer-nearest.

MR. CLARK OF UTAH: Will you please define the word "contiguous" before I commence?

MR. CARPENTER: The word "contiguous" might not in all cases have to be touching, but it would be so immediately near that you would call it the fringe of the district in the usual sense of the word "fringe".

VOICE: Define "fringe".

MR. CARPENTER: You are going to have to use your common sense on that gentlemen. We are not going to make a hard and fast line, and you know what I mean when I say the district and the immediate fringe.

MR. COX OF UTAH: When the boundary lines of these various districts were set up, it was arbitrarily done. Now, if we are going to arbitrarily define that

word "near by using the word "contiguous", by so doing we will arbitrarily bind the various boards to make their arbitrary decisions from an arbitrary basis, not a basis of fact or condition, whereas if we take the construction of the law as is and use the word "within" or "near" the district, it will leave the boards open to determine each individual case upon the facts pertaining to that particular case. Therefore, I am absolutely against any such measure.

MR. LEE OF IDAHO: Idaho has not been taking any very active part in this discussion, but when you try to make rules that will govern over all of these States I confess we have to keep our fingers crossed. In Idaho we had to take a great many things into consideration, and we made our own rules up there before we started in to classify, and these applicants fell into, you might say, two great classes. That was the fellow that had a year-round set-up and was able to take care of -- either he had spring and summer range and he had a place to go in the winter time, he don't all the time raise hay but he had the rest of the year that he was able to take of them. I think we took a four-month's basis as the fellow who was able to take care of that stock in that district before he was even able to qualify as a Class A man.

I think you will make a mistake if you adopt rules here without making it very elastic and give a great deal of consideration to the advisory boards of each immediate district. I know in our district there is nothing that you can do here that will compel those boys to notify a man that he has got to get out of business right away and put some man in business that does not have the stock. If he has the dependant property and has the stock, of course, he gets some consideration, but as I say we found two great classes, and I think it will use all the range that will come under the Class A men. I think when the licenses are classified we will find out that practically every one of the users in that district will be Class A men. The rest of the people that have no Class A stock and that the Taylor Bill will automatically put of business now.

I wish, while I am on my feet, to have an opportunity to ask you not to make any arbitrary rules here that will go back and be incorporated in the regulations that we must comply with when we do get ready to ask for this term permit that we hope will come at an early date.

MR. ORCUTT OF MONTANA: I want to ask what this gentleman has just said from Idaho. There is dynamite in this point and it should be passed very easy or quickly. I speak to Mr. Walters through you. I suggested that the advisory boards need power. Right here is the power you can give them under the law. If you keep on recognizing areas as they go further away from your district, the first thing you know you will be cutting your use of that area down because you have got so many cattle you will be just overcising.

MR. CLYDE OF UTAH: I am very much in favor of leaving this matter to the respective boards. I feel that it is impossible for us to legislate as a group for these various States to fit every condition. Mr. Redd just painted to you a picture of the situation which is in his locality, which is probably right.

I would like to paint for you a picture of our locality, or the district I represent, District 2 in Utah. Most of our permittees, that is speaking of sheep permittees, come from Utah County, Sanpete and Wasatch Counties. These men have spent hundreds of thousands of dollars in getting a set-up for the livestock industry, lambing grounds, summer ranges, forest permits at a distance from the desert. It makes a complete unit for this man with investment in another county to trail perhaps fifty to a hundred miles to a winter range. They have also on that winter range built water holes and have acquired property but not sufficient to qualify under that new rule.

The situation is this, that these men, individuals, ranchers who are located among the fringe of these districts, these farms perhaps located in Millard County or Jewett, these people who have had wheat -- we do not wish to discriminate against them. They should come in on an equal basis, but to give them now the opportunity to come in and demand a right when they have had nothing in the livestock business only commonsurate property -- they have had no livestock, and to come in and give them the preference right over those men back in another county who have built up a set-up, I feel would be very unjust.

In District 2, we had a ruling --perhaps we were not well informed -- that land within a district which was of the same character, that is it was winter range, was not considered as commensurate property, therefore I feel that now to entirely turn over our rules and regulations it will throw District 2 into a chaotic condition. And I feel that we should by all means not wreck the outfits which have a complete set-up and give preference to the individual just because he happens to live on the fringe of the desert. It will ultimately go to this extent, that it will be necessary for men who have lived in Wasatch and San Pete Counties to go and purchase the license of individuals who have ranches and no stock. It will throw those people into a speculative business. It will allow them to go out and sell to those men who are already set up in the business and have a full year-round set-up. It will put them out of business and give this man a chance to sell at a speculative value his right to acquire this privilege. Therefore, I think it would be very advisable and wise to leave it according to the district. Perhaps the rule would work in Mr. Redd's district, but I believe it would work adversely to the greater proportion of the stock in the State of Utah.

MR. MILLER OF MONTANA: It seems to me in thrashing out this question nobody wants to do anything to beat any other livestock-men. Our interests are varied, so varied that it is impossible to set up a rule which could be applied to every section of these 10 States. Therefore, I would like to make mention, if it is in order, that this matter of prior rights, prior use and commensurability be referred to the various districts within the States, to the boards of those districts.

MR. COX OF UTAH: I would like to say a few words regarding that. These men are opposing Mr. Redd's motion, but I wonder if we stop to consider the percentage of the people that are affected both pro and con. I think from the statistics, in my opinion -- of course I haven't the facts -- but in my opinion eighty per cent of the licensees and users of the public domain live within the district and their properties are within the district; and their livelihood depends upon the use of this range, and I can't see why we should permit 20% of the people to control the range that 80% of the people use. I can see no reason why big operators should be given a preference over small operators, and I wish to make an amendment to Mr. Redd's motion that it read "dependent commensurate property within the district".

MR. CARPENTER: A motion has been made to amend Mr. Redd's motion in which dependent commensurate property within the district would be given a prior classification -- within or immediately near the district would be given a priority over properties outside the district and in the fringe thereof.

MR. JONES OF UTAH: Second the motion.

MR. CARPENTER: The motion has been seconded and now will be debated upon.

MR. GREENFIELD OF WYOMING: The law says preferences shall be given in the issuance of grazing permits to those within or near a district. Land owners engaged in the livestock business are owners of water or water rights. The Act defines who are entitled to preferential rights.

MR. CARPENTER: Mr. Greenfield has raised the point that Section 3 settles this, and he is correct. The point is whether you wish to adopt the point and use it in temporary licenses in 1936, when we are not operating under Section 3. Do you want to take a stop that much closer to Section 3 at this time?

MR. WILLIAMS OF UTAH: I would like to ask Mr. Clyde as to which one of these orders that he voted upon when we changed the classification. We have now voted to put the man with commensurate property without prior use in Class B, or in the second class, eliminating or placing the man that has prior use but inadequate commensurate property in Class C. I would like to have him answer the question, which one of those he voted upon.

MR. CLYDE: I voted against as it was carried here.

MR. WILLIAMS: I can see in my birdseye view of this some very treacherous conditions that are going to enter into the livestock industry. I am proud to state here for your interest, for your information, that I have voted against the measure that has passed here, for the simple reason we have got a lot of men, particularly in District 3, that in the past have made their livelihood out of the livestock business. There is not the land available within that district for summer ranges to be owned. They have their ranches down there, and they have made their livelihood out of this livestock business. We have the other class of men down there that have made their livelihood out of selling hay to those men.

Now then, if you are going to eliminate those men that have fostered the livestock industry through all the depressing times we have gone through, give other men a fair opportunity that has not accepted the livestock industry in the past, tell him to come in and take the place of the man who has fostered it, you are going to put this man out of business, going to place this man on a smaller level. I think you have done something dangerous. I think those matters should be left up to the advisory boards, that the advisory boards should settle this question as to whether we are going to decide "in or near the district".

(Applause).

I don't want to be a party that is going to help to injure the livestock business.

MR. JENSEN OF ARIZONA: I have got a cold, but I will talk as loud as I can.

MR. CARPENTER: Kind of use your hands, that will help.
(Laughter).

MR. JENSEN: Southern Utah cattlemen, and also sheepmen, have went to work and used the Arizona Strip for year-round grazing. Southern Utah has used the Arizona Strip for grazing for 50 years, and they have acquired, together with the Arizona citizens, legal rights there and have used it for the year-round grazing, and there are a few sheep holders that have done the very same thing.

As I understand it, there are herds of sheep that have been in the habit of drifting down there. They have gone in there over and above those citizens that used it together with those citizens that have gone in and developed it. There is one more thing, in that Arizona Strip, I don't think there is one dollars worth of property that is going to be applied upon any other grazing district, and I say that that one district, that the commonurability within that district should be the commonurability that is Class A.

MR. CARPENTER: Gentlemen, at this time I wish to make a request -- only about a third of those registration cards were turned in. Will those of you that have your cards start passing them along until they come down to the gentlemen in front, and they will hand them to Mr. Ryan, who will put them on the desk. It is now a quarter to four. We have talked some on one of the six questions. We have four questions that we have not touched. We are desirous of terminating this meeting in time for another meeting to consider applications under Sections 14 and 15 of the Taylor Act. For that reason I am going to ask you, with your consent, to propose this procedure that we leave this second topic here, and with the consent of the makers of the motion that we not put it to a vote this afternoon, that all these matters should be slept on and discussed in caucus, that when you have discussed it in your more informal groups, you State groups, this evening, and when they return here tomorrow morning we will take up the question again after we hear the report by States, and then the question will be debated at some length again, and when the vote comes on this floor the accredited delegates only will vote on that question because they represent the 34 districts.

There is no getting around the fact that you are slowly and surely putting the nomadic men out of business. There is no use dodging that question. All we are debating is, how fast you want to do it and what rules you want to do use to do it. With your consent we will go to the next topic, and this matter will be referred to the States to be conferred on in their rooms this evening and discussed tomorrow morning after you have had a night's sleep on it, or as much of the night as remains after your State caucus.

MR. JONES OF OREGON: I wonder if we could have a copy of the measure now before the house in caucus?

MR. CARPENTER: Mr. Jones requests that the questions that are before the house be furnished to the delegates so they can study them. They are on this sheet (referring to mimeographed program of the convention) on page 2.

Now the third question we have: Should cuts within a class be made on numbers of livestock or by restriction of seasons of use? Do you understand the nature of that question? If you cut by numbers, you know what that means. If you cut by seasons, you thereby force the acquisition of a lot more commensurate property to carry it for the time you could not get on the public domain.

I would like to hear expressions of opinion as to which policy they prefer to have the district follow in the drawing up of the new rules for 1936 temporary licenses.

MR. NOBLETT OF WYOMING: It has been my understanding since the Taylor Bill became a law, that the Department had ruled that property acquired after the first of the year 1934 would not be considered as commensurate holdings.

MR. CARPENTER: Mr. Noblett raises the question that property acquired after January 1, 1934, should not be considered. The Taylor Act provided that it should not be considered until June 1, 1935. That date is passed, and there is no restriction on date of acquisition.

MR. FEES OF MONTANA: Doesn't that also state "unless it has been used in connection with the livestock industry"?

MR. CARPENTER: No. The law makes no distinction as to whether the property has or has not been used.

MR. WALTERS OF WYOMING: You speak about licenses for 1936. In our district licenses were extended by order up until April 1st, 1936. How will this affect us in that district?

MR. CARPENTER: It will only affect the action that you take after the winter extensions are over with on the new licenses. The question of whether there is a preference by season of use or by numbers is before the house.

MR. WEBB OF ARIZONA: I have no brief for sheepmen because I do not know a darn thing about sheep. I don't believe the cattlemen here threaten to run over the State of Arizona or are going to depart sufficiently from the tradition of those that have gone before that they want a darn thing that they don't pay for.

It seems to me, as I have listened here, that the principal controversy is between the Northern Strip and Arizona. I don't think anyone south of the Colorado River wants any interest in the part north of it. I think that they only want to arbitrate between them and give each one of them just what is coming to them and no more. If given an opportunity, I believe Arizona can get together. I believe they can.

MR. HEATON OF ARIZONA: In speaking of seasonal grazing, would that mean that all the livestock had been taken off the range at a certain period or just a certain percent? Suppose a person had commensurate rights to take care of his livestock four or five months a year. Would he have to take them all off?

MR. CARPENTER: Seasonal use does not apply in your State or in New Mexico. I am referring to the States that have a distinct winter use season. You have a year-round range there, and the sense we are using it here would not apply in your State.

MR. HEATON: Practically all of the people in our district are Utah people. They might demand seasonal grazing.

MR. CARPENTER: You are in the Strip?

MR. HEATON: Yes. They might want to make the cattle go off if they went off.

MR. CARPENTER: I got your point. I take back what I said about seasonal use. There sure is seasonal use on the Strip. Any further remarks?

MR. WINDER OF N. MEX: It seems to me the advisory boards -- in some districts they might have to cut by numbers; in other districts they might have to reduce the grazing period. I don't think you could make a hard and fast rule to govern all districts.

MR. HEATON OF ARIZONA: Three-fourths of the advisory board members in Arizona are Utah men. Now if they are united, they can say for all of the cattle to leave the Strip in the summer time if the sheep leave.

MR. CARPENTER: At this time we will not go any further into the case of Utah vs. Arizona. We are going to stick to these topics. If no further discussion, I will read the fourth topic and make a statement about it. The fourth topic is stated on page 3: "Should temporary allocations of range be incorporated in all 1936 licenses"?

Now, gentlemen, we have made sufficient range examination to begin within the next thirty days in some allocations of ranges in ten districts of the thirty-four. We believe, with due diligence, that by the first of October of this year we can make range allocations in every district in the United States if they are desired.

A range examination consists of an estimate of the carrying capacity of the range in which we expect to get advice of the longest residents and most careful users of the range and make that estimate based on the moisture. The only other matter in the range examination necessary to have is a correct statement of the commensurate properties. We spent all last year listing them up with what we thought they ought to be. We have now checked a large number of those in one district in each State, and we can finish, we believe, checking this year and be ready to make a range allotment on different principles in different districts if you are ready to have it done.

The range allotment, I may add, will be incorporated in your license in this way. Mr. A is granted a license to run 100 head of cattle. The range allotment in his district consists of a simple cattle and sheep line. If that is all the range allotment made in that district, he will be restricted to the use of the cattle side of the line and denied the right for any wilful trespass over on the other side of the line. The sheep will be licensed on the sheep side of the line. If the allotment has been made by community or joint use, then a certain number of users will be given a certain temporary allotment that will be incorporated right on the face of his license.

General rules of the range, promulgated by the Secretary, make it a trespass and a violation, subject to criminal prosecution and a \$500 fine, to go beyond the terms of your license.

It will not be necessary to make a special rule of the range to cover the allotment. You can have a temporary allotment of range made and incorporated in the districts. If that is done maybe some of this "What are we getting for our money" will be answered. If you want more for your money, that's just a mere license -- we had all we could do just to list you up this last year -- and know where you are going or wanted to go, and we dodged the manner of range allotment by using the words "customary use", which in the case of many operators included a use from Honduras to Alaska. We recognize that we can't enforce that kind of use; with a certainty you can if it is definitely decided.

Take, for instance, the Mojave District in California No. 1. We drew a cattle and sheep line. I asked one of the users how that worked. He said it was a wonderful line and nobody paid any attention to it. That brings up the matter that there is no use putting anything into these licenses. It is not going to be enforced.

You gentlemen recognize that the Federal Government swings a little slower and you do not get action as quickly as you would by going to a Justice of the Peace. You also notice when it gets into action it gets a grip like a bulldog and hangs on a little bit longer. We are now going through a process of referring the violations of license rules in the districts to the Division of Investigations, Department of the Interior, and they are now preparing a large number of reports. In one case they have recommended a prosecution, and I hope before this meeting is over that I will be able to announce the first criminal prosecution for violation of the rules of the Taylor Act.

Do not get the idea into your head that was raised by Mr. Stone in our Department, that we are just playing around and debating about something. We are going into something which is the enactment of so much law which Congress delegated to the Secretary of the Interior, and he is willing to follow your recommendations in the matter.

So those temporary allotments, although they will be good only for the length of your 1936 licenses, will give the Department a definite something to control, which will really give you some protection. One man said to me, "How can you tell me to move out of this area without telling me I can go to some other area?" I don't know how to answer that. I don't know how to get this range into any kind of fair regulation if we can't make some allotments. I am very much against trying to go too far in this matter.

I believe that in many districts drawing a cattle and sheep line is as far as they will want to go in 1936. In New Mexico I am informed that 85 to 90% of the licensees have already agreed among themselves on individual allotments. Where our studies are complete enough, we expect to begin the first of March in the matter of making at least a temporary allotment, and as soon as that has been tried out this year to get down to the matter of term permits. If we are going to get down to the matter of term permits and allotments of range, which is the realization of livestock-men, you must begin moving in that direction. You will never get there if you don't start to go towards it.

We believe in a cautious method of approach. Those who know nothing about your business would just as soon say, "Take the Taylor Act and take her just as she is right now," because they do not realize what would be done to it. All of this license business we are in you can't find the word "license" in the Act. It is all under Section 2, giving the Secretary of the Interior, in his wisdom, and I believe he showed great wisdom when he named the tapering off period from the existing situation, to do what the Taylor Act provides in Section 3. He didn't know how long that period should be. It may be only a year in New Mexico. It may be several years in other places. There are different practices and different facts to substantiate. If you want range allotments made, our range examinations can be complete enough to make a temporary allotment and take you one step forward towards a term permit and a permanent allotment of range that is permanent within the period of your term permit.

MR. BALLARD OF OREGON: Your statement of the allotment of lands goes far to satisfy us. It also goes far to satisfy us in regard to the food proposition.

MR. CARPENTER: Mr. Ballard states that the statement of range allotments is satisfactory to his district and also is a satisfactory answer to the food question.

MR. LEE OF NEW MEXICO: As to the position in New Mexico on allotments, we of New Mexico endorse the allotment plan definitely, permanently, and forever.

MR. MILLER OF MONTANA: I believe this question should be left with the States. It goes along with the finance question which the States are to take up at 7:30, and I believe the matter should be left to the States the same as the finance question.

MR. CARPENTER: Mr. Millor, there is no question before the house. Those will be taken up in your State caucus where you will only get your State point of view, but before you go into your State caucus we would like to hear from the various States so that you may understand the problem of all the States concerned.

SENATOR CAUDLAND OF UTAH: I think the most constructive move you have made so far is one looking toward immediate allotment of range. The sooner we make these allotments, the sooner you are going to begin conserving the range. In our State we migrate across to winter range in the fall and in the spring. We don't know where we are going, we don't know how long we can stay. Whenever you make an allotment and make it permanent you have stabilized the sheep industry. You have saved the sheep industry. The sooner you make the allotments permanent, the better it will be.

MR. MURDOCK OF UTAH: Mr. Caudland said the sooner you make the allotments the sooner you will stabilize the sheep industry. I would like to add, Mr. Carpenter, that the sooner you make the allotments, the sooner you will stabilize the cattle industry too.

MR. WEBB OF ARIZONA: May I be permitted to raise one or two points? I want to say, Mr. Carpenter, that we in Arizona are for immediate operation of the Taylor Bill in the issuance of permits and the full operation of the measure, but if you don't make good, God help you.
(Laughter).

MR. CARPENTER: That sounds kind of like a threat to me. (Laughter). Any other States wish to express themselves?

MR. JORGENSEN OF UTAH: Pertaining to this question of allotments, I see that we have segregated in four classes a suggested basis for range allotment: First, classes of livestock; second, season of use; third, community or joint use; and fourth, individual use. That is the basis upon which we are expected to discuss this measure. The first question appeals to me as meaning, are you able now to determine as between sheep and cattle what particular range they are entitled to.

I am of the opinion that you are not quite ready to determine that in the beginning. Keep in mind I said in the beginning I favor allotments, but I don't think we are ready to determine that question today. A thorough study of the range has not yet been made. You are not able to say just which range should be exclusive cattle range and which should be sheep range.

As to season of use, I take it the Bill itself infers, the Act passed by Congress, that the present intent of the measure was that we should make proper use of the land in question, not only the public land but the ranch lands that are to be used in connection with the public lands.

Let me call your attention to the fact that here today you passed a resolution to the effect that you are going to consider second in order those with commensurate property for permit right regardless of whether they got prior use or not. If they have got ranch lands suitable for livestock purposes, although they have never owned livestock in the past, they are to be considered for a permit. If Class A applicants are taken care of -- they may have all this land leased -- I take it to mean that practically all the lands of Utah are lands that are properly in line to be considered in securing an application on the public domain to graze livestock. I think that I can say without fear of contradiction that 90% of the privately-owned lands in Utah could be considered as properly in line for an application to graze livestock upon the public domain. If we can grant that as a fact, then you have a big problem to take into consideration.

Most of the ranchers have been compelled to feed their livestock upon their own premises within their own corrals, but under the Taylor Grazing Act as we are proceeding, apparently he is in line to expect a permit upon the public domain. So I am questioning the advisability of being ready to allotment permanent permits at the present time.

Now you have the question also as to seasonal use. As I said a moment ago, in my estimation one of the prime purposes of the measure was proper land use. In my mind, proper land use also means proper seasonal use. Just what season of the year should it be granted? Shall it be granted in the spring or during the summer or winter? Has sufficient study been made at this time to determine in all cases what is the proper use to be made of certain areas? Until it has, I think you are not ready to start out making allotments.

Then I note by the program here we come to community or joint use. I am inclined to think, if we are going to make allotments, in the beginning it better be community or joint use. On most of these public domain areas we find that we have to depend to a great extent on moisture. It is mostly desert area I am inclined to believe. It might be advisable in the beginning to make joint allotments, or community allotments. I think it would.

Pertaining to individual use, I have an idea it should be quite a long time before we come to that. Yet personally I believe I would be satisfied if I had an individual allotment. I am very doubtful that the advisory boards in the different districts have made sufficient study to tell them where to go, yet they may be classed as Class A grazing entitled to go to the district, entitled to receive a permit for the district, but no one is able to tell them where to go because of insufficient study of the problem and not being taken into consideration to the extent that it should be taken into consideration, as to just the number of livestock it is expected to graze in any given area and how long.

Our Department of the Government is charged with the duty of bringing back into proper condition these public domain areas. I think a good part of our livestock-men will concede that a lot of these areas have been overdone. We have killed out a lot of valuable forage that previously grew on it. I take it that the biggest part of you will grant that this Department of Government is charged with the restoration of those barren areas. I am very doubtful as to whether sufficient study has been made of the area. If you have sufficient information in this connection, I want to say go ahead and make your allotments, but I would advise that they be community or group allotments in the beginning, depending on what information you have before you in making those allotments.

MR. CARPENTER: Gentlemen, I want to make a little explanation. We are talking about temporary allotments of range. In regard to our studies in this matter, in some districts we have a very good type cover for commensurate property studies. We are not trying to make a complete finding that will a hundred per cent perfect. We are trying to bring the benefits of the Taylor Act to the people who are entitled to it. I don't want to fool you members of the advisory boards. If this conference decided that temporary allotments of some kind should be incorporated in any or all of the licenses issued during the year 1936, you have cut out a big job for yourselves. It is indeed an arduous job. It is not going to be easy.

MR. MATHIS OF ARIZONA: When we started out, we followed the customary way of grazing and use of the range. That is the thing that the Taylor Bill is trying to get away from. We elected boards of sheep and cattlemen who know the country. Our board is ready to make these allotments. I think the Department is ready to accept the recommendations of these advisory boards who have made a study of it, have been raised in the business, and know how the allotments should be made at this time.

I think we should favor allotments for 1936. I think we are back of this Taylor Bill one hundred per cent.

MR. GARDNER OF UTAH: As to range divisions, Mr. Jorgenson has intimated it can't in a measure be done. It would be foolish for the advisory boards to go back and tell the fellows from their districts we are going to divide this range. On the other hand, if they come and say we want a division of the range, both sheep and cattle, if the division is outlined we know that there are people who have more than enough commensurate property but they are willing under the license period to be lenient. They will protect the cattlemen and the cattlemen will protect the sheepmen. We are not forcing it on them. They are presenting it to us and are anxious to have this division made. They are preparing for that, they are anxious for us to take a step as an advisory board to assert ourselves. They say, "Whatever you say we will stand behind you."

We are behind the the Taylor Bill in all that it means. We are ready to cooperate with those men. We don't have to go and tell them we are going to make a division of the range. They are making their own divisions. They elect their committees and assemble, three sheepmen and three cattlemen, and they will respect those lines until such time as the grass can be studied.

MR. MURDOCK OF UTAH: I have not heard much from No. 3, but I can say this, if these gentlemen that are on the advisory board in No. 3 are not able at the present time to go and set this ground off and allot, at least in community allotments, they will never live long enough. I know men born and raised on the desert in No. 3. I know that these men know where they want to go, and they know that transient herds have drove the common and little grazer out of business. They know that.

We have got men 65 years of age on the board. They know what has become of southern and western Beaver County and western Millard County. They know that interstate herds has drove those people to poverty. There is no question about it. I have lived in Beaver County the bigger part of my life. When I first went in there you could see herds of cattle on the domain. Today we have got a poverty stricken county from one end to the other. Why? Simply because they were driven out with big travelling herds. I think we are ready for the question.

MR. LUBKEN OF CALIFORNIA: I believe that that should be left up to the various districts of the States for the simple reason that I believe the Mojave District can arrange their whole set-up between the sheepmen and cattlemen. We have practically got that settled right now and did it last spring. We had an agreement between ourselves that different sections were allotted to different individuals. I don't mean that each individual had a certain section, but possibly three or four would be permitted in one section of the range.

It is true we overlapped, but I believe the only way to get at this is to leave it up to the districts themselves in each State. That is the only way you can get to it.

(Applause).

I am sure we have got our Mojave District practically settled, and the only ones that will discord with us are those that don't own a foot of land. We can start from the upper end of the district and go clean to the other end, and the same east and west, and I believe we are all ready to make our various allotments, although I admit that there might be three or four permittees in each allotment. I am in favor of the various districts taking it up in themselves.

MR. WHINNERY OF COLORADO: Speaking for District 3, I believe we are just as ready now as we will ever be to take up the question of giving term permits -- those term permits for Class A should be for 10-year periods -- and also to make these allotments. The big end of the allotments in District A, in my opinion, will be community allotments, as the Chairman pretty well knows that section. He knows that we have to use it collectively.

The division of the range as between the two classes of the industry, the cattle and sheep, is practically already made and agreed to. We have on our board, if you please Mr. Carpenter, and you know that too, men who have had years of experience in operation in our district, men who know the different sections, in which they live, like a book. They have ridden over it for years. I believe our board can conclude this work by November 1st of this year in the permit and allotment section. We also can give temporary area permits to the other class that are entitled to that.

MR. LUBKEN OF CALIFORNIA: I want to move that we put this matter up to the sections of each State and let them make the decision.

MR. CARPENTER: We did not expect to vote on them. It is just a topic I wanted to run over. You can consider it further in your caucus this evening. Mr. Whinnery touched on a matter. Before this meeting is turned over to the Sections 14 and 15 meeting in 15 minutes, I want to jump sub-section 5 on page 3, temporarily, and go down to Section 6 and I will read it to you.

"If the issuance of temporary term permits is to be on the basis of dependent property without consideration of prior use, how soon is their issuance advisable?" I can't let this assembly go into the State meeting without calling attention to the fact that there is nothing mentioned in the Taylor Act about prior use that I know of, that when term permits are issued under Section 3 of the Act they will go for the dependent commensurate property, land and water, and all that we are doing is finding out how many steps we want to take to get up to that point. That must be correctly understood. This matter of a range allotment is one step in that direction. This matter of a classification of dependent properties is another step in that direction. The subject, just before this classifying commensurate properties, which I am going into right away, is another step in that direction.

If you take all the steps a little at a time, when you come to the transitional period to go into term permits, there will be no great big jump for anybody. No one realizes better than you do how fast the people are getting their places ready to go into the division of the range. We should tell them where to buy their properties, and we should tell them what properties are going to carry - these rights, and then in another year you will give them a chance to get right and get it. I realize if you delayed this thing fifty years there would still be people who would not be ready. I have got a neighbor who is never ready to put in hay until after it rains. There is plenty of that goes on.

But this great body of men are not going to wait until everybody is ready because the great majority want the benefits as soon as they can get them without any injustice to too many of us. So I want you in your State caucus -- although Mr. Whinnery is the only man who mentioned term permits -- I want you to consider that, when we are working toward term permits, we want to get people now in the business, and there are plenty of them to use all the range. If they can do that in two years, they have effected a wonderful adjustment to a wonderful statute. It is that press for time that we are working for, to give time to the existing industry to adjust to a law which cut counter to a use of the range which existed for fifty years.

I am not going to open question 6 up to discussion, but you can see what there is loaded into that section. I want now to go back to Section 5, and in the next few minutes left to us, take up some of the matters contained in there. Section 5 on page 3. "Should commensurate property be divided into classes and definitely defined?" Now why should we do that? To give the board something to put their fingers on. The boards have had to wallow those applications around in their mouth and did not know which way to go. Wouldn't you like to have something more definite? It is very well to say, "Don't classify, don't define, don't be definite." That is the way to dodge, but the fair way is always the hardest, and we might just as well face these questions and get all we can in two days, to get all we can and definite rules to these boards because they are going to work this coming year as they never did before.

If we can come out of the year 1936 with anywhere near as fair a division of the range as they did the division of the licenses, they have done a marvelous job. That is my excuse for asking your consideration of the division of commensurate properties.

Please glance at your papers and notice that I have suggested that in different districts certain properties should be marked as essential. A man who has not at least one of them could never get in with the second class of commensurate properties. It would look as though some cultivated feed would be an essential commensurate property. There are some districts where year-round water is just as essential as feed.

In Arizona and New Mexico year-round water is just as essential as feed. Water means as much to them as feed means to us. That is the second class of essential property. The third class is a new development suggested by the Taylor Act, and I wish to say that one of the highest officials in the Forest Service, a man who has almost unlimited wisdom on ranges and 35 years experience, said if he could go back over his life and do something he had left undone, he would make protected pasture commensurate property, because when

that is done you are putting a premium on a man who saves his feed and protects his range. If you care to make protected pasture an essential commensurate property, you put a premium on it and you get men protecting their pasturo and building back their range, and you are coming back to the time when the western livestock industry is prosperous instead of "hang on by the teeth industry".

I also suggested special facilities for the protection of the livestock. I am not sure whethor they should be essential. Possibly they should come down in the other class. When a man has qualified in the district with either protected pasture, permanent water, or cultivated feed, if he has come in with one of them, then he can add out his set-up with pasture lands with purchased fees and with temporary water.

I want to know, and I hope you will consider in your State meetings tonight: Is it advisable at this time to sub-divide commensurate propoerties? Man after man has come to me and said, "Why don't you tell me exactly what it is I can buy and where to buy it?" You won't tell mo. There is one fellow gets the range because he has a haystack." We have done everything to take care of these people. We have had a year to think about it.

If you want to classify this thing, it is going to be necessary to get in stop and go along. Look those over -- they are only suggestions -- and when you come back tomorrow we are going to call for a report from each State, and we are going to ask the opinion of the States on the division of dependent properties by miles. We are going to ask for the division of commonsurate properties. We are going to ask their stand on allotments of rango. Then we are going to ask them as to the matters of fees. Those four great topics will have to be covered tomorrow morning.

After tho State reports are received, after genoral debate is over, then we are going to vote -- if there is a call for division, and these accredited delegates will vote and they will vote per man right straight through, and the vote will be recorded. The morning session will be devoted to that.

Tomorrow afternoon we will go to the two last topics, which are organization and improvement. We are asking a number of the district advisors on the matter of improvement. No talk over five minutes. We will tako up the matter of further organization, we will take up the matter of improvement, and there will be selected speakers, and we will try and finish our afternoon session.

At this time I will ask all of those who have not passed their cards in, to do so.

I am going to ask if Mr. Jewett of the Biological Survey is here, if he will please meet with the Oregon committee, wherever their headquarters may be, as they have a game refuge problem to take up with him.

* Now I am going to ask where the State committees want to caucus. (At this point announcements were made by the chairmen of each State committee as to place and time of caucus).

(The meeting adjourned at 4:30 P. M., to resume the following morning.).

DISTRICT ADVISORS' CONVENTION

Salt Lake City, Utah
January 13 and 14, 1936

SECOND DAY

Morning Session

(Meeting called to order by Director F. R. Carpenter, at 9:20 A.M., January 14, 1936, in the Lafayette Ballroom, Hotel Utah, Salt Lake City, Utah.)

MR. CARPENTER: It is twenty minutes beyond the time that was stated on the program to open, but on account of our delay in opening yesterday, there has been some confusion. I realize that many of you were up late last night and this may be a fairly early hour.

This conference if successful, is going to be repeated. It is going to be successful if we get something out of it that moves us along a little on the road. If it just leaves us, when we leave, where we came in, it is not going to be successful.

We have had this meeting open to rather free debate. All comers have been invited to express themselves. The advisors have had the benefit of very many and divergent points of view. We caucused last night by states, and I thought it would be fair to have in full before all the delegates the resolutions of the ten states. For that reason, I will begin alphabetically and call on the state chairmen to give the resolutions of their states. When we are thru we will take up a discussion of the matter. I am going to ask each state chairman to get up on the platform and use the "mike".

(Short recess while the microphone is being connected.)

Gentlemen, I notice the "mike" is working, and I am going to ask the speakers to come up in back of the "mike" in order that you can all hear them. Before calling for the report of the state chairmen, I will ask Mr. Territt to come forward. Mr. Territt is the man who has been selected as the new Assistant Director of Grazing.

MR. JULIAN TERRITT: Thank you, Mr. Carpenter. Mr. Secretary, friends, and members of the livestock fraternity: I am very happy to stand here this morning in this position. Any pleasure that I may feel by reason of that fact does not render me insensible to the responsibilities which I am assuming. In performing my duties, it shall be my aim to be guided by the grazing law and the purposes set forth in the grazing law, as outlined in the preamble of the Taylor Grazing Act. I have always been greatly interested in the administration of the public domain. When I was a child, my mother used to take me out to graze, and I have always been, ever since, greatly interested in the preservation and protection of an adequate grass supply.

I might say that, if it had not been for a slip on the part of an eminent United States senator, who is now gone, Mr. Byron Wilson of Wyoming and I might have been the fathers of a good share of the Taylor Grazing Act. In order to keep from placing Mr. Wilson in bad with his good friends from Wyoming, I hasten to say that I refer to that part of the Taylor Grazing Act which has to do with sale of isolated tracts and leasing.

I am reminded of the story of the man from Johnstown. You all have heard of the Johnstown flood in Pennsylvania. One of the men drowned in that flood, when he got up to Heaven, he was so impressed with the vastness of the flood that, whenever he could get an audience together, he would climb up on one of the golden lamp-posts and begin to tell them about the flood. One day, he had a big crowd around him and proceeded to tell them about the Johnstown flood, when an old man with whiskers almost to the floor came up and looked at him and said, "Get down from there and let me get up there." This man from Johnstown said, "Who are you?" The old man said, "I'm Noah."

(Laughter.)

I don't want you to feel that I have the attitude of the man from Johnstown, noithor that I feel that I am a Noah, but, by strict attention to work, study, and with your assistance, I hope to be able to accomplish something for the common good, circumscribed only by the limits of the law, fairness to the citizenship of the country at large, and that utmost loyalty which common decency demands that I render to the Secretary and my chief, Mr. Carpenter; I shall always lend a sympathetic ear to the problems of the stockman.

I can say this because I was born and raised a stockman, and I think that the people in the west have more interest in the administration of this Act than all the rest of the country put together. I like to feel that there is a certain faith which is kept by all true stockmen. If, when I am called upon to give an accounting of my stewardship, I can truly say I have kept the faith, then and only then shall I feel that I have succeeded in some reasonable degree.

(Applause.)

MR. CARPENTER: At this time, we will call for the report of the state committees, beginning with Arizona. I will ask the chairman to stop up to the platform, if he will, take his position back of the "mike" and deliver it there.

MR. MATHIS FROM ARIZONA: I think, after my introduction to this audience by Mr. Carpenter yesterday, you will decide that I am not an orator. He introduced me as a "wild rider."

MR. CARPENTER: Well, he swings a pretty easy rope, I'll say that for him.

MR. MATHIS: I didn't have my wits about me quick enough to say that he is the only man I know that I have not competed with in this yet.

I expected this to be conducted a little differently than the way we have started, so I have not prepared anything very formal here in the way of introducing resolutions. We have just gone down the list of questions and have made a notation opposite each one, and I am trusting to my memory to explain the attitude of the Board on each of these questions. We discussed some yesterday as to the meaning of "contiguous". We decided in our meeting that we would define contiguous in our district -- I would like to say, however, before I go on further, that all of the delegates from the state of Arizona met with us and participated in our deliberations, gave us their ideas, which were very fine and good, but the No. 1 district, which constitutes the Arizona Strip on this side of the River, is the only district that has so far been created in Arizona, so in our votes we only represent the Strip.

The question, "Should cuts within a class be made on the numbers of livestock or by restriction of the season of use"? We decided this question could only be handled right and proper by the Advisory Boards, and it should be elastic enough that we could handle each individual case as the conditions would call for.

"Should temporary allocations be incorporated in all 1936 licenses?" To this we answered yes. We expect there will be some argument against this but we decided this thing may as well be decided now. We may make some mistakes, may have to retrace, but the thing may as well be started. The Advisory Boards will change from time to time in personnel, and I think the Boards that have studied this for the past year are about as well prepared now as they will be later on.

"Should commensurate property be divided into classes and definitely defined?" Definitely defined, this division being contingent upon the range management practices obtaining in localities. This is also a study for the advisory boards to recommend to the Department. I have seen times when I could not read my own writing, and I didn't think I would have to do it so much today.

"If the issuance of preferential tags permits under Section 3 of the Taylor Act is to be on the basis of dependent commensurate property without consideration of prior use, how soon is their issuance advisable?" We recommend that we

do not issue these licenses and permits before 1937, giving us another year in which to work this out.

"The need of special rules for fair range practice, and the enforcement of all rules and regulations." We favor special rules and regulations, and we recommend that they be enforced. Those rules and recommendations should be worked out by the advisory board. I will say for District 1 of Arizona, we have worked out some rules and regulations.

"Should any fee be paid for temporary licenses?" We feel we want to pay for all we get. We want to help pay the expense of getting this into working shape. We realize that, for a period, we won't get much benefit out of this, but the expense will have to be met. We favor paying of licenses as set out and recommended by the Department, but we want to go on record as asking Congress to amend this law that we will only be assessed for the operating of this Taylor Bill in our district. We feel that we are taxed now to all the livestock industry can stand and, when this is set up, we expect to be assessed only for the operating expenses.

MR. VICTOR CHRISTENSEN OF CALIFORNIA: Ladies and gentlemen: Our committee worked quite late in the night to try to arrive at what was best for California. We did not agree unanimously on all of the things we are offering here today, for the reason that, in our two districts in California, there is as great a difference in uses and customs as there is possibly in any state in the union.

We have District 1 in California, where the use is on a desert set-up, a desert condition. Our District 2 in northeastern California, the range use in most cases is attached to ranch property near or adjacent to public lands. So, though our recommendations were not always unanimous, we did attempt to make recommendations for the best interests of the people who represent both districts.

First, as to the question of fees: California representatives approve of a reasonable fee when the districts are ready for term permits. The Modoc-Lassen district, District No. 2 in California, still being in the process of determination of rights, asked that there be no fees for that district for 1936. District No. 1 of California approved a fee of one cent per month on sheep and five cents per month on cattle, whenever term permits are issued and protection furnished.

Also, we were unanimous in endeavoring to carry on an activity whereby the Taylor Act could be amended so the charge for fees would be that which was necessary for the administration of the Taylor Act only and not have it as a tax-collecting agency.

As to changing the order of preferential classes for licenses: California representatives approve the plan of order as outlined by the Department for 1936 and approved by the grazing assembly January 13, 1936. As to dividing dependent properties into two classes, as follows: (a) Those within or contiguous to a district. California representatives asked to leave the word contiguous out and include or replace by the word "near". (b) Other properties that have been or can be used in connection with the public lands of a district.

No. 3. Should cuts be made on the numbers of livestock or by restriction of the season of use? California recommended cut in time or season of use rather than cut in numbers. No. 4. Should temporary allocation of range be incorporated in all 1936 licenses? California recommended that allocation of range be made in as many licenses as possible to fairly allot ranges in 1936 by the Advisory Boards. No. 5. Should commensurate property be divided into classes and definitely defined? Yes, same should be done as definitely as possible and at as early a date as possible to do so correctly. No. 6 - If the issuance of preferential term permits under Sec. 3 of the Taylor Act is to be on the basis of dependent commensurate property without consideration of prior use, how soon is their issuance advisable? Term permits are only advisable when the proper information has been obtained so term permits can be justly given or approved. No. 7 - the need for special rules for fair range practice, and the enforcement of all rules and regulations. California representatives see the need of special rules and regulations and ask for the approval and enforcement of special rules to be suggested for 1936 use.

Even though we are on a license basis in 1936, we hope to have special regulations approved by Mr. Carpenter and the Secretary, and that they be in force in 1936. Our members of advisory boards in California are preparing to take up all the problems that may be before us this March, possibly the latter part of February, and we hope to have special rules and regulations that will benefit our neighborhood.

As to organization, corporations are recommended for district associations desiring same. That was quite a big question, and we did not go into it very deeply. It is going to take a great deal of study, but we know, in our district in northern California, we are very much in need of some sort of corporation set-up in addition to our Division of Grazing and our advisory board work, for the purpose of leasing Indian lands, school lands, and other state lands which are intermingled with the range areas, and which, in past years, operators who are bothered by tramps on some part of these lands, much to the detriment of the people who should have the proper use of the range. We hope to have an agency that will help us properly lease, distribute and charge for those lands.

California approves the ECW work program attached to the Division of Grazing for the benefit of the livestock industry. We recommend the continuation and extension of that service and promise our cooperation towards its success.

At the present time, we have three ECW camps in our state, one in the southern part of the state and two in the northern part of the state, and it is remarkable how much benefit we are getting from these camps and the good work they are doing. The boys are all Eastern boys. If any of you gentlemen have the possibility of getting an ECW camp in your neighborhood, you want to recommend it.

For some reason, there seems to be a distinct change in the personnel of the CCC boys. A few years ago, we had one ECW camp come in which was not attached to the Division of Grazing, and there were quite a group of renegade boys in it, which disturbed the little communities. But now the boys we have in our community are just as fine boys as you could find anywhere -- not only a credit to the CCC activities but also to the homes from which they came.

We have one further resolution: "The California delegation are in favor of the Taylor Grazing Act as it has been explained to us by Director Carpenter. We will continue to support the Taylor Grazing Act as long as the democratic principle of home rule for each of the grazing districts is granted the grazing district advisory boards by the Division of Grazing."

(Applause.)

MR. BRAY OF COLORADO: Mr. Pitchforth asked me to go to bat for him, which I was very happy to do. At the outset, we want it distinctly understood that the Colorado delegation desires to cooperate with the Department of the Interior and the Division of Grazing in any matter of finance, and not only in the matter of finance but also in the administration of the district.

The Colorado delegation met at the hotel last evening at 7:30. The entire delegation was present. The first thing that came up was the division of dependent property into two classes. You remember that came up on the floor yesterday and we had some discussion about it. It was moved, seconded and carried that the Colorado delegation oppose putting those permittees in Class B whose commensurate property lies without a district. I might make just a small explanation of that stand. In Colorado, we have, especially sheepmen, who have had their property there for as high as 25 and 30 years. It has always been their custom to trail into Utah to the desert to winter. Now, if those people are put in Class B, I would like to ask you what you are going to do with all those sheepmen. They are legitimate sheepmen; they are not tramps. They have commensurate property and lots of it.

Question: Should outs within a class be made on the numbers of livestock or by restriction of the season of use? Answer: Moved, seconded and carried that the Colorado delegation go on record that outs within a class be left with the local board. Everything that we could not decide to answer "yes" or "no", we passed the buck to the local board. The local board needs some authority and, as I understand our delegation, we are in favor of giving them authority, and they are not going to dodge it.

No. 4. Should temporary allocations of range be incorporated in all 1936 licenses? Moved, seconded and carried that Colorado delegation favor the advisory boards to make the necessary allocations and that they recommend temporary allocations until such time as term permits can be issued.

No. 5. Should commensurate property be divided into classes and definitely defined? The Colorado delegation recommend that property be divided into classes and definitely defined, but that Item D, namely: "Special facilities for protection of livestock", be placed under Item C in the following paragraph.

No. 6. If the issuance of preferential term permits under Section 3 of the Taylor Act is to be on the basis of dependent commensurate property without consideration of prior use, how soon is their issuance advisable? The Colorado delegation favors the issuance of preferential term permits on a basis of commonsurability, dependability, and priority, as at present, and that it be left under the control of the local board. You see, we keep throwing it off onto the local board.

Question: Should any fee be paid for temporary license? I am just going to read the answer, and then the remarks I make afterward will be entirely on my own. "The Colorado delegation is in favor of paying not to exceed ten cents per head per month for cattle and two cents per head per month for sheep, providing that term permits be issued if and when fees are paid." In this connection, I might say that the Colorado delegation probably were not unanimous on that, but the feeling among the Colorado stockmen is this, that if you will leave the administration of the Taylor Act in the west among the Colorado stockmen, and the Utah stockmen, and the other western states, we are willing to assume the full responsibility of paying the entire cost of administration.

(Applause.)

MR. WORTH LEE OF IDAHO: Mr. Chairman, Mr. Secretary, ladies and gentlemen: I might say that those recommendations were the recommendations from all of the users of the public domain from the state of Idaho that were here present at Salt Lake and they were made with the understanding that they would be in no way prejudicial to any latitude which might be given to the local boards of each district. We realized that all the latitude possible, and all the consideration possible, that the Taylor Bill would allow, should be given and considered, from the recommendations of the local board, as it studied the qualifications and the classification of each permittee on each application for a permit. I might say that we worked long and diligently, and discussed this in every manner possible, and we could have spent a longer time on each one of them, but those are the recommendations that we finally arrived at, as far as we were able to get down the line:

Grazing fees: Resolved by the stockmen of Idaho that no fees be required to be paid under the Taylor Grazing Act until the stockmen are issued permanent permits.

No. 2. Policies: Resolved and recommended by the stockmen of Idaho that, where a man be determined as a Class A applicant under subdivision A of Section 1 of Policies that such right be recognized in contiguous or adjacent districts, it having been specifically understood that district boundaries and state lines would not jeopardize the customary use of the range.

No. 3 in regard to "Cuts". Resolved by the stockmen of Idaho that if any cuts are to be made that they be made by animal days instead of any cut in numbers. If a man had an economical unit, where he could run a certain number of sheep, and decided that his ranch was too small, that, in place of cutting his number for that year, that he be notified that he could buy a little pasture or something, and still reserve the right to keep his full quota, an economical unit.

No. 5. Divide commensurate property into classes. Resolved by the stockmen of Idaho that no action be taken on the division of commensurate property into classes at this time. Now, I will say that we talked this over at length, and finally recommended to the stockmen that no action be taken on the division of commensurate property into classes at this time. I will say that District 1 had already set up rules that they had recommended to the Secretary of the Interior that were just about as near fair as we could decide on for the district in Idaho that had been set up. Of course, we have users in the other two districts in contemplation that had as much to say about this as the district that was set up.

No. 7. Need of special rules. Resolved that the question of need of special rules for fair range practice, and the enforcement of all rules and regulations be unanimously passed at this time without action. We did not have much of a set-up in Idaho and we did not really know just what kind of rules we wanted. It was getting late at that time and the boys were getting ready to seek a little refreshment at that time, or rest themselves, just whatever you want to call it, and we passed it up.

Organization. Resolved by the stockmen of Idaho that we are not well enough posted at this time to make any resolutions on organization at this time.

Improvements. Resolved by the stockmen of Idaho that we are not well enough posted at this time to make any resolutions on improvements at this time.

But we did, as will be shown later, we appreciated the CCC camps and realized the wonderful assistance they could be in improvement of the range and, if we had a term period of years that we knew we could depend on them to make the projects and start them out on the work.

That concluded all the questions that we had passed on and, under this new business, I will read the resolutions and explain it if it is not clear to you.

VOICE: I think you neglected to state our position on No. 6 on Page 3.

MR. LEE: I beg your pardon. No. 6. Issuance of term permits. I overlooked that and, by the way, it was one that carried a great deal of discussion and I am very glad you called my attention to that. We discussed this long and faithfully and, after we finished, this was our conclusion: Resolved by the stockmen of Idaho that it is our judgment that permits should never be issued without consideration of prior use. Now, the point that we were trying to get at, I gather from the discussion there, was this, that we felt that our personal property and our real estate already was standing about all the taxes that it could pay; in fact, in Idaho, it takes a pretty good business man to borrow enough money to pay his taxes, and we wanted it brought down to this fact, that any extra assessment or fees of any kind that could be assessed against the stockmen on the public domain, should be only as much as it would actually use for their part of the administration or policing of the public domain.

Now, you gentlemen from Idaho, if I have overlooked anything, call my attention to it. I believe that is the extent of our resolutions.

MR. CARPENTER: It is evident, from the attention and checking being made on this, that no one, not even the chairman, is going to skip anything.

MR. MATHIS OF ARIZONA: I have been reminded, since I took my seat, that I overlooked giving the room my definition of "contiguous".

MR. CARPENTER: I am glad your conscience worked. You can give it now.

MR. MATHIS: District No. 1 of Arizona and District 4 of Utah, their interests overlap so that we had some considerable discussion as to defining what "contiguous" might be called in terms of distance. We decided that Iron, Kane, and Washington counties will be counted as contiguous to the district, or adjoining counties to the district will be counted as contiguous to the district.

MR. CARPENTER: Thank you, Mr. Mathis. That is the first definition of "fringe" that I have ever heard attempted. We are going to have to define it some day; I guess we might as well start now. I am glad to see the Arizona Strip had the nerve to tackle it.

MR. J. M. JONES OF OREGON: I am not going to attempt to give you my ideas or the ideas of a lot of the representatives from Oregon, but I am just going to briefly read what we did. I think there are two words that most all of us like to hear in practically every speech that is made before very many public gatherings, and that is: "In closing." So I will use this as "in closing." I have not got the questions, but you are all familiar with them now, so I will just read the answers to the questions.

Oregon delegates to the Taylor Act Grazing Conference, following the opening session of the conference today, made the following recommendations, which will be presented to all delegates tomorrow:

That a grazing fee for 1936 be fixed at 2 cents per month per head for cattle and horses and one fifth of that amount for sheep.

That the definition of the terms "contiguous" or "near" be left to the Advisory Board in each individual case and set-up.

That local Boards be permitted to determine whether cuts of stock or time should be made in each individual permit.

That the question of allotments should be left to the local boards, with permission to decide when the allotment should be made and whether they should be individual or group.

That cultivated feed, permanent water and protected pasture be considered as commensurate property, together with other pasture when used in connection with a permanent set-up.

That long-term permits be issued as soon as possible.

MR. TERRITT OF MONTANA: We, the representatives of the advisory boards of the grazing districts of Montana, attending the conference in Salt Lake, make the following recommendation. I want to say here that these recommendations were unanimous in every case. There was no dissenting vote on any of the propositions.

We, the representatives of Advisory Boards of the Grazing Districts of Montana attending the conference in Salt Lake City make the following recommendations.

1. Grazing Fees. (a) We recommend that a reasonable fee to cover administrative costs should be paid for the 1936 temporary license where range allocations are made.

(b) We feel that not to exceed one cent per head per month for sheep, five cents for cattle, and seven and one-half cents for horses is a reasonable fee to be assessed in proportion to the percentage of public domain included in the area.

I might say the Montana delegation take the position that they are perfectly willing to pay their way. They don't want to pay more than the cost of administration, because they feel that their taxes are already so high that no additional burden should be imposed.

No. 2. Division of dependent properties into classes. We feel that this is a question to be left to the discretion of the individual advisory boards.

No. 3. Should cuts within a class be made on the numbers of livestock or by restriction of the season of use? We submit that this question is purely a local one and therefore it should be left to the discretion of the various Advisory Boards.

No. 4. Should temporary allocations of range be incorporated in all 1936 licenses? (a) We are in favor of temporary allocation. (b) We recommend that the basis of allocations be left to the discretion of the Advisory Boards.

No. 5. Should commensurate property be divided into classes and definitely defined? We consider this question is purely a local problem and therefore recommend its solution be left to the discretion of the various Advisory Boards.

No. 6. Issuance of preferential term permits. We recommend that no term permits be issued until such time as the carrying capacity of the dependent commensurate property be determined and a forage survey of the public lands is made in order to determine their carrying capacity.

I want to add just this, that the members of the advisory boards of Montana are willing to accept all the responsibility placed upon them, and they feel that the only way to successfully administer the Taylor Grazing Act is to place adequate authority in the local advisory board.

MR. OLIVER LEE OF NEW MEXICO: I fear that you will feel that New Mexico is making a very brief report on this questionnaire. New Mexico has, from the beginning, endorsed the Taylor Grazing Act. New Mexico has, from the beginning endorsed the program devised by the Department of the Interior and brought to us by Mr. Carpenter. New Mexico has been in such full accord with that program and with Mr. Carpenter's ideals and ideas of proper administration for the public domain that we feel it is unnecessary almost for us to state our position on any of these questions, because they are already well known.

Further, I think one reason for our briefness is that we expected that, possibly, we would just answer "yes" or "no" to the various questions in the program. But, to be a little more specific, I will take up just a few of the different questions and state our position.

One of the first questions I come to on the program: Should any fee be paid for temporary license. The answer to that is "yes" provided that temporary or permanent allotments of range are tied to the fee. As to the amount of the fee, the attitude, I think, of not only the delegation from New Mexico, but the attitude of all the users will be, I think, so far as the users of the public domain in New Mexico are concerned, that, as the Secretary of the Interior has been kind enough to suggest to us a fee that might be acceptable to the Department, that we feel we should meet him on that question.

If I remember correctly, the fee suggested by Mr. Walters, Assistant Secretary, was one cent per head per month for sheep and five cents per head per month for cattle and horses. I think that fee is acceptable to New Mexico. It certainly is to the New Mexico delegation representing the different grazing districts that are here, and, in passing, I might say that it has been the exception at any meeting that we have held in New Mexico that there was any difference of opinion -- any serious difference of opinion.

In New Mexico, the livestock raisers -- you will pardon me for saying New Mexico, because I really mean the livestock raisers in New Mexico -- both sheepmen and cattle men have always been unanimous, or approximately unanimous in their recommendations on all of these different questions, and the recommendations that I am offering you here today are unanimous as far as the New Mexico delegation is concerned.

We have this question, which I believe has rather confused some of the other boards, which gives considerable concern, and that is this question: "If the issuance of preferential term permits under Section 3 of the Taylor Act is to be on the basis of dependent commensurate property without consideration of prior use, how soon is their issuance advisable?" We felt that any answer we made would be the wrong answer, because the question is predicated on something that we feel

is not equitable. I don't think you can get an equitable adjustment of the use of the public domain without you consider priorities.

(Applause.)

We admit possibly that it is not written into the law, but I feel that the intent of the law carried that. Our delegation decided that we would not attempt to make a recommendation at this time, that on that question we would pass.

Further, it was the opinion and recommendation of our delegation that some means should be provided by which an assessment could be legally made for districts in our state, that the revenue so derived from that assessment should go into the local treasury of the respective districts to be disbursed by the local boards in their discretion for the necessary policing, improvement and care of the grazing district, relieving the department of that amount of expense.

In conclusion, I would like to say that the New Mexico delegation is in full accord with the efforts of Mr. Carpenter to bring about the proper use of the public domain. I think you.

MR. WILLIAM WRIGHT OF NEVADA: I wish to preface my remarks with a statement that I am not a member of any advisory board. The state of Nevada is rather generally represented at this conference by men who are on advisory boards, by men who are in areas hoping later to come into districts, and by men who have preferred to remain wild.

I have been honored and privileged to act as temporary chairman with the thought, I believe, that all corners would be represented. First, I would like to state that Nevada endorses the stand which has been taken here relative to amending the Act having fees not go beyond the cost of administration. Second, I should like to clarify Nevada's position relative to fees.

The discussion here yesterday was very interesting, and it was evident to the Nevada delegation that many felt Nevada was trying to get something for nothing, which of course pours water on the wheel of the eastern conservationists who have always maintained the western stockmen were getting something for nothing. We in Nevada wish not to be in the gratuity class. We never have been. We have always paid for our range and we intend to keep on paying for it. But we have, involved there, a very serious problem.

When you stop to consider that, of the entire area of the State of Nevada, only ten percent, or a little over, is privately owned land, fifty percent of the ten percent, one half of the ten percent, is owned by the railroads. This ten percent, owned by the railroads and private interests, shoulders the entire tax burden of the State of Nevada. Thru the indirect process of carrying those taxes and the interest upon owning strategic land holdings to control the range, strategic water holes, we have paid dearly to control our grass.

This is brought out on the cost studies of grass per cow unit, and I defy anyone, even those who maintain we are getting something for nothing, to break down this position, and fees, therefore, for us, must be compensated for in a readjustment of the tax structure, which is now carrying the entire state, almost 80 percent of which is to come under federal regulation.

In Nevada, we are not quite as quick in the head as we might be, and we were given a rather heavy order to digest, analyze and crystallize thoughts to go on record concerning the various policies that have been presented to us. We were unable to do it -- perhaps we will be classed as those in the drag of the herd -- but, rather than take the risk of jeopardizing the welfare of our livestock industry, the basic industry of our state, we have preferred to proceed cautiously, and, in one brief resolution, we have covered our stand:

B-1c

We, the Nevada delegation, resolve that there should be no fee during the temporary license period, until such time as permits are issued, and that all matters brought up here, such as the changing of Classes 1, 2 and 3 in Circular 2, should be left to the local boards, as well as the determination of the amount of fees.

I wish, in conclusion, to state that the Nevada stockmen are very glad to cooperate with the Division of Grazing in an effort to work out this very far-reaching problem. Our only concern is our very existence, our very life in the range business. Thank you.

(Applause.)

MR. J. L. NIELSON OF UTAH: I brought my secretary along for several reasons. This is the first time I ever stood before a microphone, and, in case I might fall dead, he could go on with the report. And another thing, I brought him along for is, after looking at the chairman, you might get a wrong impression of the Utah delegation, so I brought one good-looking man along.

Delegates of Utah met last night and invited all the graziers in the state to meet with us. We asked them to discuss the various problems that we were given to discuss, and that lasted about two hours. Then we asked them to withdraw, and the delegation voted on the different propositions. We might state we consider it a very big job for us to handle in such a short time, and we thought that some action should be taken.

While those decisions are premature, perhaps, and not thoroughly digested, they are the very best we could do under the conditions and time given. I will ask my secretary to read the problem and question, and then I will give the position of the board.

MR. FRANCIS: Under Finances: A. Should any fee be paid for temporary licenses?

MR. NIELSON: Decision: Until such time as districts commence to operate on a permit basis, finances shall be termed as assessments and rates prescribed by the District Advisory Boards, the entire amount to be expended by District Advisory Boards in preparing Districts for issuance of permanent permits.

That means that, where a permittee is grazing in two districts, that those local assessments would be prorated according to the time he grazed there.

MR. FRANCIS: Question: If any fee should be paid, what amount should it be?

MR. NIELSON: Decision: When and at such time as the districts commence to operate on a permit basis, finances shall be termed as fees, rates to be 1/2 cent per head per month for sheep and goats, and 2 1/2 cents per head per month for cattle and horses, pro-rated as follows: 25% to the Federal Government; 25% returned to district advisory boards for range development within districts; 50% to be returned to Counties.

We endorsed the action taken by the general assembly on Monday January 13, approving the change in preferential classes for licenses. On that subject, we had our liveliest fight. I intended to say, in the beginning, that these decisions were not unanimous in many cases, and, in this particular case, we had our big fight, being almost equally divided, but the majority ruled according to this decision.

MR. FRANCIS: Question as to dividing dependent properties into two classes as follows: A. Those within or contiguous to a district. B. Other properties that have or can be used in connection with the public lands of a district.

MR. NIELSON: We approve dividing of dependent properties into two classes with the provision that the District Advisory Boards be privileged to classify and interpret Sub-divisions (a) and (b), according to the conditions within their particular districts.

MR. FRANCIS: Should cuts within a class be made on the numbers of livestock or by restriction of the season of use?

MR. NIELSON: Our decisions are that this be left to the discretion of the District Advisory Boards.

MR. FRANCIS: Should temporary allocations of range be incorporated in all 1936 licenses?

MR. NIELSON: We amend No. 4 under "Policies" as follows: That temporary allocations of range be incorporated as far as possible in 1936 licenses, basis for allotment under Sub-divisions (a), (b), (c) and (d) to be determined by District Advisory Boards.

MR. FRANCIS: Should commensurate property be divided into classes and definitely defined?

MR. NIELSON: We approve division of commensurate property into classes, definitely defined. Division and classification shall be determined by District Advisory Boards.

MR. FRANCIS: If the issuance of preferential term permits under Section 3 of the Taylor Act is to be on the basis of dependent commensurate property without consideration of prior use, how soon is their issuance advisable?

MR. NIELSON: Term permits shall be issued as soon as possible and practical.

MR. FRANCIS: The need of special rules for fair range practice, and the enforcement of all rules and regulations.

MR. NIELSON: We charge the State Advisory Committee with the responsibility of going into this matter, and with the District Advisory Boards and a representative of the Department of Interior, to work out a uniform and sound program of range rules and practices.

The names of members of the state advisory committee are J. B. White, Jas. L. Nielson, Leo Stott, Lyman Sevey, Wilford Clark, Charles Redd, Stylian Staes, B. H. Stringham, in the Sheep Division; and Lawrence Johnson, Bert Buraston, Ed Murdock, Edw. T. Lamb, R. A. Meeks, L. L. Taylor, Jess Conover and H. E. Seeley in the Cattle Division.

We might say that we endorsed very heartily the work of the CCC camps. In my own particular district, where I graze, we have a camp there, doing wonderful work. The Fountain Green Wool Growers that own large springs there and put in some troughs, those have been turned over to the Interior department and they have done a wonderful job in piping the water down to lower levels where we could get at it and placing tanks and troughs. They have completed two of these cases, and we very heartily endorse the work of the CCC camps.

MR. METZ OF WYOMING: Like the gentleman from Nevada, I haven't the honor to be a member of an advisory board. I have the honor, however, to represent at this conference the Governor of Wyoming, who, I may say, is vitally interested in the outcome of your deliberations, as the Chief Executive of one of the greatest stockraising states. I take the liberty to carry to the Secretary, to you, Mr. Carpenter, and to you, friends engaged in the stock business, the greetings of the Governor of Wyoming, and I add, personally, that I suppose it is assumed, in calling upon us last, that due deference is being paid to the fact that Wyoming is conceded to raise the best cattle and sheep in the Union.

MR. CARPENTER: You might start something with that.

VOICE: First joke we've had.

MR. METZ: Not having additional help to carry the papers -- (laughter) -- my apologies to Utah. My report will cover the following three phases: First, fees. Second, the questions presented by Mr. Carpenter in the program under various heads. Third, some rather snaky-and-woolly resolutions on our own, which

we believe will be of general interest to this conference.

As to the first, Wyoming recommends that no fees be charged until such time as permits are issued.

Second, as to the various questions presented by the Secretary and Mr. Carpenter under Section 2 of "Policies": Subsection 2 on dividing dependent commensurate properties. The Wyoming delegates have determined to refer this question to the Advisory Board of each district.

Sub-section 3: "Should cuts within a class be made"? Wyoming has determined to refer this question to the advisory board of each district.

Sub-section 4, as to temporary allocations of range in the 1936 licenses: It has been determined that this matter should be referred to the Advisory Board in each district.

As to Section 5 and the various items presented in Section 5, which have been more definitely covered by other speakers, so that I believe you are familiar with them, it has been determined by the Wyoming delegation that those questions should all be referred to the advisory board in each district, which brings me to say that I am now glad I am not a member of the Advisory Board.

Section 6, dealing with the question of the issuance of preferential term permits without prior use: The Wyoming delegation most definitely recommends that issuance of term permits under the Act shall be made on the basis of dependent commensurate property with prior use and not otherwise.

Sub-section 7, as to the need of special rules for fair range practice: No action was taken.

Section 3 on Organization. Items 1, 2 and 3. Wyoming has determined that it does not favor organization under Items 1 and 2. No attempt would be made to either suggest or deprive others from suggesting regulations which might better relations with existing livestock associations.

Section 4. Improvements. Items 1, 2, 3 and 4, including the items which are familiar to you, among them CCC camps. No action was taken except that the work of the CCC camps, it is conceded, would be very definitely beneficial.

Departing now from the questions presented by the program, I go to the resolutions of general interest:

First resolution: Wyoming delegates request that the rules and regulations heretofore proposed by the Advisory Board of District No. 1, Wyoming, be approved at once.

Second resolution: The Wyoming delegation requests amendment to the Act, or other congressional action, permitting any state, at its election, as expressed by its state legislature, to take over the public domain within its borders for administration, lease and sale. That resolution will, of course, be of no particular consequence to those states which do not deem such action advisable.

Third. Be it further resolved that rules and regulations governing the election of the District Advisory Boards, be written into the Taylor Act. Be it further resolved that the authority and powers of the local advisory boards be written into the Taylor Act. Be it further resolved that the District Advisory Boards be granted authority, under the Taylor Act, to fix commonsurability standards and to grant grazing permits.

Fourth. Be it further resolved that we are opposed to any restrictive amendments to Sections 8, 14 or 15 of the Taylor Act.

I am further advised, since the passage of the foregoing resolution, that the powers-that-be, our local brass hats from Wyoming on the Advisory Board, met in a star chamber session after the rest of us common people had gone home last night, and determined that, if the passage of the foregoing resolutions, provid-

ing the rules of District 1 are approved and become really effective, and the range adequately preserved so that real value may be received, then that they were willing to pay any proper administration fee.

In closing, I will say that I am glad you have all conceded that Wyoming raises the best cattle and sheep.

(Applause.)

MR. OLIVER LEE OF NEW MEXICO: In making my report for New Mexico, I failed to cover one reported question. That is the question of commensurability. It was the opinion of our delegation that, for the state of New Mexico, highest consideration should be given, in the appraisement of commensurability, to the ownership of permanent water, and that no permits should be granted or commensurate property considered without it was attached to permanent water.

MR. MYERS OF WYOMING: I would just like to state, for the benefit of this audience, that, contrary to what some of you people have said, that these resolutions passed by the Wyoming Board, were all passed unanimously.

MR. CARPENTER: I wish to say, from my observation of Wyoming, that, not only do they raise some of the best cattle and sheep, and the most of them, but they raise something else quite a bit once in a while.

(Laughter and applause.)

MR. WHINNERY; Colorado: If the states are thru, perhaps, as one of the minority of the Colorado Delegation, we should now explain our position.

MR. CARPENTER: Mr. Whinnery raises the question as to whether, at this time we will receive minority reports. The Chair will rule that the discussion will proceed, as we have to leave the room for other uses, then the matter will be placed before the house at 1:45.

MR. WRIGHT OF NEVADA: So that there will be no doubt relative to Nevada's position, I wish to say that our resolution also was unanimous and, further, the resolution in itself indicates that we most certainly endorse the recommendations relative to amending the Act concerning providing definitely for local autonomy.

MR. McFARLANE OF UTAH: It seems that each state has had to get up and explain what they meant. I recommend to them to take their secretary along as the Utah man did.

(Laughter.)

MR. CARPENTER: Before we proceed to a discussion of those recommendations, it is only fair to you that a few of the -- as Secretary Walters terms them -- "ghosts", that are wandering around, if they can not be allayed, at least they can be somewhat explained.

There were three matters taken up in these resolutions that I feel I should comment on before we open this discussion. It was suggested that we urge Congress to do something. You will realize, you district advisors, that, as members of the Department of the Interior, neither you nor I can participate in lobbying. As individuals -- which you are at all times when you have not been called in your advisory capacity; and not under pay by the Department of the Interior -- you are free, of course, to lobby.

I wish at this time to make it plain that petitions to Congress or individual congressmen, or resolutions having to do with legislation, should not be signed as a district advisor, nor should it be signed "District Advisory Board". That would be similar to my asking Congress as Director of Grazing. You will kindly bear that distinction in view and it will save you and I and everyone else embarrassment.

The second matter I wish to comment on -- and which in no way curtails your right, thru associations and as individuals, to do as you please and exercise

your rights, but, as members of the Department, we will refrain from lobbying.

As to special rules of the range. I had, from every district, a mass of special rules of the range handed to me with the recommendation that they be handed to the Secretary for his approval, that they be posted and become a part of the federal statutes dealing with that district. Of those special rules, fully fifty percent of them were along this line: "We recommend that commonsurated property consist of pasture land" or "not of pasture land", and so on and so on. In other words, they were suggested constructions of the Taylor Act. They were in no sense special rules of fair range practice. They were the best reaction which the board members had to the problem in front of them.

You are aware that, for me to submit to the Secretary of the Interior a construction of the Act that the board thought was favorable would not be such a rule of fair range practice that could be applied. For that reason, the job I had was to take out constructions of the law and put in what would be rules of the range. They inevitably consisted of these matters: "We recommend such and such a class of bulls". "So many pounds of salt per critter head". "We recommend" various and other matters.

One board recommended that no herd of sheep be allowed to bed twice in the same place. One board in New Mexico recommended -- and also one in another state -- that there be no butchering on the public domain unless there had been a license heretofore issued.

I took those 34 sets of special rules to the Solicitor's office. He went over them very carefully and he said, "What about this butchering on the range?" I said, "It is a very dangerous practice, and big losses are being suffered." Then he said, "Do you think it is a good rule?" I said, "I certainly do. If a man wants to butcher, let him put his hide in the corral, or also get a license to butcher on the range." He said, "Why haven't other boards passed on it?" I said, "I suppose because it was not presented to them, and they didn't think about it."

He said, "What about this matter of bedding? Is that a good thing?" I said "I think it is." He said, "Why didn't other boards put it in?" I said, "Largely because they didn't think of it."

He said, "Isn't this the truth, that in most cases, the boards adopted the special rules that other boards had passed, and maybe didn't give them a lot of consideration?" I had to say, "I think that is so." He said, "Take those special rules back, and, when a board passes them, have them consider all of the special rules that might be applicable, because, when you write statutes in the United States laws, you have got to do it with consideration of all possibilities."

That sounded like pretty good common sense to me, and, at the risk of having to explain why I did not submit a one of those rules to the Secretary, I thought it would meet with your approval, that you would rather now have forms of each one of the 34 sent for your consideration in order that, when you do pass this legislation, you do it in a complete manner, instead of passing part for one district and part for another one, and then next year start to change, and back and fill; passing laws and changing them, and filling them in in about six months, would give anybody the jitters.

I would rather wait and have them right. I believe now we are in a position to submit them to the local boards. That is the reason that the special rules have not reached the Secretary.

The third matter which undoubtedly is on everyone's mind here, and an interesting matter is whether, when we come to term permits, the prior use of the range is going to be considered. Search Section 3 of the Taylor Act; there is no mention of prior use that I can find in Section 3 of the Taylor Act. You can find, however, some words that, until recently, meant almost nothing to me. I believe, now, altho the matter has not been officially submitted or approved, that it is worthy of your consideration to take up what was meant by the last words of Section 3 of the Act.

When it said "so far as consistent with the purposes and provisions of this Act, grazing privileges recognized and acknowledged shall be adequately safeguarded", what does that mean? Now, you tell me what a license is. I suggest that a license is a grazing privilege, recognized and acknowledged by the local board. Is that right? Is it anything else? Isn't it an exact definition of what was put in the last part of Section 3 of the Taylor Act? Isn't it precisely a grazing privilege which, under the rules governing issuance of licenses, has been recognized and acknowledged?

If that is correct, the holders of licenses that come up for term permits will have, in addition to the common-range properties, which are recognized in the first part of Section 3, they will have in addition to that a grazing privilege that has been recognized and acknowledged by the issuance of a license.

If that is correct and there is inadequate range -- public range -- for all of the dependent common-range properties of all of the applicants, it will be necessary to ask for additional qualifications besides the possession and control of dependent common-range property, will it not? Is there not a fair chance that in looking around for the additional collateral, so to speak, that an applicant for a term permit must have when he stands in an equal class with all of the other dependent common-range property owners, and comes to a board that only has adequate public range for half of them, that he ask that the latter part of Section 3 of the Taylor Act be considered and that his rights heretofore issued be considered a grazing privilege, recognized and acknowledged, and, as the owner of such, that that privilege be adequately safeguarded.

I do not know, gentlemen, whether this will be the outcome of the matter, but I suggest for your consideration that thought, because, if I rightly read the sense of this meeting, and if I can rightly predict the result of this assembly, we are going to be here in another year, standing on what we have done this year, and prepared to take the third step, which is going to be the issuance of term permits.

Now, I put those three matters, with such explanation as I can, before you, to wit: the matter of lobbying, the matter of special rules of the range, and the suggestion for the future as to term permits, because, if you approach term permits believing that they are going to upset all of the recognized grazing privileges, if you will, all the work of the boards, all of the licenses heretofore issued, then indeed you must approach it with considerable trepidation, but, on the other hand, if you believe that those words put in there almost exactly define what we are already doing, then you can see that those with grazing privileges need have less trepidation than those without them, and that the intense desire of the west to protect their priorities will be adequately considered when we reach that point.

Now, gentlemen, I come to the matter of the consideration of the ten resolutions which we have here, and I wish to summarize and call your attention to this fact, that state after state in coming to controversial subjects said that they recommended it be left to the local board. You might summarize the entire states' attitude by saying that, whenever you have got a "hot" question, "leave it up to the local board."

Now, I want to give you a little history. There are representatives of the local boards in front of me. Last summer, in five days, I met with five boards. I met at Burns, Ore., on one day. I went to Boise, Idaho, the next day; Elko, Nevada, the next day, and Salt Lake the fourth day, and Craig, Colorado, the 5th day. Five states; five boards. And I think I got a fair cross section. I think they were considering appeals and, in some cases, original licenses. I wish to state, now, that I took the request of those boards to heart, and I believe they fairly represent what the other boards want.

This is what I found: They said: "We are only able to do half a job, because we only have half of the information in front of us. We do not have the statistical information as to the correctness of those statements on common-range property. Here is a man saying he has 250 tons of hay every year. A board member who lives next door to him has been passing his ranch every day for thirty

years and never saw but two "doodlos" of hay there. We are not going to go into a spiral here and say the local boards are going to decide everything in a beautiful way and make us all happy. They can only work with such tools as we give them. There is not a member of the local board who thinks he had good tools last year. Am I right?

AUDIENCE: Yes.

MR. CARPENTER: We are going to consider some better tools or else we are going to stand still. I want to say for myself, personally, that, unless this procession moves along a little all the time, I am going to lose as much interest in it as you will lose in it. I took up a homestead in 1907 and bought a new grub-hook to clear the sagebrush, and most of the paint is still on the grub-hook, and most of the sagebrush is still there. I want to stay with this outfit as long as you want to move.

You can talk about local autonomy and the wisdom of local boards and it means just that (snap of fingers) if you are going to stand still for thirty days. You have to collect and gather. By coming here, you are asked to submit the wisdom you have learned from experience -- not as to how good you were or how stand-pat you could be, but whether you could take a step forward in doing something for the livestock industry of the west.

When you say you are going to leave everything with the local board, and furnish them with no more tools than Circular 2 furnished them, it means that you are going to leave them standing around like a cow with a cud. You may tell the world we did a "hot" job distributing range. Do you think we did such a "hot" job? (Chorus of negatives.) I don't. I think you are going to have to work this year harder than you ever worked, and, if this assembly disbands and never puts another tooth into the thing, you are not going to be able to do anything more with the applications than we did last year.

How long do you think everybody is going to be satisfied with a rehash of what you did last year? Will you be very proud if you just do that again? Will this much-vaunted idea of local self-government amount to anything except a weak retreat from those who don't want anything done? Am I right? (Chorus of affirmatives and applause.)

Now, gentlemen, we are going to take up those matters one by one. We have asked for free and full and frank discussion. We are going into an executive session in which the elected delegates of the 34 boards are going to talk and express themselves, and they are going to vote by 34 district boards without regard to state lines, because that is the only fair way for this eighty million acres to be represented. Is it not? (Chorus of affirmatives and applause.)

And we are going to continue our policy if you are willing to back me up in this. We want everybody to be here and hear it, and if there are any of the district advisors that don't want to get up and say what they say in the presence of everybody, they had better stay away too. So, in the twenty-five minutes that are left us, we will not be able to cover those questions. But I am going to take up one of them, and I am going to ask for a brief time that we hear only from the district advisory boards because I take it to be the sense of the entire assembly that everything be left to the district boards. Very well, it is!!

Now, I am asking the district boards what they are going to do with it. They put it in your lap. Are you going to take it home with no more rules than you had when you came here? It is a tough job for neighbor to pass on neighbor even in a recommendatory way. You may say, "Why got to making divisions and classifications?" and I will tell you why. After all, this is a country ruled by law and not men. You district advisors do not wish to decide on the applications of all your neighbors with no rules to back you, do you? You don't want to do it according to your personal desires. If you don't want to do it personally according to your personal desires, you have got to have some rules.

We did not know much about rules when Circular 2 was made. We know more about it now because we have worked -- and you gentlemen have worked more in detail with the applications than I have. I could not spend all the rest of the winter going from state to state, and besides I recognize that if we had a fair number of delegates here they would recognize that this problem has certain national aspects.

In Arizona they have an entirely different set-up than Montana and Idaho. It has been of interest to the delegates to hear the other sections of the country give their points of view and see that such regulations as are issued must take a national standpoint and at the same time must leave sufficient leeway so that in their application they will not come too hard on a district where those facts do not apply.

In making our rules or proceeding further with them we expect to offer to every district board such an assortment of sharpened tools so that the board can look at those tools and look at their applications, and you will not have to say to the members of the Grazing Division when they come around, "You did not furnish us with anything definite. I don't mind passing on Bill Jones' application if, when I get out of this room and meet him on the street, I can say, 'Now Bill, you got what everybody else in your class got, and you got what the regulations, which we have decided upon, said you should get.'"

You are not afraid to do that. That is your job in assisting in this administration. But if you don't have more tools to work with than you did last year, you are in the position of saying to Bill Jones, "I did the best I could for you but the other boys were against me." He promptly goes around to the other boys, and they say, "Not at all. He was the first one for kicking you off."

Now, I don't feel that way about it, but I do feel that we have got to come down to a very serious consideration if we are going to get down to this assembly something to help the local boards in 1936, and it is going to have to be some way along the lines that have been outlined here. For the district boards to end this meeting with a resolution that everything be left to the district boards would put you out of business and put local autonomy out of business, and put an end to what I think is a real experiment in self-government.

There are too many people in the United States who believed that this would never work, who said, "When neighbor passes on neighbor, you will get injustice; when people with selfish interests pass on others, you get nowhere." At the end of eighteen months, they will say, "Take it and let an impartial man decide on it." Who is the "impartial man?" Who is the Moses who will go to Mt. Sinai and decide those things? I don't know any Sinai to go to, and I haven't got whiskers enough to pretend to be Moses.

There is only one place I know of to go, and that is the desert and you men who are out here handling it. Let's take this baby home, set it on our knee and see what we can do with it. I want to say this, as regards the fears in everybody's heart, that I have lived to see some of those fears down, and probably I will live to see some of those fears properly substantiated. As yet, I have not seen one of the initial fears come true.

At the start of this, I was just down in Phoenix, where they have no Taylor grazing districts in the state except the strip. I am not deciding whether the strip is in Utah or Oregon or Arizona. Outside of the strip, they have no grazing districts in Arizona, and man after man, legitimate operators, livestock operators, came to me and said they don't want a district because, when you talk about a local board going to tell me how to run my business, you are not talking to me.

Do you hear that where the men know what these local boards are? You do not. At the start of this, when I went from state to state, there was not a careful, substantial, livestock-man -- and particularly the larger operators -- that did not have that fear in his heart. I ask you men representing the large and small operators if the action of the local boards and the state committees in the conference last night did not express sufficient trust in local boards to

allay that fear once and for all. Do you believe that?

(Chorus of affirmatives and applause.)

Very well. Then those substantial operators in Arizona have a fear that is unfounded, that we have allayed. Now, there was another fear that, when we started off, seemed to possess everybody, and that was that cattle and sheep men could not get along. I have attended board meetings, not knowing whether the men were cattle or sheep men, and, hearing them pass on applications, it was impossible to say whether they were cattle or sheep men. Isn't that right, gentlemen of the boards?

(Chorus of affirmatives.)

So you have got a record of real accomplishment. You bury this old idea that, if you are a sheepman, you want to wreck the range, and, if you are a cowman, you want to wreck the sheepman. That is behind us.

Then we are not afraid of a democratic set-up -- one man; one vote -- and we are not afraid of the boards passing on these applications. We have got those fellows in back of us.

Now, we have another fear that is in front of us, and that is the fear that was expressed, that it would not all be left to the local board. It is all going to be left to the local board in a recommendatory way, but the local board will be unable to function in a way commendable to itself or in a way in which it can advance in the administration unless it is furnished with more tools than Circular 2 gave it.

So that brings us down to the question of whether we are really going to do something with these matters or not. I have divided it into four subjects: allotment of range, division of dependent property, definition of dependent property, and fees.

In coming now to the first subject of allotment of ranges, I am going to make a brief explanation, then I am going to call on the different board members for an expression of opinion. We have fifteen minutes to discuss that, then we will take up the other subjects. If we do not finish the other subjects until six o'clock tonight, we will then have an evening session to take up the matter of organization and improvements, which is not a matter for debate, but a matter just to be presented by selected speakers. But, if this assembly amounts to anything, we are going to do something, and I take it to be your will to stay right here until you do it. Is that right? (Applause.)

The allocation of the range: Some agree it should be done; all say it should be left to the local boards. Different ones wonder this way or that way how to do it. It is impossible, in my opinion, to advance in any way in the administration of the range without undertaking, in some way, an allotment of it.

(Applause.)

Now, I feel that those 34 representatives of 34 boards, should take a firm stand on that. It is a little hard for a local board meeting alone, if left entirely discretionary with them, and an operator comes in -- maybe a friend of yours -- and he says, "You don't have to do anything with allotments this year." We are all human; we all try not to tread on any more toes than we have to, and we will all take the easiest way out of it. I have found that so and no doubt you have. If it is the unanimous opinion of the 34 districts here that some allotment should be made, then, if you make some allotment, you can say to the man who objects: "The board had no discretion; we had to go into some allotments."

Would you rather do that, or would you rather say to the man: "It was left to us, whether we would do it or not, and we decided to do it." Isn't it a little fair, now that we are all here, to make one rule, a general rule, which will

apply to the 34 districts as to whether they do or not. As to how much is done, that will depend on the local boards, but I doubt whether any of them will ever touch that subject unless something is done about it.

In Utah, Colorado, Idaho, Montana, California, Oregon and Nevada, the matter has been more or less a moot matter, and I dare say, until it was brought up and brought to your attention yesterday, many of you delegates did not realize it was almost impossible to continue operating this show if we did not take one step forward, and that one step forward was necessarily something better than what we have done.

We have passed on numbers and listed users. We have a range examination sufficient from a practical standpoint, when applied with the brains of the livestock industry, to make some allotments on the range. They may be in some districts only allotments by classes -- no simple cattle and sheep line -- but whatever you do is going to be backed up and incorporated, if that is your wish, in every license issued.

The matter of enforcement is going to be done by the Department. You have been told that the administration of the range can not be delegated, and it can not, but the regulation of the range has been placed almost entirely within your hands. In 97 $\frac{1}{2}$ % of your recommendations for licenses, your decision was final, because it was adopted by the Secretary of the Interior. Don't let anybody tell you that, because you have no final say in administration, you amount to nothing. There is less than 2 $\frac{1}{2}$ % go any further. For the great majority, your action is final, because it is approved by the Secretary. But, on the matter of enforcement of rules, we do not expect you to take any step further than a posted notification of advice, and we feel that the federal enforcement agencies should take care of the enforcement alone and single handed -- how do you like it?

(Applause.)

People resent a district board member coming out and trying to police the district, and I don't think it is fair to ask you to do it. I admit there was some question in my mind when we started. There is none now. The Division of Investigations investigated homesteaders when we had them, but they haven't got them any more. They are adequately prepared to make those investigations, and speedily. We have, organized in the United States, a complete federal judiciary that can handle it, and violations of the Taylor Grazing Act rules will simply be like violations of postal rules, violations of narcotic rules, and other federal rules, and should be taken care of in the same manner.

When the local boards realize that they don't have enforcement matters in their hands at all, that they are merely recommendatory in the administrative meetings as divorced from enforcement, I believe it will be a welcome circumscribing of their duties and that they will be able to see more clearly what they will have to do, and that they will more cheerfully undertake their duties, because they will not have the onus of the enforcement of the criminal law upon them. For that reason -- it is now 25 minutes after eleven, and we give up this room at 11:30 -- I am going to adjourn this meeting until 1:45, and ask the delegates to be promptly in their seats at that time and we will take the matter up for discussion. The meeting is adjourned.

(Recess for lunch at 11:30 AM.)

SECOND DAY

Afternoon Session

(Meeting called to order by Chairman F. R. Carpenter at 1:45 PM.)

We have taken lots of bad news. You have taken lots of bad news during the year and I have taken a little, but there are two very fortunate happenings that have started within the last year. One we had nothing to do with, and we take it as it comes, and the other you have all had something to do with and now you are going to take it as it is told to you.

The first is the rain. I know that you are all glad to have this rain and that it will do a lot of good. The second is a telegram received from the Secretary this morning, about a long-mooted and debated question. Secretary Walters is going to present that to you.

MR. WALTERS: Friends of the western states: There was received at 12:13 o'clock this afternoon, the following telegram, addressed to me, in response to a telegram which was sent out by me yesterday afternoon. I will read you the telegram, which is all that will be necessary, I apprehend:

"Department has hold that proceeds of assessments levied on grazing licenses by division boards are private funds and not public money."

(Applause.)

"Funds already collected may be expended by the boards for purposes for which collected if such purposes are not unlawful or in violation of departmental regulations. The procedure in levying assessments, in many instances, however was improper and no further assessments should be made until departmental regulations are issued. Harold L. Ickes, Secretary of the Interior."

MR. CARPENTER: Thank you, Mr. Secretary, and, thru you, we thank Secretary Ickes. We have waited a long time for this. It means, gentlemen, that your funds are released. It means you can go on spending them for the legitimate purposes for which they were levied. It means that there will be forthcoming very soon regulations that will guide you better in the collection of those funds in the future.

The improprieties mentioned in the telegram refer to our using franked envelopes -- as much of a reflection on me as on anyone, because, in some cases, thru mistakes, district boards used franked envelopes to collect private money. That was improper. It was not done intentionally and it is not a Class A offense under the felony acts of the government.

These things you will have now, and also instructions regarding the pressure -- which the Government is willing to back you up in -- in the denial of licenses and so forth in the collection of the balance. We will ask you not to try to collect any of the balance until instructions are issued, but they are now released, and you can go ahead and use them.

Now we will proceed to business. I am referring now to the legally accredited delegates of 34 districts, who will take the sole part in the discussion before us, the privilege of the floor having been accorded to all comers up to this time. There will be a roll taken of all of the 140 delegates here present.

MR. WHINNERY OF COLORADO: I wish at this time to yield my place until our Colorado committee completes their general report, then I wish to follow their report. The report that they are getting now, we are all agreed on, and I believe they are ready to make that report.

MR. CARPENTER: At this time, the Chair will rule that any further reports from state committees are out of order, that the time is short enough now that we will take up executive business, that all further state reports can be filed at the desk and be completed in the record or, after the completion of our executive business, will be taken up in full.

MR. WHINNERY: How about the minority report.

MR. CARPENTER: That will have to be filed now. As we have passed those reports, I take it that you will not wish to go further into that at this time. If it comes up in the topics, you, being a regularly accredited delegate, you can speak on that topic and speak your mind.

MR. WHINNERY: Thank you.

MR. CARPENTER: The first topic is the matter of allotment of the range. The question is whether we should undertake, in the 1936 licenses, to tackle the problem of allotment of range. The Chair, in order to bring it to a head, will entertain a motion in regard to what should be done on allotment of the range.

MR. TAYLOR OF NEW MEXICO: I offer this resolution: Resolved that some range allotment be made in all 1936 licenses providing necessary information is available for such action.

MR. CARPENTER: If you will hand that to me, I will read it thru the "mike".

(Mr. Taylor hands the resolution to Mr. Carpenter.)

MR. CARPENTER: "Resolved that some range allotment be made in all 1936 licenses, provided necessary information is available for such action." Is that correct, Mr. Taylor?

MR. TAYLOR: Yes.

MR. CARPENTER: Do I hear a second to that motion?

VOICE: I second the motion.

MR. CARPENTER: Motion is made and seconded. We will now call for discussion of this motion from the elected delegates.

MR. TOBIN OF NEVADA: I wish to add the amendment: that all allotments granted during 1936 be subject to the discretion of the district board.

MR. CARPENTER: The amendment offered was a proviso that all allotments would be subject to the action of the district boards. I may say, in order to clarify this, that this does not compel the boards to make any particular allotment, but it does say, and it leaves them the judge, as to whether the necessary information is available, but, if the necessary information is available, it would require each board to take up the matter of allotment and act on it. They might make only one allotment or ten, but they would have to act on that matter, providing they first had sufficient information available to do so prudently. Does that answer your amendment?

MR. TOBIN: The words I use are "the discretion of the advisory board."

MR. CARPENTER: He adds that his amendment is that he would make the granting of allotments discretionary with the district boards, instead of requiring the district boards, if they find they have the available information, to go into the matter. Are you ready to discuss the amendment? The Chair recognizes Mr. Cox of Utah.

MR. TOBIN: I arise to a point of order. As maker of the amendment, I believe it is my right to first speak on the amendment.

MR. CARPENTER: That is correct. If you wish to do so, you may have that right, right now. Will you come up in front of the "mike" please?

It has been called to the Chair's attention that some of the delegates' seats are occupied by those who are not delegates. Will you please do them the courtesy of vacating the seats so the delegates can get their seats? We will take a short recess until the delegates can occupy their proper seats.

Gentlemen, Senator Tobin of Nevada will present an amendment to this motion. I am going to ask him to read the motion and the amendment, and then speak on it.

MR. TOBIN: I will read the motion, as stated by Mr. Carpenter, that some range allotment be made in all 1936 licenses, provided necessary information is available for such action. The amendment I made from the floor a few minutes ago is as follows: that allotments be granted subject to the discretion of the advisory board in which application is made.

My reason shall be brief. I feel that the advisory boards are best qualified to pass upon those allotments. I do not believe it is proper for us at this time to make a blanket rule covering all applications for allotments in the various states which are represented here today. I think, as I have said already, that the men you have elected to represent you as advisory boards have successfully fulfilled the job you gave them. Let's let them carry it on and see whether you are entitled to an allotment.

MR. CARPENTER: In order to save time and get those issues clear, I am wondering if there is an issue between the original motion and the amendment. I am going to ask the senator a question and get his answer, and see if we can get this thing clearly before us:

Do you understand the original motion to be such that the Board is deprived of their discretionary power in granting or withholding individual allotments?

MR. TOBIN: In making my amendment, gentlemen, it was with the intention of clarifying the original motion. I for one would be willing to withdraw my amendment, and the other man who made the other motion withdraw his, and incorporate in one, if it is agreeable to you all.

MR. CARPENTER: Would you like to wait and redraft the amendment, putting it all into this form, or do you wish to wait and submit it as an amendment to the original instead?

MR. TOBIN: It would be satisfactory to me to withdraw both motion and amendment.

MR. CARPENTER: Can you redraft the motion right now?

MR. TOBIN: Yes.

MR. CARPENTER: At this time, we will proceed with the debate on the amendment, and the Senator will redraft it. Will the consent of the man from New Mexico be granted to such a procedure?

MR. TAYLOR OF NEW MEXICO: I don't know until I know what he proposes to bring out.

MR. CARPENTER: I will ask Senator Tobin and Mr. Taylor to sit down together and redraft that amendment. In order to save time, while that is going on, we will proceed to another topic. Maybe we will want some resolutions drafted on another topic. The next topic is the matter of the division of dependent properties -- division into classes, whereby those within or on the fringe of the district are in one class, and those not within the fringe of a district are in a junior class.

MR. CHRISTENSEN OF CALIFORNIA: Last night, in our discussions with reference to dependent properties within or near, or contiguous to a district, we thought, for the best interests of those who use the public domain, that the word "contiguous" may be a little misconstruing and we would rather have those within or near a district. We have thought about it a good deal since, and our committee offers the present resolution:

Resolved: That dependent properties be separated into those within or near a district and those not so near a district.

MR. CARPENTER: Do I hear a second?

VOICE: Read that again please.

MR. CHRISTENSEN: Resolved, that dependent properties be separated into those within or near a district, and those not so near a district.

MR. DORRIS OF CALIFORNIA: Second the motion.

MR. BRAY OF COLORADO: That might be all right, but we would have to have in that a customary usage. If property in one district has been used as commensurate, in another district it certainly will have to be near -- not nearest, but near anyway. We can't submit to driving out of Utah 200,000 head of sheep in the winter. In Colorado, we have men who have wonderful ranches and commensurate property; that property should have to be used just the same as if it was in Utah. I am doubtful that Utah has enough commensurate property to take care of that livestock.

MR. CARPENTER: Before we go further with the merits of this question, I wish to raise the one of form. Do you think this is in the right form to be considered, or would you like a committee to redraft this little informal resolution to bring it straight before us?

VOICE: It should be redrafted.

MR. CARPENTER: The Chair will ask Mr. Christenson of California and Mr. McFarlane of Utah to redraft that resolution to fairly present it to the assembly.

MR. CECIL OF OREGON: On behalf of the Oregon delegation, I wish to make the following motion: Resolved, that further and more definite definitions of commensurate property be made.

MR. CARPENTER: Let's see if I can quote that correctly. Mr. Cecil, on this topic of further and more definite definitions of commensurate property, has moved that further and more definite definitions of commensurate property be made. Is that correct, Mr. Cecil?

MR. CECIL: Yes.

GENTLEMAN FROM CALIFORNIA: I second the motion.

MR. CARPENTER: Is there any point about the form of this motion, or is it clear enough to properly bring it up? It would seem that this is very clearly put. That does not raise the question as to how you will define it, but just simply that it is desired that further and more definite definitions of commensurate property be made. Pending the bringing in of the other two resolutions, to bring the matter before the delegates, we will take up the question, which is now before the house, that further and more definite definitions of commensurate property should be made. We will hear remarks on that question.

MR. LEE OF IDAHO: That is an answer to question No. 5?

MR. CARPENTER: Is it, Mr. Cecil?

MR. CECIL: Yes.

MR. CARPENTER: Yes. Does anyone wish to make any remarks for or against the further defining and making more definite of what is commensurate property?

MR. FRANCIS OF UTAH: On the matter of further defining, it has been brought before our attention in our Board, and perhaps in yours, the matter of whether forest permits shall be considered as commensurate property. I don't see it listed here and I think perhaps we should have a discussion on it.

MR. CARPENTER: The matter of whether forest permits, or base used for forest permits, should be considered as commensurate property -- should this resolution not pass, it would not be necessary to consider that. In an assemblage of this kind, Mr. Francis, and with the limited time we have, it would seem to me that the matter of forest permits as commensurate property, and basis used for forest permits as commensurate property, the only reasonable way we can get at it is to have a drafting committee and consider close study by a small body of men. Our idea is that, when the Division of Grazing has drafted, as near as they can, along the outlines as put on this program, that it would then be submitted to the advisory boards for criticism. I feel, in a meeting of this kind, to open up on forest permits would not get us anywhere. We are merely dealing with the broad principle. Do you want us to work out a fair basis for forest permits along with other things? Would that be the wishes of this assembly, and not go into detail? I feel it would get us into a long discussion and really we could not "button it up" when we were thru.

MR. WHINNERY: In view of what you have just said, I believe that our chairman here, Mr. Pitchforth, should go out with the committee you just sent out -- Mr. McFarlane and Mr. Christensen -- as we are doubly interested in that very question, and it would probably save time by him being out there and satisfy this group of men or anyone that he may designate.

MR. CARPENTER: Mr. Whinnery of Colorado asked for the courtesy which can only be extended with the unanimous approval of the house. Is there any opposition to Mr. Pitchforth being added to the committee? (No objections). If not, it is so ordered, and we will ask Mr. Pitchforth to retire with that committee.

VOICE: Would it be right at this time that we begin to define commensurate property -- to go into the geographical relationship of it?

MR. CARPENTER: That would come under the distances of dependant property and not under this.

Are there any further remarks on this resolution?

MR. TOBIN: I am speaking on my original amendment. If I am in order at the present time, I withdraw the amendment. I understand that we have a substitute motion.

MR. CARPENTER: Would it be with your consent, Senator, that we finish the one we are now considering and then come right back to yours? Are there any further remarks on the necessity for further defining and making more definite what commensurate property is?

MR. LEE OF NEW MEXICO: Isn't that a rather complicated question for this body to determine at this time? Commensurate property in one state may not have the same value as it has in some other state. We in New Mexico, of course, consider that water has the highest commensurability, and that the other commensurability must be joined or connected with that ownership. So what fits Colorado, Montana and Utah might not fit New Mexico or Arizona. I hope you will bear that in mind.

MR. CARPENTER: That is correct. In Colorado, in general, where I lived in the mountains, water would have no value at all, and, in New Mexico, cultivated food would have no value. The idea was that this would be an expression from the assembled delegates of the district advisory boards, that they desire, before they start their deliberations over licenses, that they would like a little better definition of permanent water in New Mexico, and a little better definition of food and other classes of property -- make them a little more sharply defined and know the value of each of them. We are not going to go into what they are or how to do it, but, if it is the desire of the district advisory boards, as I understood from my meeting with them, that they wanted those things made more definite and people wanted to buy this property if they really know what to buy. It is only fair to them, because they might be put out of business if they don't get it, or they might get the wrong kind of property.

It would in no way put a different kind of property into a different state. From those ten states, and from those definitions, the district boards would pick out the ones that apply in their districts and only those. For instance, the new circular, if this resolution passes, will have a more definite definition of temporary or permanent water. It will also have a better definition of food put up and food purchased, food which is actually fed and food which is raised and not fed. Cash crops were thrown into the hopper last year. That was obviously unfair, but it was due to the fact that our definitions were not very precise.

If this resolution carries, you will have a more definite set of definitions of the various kinds of commonwealth property. The Boards will therefore take out that circular and use the ones applicable to their districts in passing on applications. Any further remarks on the necessity for further definitions of commonwealth property? Are you ready for the question?

VOICE: Do we understand you now, in view of what floor comment there is here, that, before we board members attempt to define in individual cases, we will get a regulation from your office?

MR. CARPENTER: The question was whether the districts would understand, if this passed, that they would not pass on 1936 licenses until they had more definite definitions. And that is exactly right. A passing of this resolution will mean you are dissatisfied to go another year with Circular 2 as it was issued and you want something to go a step further to use in your deliberations.

MR. DORRIS OF CALIFORNIA: Over in our state, we are a little bit differently situated than any other part of the United States. We are in a high altitude and our dependent property is what we are producing, which we can only market with what livestock we have. For that reason, it is dependent commonwealth property we shall stand on in our country. It is not dependent upon the range just to raise our stock in the summer so we can get them off our ranches long enough to harvest our crops and bring them in and market those crops which we raise thru our livestock, so our commonwealth property is very much different from what it is in Arizona.

It is dependent upon that range or we can't make a go of it and that is the only way we can market the produce which we raise in our country. This is for northern California.

MR. CARPENTER: Any more remarks before the question is submitted? I will first call for a voice vote, then, if there is any desire for a poll, each district advisor duly accredited will be polled and his vote recorded.

Those in favor of the resolution that further and more definite definitions of commonwealth property should be made, will signify by saying "aye"..... Those opposed, the same sign.....The "ayes" have it unanimously.

I will ask Mr. Tobin to speak on the new resolution that he and Mr. Taylor have agreed upon.

MR. TOBIN: I have asked permission to withdraw my amendment. We have drafted the following resolution which I will read for you. Resolved, that some range allotments be made in all 1936 licenses to individuals, partnerships or corporations, associations and grazing associations organized under existing state laws, providing necessary information is available for such action, and subject to the discretion of the Advisory Board when application is made.

Mr. Chairman, I move its adoption.

MR. TAYLOR: I may be hanging on technicalities, but I think I should properly withdraw my former motion and present the substitute motion.

MR. CARPENTER: If there is no objection, it will be ordered that way.

VOICE: I second the motion.

MR. CARPENTER: Motion is made and seconded that some range allotments may be made in all 1936 licenses to individuals, partnerships or corporations, associations and grazing associations organized under existing state laws, providing necessary information is available for such action, and subject to discretion of Advisory Boards when application is made.

MR. BURSEY OF UTAH: I think that "communities" should be added in there.

MR. CARPENTER: I may say, gentlemen, as to who you can issue a license or a term permit to, is governed by the terms of the Act. I would suggest, for simplification, that it simply say "may be issued to qualified persons" and that would cover corporations, individuals and everybody else that was qualified. I might ask Senator Tobin if an amendment to that effect would be agreeable to him.

MR. TOBIN: That part of the resolution I had nothing to do with. I will ask Mr. McFarlane if he has any objections.

MR. McFARLANE: Would that cover it under the original Act?

MR. CARPENTER: If they are qualified users, yes.

MR. McFARLANE: If the original Act would cover grazing associations, I don't think I have any objections to having that part of it withdrawn.

MR. CARPENTER: Then I will change "individuals, partnerships or corporations, associations and grazing associations organized under existing state laws" into "qualified persons". That would cover all classes, including community allotments.

MR. DORRIS OF CALIFORNIA: It might come up that a situation, where some temporary man might hold it might be necessary to save him from some grazing damage, to allow him to have a temporary permit for a year and to give him some district where he would not bother anybody. He would not want to see it go thru as a permanent proposition, and when allowed that permit, he would stand on that, that he is a qualified permittee in the state.

MR. CARPENTER: In other words, you would say the word "temporary" should be used in there, until we come to a permanent allotment.

MR. DORRIS: Yes.

MR. CARPENTER: I think that is proper. Would that be okay with you, Mr. Taylor?

MR. TAYLOR: As far as I am concerned.

VOICE: Suppose that is changed to "qualified applicants" instead of "qualified persons"?

MR. CARPENTER: I think that is a good point. Would the word "temporary" suit you, Mr. Taylor? I will do a little drafting and see if we got this right. The resolution now reads as follows: "That some temporary range allotments may be made in all 1936 licenses to qualified applicants, providing necessary information is available for such action, and subject to discretion of advisory boards when application is submitted."

MR. OLIVER LEE OF NEW MEXICO: Would you mind reading the resolution again, very slowly, so we can get the full sense?

MR. CARPENTER: "Resolved, that some temporary range allotments may be made in all 1936 licenses to qualified applicants, providing necessary information is available for such action, and subject to discretion of Advisory Boards when application is submitted."

MR. OLIVER LEE: Pardon me. I think the word "some" should be stricken.

MR. CARPENTER: If there is no objection, we will not change any wording at this time. We will just discuss the motion.

MR. DORRIS OF CALIFORNIA: Just one word, that is "qualified applicants". It might be that the advisory board would feel like a man that was not qualified to get a permanent permit should be allowed a permit for this year, or temporary license. I would not want to be tied to that.

MR. CARPENTER: This is a "qualified applicant", not a qualified preference permittee, and everybody is a qualified applicant that is a citizen or declares his intention to become such.

I will read this again: "That some temporary range allotments may be made in all 1936 licenses to qualified applicants, providing necessary information is available for such action, and subject to discretion of Advisory Boards when application is submitted."

MR. OLIVER LEE OF NEW MEXICO: I move that the resolution be amended by substituting the word "shall" for "some".

MR. CARPENTER: The amendment is offered that, instead of reading that "some temporary range allotments may be made", that "some temporary allotments shall be made". Is that correct? Do I hear a second to the amendment?

VOICE: Second.

MR. CARPENTER: Are you ready to debate on the amendment change, which is to change the word "may" to "shall".

MR. REDD OF UTAH: If we change the word "may" to "shall", it will destroy or nullify to some extent the discretionary powers that we also grant the Board, so, in this particular respect, I think it should stand as it is.

MR. CARPENTER: We have enough to go over. I am going to ask that all discussion on the motions be limited to two minutes each. Would that be with your wishes?

MR. TOBIN: The chair need not be afraid that I will take up very much time. I agree with the gentleman from Utah. I consider that the amendment proposed would destroy the intent of the resolution. I sincerely hope the gentleman from New Mexico will realize that and kill the amendment.

MR. McFARLANE: I would like to see that word "some" out out entirely, because I think it weakens it.

MR. CARPENTER: Point of order. You will confine yourself to the motion.

MR. OLIVER LEE OF NEW MEXICO: I am afraid you got mixed up on my amendment. It was the word "some" that I objected to.

MR. CARPENTER: I will read the resolution again: "Resolved, that some temporary range allotments may be made in all 1936 licenses to qualified applicants, providing necessary information is available for such action, and subject to the discretion of Advisory Boards when application is made." The amendment now is to change that "may" to "shall", and we will confine our remarks to that amendment.

MR. OLIVER LEE: Pardon me; I don't object to the word "may" but I object to the word "some", which is indefinite.

MR. CARPENTER: You wish the word "some" stricken, and you wish to withdraw your former amendment.

MR. OLIVER LEE: Yes, as it is understood.

MR. CARPENTER: With the consent of the house, Mr. Lee will withdraw his former amendment, and suggest a change reading as follows: "That temporary range allotments may be made", with no "some" in it. Now, what do you say? Question is on the amendment to take the "some" out. Are you ready for the question? All those in favor of taking the "some" out, vote "aye".....Those opposed, the same sign.....(one opposed).....In the absence of a request for division, the "some" will be taken out.

MR. REDD; OF UTAH: I move to further amend by striking the last four words of the motion. If you will read the motion with the last four words eliminated, I think it will be simpler and more clear.

MR. CARPENTER: The amended resolution reads as follows: "That temporary range allotments may be made in all 1936 licenses to qualified applicants, providing necessary information is available for such action, and subject to the discretion of Advisory Boards, when application is made." These are the four disputed words: "when application is made." The motion of Mr. Rodd is to strike the words, "when application is made."

I will now read the motion as it would read with those four words omitted: "That temporary range allotments may be made in all 1936 licenses to qualified applicants, providing necessary information is available for such action, and subject to discretion of Advisory Boards" period. Any discussion on that.

MR. TOBIN: I would like to ask the gentleman from Utah, thru the Chair, his purpose in his amendment.

MR. CARPENTER: The Chair will ask Mr. Rodd to explain the purpose of his amendment.

MR. REDD: I thought it was a short cut and would save asking Mr. Tobin the question of the necessity for the words in the first place.

MR. CARPENTER: I wish to say to the senator from Nevada that, when you talk about resolutions, you want to know your stuff.

MR. TOBIN: I ask that the Chair be authorized to cast the necessary veto.

MR. CARPENTER: The Chair has stricken out the four last words, and will read the resolution, which, with your consent, will be presented now for debate. "That temporary range allotments may be made in all 1936 licenses to qualified applicants, providing necessary information is available for such action, and subject to the discretion of Advisory Boards." Any further remarks? Ready for the question? All those in favor of the resolution as amended, signify by saying "aye".....Opposed, same sign.....(none opposed)..... Carried.

The Chair will now ask Mr. Christensen to report. Will you come up to the "mike", Mr. Christensen, please.

MR. CHRISTENSEN: We did not change our original motion. We amended it with a little addition. I will read the entire motion at the present time: "Resolved that dependant properties be separated into those within or near a district and those not so near the district, with first preference to be given to the owner of land and livestock whose ownership depends on the use of public lands adjacent to his property and who has had sufficient prior use."

MR. CARPENTER: Any second to that motion? I call your attention to the fact that this motion goes a step further, and goes to zoning within districts.

MR. BRAY OF COLORADO: We are not altogether satisfied with the new motion. To get away from this "near, nearer, nearest" business, I would like to make this as a substitute motion: that neither district nor state lines shall be considered in determining commonsurate property, and that only customary past use be considered. (Applause.)

MR. CARPENTER: You have heard the amendment. Is there a second to the amendment?

VOICE: Second.

MR. CARPENTER: We will hear remarks on the amendment, which is that state lines will be disregarded and nothing considered but customary use.

MR. BRAY: The reason that I made that motion, I had a great deal of experience in helping draw those district lines. State lines, county lines, and imaginary lines, coming up eternally. We were assured that the district lines would only be temporary and, with this assurance, we consented to use state lines. Now if we had had our way about it, we would have taken in the eastern part of Utah in our district, and would have been glad to, but we did not have our way. Now the state line is the district line. The commonsurate property lies in Colorado. To get this commonsurate property used where it has been in the habit of being used is the purpose of my motion. (Applause.)

MR. REDD: I am opposed to the motion. I believe you gentlemen will agree that, if this motion prevails, the intent of the Act itself will be nullified. I remind you of Section 3 of the Act. It is true the passage of this resolution will allow the persistence of past practices, but remember the Act was passed to correct bad practices, practices that were unfair to the people who happened to live adjacent or on the range. We have not heard one statement from the gentleman from Colorado in opposition to the statements made yesterday about Grant and San Juan counties. Our land and irrigation water is very limited. We are depending entirely upon this winter range. It is true, if Eastern Utah was included with Western Colorado, they, over there, at the foot of the Rockies, with their plentiful water and nice ranches and forest permits, would have an ideal set-up.

They have got the summer range and have got the ranches. But what are you going to do with the towns of Monticello, etc. They are out on the desert almost like old cows or brown-tailed horses around Alkali Springs. The only chance they have got to make a halfway decent living is to have the first call on this.

I can say this to you: We do have more winter range in Eastern Utah than the ranch property or the commonsurate property will qualify or we can use, but, to the extent that we can use it, to the extent that our people do require it, we insist that the Act itself must be followed.

If this amendment prevails, it will be a terrible thing. This meeting would break up a half of them, or nearly half of them at least would go home bitterly disappointed. We would become confronted with suit after suit.

Since we are so divided in the interpretation or the understanding of these matters, I believe we should not bind the advisory committees too strongly, because we can't agree on definitions. Since the advisory committees are just about as capable of determining this as it seems this body is, why not let them interpret their actions and be guided by Section 3, and leave this matter to the discretion of the advisory boards, at least for the next year.

MR. TOBIN: I appreciate the position taken by Mr. Redd and, in order to assist him in his apparent troubles, I propose an amendment to the motion. I will ask that the gentleman read the resolution again.

MR. BRAY: "That neither district nor state lines shall be considered in determining commensurate property, and that only customary past use be considered."

MR. TOBIN: I propose the following amendment. Add: Subject to the discretion of the Advisory Boards.

MR. CHRISTENSEN: I will only offer a few remarks. Our original notion and the addition that we offered -- we have in mind to attempt to protect the little ranch owner who needs the public domain adjacent to his farm lands, a man that is too seldom represented in these kind of meetings, and whose needs are too seldom expressed. So I personally would like to see this accepted as offered at the present time, without any amendments.

MR. COX OF UTAH: It seems to me that we are placing so many amendments that it is becoming confusing within the minds of a lot of delegates in attendance and also, in my opinion, we are still passing the buck on to the next fellow. We are passing the buck right down to the advisory boards again and leaving them to stand the brunt of ill-feeling of the people within the district, and I am heartily in favor of putting teeth into this, as Mr. Carpenter stated this morning, and making it so that we will have something definite to go by, and I would like to see these rules and regulations read so that there will be some clear definitions and some clear understandings by which the advisory boards in the respective districts might pass on applications.

So far as concerns the "within, and near-nearer-nearest" amendment, I am heartily in favor that the commensurate property within the district have the preference.

MR. CARPENTER: We are now debating whether district and state lines be considered, or only customary use.

MR. OLIVER LEE OF NEW MEXICO: It seems to me that, up to the present time, that the most objectionable feature of the substitute resolution, we are overlooking the fact that, if this substitute resolution offered should pass, we have destroyed the value of all commensurate property.

We of New Mexico, of course, place a great deal of value on property right, but we don't go so far as to say that priority should be considered without it is attached to commensurate property. Now, if this substitute resolution passes, then you have destroyed all commensurate property, and it is absolutely contradictory to the spirit and word of the Taylor Grazing Act.

MR. LEE OF IDAHO: Idaho didn't think it would have to say anything on this question, but we gave considerable thought to this and had the brightest minds of Idaho, as well as the practical stockmen of that district on this particular question. We would like to read our recommendation again:

Resolved; by the stockmen of Idaho: that, where a man be determined as a Class A applicant, under Subdivision A of Section 1, that such right be recognized in contiguous or adjacent districts, it having been specifically understood that state boundaries and state lines would not jeopardize the customary use of the range.

MR. McFARLANE OF UTAH: In adding to that resolution the part that we believe that preference rights should be given to people running livestock and owning ground within the range district, and should have the first preference right where he had the prior use.

That is only to protect the small rancher. It is not going to interfere with sheep coming from Colorado to Utah or from Utah into Nevada, or Idaho into

Utah. It is just to give that protection. I want to say that the first resolution that was offered that formed the Taylor Bill, known then as the Colton Bill, was that we believed the first preference right should be given to the people living in the range district, and that right should remain with the community. Just like the water with the land.

We wanted to get away from the practice of what the forest service had inaugurated, and this is not going to interfere with any of your rights, with any of your preference right, unless you are one of those nomads or those fellows that run all over the country.

I think that you people all feel that we ought to protect those small ranchers who have lived in the range country, and that is why we added that part to the resolution.

MR. WILLIAMS OF UTAH: I arise to support the original motion and render my opposition to the substitute for this reason. Mr. McFarlane has stated to you we have come here to try to live up to and carry out the intent and the purposes of the Taylor Grazing Act. It tells me, in these words, that, as long as there are plenty ranges available, then it is administered to all, but in case of range shortage, then it tells me that those nearest in point of distance and accessibility shall be given preference, and that is what I believe in, and that is what I am going to support.

MR. DORRIS OF CALIFORNIA: I would like to second the statement of this last speaker.

MR. TOBIN OF NEVADA: From the remarks made a few minutes ago by some of the members here, that old bugaboo is raised up again, about the "big guy" gobbling up the little fellow. I am on a board. We passed on 315 applications, had possibly five or six appeals, and took care of all those appeals ourselves to the satisfaction of the person that was appealing. I move, at this time, that the motion made by the gentleman from Colorado, which I understood as a substitute, be made the original motion.

MR. CARPENTER: Are you ready for the question? Are you ready to vote on the question that the substitute be made the original motion, that district and state lines be disregarded and that prior use only be considered? Do you wish more discussion?

MR. COX OF UTAH: It seems to me that this is simmering down to policies that you ordinarily find in a poker game. The gentleman from Nevada stated that they passed on 300 applications in their district. I will raise the ante. In our district, we passed on nearly 900 applications. In passing on those applications, we kept within the spirit and intent of the original Taylor Bill and following the regulations that were issued for temporary license, and I wish to make this statement, that I believe that ninety percent of the applicants that received their licenses were satisfied with the way we passed on them.

MR. MATHIS OF ARIZONA: I am opposed to this substitute motion becoming an original motion. I feel we should support the original motion. If we go back to this substitute motion, we are throwing away a year's work. We are going right back to where we were when this bill was created. We are defeating the purpose of the bill. That is what has killed the range. We are going back to "dog-eat-dog". We have already done that until this country is killed out.

This Taylor Act was framed to protect us, and I am in favor of the original motion. I call for the question on the motion.

MR. FRANCIS OF UTAH: I am opposed to the substitute motion for this reason, that I think it conflicts with the past policy we have adopted under "Policies." We put commensurate property above prior use; now we come back, and, under the substitute motion, wish to put prior use over that of commensurate property within the district. For that reason, I am opposed to the substitute motion.

MR. HUTTON OF LONTANA: I simply wish to state that, if you pass this substitute motion, you absolutely kill our district.

MR. CARPENTER: Are you ready for the question? The question will be on the substitute motion to disregard state and district lines and observe customary use subject to the discretion of the Board. Only the delegates will vote. Those in favor will signify by saying "aye".....Opposed, the same sign.....The "no's" have it. Do you wish a division. We will poll the delegates if you wish a division, and vote -- each man one vote.

If there is no request for a division, the substitute motion is killed and we will proceed to consideration of the original motion, which I will reread.

Resolved, that dependent properties be separated into those within or near a district and those not so near the district, with first preference to be given to the owner of land and livestock whose ownership depends on the use of public lands adjacent to his property and who has had sufficient prior use.

MR. TOBIN: I move another amendment. Strike out the period on the last line and add the following: Subject to the discretion of the Advisory Board.

MR. CARPENTER: The amendment is offered that the addition of the words, "subject to the discretion of the advisory boards" be added. Is there a discussion on that amendment?

Are you ready for the question? Those in favor of adding "subject to the discretion of the Advisory Board" will signify by saying "aye".....Those opposed the same sign.....I will read the motion again, then I will read the addition which is proposed as an amendment.

The motion is: "Resolved, that dependent properties be separated into those within or near a district and those not so near the district, with first preference to be given to the owner of land and livestock whose ownership depends on the use of public lands adjacent to his property and who has had sufficient prior use."

The amendment is: "subject to the discretion of the local Board."

VOICE: I would like to have this understood, that only qualified men have a right to vote.

MR. CARPENTER: Only qualified delegates have a right to vote. Do you wish the delegates polled? The Chair will call for a revote.

VOICE: I propose that you have them stand so they can be identified.

MR. CARPENTER: That is a good suggestion. Those in favor of the amendment adding the words "subject to the discretion of the local Board" will stand..... Those opposed to the amendment will stand.....

VOICE: I would like to ask you if we knew what we were voting on. I want to know whether we were putting teeth in the law or taking it away. I think when we add that "subject to the discretion of the Advisory Board", we are taking the teeth out of the law.

MR. CARPENTER: Did you all understand that when you voted?

SEVERAL VOICES: Call for another vote.

MR. TOBIN: So long as the opinion is to ask for another vote, I wish to ask for another discussion.

MR. CARPENTER: I will read the original motion and the amendment, then call on Senator Tobin for his remarks. "Resolved that dependant properties be separated into those within or near a district and those not so near the district, with first preference to be given to the owner of land and livestock, whose ownership depends on the use of public lands adjacent to his property and who has had sufficient prior use." The amendment was to add the words, "subject to the discretion of the advisory board".

MR. TOBIN: Speaking upon the amendment, I don't believe there is a man within the sound of my voice but what has had his application passed on by the local members of the advisory board. You were satisfied. You elected those men to pass on your application because you knew they were familiar with your conditions that existed in your country.

Therefore, why not let him continue. Go ahead and kill this amendment if you want to, but I am going to tell you the advisory board is going to lose the confidence that they have in you, and you are showing that you have lost the confidence you placed in your advisory board.

MR. NIELSON OF UTAH: I rise to support the amendment. I think we have already granted you just what you have asked for. These advisory boards all along the line have considered, as the first Class A applicants, the men who lived within the district.

Mr. Carpenter reported that only $2\frac{1}{2}$ or 3 percent came back on the appeals, that were dissatisfied. I think we have concoded to the wishes of these men who live within the district, given them what they have asked for.

We are ready and willing to recognize them as Class A applicants coming ahead of the rest of us. What more do you want?

MR. WHIMMERY: A good many of us have been asking for a little bit more power as advisory board members. Every move of this kind increases the powers that we have and the recognition it has given us. I can't see any harm -- in fact, I think it is a good thing to support the amendment.

MR. WYATT OF COLORADO: This morning, it was the consensus of opinion among these delegates that home rule prevail. Some of them have apparently changed their ideas since the morning session. Why take the control away from the advisory board now if, this morning, they wanted it. I don't think that some of the gentlemen who voted against the amendment realize what they are voting on. If we are going to have home rule, why tie the hands of the advisory board?

MR. GARDNER OF UTAH: In Circular 2, did you have it written there "subject to the discretion of the advisory board"? Wasn't it understood. Didn't we act on those applications according to Circular 2? If Circular 3 comes out, do we need to have that tacked on there? Isn't it subject to the discretion of the advisory board without those additional words?

MR. MEDLIN: I am the man that asked you if you knew what you were voting on. The Taylor Act has given us something to fight this with, a law that we can go by, and, if we had those words on there, "at the discretion of the advisory boards", it is going to leave it up to us to decide that ourselves, and, otherwise, if it is mandatory, you can say that "you can't come in if there is no room for you"; if there is room, we are going to let them in anyway. Mr. Carpenter said there were only $2\frac{1}{2}$ percent of the people not satisfied. If they are not entitled to go in there, we are not going to let them in, and we have the authority to do it with.

MR. LEE OF IDAHO: I have always been informed that these rules and regulations were going to give us fellows from the west some latitude and consideration. There is just one man that can get hurt in any rules and regulations that we make here, and that is the bona fide stockman who has put his lifetime in making a set-up to run stock.

In the state of Idaho, the district already in and both districts in contemplation, the boys pass thru in two or three districts, they have had this set-up two or three years, what we call a 12-months set-up, they trail back thru one and into another district for their summer range.

We feel, in Idaho, that we know those conditions and we are not afraid to take the responsibility of passing on those fellows and allocating them into the class that they belong to. This morning, it was the intention all the time to pass this back to these boards. So far as we are concerned, in the management of the public domain, if we keep as much power as we can at home, we are able to solve these problems to the best advantage.

On all the applications, as you said here, these boards passed on them, and 97% of them were right and fair. These conditions that seem to affect these people in Utah and Arizona, that they are talking about jockeying for the advantage of one or the other in those districts, don't apply to our districts up there, but we do feel that we don't want anybody in Arizona or New Mexico or Utah to make an arbitrary rule that is going to tell this advisory board up in Idaho who we shall recognize and who we shall not.

We are anxious that everybody shall be fairly treated but, on the other hand we don't believe there is a man that uses this range, and was using it before the Taylor Bill was passed, that his investment should be jeopardized by any rule that is made to fit any particular country. We feel very strongly about it and I don't believe there is any man in this delegation here that would want to cast any reflection on himself by acknowledging, before this bunch, that he was not able to pass intelligently on any application that was brought before him.

Idaho is in favor of this amendment, for the reason that we feel we are more capable, have more knowledge, understand conditions, know the applicants personally, and we have more ability to pass on those than anybody else within the western states.

MR. CARPENTER: The Chair will restate the question to be sure that everyone understands it, then, with your consent, it will be put to a vote. The question is whether we will add the words "in the discretion of the local board" to this resolution that was originally introduced:

"Resolved that dependent properties be separated into those within or near a district and those not so near the district, with first preference to be given to the owner of land and livestock whose ownership depends on the use of public lands adjacent to his property and who has had sufficient prior use."

And the amendment adds: "subject to the discretion of the local Board."

Those in favor of the amendment to add those four words will signify by saying "aye".....Those opposed signify by the same sign.....

I will first take a rising vote on the division.

MR. TAYLOR OF NEW MEXICO: Point of information. Would adoption of this amendment stop any right of appeal above the advisory board?

MR. CARPENTER: No. It would have no effect on that. All those in favor of this amendment will rise.

VOICE: One question, Mr. Carpenter. Without those words, would that power be taken away from the advisory board?

MR. CARPENTER: No. It would not make the slightest difference.

(Count is made by Mr. Carpenter of those standing for the rising vote.)

MR. CARPENTER: Be seated. Those opposed to the amendment stand. (Count is made.) Be seated. The amendment is lost -- vote is 82 to 54. (Applause.)

MR. CARPENTER: Discussion on the original motion is now in order. Are you ready for the question on the original motion? I will reread the original motion without the amendment which has now been lost:

"Resolved that dependent properties be separated into those within or near a district and those not so near the district, with first preference to be given to the owner of land and livestock whose ownership depends on the use of public lands adjacent to his property and who has had sufficient prior use."

Are you ready for the question? Those in favor signify by saying "aye"..... Opposed same sign.....The "ayes" have it. Any further discussion?.....Any request for division?.....It is so ordered.

We now come up to the question of fees.

MR. BRAY: Resolved that fees of 5¢ per head per month for cattle and horses and 1¢ per head per month for sheep and goats be charged for 1936 licenses.

MR. CARPENTER: The motion is made that 5¢ per head per month for cattle and horses and 1¢ per head per month for sheep and goats be charged for 1936 licenses. Do I hear a second to the motion?

VOICE: I second the motion.

MR. CARPENTER: Discussion is in order.

MR. NIELSON: I would like to amend that motion by cutting it in two -- 1/2 cent for sheep and goats per month, and 2 1/2 cents per month for cattle and horses.

VOICE: Second the motion.

VOICE: Will a further amendment be in order. I would like to make a motion to make that 5¢ on horses. Otherwise I am in favor of the motion made by Mr. Nielson.

MR. CARPENTER: Will Mr. Nielson accept that amendment?

MR. NIELSON: Yes.

MR. CARPENTER: The amendment is now 1/2 cent on sheep and goats, 2 1/2 cents on cattle, and a nickel on ponies.

VOICE: Do I understand that this is the assessment for the advisory boards or the grazing fees.

MR. CARPENTER: These are grazing fees that are to be charged for the issuance of licenses. They have nothing to do with assessments.

VOICE: When will these fees take effect?

MR. CARPENTER: They will take effect as the 1936 licenses are issued. As to the payment, I could not say, but in some reasonable manner.

MR. COX OF UTAH: I wish to make an amendment to the amendment to the amendment, and make that 2 1/2 cents on goats.

MR. CARPENTER: That motion is out of order. Any discussion on the amendment to the motion?

VOICE: I take it that there is an attitude or feeling on the part of the administration that the stockmen are willing to underwrite the appropriation of the president, something like \$412,000. Doesn't that require an amendment as recommended by Colorado?

MR. CARPENTER: The amount recommended by Colorado will raise about half the amount necessary to pay the expense. The amount in the amendment will raise about one fourth of the amount.

MR. NIELSON: Utah, when we came in with our recommendation, recommended that fee, but it should not take effect until term permits are issued, and now the Chairman rather brings that into my amendment for this coming year.

MR. CARPENTER: I beg pardon, Mr. Nielson. I will restate that amendment. 1/2 cent per month for sheep and goats, 2 1/2 cents per head per month for cattle and 5 cents per head per month for horses, when term permits are issued. That is an improper amendment to the original motion, which had to do only with licenses, therefore it will have to come up separately, and we will consider the original motion concerning licenses, which was a nickel on cattle and a penny on sheep. All those in favor of the original motion, signify by saying "aye"..... Opposed same sign.....Do you want a standing vote, more discussion or delegates polled?

MR. TOBIN: We have not had the opportunity to discuss the original motion. 5¢ a head a month on cattle, to the Nevada rancher, is exorbitant. You can put a cow down there and it will starve to death. I admit our ranges are more or less depleted. We are just making a living. We can't afford to pay a nickel a head on cattle. We are indebted now to the RFC and all the rest of the alphabet. I am opposed to it. I hope this motion is defeated. I am in favor of the amendment to the motion.

MR. CARPENTER: The point is well taken that the vote was put prematurely. It was put, however, in response to constant cries for question. I feel that all phases of this should be fully presented and then, when we vote, it might be best to poll every delegate. For that reason, the Chair will recommend further discussion on the question of fees.

MR. LUBKIN OF CALIFORNIA: I can't see where you fellows have the argument that 1¢ a head for sheep and 5¢ for cattle is exorbitant. If you have got a thousand head of sheep, you only have to pay this government ten dollars for those sheep and, if you have got the feed, I would like to know where the excessive figure comes in at 1¢ a head. I can't see it.

And the same with cattle. If you fellows have got so much cattle that you can't run them on that range, why not cut down the cattle. There is no money made on running cattle on a range when you haven't got the feed. In the Mojave district, California, we are not running more than the range will run, and we are willing to pay 10¢ a head for the cattle, for the feed we get, and 2¢ for sheep.

I am willing to stand with the statement of the Colorado man, of five to one and I think that is reasonable enough. The first thing you fellows know, this will go back, and those eastern senators will say, "If you are getting nothing, stay off." We will get into the same position that we were at the time of the forest service. You know the trouble we got into there. We had to come to Salt Lake about eight years ago to a grazing conference and fight this thing because they set the prices up so that we could not pay and run on the forest reserve -- cost you more than running on this public domain.

I know that to be pretty well true of a desert. You gather your cattle at the waterholes and herd your sheep, whether you are on mountains or public domain and I can't see where that fee is going to hurt anybody. The trouble is, it looks to me like you have got too many cattle and sheep on the range and they are starving to death. Put the cattle out that the range will stand, cut down your numbers and you will make more money on them.

I have lost money in three or four years, but I figured this feed out and I am willing to pay for it, and I could have paid for it in the last five years, as

bad as cattle were. It's the way you handle your stock. You have got too many on the range. Cut them down and you will get somewhere.

MR. WALTERS OF WYOMING: At the present time, we are exceeding our limit when we offer to pay anything, because all this ought to be on a something for something basis, and, at the present time, we are not receiving anything, and there is no assurance we will receive anything other than exercising on the range for the next six months. Wyoming ranges are terribly depleted. We applied for license on the assumption that all livestock must necessarily be included in licenses which were on the range in 1934. As a result of that premise, we ordered licenses for some 90,000 head of sheep and a great many head of cattle.

We know, before any feasible solution can be arrived at, that a great many of those stock have to be taken off the range. If there is any fee to be charged, the Wyoming delegation feels it should be a nominal fee, enough to take care of the administration until we get on a basis where we know where we are going.

MR. TAYLOR OF NEW MEXICO: I can't get together the speech we heard here this morning about the fat cattle of Wyoming, and the plea for free range today. (Laughter and applause.) I ranched down in Texas and I paid 50¢ a head a month pasturage on cattle and 10¢ a head on sheep and was glad to get it. We have heard here, ever since we have been here, about the burden of our taxes and the burden of our grazing fees and so on. It is true we have plenty of taxes to pay and plenty burdens to carry, but the only people I know of that do not pay any taxes are on reservations and I don't want to be on a reservation or a ward of the Government. I am ready and willing to pay what is suggested by the gentleman from Colorado.

MR. WHINNERY: I am in favor of the motion as made, but I still believe that it should be on the condition of permits being issued as rapidly as possible. I feel that the majority of Boards in Colorado are ready to commence right now on issuing permits. I think the fee is not excessive. In fact, as well stated by you, it does not cover the entire cost, but I feel also that a good part of this cost of administration should be on Uncle Sam's shoulders, if you please, because you and your able assistants are going into the work of conservation. You are saving the forest. You are doing a lot of biological work --

MR. CARPENTER: Not me -- not me.

MR. WHINNERY: And, by the way -- you may laugh at this -- you should do a lot of revegetation, and I believe you would be doing mighty fine work when you kill some of these rodents. I think that is work that belongs to the Federal Government and these stockmen should not be called upon to pay it. It is improving the range, it is true, and the time will come when we can afford to pay more for these grazing privileges. Look at the little colony they sent up to Alaska.

MR. CARPENTER: We will have to stick to the question.

MR. WHINNERY: We would like to have a little government money spent in improving these ranges and I think it is only fair it should be done. I still return to the fact that I believe that the issuing of the term permits should be commenced at once, where boards are ready to issue them.

MR. CARPENTER: I might state, in explanation, that the Federal Government spent in excess of two million dollars in grazing camps this year, none of which is considered in this budget at all.

MR. HARDIN OF MONTANA: In regard to the question before the house now, the proposal to levy 5¢ a head per month on cattle and 1¢ a head per month on sheep: In Montana, we have a little different situation from what you men have. Up there we have not only got our Taylor Grazing districts, but have also organized grazing districts under the state law, within that grazing district. We have set up in the state of Montana a grazing commission, and the funds to support the grazing

commission must come from an assessment on stock. We have always paid 5¢ per head on cattle and 1¢ per head on sheep to support the grazing condition of Montana. A few years ago, our ranges were in good condition. At the present time, they are depleted. If the administration of the Taylor Grazing Act will bring those ranges back to where they were a few years ago, we could afford to pay considerably more than 5¢ per head per month on cattle and 1¢ per head per month on sheep.

In order to facilitate the Taylor Grazing people in putting their program into effect, we think we can well afford to pay this levy of 5¢ per head per month on cattle and 1¢ per head per month on sheep. I am heartily in favor of it.

MR. WYATT OF UTAH: Conditions in Utah and Nevada are entirely different from what they are in California and some of those states. We have absolutely no shorts when we go out on the desert in Nevada from Utah, if we are going to return with our sheep, without giving them supplementary feed. If the Taylor Grazing Act could increase the feed and change the temperature so we would not be subject to snowstorms and be buried once or twice in the winter and be compelled to go to a railroad track and ship in to a haystack, then probably we could afford to pay 1¢ or 5¢, and we might be able to raise it, but in view of the present conditions as they prevail in Nevada and Utah, that charge is excessive, and I am in favor of the recommendation made by the Utah delegation, that we pay 1/2 cent per head for sheep per month, and 2 1/2 cents on cattle, and we only pay that when the term permits are issued.

MR. NOONAN OF COLORADO: If this thing is not worth the cost of administering, is it worth administering? Let's drop it if it is not worth what it costs to administer it.

MR. MAHAFFEY OF COLORADO: My experience on this grazing committee is rather amusing. I sit here and hear all this argument pro and con, but when you start to take one of those licenses or permits away from one of these men, you realize the value of it. It becomes very valuable at that time. Many a good man has gone to destruction trying to get something for nothing. I fear that is where we are going to wind up if we don't pay for what we get.

GENTLEMAN FROM OREGON: We, as a selected group, are asking for the privilege of using this public domain. We are asking for it to be polioed. Now we are not going to pay -- we are renigging. If we expect to use it and expect it to be protected, I think it is only just to pay a part of the cost of administration.

MR. BALLARD OF OREGON: I just want a little more information. When this is placed on a monthly basis, and if we had a permit which would be good for eight months, will we be charged the full eight months whether we use it the entire time or not, or six months, or whatever the time might be?

MR. CARPENTER: The question is raised, if the permit is issued for a term of months -- for instance, eight months -- and then not used for that term, as to whether the charge would extend for that period. The answer is that it would not, that the Board could take care of recommendations for the non-use of a permit. There is one other item that is most important, in these checkerboard areas where the range is capable of running, say, a thousand head, but only 40 percent public lands in that area; in that case, the fee would be made 40 percent of what it was, because the Government would have no right to charge for other lands run over in that district. Does that answer your question?

MR. BALLARD: Hardly. I wanted to follow something a little further. We would like to use the range in our locality six months, but at this time we can't use it over four, and just wanted to know whether we would be stuck for 6 or 7, or get off for four.

MR. CARPENTER: It would depend, of course, on the amount of available range. You are in a rather difficult position. You are all stock users. You are going to have to pay this yourself. You are not here, however, considering this from

an administrative standpoint. You are now acting on this as members of the Department, or just as I am, and just as much as I am, and you are going to have to orient your point of view of the administration of it around to the point of view of the administrators.

If you want to look at the cost of this matter, you want to take the cost of the Division of Grazing, including the pay of the district advisers -- \$400,000. That does not include the cost of the clerical work performed by the general land office; that does not provide any pay for the Division of Investigations in their technical work in preparing maps, in checking over all of the applications, running down statements on commensurate properties, and completely mapping all the private and public lands. The Division of Investigations men are not paid by the Division of Grazing. The man hours worked in serializing, abstracting, and issuing permits in the General Land Office, exceeded, in the period for which they were performed, the man hours of the Division of Grazing. That is no part of the calculations. Just as the improvement of the range in the CCC camps is no part -- that is an emergency matter.

But you should have before you the whole picture, as Congress is going to look at it. We are not trying to take our share of the investment, because that is one of the benefits of government that comes to all of us. But the particular parts that pertain to grazing will be segregated and set apart. The minority parties subject you to cross-examination when you say you are paying your way.

Whatever you vote, I expect to make that my recommendation, but I want you to see, fairly and frankly, what you are going into. You are all old enough to have experience in how much good something you get for nothing amounted to. Get that all into your points of view, gentlemen, and gather all your arguments. I would like to hear from everybody and, when we act, remember the Government put it up to the men who are not only assistants in the administration of the law, but who pay the prices. I have been told it was perfectly foolish to put it up to you men. I answered that saying that you people were able to divest yourselves of the point of view as payers of the price and look at it from every angle and see what was best for the application of the Taylor Act over a period of years.

Maybe $2\frac{1}{2}$ cents would be best. Maybe it would be best to say to Congress: "It is true we said we would lay a million dollars on the table, but we have decided to only pay a half million." They would say I would never try that again; that just simply is a breakdown to the whole system.

I want to hear every argument come out on every side, and I have got 100% faith in this bunch to do it right if they take time enough. We are going to take all the time required, all night if necessary, and I am going to stay with you.

MR. DORRIS: I think that the objection to the fees is that it is not going to the Government, but it is going back to taxes that we are already paying. It is a double taxation on the livestockman. Three fourths of the fees we pay in here goes back to the states and our county governments, which we are already supporting, and it is making a double taxation on one class. That is where the objection comes. It is that double taxation that we are objecting to.

MR. CARPENTER: Let me speak a minute on that and try to give you the point of view that Congress had. You are getting the use of so much pasture. You are getting the chance to make it better. It is worth about so much in comparison with other pastures of people in the middle west and south, and other parts of the country. You have 15% of the cattle and 40% of all the sheep in the U. S. and you ship to the same markets that the gentlemen who pay a much higher rental do. From the standpoint of meeting the rest of the trade in the U. S., some fair grazing fee should be set, regardless of the cost of administration, from that standpoint.

Now, if a man would hear considered some fair fee for an intake, which 5¢ would not make, which 10¢ would make and a little over -- if that is so, the

question comes up why give half of it back to the counties. Gentlemen, whenever you learn that half of it comes back to your counties, if a committee of you users are in there, before the county commissioner, and say, "We have put so much money into your coffers this month, and we want the levy cut down in the degree that that amount equals" -- if you don't do that, then you are not performing your proper duty as a watch-dog of the treasury.

There is no reason to let the money go into the county treasury. Make them take it off of your tax on real estate. You know, if you ask for it, you will get it. You will not get your taxes cut down if you don't get on the job. I feel that this addition to the local revenue, altho in Oregon and Nevada it goes directly back to the districts, is fair from the national point of view. They are not trying to keep any of this money in their coffers; they are turning it back to the place from which it came and, if it supplants taxes on real estate, it should really supplant them.

On the other hand, if you have some other venture and want it to go there, you can do so. Othorwise, you can request your county commissioner to let it go where you want it. Taxes will go higher and higher unless somebody objects. This is one method of having the stockmen object. That is the only explanation I can give on that feature of it. The 25%, I was assured, would be used for the improvement of the district.

MR. LUBKIN: The statements made by Mr. Carpenter are true. I am one of the commissioners in California. We have a budget system set up and, the more money we can pull down from the forest service and from other sources, the less the tax rate is. I am not here to boast about that, but we are only second or third in the state in my county, on the tax rate, and we watch every angle of . . . the producer, whether cattlemen, sheepmen or miners, or whatever it is, and whenever we can get the money in from outside sources, we do it -- for instance, the gasoline tax. We used to have a tax on roads; that has been cut down, but the taxes on roads cut down the real estate property tax. Our budget is such that we can only spend -- if we spend a thousand dollars, say, as an illustration, on roads for the fiscal year, we can only raise that budget 5%; it don't make any difference; if more of this money came in from an outside source, we could not spend more than a thousand dollars plus the 5%. So I can not exactly agree with Mr. Dorris on it; that is, double taxation. We are getting something worthwhile and I feel we should pay for it. If it is not worthwhile, we should quit.

MR. CONOVER OF UTAH: I will tell you why our Utah boys are opposed to this fee: because we feel that the Department of the Interior has nothing to sell us, only operation. In our district, we loved this same kind of tax that we opposed for a seasonal operation, and we are going to operate our district for 1/2 cent on sheep and 2 1/2 cents on cattle and horses. We are going to operate for six months for that amount. If we would make that amount for a month, that will increase that fee six times, and we feel that all we should pay at this time is the operation fee. Maybe a lot of you fellows graze in a fatter land than we graze in. Our deserts are depleted, not from overgrazing but from drouth. We have been burnt to death for years, and, if we can once get a normal amount of moisture, we are willing and glad to pay for everything we can get off of public domain.

I think that this fee should be as we have stated, that the Department of the Interior should carry their part of the expense, and let the people using the domain cover the operation cost, and I believe that this fee will cover the operation cost. Our sheepmen in our districts lose on a herd. A winter herd of sheep runs around 2500 to 3000 sheep. Our men lose on a herd an average of 400 head of sheep on that herd in one season. The cattle lose the same proportion. We feel we are not in a position to go ahead and pay this fee now because we have this adverse condition. We would like to have the fee held nominal, on a sliding scale. Why not start easy and give us this nominal fee, let it grow as the country grows. Let's pay for what the country produces.

MR. OLIVER LEE OF NEW MEXICO: I, too, join you in my sincere belief in the integrity and fairness of the livestock raisers of the west and public domain

states. I don't know how you feel, but I feel we have been just slipping a little bit. I felt that all of the livestock raisers were men of character that could determine any question that comes before them fairly and justly, regardless of their personal interest. We have been encouraged by the acts of our advisory boards up to this present time, but I feel that they are taking an unfair position here today.

I am not fully advised as to the cost of leasing the school lands in the different states. I am not fully advised as to the prevailing amount of lease charges on privately owned land. I am not fully advised as to the forest fees charge, but I feel I could say with confidence that the fee set-up in the present resolution will be less, as far as a grazing charge is concerned, than is charged on any of the other lands within their respective states, and I think that they should be fair and just and not attempt to get this land for any great amount less than they pay for other lands.

MR. CECIL OF OREGON: I fail to get the viewpoint of the gentlemen who spoke about double taxation. The reason I mention that at this time, the subject has come up repeatedly since we have been here. As I understand the theory of this Act, we are all hopeful that we are going to improve the range. Ultimately, it is going to be worth the fee. The fee collected at this time will simply be an investment toward bringing about this desired result. As to what becomes of that money, it is beside the question; it seems to me that is really confusing rather than clarifying the issue.

MR. CARPENTER: I might state this: We are trying to get all the facts in front of the delegates. Senator Leo raised the point of fees on school lands. They will run from $1\frac{1}{2}\%$ an acre in Arizona, to as high as 8% an acre.

MR. COX OF UTAH: After listening to this discussion with some amusement and some recollection of livestock meetings that I have attended here and other places before the Taylor Act was passed and we, as a group of livestockmen, the people who promoted the Taylor Act and the people who are now administering it, signed a note in blank. I know resolutions were passed and I have heard livestock men say we were willing to pay a reasonable fee for the use of this public domain, and we didn't want it for nothing. I have heard our congressmen who worked for it report that the opposition from the East to this bill, part of it was because the eastern states had no state lands and, when they produced livestock, they entered into competition with livestock produced on free grazing land.

We had all those arguments to meet and we passed some resolutions, or expressed ourselves privately, that we were willing to stand for reasonable fees for the use of this public land and for reasonable fees for the administration of it. We gave that impression out. We have given it out here. Our administrator here, Mr. Carpenter, has relied upon the feeling and the information that he got from attending those meetings and I believe he expects us to honor the check and the note that we signed in blank, now, and vote for such a reasonable fee for the use of this public land and for a reasonable fee for the operation of it, and personally it is my belief that the fee of 1% for sheep and 5% for cattle is reasonable and we should stand behind the Department and our Secretary here and our leader, and honor this check that we have signed in blank today, and vote down the motion to reduce the fee, and adopt the fee of one to five.

MR. CARPENTER: I want to say that I stuck my own neck out on the top to two with Congress, and I will get her back in, so don't mind about me. I want you to set a fair fee, and I believe you will, but never mind about me.

MR. DURANT OF NEVADA: With all due respect to the gentleman from New Mexico in regard to the character of cattlemen, and all due respect to his seniority, I happen to come from a third generation of cattle people in Nevada, and we always felt that the cattle people were also of good character and we resent very much the fact that Nevada has taken the attitude that we don't want to pay for anything. We want to pay just as much as the traffic will bear. We feel that conditions in Nevada are so different from these other states that we feel consideration should

be given and adjust these differences to the local conditions. We are not trying to evade these conditions. We are willing and anxious to pay. We feel it is not entirely fair to put a fee on us that will fit these other conditions. We want to be behind you and support you in every way we can. We believe the Taylor Act is a good thing, but we do believe in fairness to the people who are trying to make a livelihood from it.

MR. CARPENTER: Are you ready for the question? The question will be on the amendment to the motion, which was $2\frac{1}{2}\%$ for cattle and $1\frac{1}{2}\%$ for sheep and goats, and a nickel for horses.

MR. TOBIN: Didn't you take the amendment off?

MR. CARPENTER: Yes, I did. That applied to permits and was therefore ruled out of order. So, when we vote, we will vote on the original motion, which is 5% per head per month on cattle and horses and 1% per head per month on sheep and goats. Are you ready for that question? All those in favor of 5% on cattle and horses and 1% on sheep and goats, per month, for a fee for licenses in 1936, will say "aye".....Opposed same sign.....The "ayes" have it.

Do you wish a division? Do I hear a request for a division? If not, it is ordered that the recommendation to the Secretary of the Interior will be 5% for cattle and horses and 1% on sheep and goats. That finishes the four subjects we had under consideration here.

I have an announcement to make which will be of particular interest to you here in view of your recent vote, that the first case of trespass under the Taylor Grazing Act has been officially placed in the hands of the United States Attorney for action. I do not wish at this time to state the name and place, but you will all know about it, because it will soon be out in the shape of a warrant.

MR. McFARLANE: I have a resolution. Would it be proper to introduce it at this time.

MR. CARPENTER: I would like to complete the program of organization and improvement, which will be completed here with selected speakers, and I believe we will limit the speakers to not more than three minutes. In the matter of organization, I will take that up in this way. It was suggested that it would be advisable for district boards to incorporate, for cattle and sheep sections to incorporate separately. There is nothing mandatory about that, but it puts you squarely under Section 9, makes it a little handier to deal under a cooperative agreement. That is just a matter for you to consider.

In the other matter of organization -- the formation of state and national committees -- in the absence of express authorization to do so, I believe we will leave the district committees as they are and, at the next meeting of official delegates from the different committees, we will take up the matter of permanent state and national committees, in order that the range may be fairly represented by both local, state and national committees, should that be your wish.

The third subject under organization was the future relations with existing livestock organizations. I have had some talk with the officers of many of those associations, and it is believed wise, at this time, to let that subject alone. Let us approach it gradually, as we come to it, and with the idea that we are not trying to build another organization as a rival to any of those that are already in existence.

Are there any questions that you wish to ask before I go to the question of improvements?

VOICE: Associations are recognized, such as local associations?

MR. CARPENTER: Yes. I looked up, under Section 9, the legislative history, into the debates in the committee. Congress referred to unincorporated associations, and I was assured by the Solicitor that the words "local associations of stockmen" referred to incorporated associations. In Montana, it would be very much to your advantage to incorporate.

MR. WALTERS OF WYOMING: The associations you refer to can be purely voluntary, can they not? That is, I mean, they must have no formal organization at all -- just a group brought together without any formal organization will be recognized by the Department in awarding licenses or temporary permits?

MR. CARPENTER: Yes. I should bring this point before you again. You gentlemen perform dual functions. You will notice that, in Circulars 1 and 2, it is provided that, when authorized, the district advisors may act for the best interests of the licensees in other matters than passing on licenses and recommending special rules. Now, you are acting as a Board of Directors, then, for a local association. The matter of these assessments brought it up before the district. The rules and regulations which will be forthcoming and which will provide for the method of paying the assessments, the matter of incorporation, and the functions of the local associations as separate from the governmental activities, will be made very plain, and that is why I believe further talk about organization is a little premature at this time.

You can see what we are looking forward to is a local association of the users in each district, that will be able to take other action than your governmental activities in coming to assist the Department in recommending licenses and special rules. In other words, the associations will take care of other matters for you.

MR. DORRIS: Would that change make any difference in the election of your advisory board?

MR. CARPENTER: I think not. I believe it is going to be advisable to have the Directors of the local associations the same men as the district advisors, for this reason: if they are not, you will get into a conflict. I see no reason why the Board of Directors of the local association, if they will elect them by precinct, and one-man-one-vote, the way we do you gentlemen, why the Government should not adopt them as the advisors. Do you see? In other words, that we would take the Directors of local associations, providing they were elected democratically as you have been, and allow them to Advise the Department of the Interior as the district advisors now do.

MR. DORRIS: I had some experience with the stock associations as an advisory board. The Forest Service held that, as long as we had a stock association, that more than 50% of our permittees belonging to that association, that we would be entitled to an advisory board. Things went along very well for a time, and the membership drew out of the association -- that is, they just dropped it -- and we lost our advisory board.

Under this ruling that we are in now, every permittee is allowed to vote and to choose his representative to represent him on the advisory board, which makes it permanent, and there is no way you can drop out and lose this unless the Government says, "We don't want you," and, if we swap over and allow some association to select this advisory board, I am afraid we might be on ground that is not too secure.

MR. CARPENTER: I may say that this is not anything that should be "jumped at". It should be very carefully considered by the Department and regulations sent out and discussed by you on the matter.

I have selected eight speakers and will ask them to speak six minutes each on "Improvements", from the Advisor's point of view -- what he thinks of the work done in his state by actual observation -- if he wishes to criticize or praise, it makes no difference -- and what he thinks about the future of it. I will call first upon Mr. Mathis of Arizona. If you will speak from your seat, Mr. Mathis, it will save time.

MR. MATHIS: I think, in order for you to appreciate what the CCC camps are doing on the "Strip", you might as well have a little bit of history on that "Strip". It is a quite notorious part of the country. I have been ranching there

for 35 years and, during that 35 years, I think about four men have been killed, and I would not stop to estimate how many have been darn near whipped to death. When one man was fatally shot, we sent a cowboy to tell his wife about it. When his wife met the cowboy, she said, "Was it fatal?" He said, "Yes, but I think he will be all right in a few days." (Laughter)

I would just like to say that I want to commend the work of Mr. Carpenter, Mr. Ryan and Mr. Kerr. They are not trying to do this with their feet under the desk. I took a trip with these gentlemen on the "Strip". After telling them a lot of these blood-curdling stories, I got them by without a scratch and they felt all right. We come by a little settlement there, where they were celebrating, and the women were running footraces. Mr. Carpenter said, "Let's stop and see these races. So we stopped. He said, "I'll bet on that girl in blue there." I said, "What do you want to bet?" We wagered a little on it, and he lost his money. He gave it up all right, but he said, "I think you have been out here chasing the women." (Laughter)

MR. CARPENTER: I will say, in that little town, there is a surplus of she-stuff now. (Laughter)

MR. MATHIS: Gentlemen, we appreciate the work of these camps. I just wanted to give you that little sketch of the history of Arizona to show you we are badly in need of this kind of work. It is work we could not afford to do. We first went out there with pack mules and, by donations, we made it possible to use buck-boards. At the present time, the CCC camps out there are going to construct good roads and they have advised with the advisory boards and asked us to help plan the work, asked us to plan a 5-year program. We told them we could plan a 10-year program if necessary. They are going to build roads, trails, fences, water developments, and we soon hope to have the Arizona Strip so we can pay 10¢ a head grazing privileges on that.

I would like to say to the gentleman from California, who was shooting at us a while ago, that we have had to take our cattle down there to fatten them, and pay \$5.00 a month for pasture. No wonder you are so liberal about those payments.

MR. CHRISTENSEN OF CALIFORNIA: Mr. Chairman, ladies and gentlemen: When the gentleman from Wyoming this morning was telling about the good cattle in Wyoming, he reminded me of an old story of a rancher who, one day when he made his rents, walked into a bar dealer and said, "Give me a little shot of rye." He poured out a big drink and drank it and he said, "That's fine; that's good." The bar dealer thought, "I wonder what he would say if he had a really good drink." So he put out a bottle of very fine whiskey and said, "Try a drink of that." So this fellow poured himself a stiff drink and drank it, and didn't say a word, and he started to walk out. The bar dealer said, "Say, fellow. What do you think about that drink." He said, "It speaks for itself." (Laughter)

Gentlemen, we have two CCC camps in the Modoc-Lassen grazing district, District 2 in California. I was glad to be asked to say a few words about this grazing work. A good many come to me and ask me about it. I will just give a little outline of the projects that we have asked for, many of which have been endorsed and granted by the Department, which projects are in process of completion at the present time. First is range examination; determining carrying capacity and a complete survey of range lands adjacent to our ranches -- range cover, kind and tendency -- water existing and future development of water, wells and springs, etc. Second, trails and roads -- at the present time, we have 200 miles of trails and roads under construction or contemplated to be constructed. Water development -- we have two wells now operating, with 20 new locations for wells contemplated. Drift fences -- many miles now under contemplation. The boys are making posts and starting to dig holes. Predatory animals -- six projects under way. In the movement of livestock to summer ranges, where the men used to start out with cattle overnight, we are now having the set-up where we are having whole colonies benefit -- the welfare of those in that neighborhood. Stock driveways are being located and a portion of those driveways are being policed. Insect control is contemplated -- fire control, telephone lines, erosion control, and poisonous plant control. I thank you.

MR. ZAPP OF IDAHO: We have got two CCC camps in Idaho, doing about the same work as in California, and we appreciate very much what they are doing.

MR. MONTGOMERY OF MONTANA: Range improvements and suggestions for its solution and preservation. We in Montana feel that it requires a range control program which necessitates several very important features first of which is the development and control of stock water supplies. Those are many and varied in nature due to local conditions and supplies that are available to development and to control.

1. Dams and reservoirs of varying sizes and for varying purposes. The storage of water for use in its stored location presents many problems for many sizes and types of reservoirs and dams -- you must readily see that in any endeavor to secure well distributed water supplies local conditions and opportunities will of necessity decide the location and type or size. We believe also the storage of larger quantities of water at heads of dry streams that can be released at periods to replenish the water holes in the stream bed below to be a highly desirable storage. The further use of diversion dams or dikes to distribute run-off water over a large surface area to better store the water in the soil to also offer a desirable solution to water conservation.

2. Springs. The development and protection of springs thru the use of fenced earth tanks or reservoirs which can be led into service water tanks is likewise much to be desired.

3. The use of wells in these areas where surface storage is not available or not practical is still another desirable supply of water which if properly developed thru installation of small gas engine pump units and/or windmills along with earth tanks for storage which are then equipped with service tanks filled thru valved or siphon pipes. The construction of reservoirs of all kinds offer a wonderful opportunity for soil erosion control.

The construction of drift fences, boundary fences and as time brings the allotments of the range the construction of fences about allotments will aid considerably in controlling the past difficulties of overgrazing. The construction of roads and trails thruout the grazing area where needed will aid in supervision and fire prevention. The construction of corrals, dipping vats, camp quarters for horders must of necessity proceed with caution and then only when and where actually needed and must be under strict supervision of some organization such as our Montana State Grazing Districts provide.

The problem of driveways likewise are desirable if they be arranged and provided with ample and proper regulations and supervision. The elimination of fenced county roads thru large grazing areas is very desirable and wherever possible should be eliminated by the construction of auto pass crossings and gates. The removal of old deserted fence material, old farm buildings, the obliteration of the old signs of farm buildings thru filling of abandoned cellars, wells, cisterns, and the like, is much to be desired. Due provision should be made for trail pastures especially for stock en route to market. A concentrated drive on rodent and magpie control must not be overlooked as well as the continued effort to keep down to a minimum of all predatory animals.

All the above are activities that can be carried a long way toward completion thru the activities of not only CCC camps but the camps and projects now going ahead under the WPA thru the resettlement division. The reseeding of abandoned farm lands, the eradication of poisonous plant life, are other improvements to the range situation.

In conclusion and summary, every effort should be made to correlate the activities of the projects now going forward under the direct supervision of the resettlement division with the establishment of CCC camps which are making possible a new era for the people of the state and country.

MR. A. D. BROWNFIELD OF NEW MEXICO: When the advisory boards of the Southwestern New Mexico Grazing District No. 3, got organized and settled down to work, we were told that the Secretary of the Interior had the erosion control work program and conservation of the range as provided in the Taylor Act, placed under the supervision of the Division of Grazing, and that we were charged with the further duty of helping make it serve the Public Lands. We were not too eager for more duties, but if this was the Secretary's wishes, well and good. We had always wanted some control over the Public Domain. Now we were getting that, and if cooperation between the Grazing Service and the ranch men would be an aid toward protecting and conserving the lands we resolved to do all possible to help.

On the first of August, last year, we received and got under way three Division of Grazing CCC camps, all located in our grazing district. There is little need to outline just what the purposes of these camps are -- with this, most of you are familiar. It will, however, be interesting to show to what extent grazing district Boards, and the ranch men, can cooperate to facilitate the range improvement and conservation work of the camps.

In our district, we have been active in helping to develop those projects which we believed would benefit and be of some value to the stockmen. Our Board receives and makes recommendations on all ranch proposals submitted by individual ranchers. There are several reasons why it is believed this is a good practice, because of the fact that all proposals come before the Board, all selfish interests are minimized. Projects are approved only where there is a benefit, at least in varying degrees, to the public range.

Among the more important projects and those which will be of a more immediate benefit to both the range and the rancher and the livestock industry might be listed: 1. Water development, - just now this is necessarily being delayed because of the fact that a development of water prior to the allocation of range would operate to complicate its adjudication. This is lending strength to a position, well fortified, we believe, for an early temporary allotment privilege.

2. The construction of fences on ranch boundaries. Following this, we might list water spreading in areas where the terrain adapts itself to the work, and to be followed by revegetation which becomes practicable because of the collection of a greater amount of water.

3. There is probably no project which has wider sanction and greater general approval than the destruction of rodents and poisonous plants. This is being pushed vigorously and ranchers in our area are cooperating and furnishing available ranch buildings when necessary to house the boys who are carrying on this work.

Other work now being done is community ranch roads, connecting with the main highways, stock trails leading thru rough mountainous hills, and experimental plots for revegetation. And there is yet other work we hope to get done, as rock and concrete reservoirs in canyons where there is no water, community scales, holding traps at shipping pens, and perhaps along the driveway. In these three latter projects, we are firm in a position that the ranch-men furnish the material.

We believe, with all the good being done, that some constructive criticism can well be offered. We suggest that some improvement can be made in the work by more rigid supervision of the personnel of the camps, in order that the inefficient ones may be weeded out. Further, that the Superintendents, the technicians and foremen be in part responsible for their work to the advisory boards. If this could be done we are of the opinion more interest and efficiency will be the result among the officers, and the work done be still more permanent and secure.

We are extremely proud of the work done in our district by the ECW and glad that it is under the control of the Division of Grazing. There has been exemplary work done and it stands as a monument to the Service. It appears very permanent and no doubt will control to a degree erosion and redound to the benefit of the range.

MR. MARVEL OF NEVADA: In our State we have two or three CCC camps, and in this connection I would like to compliment Mr. Joe Leech and his co-workers, as well as Major Hunt, for their efficient work.

MR. A. S. CHENEY OF EASTERN UTAH: When our board in Utah, No. 8, learned we were to be assigned some CCC camps, we were very happy and have been very enthusiastic about the work being accomplished ever since.

The preceding speakers on this subject have almost taken my power. I will give you an outline of the projects that have been outlined for future development, to give you some idea of the active interest various Utah stockmen have been taking in this development. We now have the location of 102 seeps and springs to be developed. We have the location of 81 reservoir sites, 12 well drilling sites, have outlined 419 roads and trails, as well as rodent control, poison plant extermination, trails, drift fences, etc.

This program calls for an estimated outlay of 890-man-days, or about 17 years for one camp. I don't believe this program could have been outlined so readily, and so well, without the existing knowledge that our livestock-men had of the conditions and needs of the district and without the cooperation that our board members, the engineers and superintendent of the ECW camp and various other livestock-men have given to us.

The ECW engineers and superintendents have attended our meetings regularly where we have planned the work to be outlined and arranged for men to go on the range.

MR. NEILSON OF WESTERN UTAH: I am very much in favor of this work. In District 2, Utah, we have two camps -- one at Jericho and the other at Clover. We have some very active superintendents in the Jericho Camp. The superintendents are very enthusiastic in the work.

MR. HANSEN OF WYOMING: Mr. Chairman, in reporting on the improvement of our district, District 1, I wish to state that a great many things have been accomplished by the CCC boys, and with the cooperation of the Department or the Grazing Division along with Mr. E. G. Brown, who has the management and supervision of that camp.

We have 196 boys there. But inspite of the fact that they were handicapped in the way of equipment and tools, they have accomplished a good deal in the way of building reservoirs or water development, and that has been with shovels, picks and wheelbarrows. They have been promised that their equipment will be furnished in the near future. This camp was established in July, and about three weeks ago they received a caterpillar tractor, bulldozer, and scraper, which they are using in the way of building roads and trails and locating the driveways.

The board has appointed a committee from the respective localities where they were elected. They, along with Mr. Brown, have gone over these locations in the way of trails and the location of driveways. They are putting up sign posts along the driveways where they have been located. Mr. Brown saw that maps being prepared are remade. We feel that a great deal has been and will be accomplished by these boys, and we want to do all in our power to make it a success. I wish to state also that a camp has been established at Worland, and, in the very near future, the buildings at Worland will be occupied. These boys went into the timber and got several thousand posts and are prepared to go ahead with the work.

MR. CARPENTER: I have a proposal that I believe should be submitted to this assembly. It answers most of the kick that we hear on the range: That the Arizona strip be fenced out, that Utah keep Wyoming out, and Colorado keep Wyoming out, and all states fence up completely and keep their stuff at home.

Gentlemen, we have divided the ten western states into three regions, and we have with us this afternoon, the three regional supervisors. First region, New Mexico and Arizona; second region, California and Oregon, and the last region includes Utah, Wyoming and Colorado. I wish we had the time to go into detail with these regional supervisors here on that work. As we do not, I will ask each of them to stand up and give us a word as to what they think the value of their cooperation with the stockmen and their work with the committees. I will first call on the region from New Mexico and Arizona -- Mr. Caron. Just a word of greeting is all I am going to call on you for, on account of the time.

MR. CARON: We have eight camps located in New Mexico and six camps in Arizona, which were occupied at various dates between July and August of 1936. To other agencies operating CCC camps, we probably seemed slow in getting started. However, during the last four or five months, we expended 150,000 man days of labor on the public domain, with the following accomplishments:

Constructed 250 miles of truck trails. Maintained some 500 miles of roads. Treated 80,000 acres for erosion control and flood irrigation. Built 75 miles of stock trails. Eradicated poisonous plants on isolated areas, totaling 5,000 acres. Gathered 3,000 pounds of various seed, which is being planted on flood irrigation projects. Constructed over 100 miles of telephone line. Treated over 450,000 acres for rodent control. Built 650 miles of fence. Also various other construction and maintenance projects, such as spring development, cattle guards, stock tanks, wells, and so forth.

Have established range survey parties to check commensurate property, these helping to speed the allotments. Constructed a permanent type side camp in Albuquerque for enrollee draftsmen who work in our drafting department, making various kinds of maps needed by the Division of Grazing. Have developed a mobile type unit for side camps. This consists of a trailer type kitchen unit and also a trailer for bathing facilities. With this type side camp, accommodating about 35 men, we expect to be able to move about more freely over the public domain and will be operated more efficiently due to the fact that we have the men located near the work projects, thus eliminating the travel time to and from work.

We have submitted to Washington a five-year program based on an average of 25 camps for New Mexico, and 21 camps for Arizona. This involves an expenditure of some 10 million dollars and covers some 3400 townships in New Mexico and Arizona. Some of the contemplated projects are as follows: 35,000 miles of fencing. Flood irrigation on one million acres. Rodent control on approximately 10 million acres.

Assuming that all range lands will be allocated during this time, we set up a very extensive water development program, which includes wells, stock tanks, and spring development. Our estimate shows need for some 1500 wells and about 4000 stock tanks. We also have various other projects such as roads, telephone lines, poisonous plant eradication, experimental plots, stock trails, etc.

Cooperation with the Advisory Boards: Work projects must have the approval of the Chairman of the Advisory Board. This is necessary in order to make sure that the improvements put on the range are what the stock man needs and wants.

We want the members of the various advisory boards and the stockmen to suggest projects that we need in their localities, and help us to put this program over.

MAJOR C. H. HUNT, RENO: Mr. Carpenter has rather limited the opportunity to tell you all of the very many fine things that we have done and would like to do, and has limited the the discussion by ourselves to a point of a matter of introduction and a thanking of the committees who have formulated these work programs.

I would like to take this opportunity to tell you, however, how the work programs are formulated and how they are carried out. In District 2 -- I speak for District 2 only, or rather Region 2, which embraces the states of California, Oregon and Nevada -- the superintendents of the camps -- and there are 12 of them in these different states -- go to the committee men and ask for their recommendations as to the type of work to be carried out, the location of that work, and when it shall be carried out.

They then take these recommendations and formulate them into a workable program, and resubmit them to the committees, and, after having had their okay endorsed in writing on the back of the work program, the same is submitted to headquarters, when the engineer takes the work program, makes an estimate of the amount of material, the time element, and turns that over to the supply officer, who in turn gets out bids for the material and gets it into camp, and a program is then started.

I will take this opportunity to thank the members of the committees of the three states for the cooperation that they gave in the recent call for help in the expanded program over the five-year period. The result of their work has been shown by the fact that, while the other services lost camps -- some 93 in California alone -- the Division of Grazing lost none, and we hope can even expand after April.

As to what is coming, what we want to do, I am reminded of the story about the negro who was passing a graveyard in the dark and saw a ghost sitting on the headstone of a grave, trying to light a marble cigar. He turned to the negro and said, "Have you got a match?" He said, "No suh, I ain't, but I'm getting away from here." He started out running and, after a little while, looked over his shoulder, and the ghost was right alongside of him. The negro sat down, and the ghost sat down beside him. The ghost said, "Doy, that was sure traveling!" The negro said, "Yes suh, and when I gets my breath, I am going some more."

A survey with which you are all familiar has been carried on in the matter of commensurability and stock water in Region No. 2. Brought up to date, there are completed 702 commensurability surveys, and 654 stock water surveys.

MR. CARPENTER: I wish to call attention to the fact that we never could have gotten to this allotment of range nearly as soon, had we not had available the facilities and the work of those camps and these regional supervisors.

MR. McNAY, SALT LAKE CITY: I just want to say "how-do-you-do" to you folks in my region. I want to compliment you for the bang-up job you did in aiding us to get the five-year program over. We are going to give you the same kind of cooperation in our part of the work. So far as we are concerned, this work of range improvement will go as fast as you want, and no faster. I want to thank you all for your cooperation in this matter.

MR. CARPENTER: Now, I have a report from the first desert range experiment station in the United States, and I want a brief description. It is contemplated that the next national meeting will be at Burns, Ore., so you can see what a range experiment station for stockmen is like.

MR. CECIL, OREGON: There is a first time for everything. I have stood behind many kicking mules. This is my first experience behind one of these things. (Referring to the microphone.)

Over in Harney County, as Mr. Carpenter has said, we have a very unique situation. We have the first range experiment station in the west. This was temporarily established some time last year. A CCC camp was set up and, thru the facilities of this camp, all of the work is being done, such as fencing the enclosure, putting in fences, erecting permanent corrals, installing scales, in fact, everything necessary toward a complete livestock operation.

The idea of this whole set-up is to show and determine just what can be done to control grazing.

Those of us who live over in Harney County are very proud of this unique situation and feel hopeful that, as a result, range restoration will be hastened by many years.

When you gentlemen come over to Burns, we hope we will have the pleasure of showing you just what has been contemplated. We are proud of it, and are satisfied that you will be.

MR. CARPENTER: Gentlemen, at this time, I want to call on our good friend, Secretary Walters, and see if he won't say a word or two to us.

MR. WALTERS: My statements will be very short. I wish to state that it has been a pleasure to have been with you during this meeting, and it would be a great pleasure and pride if I could introduce before a meeting, such as this has been, a number of our Eastern friends, who do not entertain the opinion of the stockmen of the West that some of us do.

You have been here now for practically two days, and you sat here seriously and considered most intelligently the problems which came before you. You have conducted yourselves in a manner such as, to me, spells the future welfare of the Taylor Grazing Act.

No one can tell me, and make me believe it, that a body of men who are accustomed largely to the outdoors, will subject themselves to two days of punishment and imprisonment, as you have -- I know of a number of you who have not been outside of this building scarcely since you came to the city -- and then try to convince me that the men who are to get the services rendered by the Taylor Grazing Act are not in earnest and do not desire it.

It is impossible to convince me that your attitude means anything but your most ardent support of the Taylor Grazing Act and the development of the range in the West to the condition in which you desire it so that your industry might be again profitable and you might conduct it with more pleasure and convenience than you have in the past.

I did not arise for the purpose of making a talk at this time in the day. It is already too late and I have had the pleasure of speaking to you before. All I wanted to say to you, with the greatest seriousness and earnestness, is that I am grateful for the opportunity of being with you and having an opportunity to serve you.

Some of these things, I have had the opportunity to say to you in private. I have not been able to shake hands with each of you individually, but I should like to state to you, as a whole, the pleasure I have had in the meeting and the manner in which you have conducted yourselves, and my confidence in you and in the future of our program.

I thank you.

B-51

MR. McFARLANE OF UTAH: I just wanted to offer a short resolution. I believe I can make you hear, because the "mike" and I are not hording together very well.

To the Honorable Harold L. Ickes, Secretary of the Interior, Washington, DC: Inasmuch as the Taylor Grazing Act has to do with lands situated in the Western part of the United States and used by citizens of the Western States and only citizens of the Western States are thoroly familiar with the conditions surrounding the necessity for the Taylor Grazing Act and essential to its proper administration, and,

Whereas, this convention of delegates representing the Western States which are interested in the administration of the Taylor Grazing Act, has been directed and conducted by the Honorable T. A. Walters, First Assistant Secretary of the Interior and Mr. F. R. Carpenter, Director of Grazing, and,

Whereas, the delegates assembled at this convention from their contacts with the above named gentlemen representing the Department of Interior believe that they have a thoro understanding of the conditions requiring the passage of the Taylor Act necessary and for its proper administration,

Now, therefore, be it resolved that the delegates present at this convention hold at Salt Lake City, Utah, on the thirteenth and fourteenth days of January, 1936, do sincerely thank the Secretary of the Interior for selecting such able representatives of the Department of Interior and men who are so thoroly acquainted with all the conditions and requirements for the proper administration of said Act and with tact and ability to meet and discuss all phases of its administration with the delegates either singly or assembled.

Gentlemen, I move the adoption of this resolution.

VOICE: I second the motion.

MR. McFARLANE: Then I will put the motion. All who favor the motion will make it manifest by a standing vote. Gentlemen, it passed.

(Applause.)

MR. WALTERS: It was more than kind of you, and we appreciate it.

MR. CARPENTER: If there is no further business, I will say that I have thought about this meeting for seventeen months. It is quite a bit better than I ever thought it would be.

I thank you, and the meeting is adjourned.

(Adjournment at 5:45 PM, January 14, 1936.)

2-11/11
Admin

DISTRICT ADVISORS' CONFERENCE

DIVISION OF GRAZING
F. R. CARPENTER, DIRECTOR

SALT LAKE CITY, UTAH
JANUARY 13 & 14, 1936

INDEX

FIRST DAY - Morning Session:

Address of Welcome by Governor Henry H. Blood of Utah.....	A- 1
Address by First Ass't Secretary of Interior T. A. Walters.....	A- 2
(Including messages from the President of the United States and the Secretary of the Interior.)	
Announcement of Order of Business by Director F. R. Carpenter.....	A- 7
Discussion - Grazing Fees.....	A- 9

FIRST DAY - Afternoon Session

Address by Assistant Secretary Oscar Chapman.....	A-19
Greeting from Senator Elbert D. Thomas of Utah (Read by Mr. Carpenter)..	A-20
Message from Congressman Edward T. Taylor (Read by Mr. Carpenter.).....	A-20
DISCUSSION:	
Local assessments.....	A-20
Motion - Who shall be allowed to vote.....	A-22
Policies:	
1. Change in order of preferential classes for licenses.....	A-23
Motion.....	A-26
2. Division of dependant property into classes.....	A-28
Motion.....	A-32
3. Should cuts within a class be made on numbers or by restriction of season of use.....	A-36
4. Should temporary allocations of range be incorporated in 1936 licenses.....	A-37
5. Should commensurate property be divided into classes and definitely defined.....	A-42

SECOND DAY - Morning Session

Talk by Mr. Julian Torritt, Assistant Director of Grazing.....	B- 1
Recommendations of State Committees, following caucus:	
Arizona.....	B- 2
California.....	B- 3
Colorado.....	B- 4
Idaho.....	B- 5
Oregon.....	B- 7
Montana.....	B- 7
New Mexico.....	B- 6
Nevada.....	B- 9
Utah.....	B-10
Wyoming.....	B-11
Talk by Director F. R. Carpenter.....	B-13
Lobbying.....	B-13
Special rules of the range recommended by district boards.....	B-14
Term Permits.....	B-14
Licenses as grazing privileges.....	B-15
Placing responsibility on local boards.....	B-15
Enforcement of rules and regulations by Government agencies.....	B-19

SECOND DAY - Afternoon Session

Telegram from Secretary of Interior regarding Assessments.....	B-24
Motion - Range allotments in 1936 licenses.....	B-21
Motion - Division of dependant property into classes.....	B-23
Motion and Discussion - Defining commensurate property.....	B-23
Motion (redraft) and Discussion - Range allotments in 1936 licenses....	B-26
Motion (redraft) and Discussion - Division of Dependent Property into classes.....	B-29
Motion and Discussion - License Fees.....	B-35
Organization.....	B-42
Associations.....	B-43
Improvements.....	B-43
Resolution of thanks.....	B-51

SECOND ANNUAL
DISTRICT ADVISORS' CONFERENCE

DIVISION OF GRAZING
F. R. CARPENTER, DIRECTOR.

SALT LAKE CITY, UTAH.
DECEMBER 9, 10, 11, 1933.

DISTRICT ADVISORS' CONVENTION

Salt Lake City, Utah
December 9, 10 and 11, 1936

FIRST DAY

Morning Session

(Meeting called to order at 9:15 a.m., December 9, 1936, in the Lafayette Ballroom, Hotel Utah, Salt Lake City, Utah).

MR. F. R. CARPENTER, DIRECTOR OF GRAZING: You will recall last year, Gentlemen, we were given a very hearty welcome by Governor Henry H. Blood of Utah. This year, Governor Blood is unable to attend, but we are honored to have with us in his stead, the Secretary of State, the Honorable M. H. Welling, of Utah. Mr. Welling. (Applause)

THE HONORABLE M. H. WELLING, UTAH SECRETARY OF STATE: Mr. Carpenter, Ladies and Gentlemen, I have the great honor to welcome you to the second conference of Grazing officials charged with the responsibility of administering the national Taylor Grazing Act.

To those of us who have watched the unfolding of this program, this is an impressive and an important hour. The program you are considering was first proposed to the Congress nine years ago by my friend, the Honorable Don B. Colton, a representative of the State of Utah.

From that day to this we have had a large proprietary interest in the control and betterment of the public domain. For years progress was slow, difficulties at times seemed insurmountable. It was no easy matter for twenty or thirty men in Congress to command the attention and respect of their five hundred associates and colleagues.

Success came with the passage of the Taylor Grazing Act and the setting up of the organization which you gentlemen administer today.

Utah includes more public lands administered under this Act than any State represented here, or any state in the American union. In similar proportion, we are grazing more sheep and more cattle than our neighboring states.

I sincerely trust that the cooperation you are receiving from the district boards in this state is helpful to the general program. When it is realized that three-fourths of the area of this entire state of Utah is included in the lands which you administer, it must be obvious that we in Utah are vitally concerned with the policies which you adopt.

In recognition of these substantial interests, you officials of the Department of the Interior at Washington, and representatives of the western public-lands states have done us the honor of holding both of your conferences in this city. May I respectfully invite you to make Salt Lake City and our State the permanent headquarters for the administration of this great law. We would like to have you feel that Salt Lake City is the Capitol of this great empire of the public domain. I am sure our people will bring to your deliberations a spirit of helpful cooperation and support. This State cannot prosper except through a proper utilization of our range and grazing lands.

Of first importance, it seems to me, is the relationship of the Government to the men who, for years past, have utilized the public domain as a means of livelihood for themselves and the fostering of a great national industry.

These interests are manifested here by hundreds of stock masters not officially connected with the administration of the Taylor Act, yet vitally concerned with its provisions. Their lives and fortunes are involved.

Of almost equal importance are the public-lands states themselves because each state has large areas of state holding lands intermingled with the public domain. The segregation of these state holding lands for state use, as originally intended by the Congress is, I am sure, one of the major problems of the future.

It is a happy circumstance that as American citizens, enjoying a background of one hundred and fifty (150) years of free Government we come to this conference table knowing that all of these interests can be settled with substantial justice to the individual, the state and the nation.

In conclusion, may I extend to you personally, Mr. Secretary Walters, my congratulations upon being sent here to represent the Secretary of the Interior, Mr. Ickes. Also to you, Mr. Carpenter, we feel largely indebted for the enlightened policy under which the Taylor Grazing Act has been initiated. This vast empire, Gentlemen, is your home, and we are fortunate to have in Washington men who have grown up on the public domain and understand and appreciate its many problems. (Applause)

MR. CARPENTER: Thank you, Mr. Welling. Our friend, Julian Terrett, Assistant Director of Grazing, has come out from Washington today and he is bringing us a message from Secretary Ickes and he is also going to make a few remarks on one phase of the law. Mr. Terrett.

MR. JULIAN TERRETT, ASSISTANT DIRECTOR OF GRAZING: Gentlemen:

"To the Second Annual Conference of District Advisors of the Division of Grazing:

"I regret that pressure of official business and unforeseen complications in my schedule make it impossible for me to carry out my original plan to attend your conference in Salt Lake City. After the pleasant and mutually profitable conferences with your Advisory Board Chairmen in Washington last summer, I had looked forward to another personal meeting with you because I found our conference had paved the way for a better understanding of problems confronting us in the administration of the Taylor Act.

"With two years of administration of the Act behind us, I remain convinced that the Taylor Act is a milestone in land legislation and one of the most beneficial and progressive laws proposed and passed during this Administration. I have had ample cause to feel that my original confidence in the Bill was well placed.

"I believe that you realize clearly to what extent the judicious administration of this Act depends upon the cooperation of the western stockmen. I await with interest the action taken by your Conference because I feel that your recommendations will be of great assistance to us during the coming year. We have made substantial progress but we should not be too completely satisfied.

"We still have before us many knotty problems. I feel confident that you will give these matters your accustomed consideration and extend to the Department your carefully weighed counsel.

Harold L. Ickes
Secretary of the Interior"

I now want to draw to your attention some little known aspects of the Taylor Grazing Act.

The Taylor Grazing Act has been so widely discussed in the west as a practical measure for livestock men in setting up grazing districts and as a means of leasing and selling the remaining public lands which are so situated as not to be properly included within a grazing district, that some of those larger and more far-reaching features have been commented on very little and, in fact,

are just now beginning to be observed by those who are in close touch with the law.

The features to which I refer are those made possible by the language in Sections 2, 9 and 12 of the Act, whereby cooperative agreements are authorized between the Secretary of the Interior and local associations of stockmen, state land officials, official state agencies, federal agencies and departments, with almost no limitation in order to accomplish the purposes of the Act, which are stated in its preamble as follows: (Quote)

"To stop injury to the public grazing lands by preventing over grazing and soil deterioration, to provide for their orderly use, improvement, and development, to stabilize the livestock industry dependent upon the public range, and for other purposes." (Unquote)

In the first meetings, where this Act was publicly discussed in the ten (10) western states, many state and local agencies which had never heretofore actively cooperated with the Federal Government, were called into conference. State boards of land commissioners, state fish and game commissioners, railroad land commissioners and local associations of stockmen, all of whom heretofore had been individually pursuing their way as regards the handling of land in direct relationship with the public domain, were invited now to participate in the benefits which might accrue from cooperative agreement with the Secretary of the Interior in carrying out the purposes of the statute.

There have now been made and signed, a number of such cooperative agreements of far-reaching effect. The first of these was the now famous New Mexico plan for the protection of wild life within grazing district. Another cooperative agreement is that between the Secretary of the Interior and the Oregon State Agricultural College, whereby the Rango Experiment Station at Squaw Butte, Oregon, built and equipped by the Division of Grazing, has been stocked and is being operated by the college for the determination of proper range practices.

More recently there was signed a far-reaching cooperative contract between the Secretary of the Interior and the Southern Pacific Land Company, which will allow the grouping and correlation of some four and one-half million acres of checkerboard land in the states of Nevada, Idaho and Utah, and the public lands interspersed therein.

At the present time there is under consideration a cooperative agreement between the State Land Board of the state of Utah and the Secretary of the Interior, which will accomplish much the same purpose.

Then we have the cooperative agreements with local associations of stockmen, of which in my own state of Montana, I am proud to say, there are now thirteen (13) in active operation, whereby the public lands are handled in connection with the state and private lands with which they are interspersed by local cooperative associations of stockmen.

These cooperative agreements permit a coordinated use of the Federal, state, tax default and railroad lands, which are so intermingled that the proper use of one cannot be made without use of the other.

Cooperative agreements have been entered into with the Soil Conservation Service for the betterment of the range and to prevent erosion, with the Biological Survey for the protection of game animals and birds, and for the extermination of rodents and predatory animals, and with the Resettlement Administration for the joint control of resettlement lands lying within grazing districts.

As pointed out in the beginning, the field for cooperation is almost without limit. The Division of Grazing stands ready to work for the consummation of any cooperative agreement contemplated in the law and to cooperate for the public good, not only with the private and state agencies, but with all Federal agencies and departments. I thank you.

MR. CARPENTER: Gentlemen, I feel that we hardly need any introduction for the next speaker, who has the principal address of the day. He is our good western friend, the Honorable First Assistant Secretary of the Interior, Mr. Walters.

THE HONORABLE THEODORE A. WALTERS, FIRST ASSISTANT SECRETARY OF THE INTERIOR: Delegates to the Convention, Ladies and Gentlemen, It is with some regret on my part this morning that I am not privileged to speak to you more freely than I want and more direct, however, under the circumstances, it is advisable that we relate to some extent, the accomplishments and purposes of the Act and draw attention to the provisions and objectives of the Taylor Grazing Act's accomplishments and results.

Less than a year ago, a month and three days less to be exact, we met together in this city on an historic occasion -- the first conference of grazing districts delegates from our ten western states. It is significant that that first conference surpassed the most hopeful expectations in setting new and high standards of cooperation between the livestock men using the public range and the Federal Government. It is my sincere hope, yea, it is based on a sound belief that this present conference will bring forth greater benefits for all those concerned with the public grazing lands than did the first one. In this hope and belief and in the recollection of the very pleasant and worthwhile association with you in the past, I am naturally happy to be with you again at this second milestone in our broad conservation highway.

The Taylor Grazing Act is a part of the land history of our nation and bids fair to be one of the most important of all of our land laws.

Coming as it did after every possible method of settlement and development by private persons had been fully explored and used and all of the public lands which were capable of producing anything to pay for local taxation had been patented and put on the tax rolls, it dealt with a type of land never heretofore the subject of legislation.

The lands in grazing districts are the left-over lands after three generations of settlement -- they are the driest and poorest producing lands in the United States. In and of themselves they have almost no value, in connection with the private lands and water that largely control their use, they are indispensable.

From this fact came the now famous preference clauses of section 3 of the act whereby the grazing privileges of the public lands in grazing districts are to be used first for the proper use of the private lands and water that are naturally correlated with them. Such a land-use statute as this presupposed that the proper use of the private lands and water was either a known fact or one that could be determined. As a matter of fact this western country has been so hastily settled that even few of the inhabitants know exactly what the proper use of their land is. Lands which for many years were used to raise hay became suddenly more valuable for beet or lettuce raising. Pasture lands never plowed before became more profitable in cultivation when wheat goes above one dollar a bushel. For the past thirty years we have seen our private lands change in their proper use again and again.

I recently looked at the first public survey map ever made of the United States. It is a part of the files in the General Land Office and is dated 1866. That map was prepared within the memory of many men now living, and yet it did not show even so much as one government survey post in the States of Idaho, Montana and Wyoming, and only a base meridian line in Utah where the Mormon settlements were and in Colorado, Nevada and New Mexico just a few surveyed townships where the gold mining activities were greatest. This is cited just to show you one of the principal reasons why we do not know the proper use of the private lands and water of the public range areas of the eleven western States.

With this far reaching and statesmanlike objective of working out a proper land pattern for the proper relationship of private and public lands in the West, it was only natural that the Taylor Act should not be put into immediate operation so far as its land-use objective was concerned until that could be ascertained.

A method of temporary grazing licenses was found to be authorized in the broad provisions of section 2 of the act to take care of the existing livestock industry until the proper use of the private lands and water was worked out. This is only a step in the process of gathering the data upon which to base the distribution of grazing permits. You are assisting us, and in fact doing the major part of the work of inventorying the lands, water, and livestock now being used in connection with the public domain.

We are now for the first time assessing all of our range lands, private and public, in an endeavor to put them to their proper use, which means their right relationship. There is something almost awesome about participating in a work of this kind which stretches so far into the future with its results. This conference and probably many more will be necessary to complete the program, and only the inhabitants of this great region, we call our home, years hence will be able to appraise the quality of our work and whether it was done in a way worthy of the traditions of the pioneers who first subdued the savage and wildlife of this area and who left to us this task of saying what is the proper use of the private lands and water and their rightful relationship to those left-over lands which constitute the great "national ranges" of this country of ours.

We have made progress in the eleven months ensuing since our first meeting, despite the fact that both our problems and the areas to be under the jurisdiction of the Grazing Division of the Department of the Interior have been increased. As you recall, the Taylor Grazing Act was amended June 26, 1936, and the permissible area of vacant, unappropriated and unreserved public lands which might be brought into grazing districts was increased to 142,000,000 of acres. Even though we of the West are accustomed to dealing in vaster acreages than are our more eastern neighbors, this is still an enormous territory for us to administer. If these millions of acres were grouped together an idea of their area can be obtained by drawing a line on the southern boundary of Maryland and Pennsylvania, around the western boundary of Ohio and following the shore line of the Great Lakes and the Canadian boundaries back to the Atlantic Ocean. All the lands included between this line and the Ocean -- comprising the states of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Pennsylvania, Maryland and Ohio, would equal only the 142,000,000 acres. This gives us some idea of the vastness of the region which is now, for the first time, being brought into operation and its proper relation with the land which has been used and useful in the past in protecting the great livestock industry of the northwest.

As of November 1936, forty-eight grazing districts have been established, totaling a gross area of 253,012,888 acres of which 110,000,000 acres (in round numbers) are vacant, unreserved and unappropriated public lands. Of these forty-eight (48) grazing districts thirty-seven (37) are now under active administration and progress is being made in bringing under administration the eleven (11) districts which have been recently established. Advisory boards have been elected in all of the eleven new districts and it is anticipated that the administrative organization in each of these districts will be fully completed in time to issue grazing licenses for the season of 1937. An additional district in Oregon is in the process of being established and it is probable that in the near future still another district will be established in Colorado.

There is a great deal more to the administration of the public grazing lands than appears on the surface. To my mind, one of the most outstanding contributions made by the Taylor Grazing Act and its wise administration under the Interior Department is that through the cooperation of the livestock men themselves and the establishment of district advisory boards, a new contribution to the American way of life has been made, a new contribution of Federal Government administration. In handling a vast and complex situation, an organization has been created on Democratic principles in which those most vitally interested in the administration of the public resources have had and are having a fundamental part. Through the cooperation of the district advisory boards both the appearance and the actuality of absentee landlordism on the part of the Federal Government has been avoided.

You will recall that following the meeting of last January, the information brought out through our discussions was used as the basis in formulating the 1936 rules and regulations governing the issuance of grazing licenses. In July of 1936 a conference of chairmen of the district advisory boards was called at Washington by the Secretary of the Interior, in order that their experience and recommendations might be brought to bear on the problems involved in bringing in of an additional 62,000,000 acres under the grazing administration. The chairmen of the thirty-seven district boards then established were asked for a frank expression as to the progress which had been made and for their recommendations on policy. In passing I may add, and it is with pride that I do so, that no one of the chairmen at that meeting had any serious objection to make to the administrative organization thus far given or to the organization or the setup as to the organization which was conducting the affairs of these grazing districts. Before they adjourned they passed unanimously a resolution complimenting the Secretary upon his administration and emphasizing their endorsement and pleasure in his recognition of the principle of local autonomy and his appointment of men to key positions in the Division who have first hand knowledge of the livestock industry and with privately owned property used in connection with the public domain as well as with the economic features and problems involved.

And to those who attended, I have a picture taken in front of the building, framed by the Geological Survey, and it is now hanging in my office, with the name of each individual, aptly portrayed at the bottom of the picture.

I feel that those individuals passed resolutions which were more than the ordinary run of resolutions passed by similar meetings. They did not hesitate to express their frank expression at any time and any place, and for that reason, the resolutions, I felt, meant more than as I have said, the ordinary mine-run of resolutions.

During the last two years we have proved conclusively that home rule on the range and decentralization of authority are not only practicable and workable but that such a system, although new in dealings between the Government and those using our natural resources, is one of the best yet evolved. This is due in no small measure to the thoughtful and able work of the district advisory boards.

I am inclined this morning to note from a report made from our energetic, industrious and thoughtful Director of Grazing, Mr. Carpenter, wherein he says: (quoted)

"A prime force in the administration of the Taylor Grazing Act is the district advisory boards, consisting of elected representatives and stockmen in each district. There are 523 representative and able stockmen in an advisory capacity, serving on these boards.

"The advisory boards have been invaluable to the Division. Only those who have personal knowledge of the facts have any conception of the amount of time and labor that members have devoted to the work of recommending adjustments and allocations of range privileges in their respective districts and in adopting fair and reasonable rules under which those allocations could be made. A great amount of work has been done by various board members, particularly the chairmen, for which they can never be compensated in dollars and cents. These men have shown every evidence of fairness in their recommendations, and many members have fought for the adoption of certain principles even though the result would be detrimental to their own personal interests. Despite the fact that the western range men often have been accused of using the range in ruthless manner without regard to conservation principles the boards have, in many instances, of their own volition recommended either substantial cuts in the carrying capacity of their districts or a shortening of the season of use." End of quotation.

With such an organization we have made real progress. There are those who are not informed and who have said we have done nothing, and there are others who for reasons of their own maintain that we should have accomplished impossibilities overnight, solved every problem, and created a perfect organization and today be functioning as though we had been in existence for a decade. These are but thoughtless expressions. You who are acquainted with the work at hand know that we have more than one objective and know that we are reaching toward those objectives with reasonable speed and without the necessity of paying the penalty for uneconomic and too hasty progress.

As a part of a progress report I shall deal briefly with the situations involving grazing leases under Section 15, exchanges under Section 8 and the public sale of isolated tracts under Section 14 of the Act. In order to expedite the issuance of grazing leases under the authority contained in Section 15, on October 22, the Secretary eliminated all red tape and directed the Commissioner of the General Land Office to issue instructions requiring the registers of the Land Office to take action immediately on all pending applications. It will be remembered that while Congress had under consideration the question of increasing the acreage of the public lands to be included in grazing districts from 80,000,000 acres to 142,000,000 acres, it was impossible for the General Land Office to take action upon pending applications because of the provision of the law that grazing leases may be issued only for such lands as were so situated as not to justify their inclusion in grazing districts. Immediately after the issuance of these instructions, contained in Circular No. 1412, a number of experienced employees from the General Land Office were detailed to several of the United States District Land Offices. To eliminate the delay involved in the submission of formal reports by the Division of Investigations in each individual case as had been required theretofore, special agents were detailed to the District Land Offices who were familiar with the lands in the various districts so that they might act in an advisory capacity, especially in the division of the range between conflicting applications. Leases issued under the instructions of October 22 are for one year only. All action taken, however, with reference to these applications is subject to appeal.

As you are aware, the rental fees charged on these leases is in harmony with the fees within the grazing districts. They were the fees heretofore established.

While the regulations require publication for each application for 760 acres or less in order to meet the ninety-day preference accorded owners of adjacent or cornering lands the work has been simplified and expedited by the recent authorization of blanket publications at Government expense by counties in those states where any substantial number of applications have been received.

In view of the provisions of the Act that only those lands so situated as not to justify their inclusion in grazing districts may be leased, it has been necessary to reject all applications within existing or proposed grazing districts. Each applicant is advised, however, that such action is without prejudice to his right of appeal to the Division of Grazing for a grazing license to graze within grazing districts when such are established.

I would like to make it clear, however, that in the event an application is not awarded all of the lands applied for he will be fully advised as to the reasons therefor and that the Register's action is subject to the right of appeal. Whether or not an appeal is filed his rights as to any lands applied for but not included in the proposed lease will in due course be adjudicated by the General Land Office and such lands included in a supplemental lease to him if warranted.

In order to protect the public lands included in these grazing leases provision is made whereby the Government reserves the right to have its authorized representatives enter the leased premises for the purpose of inspection and the leases themselves are subject to cancellation for persistent overgrazing or the use of the lands in any other manner which causes soil erosion or for any purpose detrimental to the lands or the livestock industry.

According to reports received as of November 28 of this year, 2230 applications for grazing leases under Section 15 have been rejected, 757 leases have been sent to applicants for execution, 323 leases have been returned duly executed, 398 leases await the expiration of the publication period and 684 have yet to be considered. You will note, that is as of November 28th. By this time, the numbers which have been executed or set out for execution, have been largely augmented, since the Land Office is now in the process of executing these leases and expediting action relative to them.

Continuing our statistical trend for the moment, it will interest you to know that 423 applications for exchange of state-owned lands for public lands under authority of Section 8 have been filed by the States of Arizona, Colorado, New Mexico, Montana, Utah and Wyoming. Approximately two and one-half million acres are involved in these applications. The average selection list includes about six thousand acres, although some embrace as much as twenty to fifty thousand acres.

Some of the applications for exchange have been rejected because of adverse reports on the ground that their approval would interfere with the administration of grazing districts. A considerable number of applications have been rejected for the reason that the selected lands were withdrawn or otherwise not available.

Delays in the consummation of State exchanges have been due to the fact that a large number of the applications were filed prior to the issuance of the regulations, which necessitated the filing of supplemental applications. Also, in a large number of cases unsurveyed school sections were offered as basis for exchange, which base was not valid prior to the amendatory act of June 26, 1936. The amended Act provides that where the selected lands are within a grazing district the base lands must be within the same grazing district. It has thus been necessary to require amendment of many of the pending applications by substitution of valid base.

Some of the States have taken advantage of the provision in the amendatory act which permits State exchanges on the basis of equal acreage, as well as equal values. The procedure under the equal area provision makes unnecessary a field investigation for the purpose of determining values, and where a State elects to receive title to the selected lands, with a reservation of all minerals to the United States, no field examination is necessary to establish the mineral or non-mineral characteristic of the land so selected. Under a recent ruling of the Department it has been held that State-owned lands within reservations or withdrawals may be offered as a basis for exchange under the Grazing Act. This considerably widens the scope of exchanges permissible.

At the request of the State Board of Land Commissioners of Montana, the Department has recently authorized the detailing of a representative from the Division of Grazing and from the Division of Investigations to cooperate with the representatives of the State in making tentative plans for exchange of State lands. Similar cooperation will be extended to other States upon the request of such states as are interested.

Applications for the exchange of privately-owned lands have been less active, but 37 have been received, four of which have been rejected and the remainder are awaiting reports from the field. Only one application has as yet been received for the exchange of railroad lands as such. This is due possibly to the fact that some, at least, of the railroad companies have frozen security under bond issues.

There has been but little interest so far shown in Section 14 of the Act, as indicated by applications received. Up to the present 641 applications have been received, patents have been issued in 13, sales authorized in 5 and denied in 457 cases.

The Department of the Interior and the Division of Grazing are making every effort to overcome the situation presented by the checkerboarding or staggering of the ownership of certain lands and its attendant administrative difficulties. I am convinced that this particular problem, troublesome as it is, is capable

of solution and if we continue such progress as we have already made we will arrive at a satisfactory conclusion. As an example of one approach to this problem I may cite the cooperative agreements entered into by the Secretary of the Interior, beginning March 17, 1936, with grazing associations in the State of Montana, where the public lands constitute only approximately twenty-five percent of the area and are intermingled with state, county, tax default, railroad and other privately owned lands. These agreements are adaptable for use in any other state where a similar situation may be found to exist.

Realizing that permits could not be issued until a comprehensive and reliable range survey is made, a survey which will show not only the carrying capacity of the public domain ranges, but also the ownership of the private dependent properties and the number of stock for which they are commensurate, the Division of Grazing has issued temporary licenses to those engaged in the livestock business having dependent commensurate property with priority of use. To date approximately 17,883 licenses have been issued which have a class 1 rating, covering a total of 7,553,476 livestock, composed of 1,644,434 head of cattle, 95,700 head of horses, 5,653,395 head of sheep and 158,947 head of goats. These licenses are temporary, as you know, in character. In the main they form a recognition that the dependent commensurate properties upon which they are based are entitled to grazing privileges, although the exact extent of this grazing privilege has not yet been definitely and finally determined. This cannot be done until the range survey program is completed. However, the range survey program is well under way. Recent reports show that a total of 640 townships have been surveyed in the ten western States, and, 6,162 dependent property reports have been made out of the entire number of dependent property reports amounting to 14,063.

In the 37 grazing districts where there is active administration, a vast amount of preliminary work has been accomplished. In addition to range survey programs, just mentioned, a tremendous amount of range improvement has been planned, and a considerable amount has been completed. This work, as you are aware, has been done largely through the C. C. C. camps under the control of the Division of Grazing.

In addition to this, you are well acquainted with the provision of the law which permits twenty-five percent (25%) of the grazing fees to be appropriated by Congress for the purchase and maintenance of range improvements on the public domain from which the fees have been derived. These improvements, as well as those made by the C. C. C. camps, have been made and located only after approval and recommendation of the local advisory boards having jurisdiction in the areas in which the improvements were to be made, thus giving assurance that they would be practical in nature, properly located, and so constructed as to give a maximum of use, protection, and benefit to the range.

It will undoubtedly be of interest to know that in connection with the range improvement work of the C. C. C. camps under the Division of Grazing that estimates have been made showing that we would be able to use properly and efficiently, two hundred of these camps, each with a personnel of two hundred individuals, which would be useful in carrying to a final consummation, some of the most needed range improvements.

Some of us are interested in the conservation of wildlife on our public ranges. Many of you already know of the New Mexico plan, as mentioned by Mr. Torrett, and undoubtedly many of you by this time are familiar with the wildlife protection program adopted by the advisory boards in the state of Oregon. A detailed account of the Oregon plan would not be appropriate at this time, however, it contains a recognition of the rights of and the need for game protection on the range. It calls upon the State Game Commission, Forest Service, Biological Survey and all other interested parties to cooperate with the Division of Grazing for the conservation of our wildlife. This plan has met with general approval, and it is now, being submitted to the advisory boards in all of the districts throughout the ten western states with the exception of New Mexico. Its enthusiastic reception is proof positive that the livestock men as a whole are not only wildlife conservationists at heart but believe in the conservation and development of all of those natural resources which contribute to making the west economically, socially and industrially a better place in which to live. More attractive, if you please, to the human family as a whole.

In conclusion, let me assure you this morning that your deliberations during this conference will be closely followed by Secretary Ickes, who has requested me to extend to you his greetings, and that the recommendations you make will receive the careful consideration of the Department of the Interior, in connection with the essential and proper administration of the range during the coming year. I thank you. (Applause)

MR. CARPENTER: Gentlemen, I was taught to believe that in the taking of much counsel there was strength. If that is so, there is going to be an awful lot of strength given to the administration of the Taylor Act by such an assemblage as this, because I see before us today the men who are the most vitally concerned with the proper handling of this law in the ten western states, not only in number, but also in the character of counsel we will get, for I recollect very well the words of a very wise teacher under whom I sat. He said, there are two kinds of counsel you could get in this world -- the counsel of men who made theirs and were trying to keep it, who were occupying the lobbies of hotels and the plush seats of retired men's clubs. And the other kind of counsel comes from men who were on the make, trying to make their living and were in the heat of the conflict.

As I look about in this assemblage, I realize it is this latter type of counsel that we will get here today, and so I feel more than ever, it is the kind to be relied upon.

We are going to follow this order of business in this conference. There will be a general discussion here today. Tomorrow morning at 9:00 a.m., you will meet by states, and you will discuss the state attitude on these topics mentioned in the program, and there you will elect two representatives of a major committee, which will meet in the afternoon to discuss each of those six great topics. The major committees will meet in the afternoon and complete their drafts by night, and on Friday they will meet here again in the general assembly. The results of the six major committees will be debated, adopted or modified and that will complete the second annual conference of the District Advisors.

For this morning session, before we open up the topic for discussion, the first one is licenses, followed by permits, I want to make a brief statement in order that you may orient yourselves and approach this in a way that will get to the pith of the matter as soon as possible. The commonest remark I hear, as I travel about from state to state and ask what, in their opinion, the Taylor Act has done for them, is to say it hasn't done anything but slap a fee on us. To look about on the range and to observe this act, without some consideration and study, that might be accepted. However, before this body of men, who are the co-laborers in this field with those of us who are in the Federal Government, before that result is accepted I want to just briefly touch on one or two things about which you may not have thought heretofore.

The Taylor Act has preserved the status quo of the time of the organization of the district, that is, -- no new operators have been allowed to come on and start in grazing on the public domain. It is required that the old operators only go until such time as we can determine by thorough and proper consideration of the land. That, in and of itself, has been a proper protection to the public domain, as well as to yourselves. I notice in the papers, and it is true, that there has been a cut of some 800,000 head of livestock. I do not wish for a minute for you to think, and we do not think, that the end and objective of this act is to cut numbers of livestock. The end and object of this act is to increase numbers of livestock.

However, we stepped into a program which was slipping in a direction that we were not able immediately to stop. I heard some figures from the Secretary of the Utah Wool Growers Association that astonished me. He had the figures of the number of sheep in Utah since 1920, and, gentlemen, they have been slipping since 1920 at the rate of a million or less since 1924. That process was started before the Taylor Act was enacted and you cannot step into a decreasing range, as the Taylor Act did, and arrest it in a minute, and so it will be necessary for some time to make this adjustment and there may have to be a considerable lessening of the livestock numbers because, as we know, unless this range

reaches stability and has protection, there is no hope for any of us and that means not only our livestock, but our private properties that are dependent thereon. Do not think that the Division of Grazing feels its existence will be justified by cuts in the numbers of livestock. The Division of Grazing feels that its ultimate justification is by increasing the numbers in livestock.

We realize that livestock is the underlying basis of the agricultural system. We realize that the total cash receipts from livestock and its products in the United States in the year 1935 exceeded the total receipts of all agricultural products combined by over some \$700,000,000. That is to say, thirteen selected livestock items and their products exceeded the seventy-eight other products, which are cotton and tobacco and wheat and corn, and all the rest of them, and not only that, but the livestock consumed the by-products of the principal other industries of the country -- the beet factories, the wastage from the grazing fields, the stubble and the straw, and in a thousand other ways, livestock is the one great supporting industry of this entire country. And for that reason as the livestock industry prospers, so prospers the other industries of agriculture, of which it buys most of its products and buys directly and indirectly.

How many industries would be here if the products of the existing livestock industry and mines failed us? None, and so ultimately we hope to support more cattle and horses, sheep and goats than ever before.

But when we step into something that has been going down hill as this public domain has, it takes some little while to get the matter adjusted and stopped, and that is the reason we read those reports, which are of a complex nature. I am not going to recite here the by-products of this act, but I believe we have reached an all-time high for Government divisions in the matter of cooperation. We have entered into active cooperative agreements with associations of stockmen. We have entered into active cooperation with great railroads controlling a great empire of land. We have negotiated cooperative agreements with State Land Boards who own a large part of the public domain, particularly in this state.

We have entered into cooperative agreements for the handling of wildlife and for range experiment stations, and in addition to those we have Government cooperative agreements with the Soil Conservation and Biological Survey, and many other agencies of Government. This action has spread out and now you see focussed in this meeting the results of the work.

There are those who say we have done nothing but slap a fee on them.

The average life of the grazing district in the west is seventeen months and twenty-six days. That leaves out the newly organized districts that are not organized as yet. Seventeen months and twenty-six days is the average life. It is questionable whether or not we have not exceeded everything we hoped to do, as it seems to me the main objective that we have reached is that we have acquired a way of working together, and we have forever answered the age old saying that I heard when I went around these states. People used to tell me that cattle and sheepmen could not sit down amicably in a room and discuss a subject together. That is a thing of the past.

Those men in this room have proved it is a thing of the past. I have been in plenty of meetings in my day where the sheepmen sat on one side of the room and the cowboys on the other. But I can't spot which is a sheepman and a cowman in this bunch today. I am happy to see that. That is one thing we have proved.

There is another thing we have proved, and that is stockmen interested in the use of this range could be far-sighted enough to forego some immediate use for the sake of preserving and rehabilitating the public domain. There are those who said that was impossible -- to forego one little blade of grass to let it seed down. They wanted to grab it off and use it this year and never mind the future. The western men have shown that they are looking toward the future.

Then, lastly, there is another thing that we have demonstrated and that is these new districts that have been set up, have re-demonstrated it, in the

inauguration of this system of administration, I consistently heard from very substantial operators that the idea of "one man, one vote" would be very disastrous generally to the larger outfits, that the board would be dominated by small two-by-four men, who did not know just what it was all about. Time after time it was demonstrated not to be so. Time after time it was demonstrated that the western range livestock men vote for the man, neither big nor little, but the man in whom they had confidence.

In these new districts set up, I met the same objections. "Don't turn us over to the mercies of these flat-footed farmers" and the "flat-footed farmers" voted the best of any range men, I am told, in the new setups that have come in.

So, we have really demonstrated the sound principles on which our Government is based, of one man, one vote, and the ability of the people to elect representatives who will represent them properly. Those things we have demonstrated.

We now have a working machine and we have a problem before us. We have mouthed it around long enough in our mouths until we know what it was about, until now the time has come when we want to sink our teeth into it and know exactly where we are going. This industry will never hit its stride until we reach a degree of stabilization, so a man will know about where he is one year from now, and will know where he is going to be ten years from now, as well as one month. That is our big objective.

That brings me down to the topic in hand, which is the matter of licenses and the matter of permits. The two have to be taken up together. I am going to sketch out a little preliminary statement and then open the matter for discussion from the floor. Before I do that I will announce certain rules that I believe will make for our best progress in the discussion.

Do not make any mistake about the Taylor Act. The Taylor Act was set up as a land stabilization act and incidentally, and, of course as a direct result, to stabilize the livestock industry. It was set up to find out the proper relationship of those public and private lands, and insofar as consistent with that purpose to award priorities and protect them and allow them to use the range. Now, no range man could read that law and start in to administer it, because nobody in this world knew what the proper relationship of the public and private lands was. That relationship had been demonstrated by use. I have found some livestock traveling a thousand miles to use a bit of land here with another bit of land there. It had been established by custom and it had been established by cattle, but it had not been established by proper inventories of all the properties of the west. I realize the hopelessness of such situations.

I went into this work on September 12, 1934, and the third day I was in the work I wrote the Solicitor of the Department and I asked him whether it was possible to set up a preliminary setup to take care of the existing industry until the public domain could be inventoried and to discover the proper relationship of these lands, whether the powers of section 2 were broad enough to disregard the mandate in section 3, which said that priorities and range privileges should be turned in only after the land usages were required, because if that had to be done we would have to wait for three or four years, until we found out what the land was.

He said the powers in section 2 were sufficient that we could set up sufficient setup to make and to consider priorities and range privileges recognized and acknowledged and as nobody knew what range privileges were, and as nobody knew how they were to be recognized and acknowledged, we were told to find out and recommend to the Department, and you have advised us plenty.

If you will look on the back of your program you will find the advice of thirty-seven (37) districts, all the way from half a year to ten years. Call it a composite if you like, call it a hodge-podge if you like, but it was done by practical people in a practical way to take care of a situation, until the day was here until we could go into the working part of the act and also to make a cushion or shock absorber before the relationship of that land was properly worked out. That has been your job and mine for the past two years, and that has been worked

with laborious study and appropriation and conciliation. Our work in some eighteen thousand (18,000) specific cases in hundreds of meetings in which you men have stayed long over union hours and worked, and while your work may not be perfect, at least you have a machine which picked this thing up within six months after the enactment of the act, within six months after the districts were set up we have what is an American working machine.

Last year, you may recall, you met here and you took the instructions of May 1936 and you kicked some of them in the waste paper basket, and we took five great results back to Washington and incorporated them in the Rules of March 2, 1936, and under those rules we have been acting. They are not perfect. They are only a step in our program. We, at this time, can appraise those rules and say what is wrong about the license method.

You will find on the back of your program, an estimate prepared by the man in charge of Range Surveys, telling about what time each district with the present personnel can have the data where any Governmental agency can move in with any degree of sanity and try and say what the proper relationship of the land is. You will notice that many of these districts are many years off.

When the distinction between licenses and permits are finally understood there will be some who will never want to get on permits and some who will want to get there tomorrow morning at 7:30.

That is what we want to do here today, mainly to clarify the difference, and see which way we are going and I am trying to set up some kind of guidenpost with which we can judge it.

I recollect a Mexican who had an old team of mules, and that Mexican and those mules used to synchronize their movements so you could not tell whether they were moving at all. You would have to get a long ways off and get a post or tree between you, and then you could see which way they were going.

The man on the range does not know which way he is going, and I have also heard some well-informed men express the fear that we were going too fast in this matter, and that is another reason for this conference, in order that we may definitely face the issues and know what it is we are going to do. We are going into this, as Secretary Walters told you, a program of making a true-land use in this country that is almost awesome, because it will govern ourselves and our children and our descendants for many years to come. I know of no other country that has so much public land scattered around and that chooses to use this public land for the special benefit of the private lands and water interspersed.

We ask no such thing as the power of a sovereign. We know that the well-being of our people is for the benefit of our sovereign, because the people themselves are the sovereign. And so, indeed, the crowning results of the homestead law, as has been stated by the General Land Office, are the thousands of millions of chimneys over Kansas, Nebraska and Iowa, where that plan worked successfully and by the up-building and the granting of title to those lands, that is what made us the nation we are.

Now, by the proper ascertainment of this public land that is not able to be deeded, even if you wanted, because it couldn't support taxation, we continue in the ordinary program of our American Government to make the people prosperous, individual well-being, and thereby make the country what it is.

With that preliminary statement, gentlemen, I want to announce some rules here that if you are not in accord with them, I would be glad to have them discussed. I am going to ask each speaker when he gets up to announce his name and his state. I am going to ask the speakers in front to turn around and talk to the audience and not to me. I am going to ask them to talk in a loud voice, and I am going to ask those in the back of the room and those in the front of the room, I am going to ask those who do not hear to say "louder" and then if we have too many "louders", I am going to ask them to come up here, to step in front of the mike. We have a loud speaker here which will take just an ordinary conversation, and as some of you do not have a voice which will carry over the room, I am going to ask you to come up here.

And as there are a large number here who will wish to be heard on these subjects I am going to hold time on you and no speaker will speak over five minutes without the consent of the Chair or the assembly, and no speaker will speak twice on the same topic, as long as there are others who have not spoken who wish to be heard. That is in order to make a fair debate and get all sides in.

All talks and all questions asked we will ask to be confined to the topic under consideration. We are going to come to enforcement, improvement, range surveys and many other topics this afternoon, fees and finances, but this morning we wish to confine ourselves to licenses and permits, changes which we think are proper and necessary in these rules and to bring out clearly here just what we mean and which way we are going.

Anyone who wishes to talk behind the mike is privileged to step up here and speak from behind the mike. I will announce the first topic for discussion. This is a general discussion. The members of the Advisory Boards, delegates here, and others in attendance who are interested are more than privileged to speak and ask questions on this subject, because we are sitting down now to take counsel together, as we have been doing for two years, to try and clarify an issue and the intriguing part of it is that there is no answer in the back of the book and we have the interesting job of working it out step by step.

The matter is now open for questions or remarks. Are there any changes in the present license method of distribution, and furthermore, this topic is a matter of great concern to this Department. The disparity in the rules of priority between districts -- the disparity in the rules of priority just over state lines -- what is your wish -- that the disparity be continued or do you think it would be more proper that we have the same priority date established here for the United States or by regions of use? (Applause)

MR. FRANK MC ARTHUR, SAN FRANCISCO, CALIFORNIA. (California Grazing District No. 2): Gentlemen, that is a subject which interests me.

MR. CARPENTER: If you will turn please, so they will all get you.

MR. MC ARTHUR: I think that the priority rules should be established the same all over the United States, the dates in which the priorities are to be figured, the same.

MR. CARPENTER: Come on up here, Frank, and talk. Frank is an old-time operator from Northern California.

MR. MC ARTHUR: Ladies and gentlemen, this is the first time I have talked before one of these things and I hope it will prove to be all right. The subject which Mr. Carpenter has suggested -- that of priority -- interests me. In District No. 2, California, we dated it back five (5) years. My personal interest in the thing is this (I see Mr. Clarke and Mr. Jenkins looking at me). Their message to me is that two years out of those five years I had no cattle on that range, but that is a selfish end of it. And in fairness to the people who own land within the district or near the district, I think that whenever the priorities should be established they should be the same. And with that brief statement, I want to thank you for your attention and will sit down. Thank you.

MR. CARPENTER: He has given us an idea of the right way for a stockman to talk -- right to the point.

MR. MORONI A. SMITH, SALT LAKE CITY, UTAH. (Utah Grazing District No. 8): I have never talked before one of those mikes --

MR. CARPENTER: Think how many speakers we are going to break into this today, friends.

MR. SMITH: Gentlemen, I happen to operate sheep in three different states here, Utah, Colorado and some in Wyoming. It rather gets me to think about what we expect to do in the shape of universal regulations. It is my candid opinion that the rules of priority should be universal in order to be legal. I don't think that this Department could make me have a priority in one state that I don't have in another state. I would ask for the same qualifications in one state, that I have in another state. That is the conclusion to which I have come, and I think we will have to coordinate this thing back to the beginning.

Priority in the use of the livestock has been a late contention with most all of the livestock men. What is the date for the consideration of the priority of use of the land? That question is not settled. It has not been settled either way. We will have to get at a happy medium somewhere. When we talk about the priority of use, that is a legal situation. Any rules and regulations that the Department may make which are not legal, will not hold, even if the whole body makes them, if they do not conform with this act or the common law that preserved the use of the public domain relative to priority of use of public resources.

In the beginning of this act, right on the first line, it says: "To stop injury to the public grazing lands by preventing overgrazing and soil deterioration, to provide for their orderly use, improvement, and development, to stabilize the livestock industry dependent upon the public range, and for other purposes." These dependencies are all the livestock that was there at the creation of this law. It is self-evident that they were dependent -- you can't dispute that.

Now, I would like to see the Attorney General come out here and help us solve these laws and get them into a legal aspect.

Now, as to adjudication and ramification -- I think adjudication is our most important question at this time so as the administrative laws can be more easily acceded to by the definite facts. Then the law of adjudication -- by the way, I have got a lot of priority in my own properties -- owning about 50,000 acres of ground in the three states. That is, I think, pretty near as heavy a land holding as anybody has.

But I want to see the thing got into a start right off, and not be like the Forest Reserve. I remember it. They gave us first a ten-year permit, then they reduced us here in Utah fifty or sixty percent. Thank you, gentlemen.

MR. CARPENTER: Now, I didn't call time on him just because he mentioned the Forest Reserve. Now, we have heard from the cowboy and the sheepherder. Both agree that priority should be made uniform, that is as to dates or rules, or whatever it is.

MR. J. E. CONDIT, HAGERMAN, IDAHO. (Idaho Grazing District No. 1): You have heard from the sheepman and the cowboy, and I represent the "flat-footed farmer".

MR. CARPENTER: Come on up here. I knew I would get in "Dutch" when I talked about those feet.

MR. CONDIT: I never stood before one of those mikes before, and I don't know how I will make out. About this priority of right being the same all over -- I don't see how that can work. In the printed reports here, it says that over fifty percent of the graziers own less than fifty head of stock. I happen to be representing that class of people, in a district where the priority causes considerable trouble.

Our Chairman here told you that the by-products that the stock used and the by-products of the farm went together. Now, in the Twin Falls country, along Snake River, they are all farmers, with a small amount of stock, and this priority is causing lots of trouble.

Men, before I get away from here I expect to introduce a resolution, which I don't suppose I will get to work -- but I am going to ask for it, that the man with less than twenty head of stock that has more than the proper commensurate property, will be allowed to put that stock on the range. I thank you.

MR. CARPENTER: That is what makes a meeting. We have got all kinds of people.

MR. GUS PAPPAS, RIFLE, COLORADO. (Colorado Grazing District No. 1):
Ladies and gentlemen --

MR. CARPENTER: Come on up here, Mr. Pappas. You run in two states, don't you? All right, Mr. Pappas, pack it on.

MR. PAPPAS: Ladies and gentlemen, this is new to me, and I don't know if I can make it work. In discussing the priorities in the matter, as Mr. Carpenter has said, we are going to work together. I will make my statement today -- a few words for all you here in this meeting.

I have followed this meeting since the Taylor Grazing Act was started, so, I say to you this, I know it is for the benefit of the livestock on the range and to you people. This has been what I have seen -- what has been discussed by the Boards -- I think it is important to everyone of us.

I am a member of the Board on District No. 1 this year and I take my part in the meetings, but I think today is the time for all of us to set this on a legal basis and to satisfy everybody. So, what I say on District No. 1 applies on No. 8, where the proper use of public and private lands are both combined and people having property in Colorado come down to Utah.

Now, we have some cases over there where the Advisory Board finds somebody half a mile out of the limitation where they have the sixty-five mile rule. This is the time for us to say about that one-half mile, or sixty-five mile, or one-mile rule, and we should get together and then fix it up.

And, also the priority rights -- for instance, there was a man in Colorado allowed his stock on the public land in the western states, made, let us say, fifty thousand or a hundred thousand dollars, and then he buys that property in 1937. There is nothing to stop him investing his money, and there was nothing to stop him when this Act was enacted in 1934. Now, they want this man out and say to him he will have to be a pioneer here of ten years or you can't use this range.

I had a lot to say on this subject, but I have forgotten it, so I will thank you very much for your attention.

MR. CARPENTER: Now, Mr. Pappas said a good bit in a few words. He is kicking on the Utah 6 rule, that is the sixty-five mile rule, he says it is not right. He is kicking on the rule that anybody who buys any range has to know beforehand the date of priority.

We want to hear from you men as to whether or not you want any priority rule, or any rule.

MR. WALTER GILMER, METROPOLIS, NEVADA. (Nevada Grazing District No. 1):
Ladies and gentlemen --

MR. CARPENTER: Every man wants to hear you. Come on up and stand up here, please.

MR. GILMER: The thing that comes to my mind is that the conditions are so very different in each district. The Advisory Boards have made the rules for each district. It seems to me that the traditions are very different in each district and that the priority rule that might apply very well to one district might be very objectionable to another district, and I am in favor of each district making its own priority ruling.

I don't think that two-year rule would be applicable to Nevada and perhaps our Nevada 1 rule might not be applicable to Utah. I don't see why the Department of the Interior can't uphold the priority rulings, just as they do the livestock setup. (Applause) I thank you.

MR. MC ARTHUR: What priority rule hurts anybody? You have objected to it, but how does it hurt you?

MR. GILMER: I think it will hurt other people, because it will hurt me.

MR. MC ARTHUR: Well, if you don't have it, it will hurt me.

MR. GILMER: It will hurt because our conditions are so different. There is a very long period in Nevada, and a very different condition will be found in Utah and Colorado. A priority rule of five years in Nevada might not suit. It is going to hurt the fellow in Utah. On the other hand, if there is a short priority rule it will hurt the fellow in Nevada. The Advisory Boards have made the priority rules and I am in favor of those priority rules for each district.

MR. R. J. CONWAY, CRAIG, COLO. (Colo. Grazing District No. 6): I believe I can talk loud enough, without going up there. If I got up there and looked over this room, with all these faces, I might get nervous.

I believe in priority, absolutely. I believe it is too sacred a thing to be used as an instrument to deprive users of the range, who are dependent on the range for its proper use. I am in favor of the priority, where it can be used consistently with the land use program, and I believe it can.

MR. J. C. CECIL, SUNTEX, ORE. (Oregon District No. 2): We, in Oregon, have adopted a uniform rule of priority in all of our districts. We have adopted two consecutive years out of five immediately prior to June 1934. We feel that the uniform rule is to the best interests of all of us, because, in our state -- and it must be true in other states -- we have men who graze both in Oregon and in Nevada, and in Oregon and in Idaho, and, unless we have some uniform priority, it will be very difficult to adjust these border line cases. Otherwise we wouldn't care what priority rule you adopted; we could use our two out of five rule for our own satisfaction and convenience.

MR. JAMES L. NIELSON, FOUNTAIN GREEN, UTAH (Utah District No. 2): I believe in priority, as this gentleman over here said, and I believe it is a sacred thing, but I do believe we ought to be nearer uniform than we are. I am a district advisor in Utah. We have a ten-year priority. All the rest of the districts have a two-year priority. The district on the south of us has a two-year priority. We are on the long end, and I think we are too long. I believe we should come nearer to uniformity on priority than from six months to ten years. There can not be that much difference in the different districts. In districts such as Utah Nos. 1, 2 and 3, I think the conditions are exactly the same, or so nearly the same that those three districts at least ought to be uniform on their priority.

MR. CARPENTER: I want to say this, so we can keep on the topic: Mr. Cecil mentioned uniformity between the districts within the state. Really, the topic here is uniformity between the states in order to make priority uniform thruout the United States, because there are no state lines that are not crossed and re-crossed with livestock, and the particular topic for discussion now is whether there should be uniformity thruout the ten states. If we can reach some kind of majority opinion on that, then I think it would be proper to take up a suggested rule to the Department as to what date should be used, with the least disturbance to the industry.

MR. WALLY MATHIS, ARIZ. NO. 1: I don't think that we can fix a uniform time on priority of use thruout all of the western states. I think it might be possible for districts, where their interests are overlapping, to get together on some uniform time. But I think our conditions are going to be so varied and so different that it will be difficult to work that out in justice to all the licensors, and to make a uniform priority date. I think, in some places, it would open the way for people to compromise on something, where it might take care of people who need to be taken care of. People who have gone out of business 10 or 15 years ago may come back in the district and resurrect something they have abandoned 8 or 10 years ago and sell it to someone who is trying to work it out, and he would have to buy it to stay in business. I think it would work a hardship on some who are entitled to stay in, to benefit the man who has quit years ago.

MR. CARPENTER: I might say, in explanation, Mr. Mathis runs down on the "strip", and when he talks about "years ago", he talks about old-time water rights being sold out to take care of old operators, I believe.

MR. STYLIAN STAES, PRICE, UTAH (Utah District No. 7): If we are going to have a general rule on priority, I would like to see the question very carefully discussed first. I recognize the fact that all of the Boards have different rules on priority, but this is a rule that must, at some time, become uniform, and must be regulated. If you give us the opportunity to act at our pleasure, to our interests and to our purpose, we will work with you better than ever before. I firmly believe that we must find a way to be uniform. I do believe that it should be worked out so there will be no hard feelings on the part of any members of the boards, but there must be some uniformity.

MR. CARPENTER: Mr. Staes is in favor of a uniform rule. Let me say, gentlemen, that we didn't know what lack of uniformity we would have when we turned these boards loose to make recommendations to fit their conditions. If you will look on the back pages of your program, you will find it shows these variations. This is the first time we have had an opportunity to sit down and consider all these variations. For that reason, this is the proper time to decide.

We will not vote on this question this morning. This discussion is directed particularly to members of the licensee committee. The licensee committee will meet in the afternoon, tomorrow, and then, the following day, the matter will be brought back and finally decided in this convention.

JUDGE COX, UTAH: I am opposed to uniform regulation and uniform priority at this time, for the following reasons: I believe it will amount to an opening wedge whereby you will do away with local autonomy, so to speak, that has been given to the livestock men under the Taylor Grazing Act. There are two or three fundamental things in that Act that we considered in giving licenses -- priority of use, commensurability of land and water, and proper usage of the range. If you make a uniform rule of priority, why not make a uniform rule of land usage and commensurate rating of land and water, and, if you do that, you might as well do away with every local board in every district, because, once you unify things, there is no need for a board.

The very principle of the Taylor Grazing Act was based upon the fact that we had different problems in different grazing units in different states and different districts. You might as well do away with all the districts, if you are going to unify and centralize things. Why have 37 districts, or whatever it is? Why not only have one district, under uniform rule, with priority and land use in all of it uniform. That is the other extreme, I believe, from local autonomy. I believe that there are local conditions, which are different in the various districts and states, and at this time we are not ready to have a uniform rule of priority. I believe it should be voted down.

MR. CARPENTER: I will say this, before I recognize the next speaker: I think none of us want a fascist state here. We want to keep our local autonomy. But remember, we are working towards a permit system, in which each particular piece of land and water is to have its proper use worked out, and that is to be the governing feature of term permits. So the time will never come, regardless of what is done with priorities, when the Taylor Act will not take into consideration all of the local differences, all of the degrees of dependency of every piece of land, all of the various values of commensurability that water should have in the south, for instance, and feed in the north.

We are now talking about the desirability of a uniform rule, which is being given precedence in the licensee, until such time as we get on to permits, and you should bear that in mind. We are not going to destroy this Act whether we make the priorities uniform or not, because the big and controlling feature is going to be the land uses.

MR. ED MAHAFFEY, GRAND VALLEY, COLO. (Colo. District No. 3): It is hardly worth my while to walk up here. I just want to ask a question or two. I realize there is a difference in grazing districts, and these differences have to be taken into consideration. But I can't see where it would work a hardship on one district any more than on another district, to comply with a uniform priority of use. There are several gentlemen spoke on that subject. Their opinion is that it would work a hardship, and they think it would work a hardship. They haven't shown why it would work a hardship on one district any more than on another, in this priority of use. On seasonal use, I can see that very plainly, and some other things that might come up within the district, but, on priority of use, I would like to have those who discussed that explain why it works a hardship on one district more than on another. I feel that we should have a uniform priority of use thruout the different states, and not have different priority of use for different districts.

MR. A. H. ANDERSON, UTAH: I have listened for some time to this question, pro and con, as to whether we should have the priority rights universal in the different districts. I am speaking for a group of men from southern Idaho and

northern Utah, who are at present grazing in the winter season in Nevada Grazing District No. 1. We have about 75 or 80 thousand sheep. I want to illustrate to you gentlemen just what this priority question is doing to us. Most, if not all of these men have a priority grazing right on the public domain of some 30 or 40 years, some of them less, but, some seven or eight or nine or ten years ago, we were overcrowded down in District 2 of Utah, and there was more room and more grass over in Nevada. We moved over and commenced to graze.

Some of us have an eight or nine-year record of grazing in Nevada, and say 32 in Utah. Now, the Taylor Grazing Act comes along and finds us grazing in Nevada. They pass a priority rule of ten years. Utah Districts 1 and 2 have a different period of years -- two and three, I understand. Now, we have been away long enough from Utah that they don't want us. We have been away eight or nine years. I can point to three men in this audience who happen to come under the nine-year rule. They have been away from Utah nine years; consequently, Utah don't want them. Nevada says: "We passed a ten-year rule -- we don't want you; you don't belong here."

These men have investments in commensurate property, very heavy investments. I would say that that particular district -- southern Idaho and northern Utah -- have heavier investments in commensurate property than any other section of this immediate west. I think we are men without a country. In my particular case, I own my own range. I don't run on the forest reserve. I have investments, private holdings, range lands and it is a very heavy investment. Part of it I have only owned seven years, the rest of it ten years, but, on that part of my property that I have controlled only seven years, I have been denied a permit in Nevada. These other gentlemen, in the same group, that have nine years, were denied entirely for all their holdings.

It looks to me like, as the gentleman before me said, the priority right should be universal all over the grazing west. It won't work any more hardship on the man in Nevada No. 1 than it will in Utah No. 1; the same condition exists. If it is wise to have it limited to two years in District 1, Utah, it should be just as wise to make the priority rule two years in Nevada, and vice versa.

If I had owned my set-up for six years in one district, it ought to be just as good as if it was owned for six years in another district. Our investments are there, our priority dates back many years, but we happened to leave one district and start coming into another district to graze, but these lines that the government drew, and calls district lines, leaves us out and drops us into a district that says ten year priority, "we don't want you". Then the other district says two years, and we have been away more than two years, and we are left without a country. I think, by all means, the priority rule should be uniform in the entire grazing west.

MR. CARPENTER: Mr. Mahaffey wanted to hear from somebody who had been hurt. Now, you have heard from somebody who has been hurt.

MR. OLIVER LEE; Alamogordo, N.M. (N.M. District 5) I just arise to a point of order. We have been hearing from individuals as to their opinions. It seems to me that we might not get the right consensus of opinion in that manner. A man rising to speak should represent his grazing district or his state. If we are going to listen to the individuals, over seventy-five percent of the people here will not rise to talk on this question and you don't know what they are thinking about.

MR. CARPENTER: Mr. Lee has raised the point of order. He feels that the discussion should be limited to those who represent districts or states. If I did not announce it this morning, I meant to announce that this morning's session would be open to individuals, but that the closing session, and before the vote is taken, will be confined to delegates. That is, to the district advisors present, and, in the committees, the voting will be limited to those men. But, at this time, we wish to hear from any aggrieved individuals.

MR. LEE: With that understanding, I withdraw my objections.

MR. JOHN ETCHARD, TAMPICO, MONTANA (Mont. District No. 1): I am speaking partly for myself and partly for the Montana delegation, who realize the necessity for uniform priority. Five years is about the average that we want to go, prior to the enactment of the Taylor Grazing Act. That is all I have to say.

MR. JOHN McMURRAY, OAKLEY, IDAHO (Idaho District No. 2.): I want to qualify my remarks by saying that I am not in a district that has been hurt. We have not been a district long enough. In other words, we have just been hatched out, and I am here with others, representing District 2 in Idaho. I am for priority of use and I am for local administration. I think that those men who have to drift over state lines have a grievance here. I don't see why that can't be adjusted between the different boards of the state, and let us control our own administration within our own boundaries. We have three districts in Idaho, and I would say there is the same condition existing in other districts. Some of the complaint was that our district was too large.

The folks at home want local control. I think I can speak for the small men in our district No. 2, and that is he would like local control. He thinks that this board will be entirely fair, that they can sit there on the hearth stone and work out their plans best for their condition. Why can't you men that have a grievance get together on state lines. I think you have a grievance, but why take away our local control.

MR. GUS PAPPAS, UTAH: I want to ask you about state rights. You said what we want is local control. Are we going to have a state fight or what? Why don't you realize that every one of these states is in the United States.

MR. CARPENTER: Mr. Pappas raised the point that we live in the United States as well as in the state. I wish to say, gentlemen, in order that we don't get off on a tangent on this, that the controlling feature for the issuance of permits will be the proper use of land, and we are in no danger of having one hard and fast rule for all permits, regardless of priority.

MR. McMURRAY: I would like to tell those people that I am representing my particular district, and I am telling you what they would like. I think that would be almost a hundred percent. I am not an attorney general and I don't know the constitutionality of these districts. They are just being set up. But I can't understand why those advisory boards can't get together, where they overlap, and have an agreement between them.

MR. CARPENTER: I am going to try to answer that. Mr. McMurray said he was the member of a board of a new district. Many of you men have been on Boards now for two years, and I daresay any member of a board who has served for two seasons realizes the almost insurmountable difficulties of crossing over a state line where the districts end. We have tried to get boards together where the priority conflicted, and, when they are all thru, they fail to reconcile their differences and, for that reason, many of the men here feel there should be one universal rule.

MR. McMURRAY: Is that more important than the local rule?

MR. CARPENTER: No, it is not, and this, if adopted, will be a local rule, adopted by the localities in the interests of stabilizing the livestock business in order to follow the general procedure of livestock which cross and recross state and district lines.

MR. JOHN M. PRUNTY, CHARLESTOWN, NEVADA (Nevada District 1.): I am a member of the District No. 1 board of Nevada. We started in to handle our first year without very much priority proceedings. The result was, where we found -- especially on the winter sheep proposition -- we found all the sheep in Idaho wanted to come over on the Wendover desert. We never got anyplace until we made a priority rule. We finally compromised on the state law, which was eight years prior to two years ago, some time. Even then, I think that we found we were pretty badly crowded, and we will have to eliminate. In fact, we did eliminate some on the Wendover desert. In our own district, we have no trouble at all. But we believe in priority over there, and the more priority we get the better it will suit us.

MR. CARPENTER: There is no question about all of us believing in priority, but the question is whether there should be, under this license method, some uniform priority in the different states.

MR. A. D. BROWNFIELD, FLORIDA, N.M. (N.M. District No. 3): I think that we will defeat the entire purpose of the Secretary if we attempt to make a uniform rule on priority. If we can say right now that we are willing and ready to throw overboard all priority, I think every man in this house would jump up and say, "No, we don't want that done." Why should we have the same priority in New Mexico as we have in California or some other state. Why have advisory boards if you don't give them some rules and regulations whereby they can control conditions in their own district.

I think it is all right for advisory boards to work in harmony, but not have any advisory board say that the priority in one state should govern the priority in another state. If so, we might as well do away with the advisory boards and have one control the entire ten western states. We do not have equal state statutes controlling the public lands; then why throw out the rules that the Secretary has given us. I do not have the consensus of opinion of all of the New Mexico delegates. However, New Mexico has the least priority, I believe, of any state, with the exception of that one-half year priority. We certainly should not have a uniform priority date.

MR. CARPENTER: I want to say, in explanation, gentlemen, so that you will understand this: In New Mexico, the priority date is January 1, 1934 in all districts, and that is probably the least priority date. Now, I am not going to propose here that we throw all priority out of the window, because I am not going to start a lynching party. I know the way you feel about it. But we are discussing the question of whether we should reach a uniform priority date, at least as to crossing state boundaries. In New Mexico, we do not have the same question. Their allotments are pretty well worked out and they have a priority date that is suited, but the states where a man, in the regular course of his operations uses two or three states, it is a most acute question.

MR. WHINNERY, COLORADO: I might say, in the beginning, that I happened to hear something down here in the lobby today, early this morning, that substantiates just what Mr. Carpenter told us at the start of this meeting, that he can no longer distinguish which is a sheep man and which is a cattle man. I heard a man down here ask a girl at the dance what was all this meeting about today. Her answer was that "it is a meeting of the grazing boards under the Taylor Act." "Oh", he said, "that means cow boys." So I think that is a great compliment to the sheep men.

In the first place, I don't believe that this question cuts very much ice. I take it that any rule we adopt now can not be retroactive. We have been under operation of our rules for almost two years. In Colorado, there is now a uniformity of time as to priority, almost. For instance, I find that all our districts there are two years priority, excepting No. 1 requires three years. Then No. 2 only requires a half year. Now, knowing the members of the advisory boards of No. 2, I believe there was a good and sufficient reason for that requirement. Therefore, if we change the rule now, I believe, Mr. Chairman, we will only be accomplishing this: that we might open a debatable question to some people who have already been denied permits or licenses. Those who have already received licenses would almost come under any general rule of priority.

So I can not see just where we are getting if we take this out of the hands of the advisory boards. I am sure those of us in Colorado don't care. I am sure any general rule will be higher than most of us have agreed. When it comes to voting on this question, I may have something more to say, but that is all I want to say at this time at the general meeting.

MR. J. PERKINS, OVERTON, NEVADA (Nevada District 5): I am Mr. Perkins of Clark County, Nevada, District No. 5, which is one like Mr. McMurray mentioned. It is a new one, and I believe that Daniel Webster must have had in mind that particular part of the United States when he objected to acquiring this western territory, because, in a great many places, there is no possibility for livestock to exist. In speaking of property rights, commensurate property rights, priority of

rights. I believe that, in nearly every one of the different states who are affected, they have different periods of time in which to acquire rights. In Nevada, we have what is known as the state water rights, and we have with us here a state engineer from whom I would like to hear later in regard to those rights. Many of our cattlemen and sheepmen have acquired rights in the State of Nevada at considerable expense and they have used the public domain in connection with those rights, which they have had years and years. When it comes to making a two-year period, and someone with commensurate property rights in the state of Utah or Idaho, and coming over into Nevada and having an equal right with those people who have been there years and years, it is hardly justice, and I am of the opinion, as has been stated here before, that each district should formulate its own rules and regulations in each state.

Those advisory boards are able to determine what would be applicable in one district and what would not, and, to make a general rule of it, I don't think it will ever work out satisfactorily. The Taylor Grazing Act, as has been stated, is for the benefit of the whole. Now, it is going to take some very careful thought and consideration. You have got to forget yourself in the matter and recognize the other fellow's right along with your own, and, if it is over to be made a workable project, we have got to give and have got to take. I know the gentleman here a while ago spoke of people going out of business, forced out of business, that all they have left is the rights they have acquired to their water rights in certain grazing districts.

If they wish to come back in ten years, or twenty years, if they want to come back to the state, why shouldn't they be recognized? Why should someone coming from another state absorb all that they have left? These are questions that I think the committees will have to thrash out, that are appointed, and they will have to be broad enough so that they will strike a happy medium for the benefit of both the sheep and cattle, as well as goats and horses.

MR. CARPENTER: I want to say a word of explanation, because Mr. Perkins has raised a very vital point. He has raised the point that, under state laws, which distributed the range in the absence of federal legislation, men have depended on their rights, and that is all they have. In Nevada, the man who did not develop water on the range in 1926, ran on there as a criminal. That is to say, he violated the criminal statutes of the state. That was their range rights. He feels that those range rights should be recognized by the Taylor Act.

We realize that the supreme court has recognized the state laws on ranges. These uses have been recognized. Now, along comes Mr. Perkins says, this Taylor Act, which supersedes all state legislation, and the question now is how we can make a shock absorber in the transition period from the time in which you operated purely under state laws and not federal laws, and whether federal law has flexibility enough to consider these state laws. Heretofore these boards have been considering their state statutes, and the question we are deciding here is whether that doesn't cause more grief than it does good.

Mr. Anderson told us the grief it has caused them. Mr. Perkins will tell us the good it does those that have it. It isn't going to suit everybody, but the question is whether we are going to allow inter-state movement to run under the same priority rule in two or more districts. Each board sticks on what they think their own state rights are, so the question comes up as to whether the Department should not find there is more grief in allowing this grazing in disparity than there would be danger in allowing a uniform rule.

MR. JIM SMITH, CENTRAL, ARIZ. (Ariz. District No. 4): The question this morning is a very grave one. I think we all appreciate that. I represent a district which, according to our schedule this morning, shows our survey is complete, and we have issued grazing licenses under a ruling perhaps nearer the happy medium of the ups and downs of various periods. However, I think -- like the gentleman who spoke, Mr. Whinnery -- I believe that, if you attempt now to go back and make those rulings retroactive, you are going to cause a lot of grief for the boards. You are going to cause a lot of grief for the department of the Interior, and it is going to cause a great amount of grief to the entire grazing period, and I can see a great amount of grief that is going to be caused here today in reconciling the views of all the men and women represented here today. Now, as I say, we have issued our grazing licenses on a basis of two years out of seven. If we

start in again -- we have had some little hell down in District 4, Arizona, and we don't want too much more. Now, if we are going to do this, let's do it now. Let's not wait one year or two years. My opinion is it should have been done, but, if it has not been done, my opinion is it should not be done.

MR. CARPENTER: Mr. Smith, from one of the newer districts in Arizona, feels that, if there is anything done about this, there should be no longer delay. You realize that the longer we go with different systems of priorities, the worse shape we get in to change them, because rights acquire on every change in rule. He says, why wasn't it done before. The reason was because I didn't know what the boards would do. We didn't know what the differences were. So now we know what the different districts wanted.

MR. McARTHUR: Will you ask Mr. Smith this question: if some board made a wrong ruling, would they be willing to change it?

MR. CARPENTER: I will answer the question myself. The boards have been very willing to change their rules when they are wrong. Some people complain they change their rules too many times. That is necessary, where they are just composed of human beings and can not get them right at first.

MR. STANLEY WYATT, COLORADO: There are two sides, of course, to this priority matter. It seems to some of us that there is a wide difference in priority in states -- too wide a difference. In the district which I represent, it probably wouldn't make any difference to anyone who has been issued a license in that district. However, when these boards decided on priority, did they not take into consideration the angle of the fewest number being hurt? Mr. Whinnery of my state made the statement that this thing is practically settled. I don't know on what basis he makes that statement. It isn't settled yet. It should have been settled, as the gentleman from Arizona said, two years ago, to stabilize the industry. Then there is the investment angle. People today are going out, and have gone out, in the last two years. The sooner it is settled, the better. Mr. Whinnery also speaks of the matter not being retroactive. I would like to ask the Director of Grazing to express his views on that matter of it not being retroactive.

MR. CARPENTER: I don't know as I understand exactly what they mean by not being retroactive. The grass has been used up, so we can't do anything about that. That is over with. Rules that we make now will go into the 1937 regulations, of course. We have got to stay with what we have done up to this time, in fairness to everybody, but of course at this time we are considering the new regulations for 1937.

Now, gentlemen, it is 11:45. We have heard expressions about the advisability of making the priority rules universal. It would be interesting to listen to that particular discussion, possibly the rest of the day, but, as we are going to take up different topics when we reassemble at two o'clock, I am going to suggest that in the next 12 minutes of this morning session, if there is going to be a compromise reached by this committee that will report this out, that some kind of time or period of use will have to be suggested here, and we will have to see how we can get the states together on this matter. I realize this: Some say, "Let's take this day," or "that day" or "the other day".

Gentlemen, if you take the date of the enactment of the law, or take a day in December, in July, or August, when the districts were established, and you say on that date they will get rights. If you do that, there was nobody on the winter range at that time. There is nobody has a right. You can't take a particular day and pick it out and trick everybody by saying they have got their rights as of that day. You and I have worked too long on that proposition. It is period of use that gives a man a range privilege. It isn't happening to be there on that particular day, and you know it. So this matter has to be considered and justified. What is a range privilege? If you make it a day when there wasn't anybody on the range, then nobody got a privilege. That is nonsensical. We are going to have to set a date that can be used in fairness. There may be differences between the states and districts, but certainly there must be one rule for every United States citizen, or it would seem to me it would almost violate

the Constitution, which says one state can not bar a man from another state from coming in. It may be that you will want to keep some local rules for those who do not cross out of the district or state, but, just for the purpose of this last ten minutes of discussion, I am going to propose this uniform rule: that one full season's use before the enactment of the law be considered the acquirement of enough of a range privilege to entitle a man to priority, and that then his case will be judged on his property qualifications.

I would like to hear on that topic in our few remaining minutes. Do you think that one full season of use prior to enactment of the Act will cause less grief than the present method we are under. I would like to hear from you now.

MR. WALTER GRAHAM, WYOMING: When a man in December 1933 purchased commensurate property and livestock, and entered into the livestock business, he was engaging in a legitimate business, without any shadow across his right to continue in that business. Now, if those district boards, in the matter of priority, antedate January 1, 1934, you are inviting dissent from the grazing department and legal action from those whom it affects. The matter of legitimate priority is a different subject altogether and can be dealt with by local advisory boards, but the right of anyone who had his ticket and was on the boat in December 1933, can not be abrogated. The Act itself says that nothing acquired after January 1, 1934, could be granted as credit, either in the matter of commensuration or priority.

MR. CARPENTER: What Mr. Graham has said is true, with this qualification, that the failure to recognize property rights acquired in the year 1934 would hold good until July of 1935, and, after that time, it was to be disregarded.

MR. WHITE, COLORADO: The matter of priorities has been best fixed up by districts. I think every district board has tried to make the best rules for their district. Consequently the rules were made to keep as many of the people in their own district taken care of as possible. In order to make this equal, I don't think there is any question but what uniform priority, if it could be arranged, would be a good thing, but I think it should be with a five-year minimum basis.

MR. MAX COHEN, IDAHO: When this Taylor Act was first created, we all looked forward to the priority in the use of the range. Stockmen were all behind it, because they thought there would be priority, we would get the use of the range that was adjacent to us, that we had been using. That is why we worked for it and that is why it was passed. Now, to make a uniform rule, as has been proposed, a uniform rule of 10 or 15 years, that might apply and we would be for it. In the event it would be a few years, there are a few men that are going to be hurt. There will be some people hurt no matter what years or what length of time is being used, but, if we are going to serve the masses, it must be done by local boards. We know the conditions of the local users. They are the ones that should be considered and taken care of. Then, if there is any range after that, those men have the right to use this land, but the first consideration are those who have been using it for years and years and have their set-up, and I for one am very much opposed to the uniform rule, unless it be for a long period of years. I know I could not sit on the board, and go home with a uniform rule, say for two years. It would mean that I would have to have a bodyguard. I couldn't face my neighbors and my associates. It would mean that we would have to cut them out and let some man come in on a two-year set-up. It wouldn't be fair. I for one am very much opposed to a uniform rule for all of the states.

MR. CARPENTER: It goes without saying, of course, that if Mr. Cohen is against a two-year rule, he is against a one-year rule.

JUDGE COX: It appears to me, on the question that has been placed before us that we are probably quite divided as to whether or not there should be a uniform rule or whether it should be up to the local boards. I would suggest that, when the states are called upon to vote on whether or not they favor a uniform rule or to leave it as it is, that they be asked to vote on that proposition, and, in addition to that, to make a recommendation -- each board of each state make a recommendation -- as to how long the priority should be. Then, if the proposition passes for a uniform rule, the department will have the consensus of opinion from each state or board, as to how long the priority period should be. If they vote it down, I don't know what the attitude of the Department will be, but that appears to me to be a way to expedite it. Let them vote on the two propositions.

MR. CARPENTER: I think that is a very good suggestion. We have now had a very broad general discussion on this matter. When you meet tomorrow morning in your state committee rooms, and you determine your national committee, you better put some good fighting men on your national committee, because they will have this question up, and you had better instruct them as to whether your state favors or opposes the uniform rule, and, if they favor it, what they think the requirements should be. Instruct your delegates with enough leeway. Do not give them so little leeway that there is nothing they can do but vote one way.

We are going to have to reach a compromise. We are going to have to have some grief, but stockmen have suffered enough grief -- it doesn't hurt so bad if they all have a voice on it before it is reached. We want the various committees to go in there with a full knowledge of what the state delegates desire. Then they will spend tomorrow afternoon thrashing out resolutions, which will again be brought back to the floor and decided. It is 12 o'clock. We will adjourn until 2:00 PM, and begin promptly.

(Recess 12 Noon until 2:00 PM)

DEC. 9, 1936 - AFTERNOON SESSION:

(Meeting called to order by Chairman F. R. Carpenter, at 2:00 PM)

MR. CARPENTER: Gentlemen, while we are waiting for the loud speaker to be turned on, I will make a few announcements. You will notice that this meeting is like all regular meetings. The only thing we are going to omit is passing a contribution box. I got a telegram from Ed Taylor, whose name is attached to the Bill, and he wanted me to recite a little bit of poetry he composed. He was prevented by illness from attending this meeting.

"Home, home rule on the range,
Where the sheep and the herefords now stay,
Where seldom is heard a discouraging word,
And the stockmen have something to say."

(Applause and laughter.)

Now, I want to go over a few little matters of procedure that I have been questioned about during the noon hour, on which there seems to be some misunderstanding. There has been a feeling on the part of many users of the range that the district advisors have stolen the show, that they have the sole ear of the Department, or have the Department's sole ear, whichever way you wish to put it. This meeting, and this day's session, is distinctly open to any user of the range and I take it to be the wishes of the district advisors here, as well as the departmental men, that they want to hear, not only from district advisors, but from all users of the range who feel themselves aggrieved from any cause.

That is the reason we want it understood that no one will be shut off. Everyone is going to be heard, within the limits of the rules we have outlined for discussion. But, especially, this day is going to be for those not on the boards, because the boards, after this day is over, will have their resolutions, and the final day nobody but board members will speak on the resolutions and nobody but board members will vote on the resolutions.

However, at this time, we want to hear all parties. So I want to again extend an invitation to any one to voice anything they wish.

There seems to be a little misunderstanding as to the committee meetings tomorrow. In the committee meetings tomorrow, you will meet by states. When the district advisors of the state are assembled in the room, they can decide whether they wish to have others besides district advisors in the room or not, and they can have them in or not, just as they desire. They will then discuss these questions, and the last hour of their morning meeting will be devoted to electing members of a national committee. On each of the six subjects, they will elect two members. Utah having so many licenses, and being in two regions, will elect four members. That is, Region 1, which is the west side of Utah, and Region 2, the east side of Utah, will each elect two members on each of the six national committees. The other states will elect two men on their national committees.

Then, at two o'clock tomorrow afternoon, general committees, after listening to general discussion and states' discussion, will settle down to one topic to concentrate on, and bring back to the general meeting, which will open up Friday at nine o'clock, their reports.

As to where these state meetings will be held: That information will be obtainable at the information desk on the mezzanine floor. The meetings will all be held in this hotel building. Arizona will meet in Room 202, California in Room C-38, Colorado in Room C-41, Idaho in C-43, Montana in 206, Nevada in C-42, New Mexico in 138, Oregon in 207, Utah in the Jade Room, which is Room 100, a large room, on account of the size of the delegation, and Wyoming in Room C-37. There will be signs posted over the rooms. There will be an information desk on the mezzanine floor when you get here in the morning. Most of these rooms are on this floor or the floor above.

In the afternoon, the national committees: The committee on licenses will meet in Room C-41, the committee on permits in C-43, fees and finances in 138, range improvements C-38, range surveys C-37, and legislation in C-42. If you are in doubt as to where your room is, if you will inquire at the information desk, they can speedily set you right. We are anxious to start these committees off promptly on time in the morning.

I have been informed of a number of misunderstandings since our morning meeting, and I have also been asked to continue the discussion of the importance of priorities in licenses. We have a number of other subjects just as important to go over. I feel it would be unfair to the committees and the state delegations not to have those subjects covered in the general assembly, and particularly to give the chance to those who are not district advisors to come here and express themselves, whether for or against the system we are using.

For that reason, I feel we should cover the other topics. Then, if we have any time left over, we can go back to this intriguing subject of priorities again. But I feel, after our two-hour discussion this morning, we have a fair cross-section here, and we have something for your state committees to take up and later your national committee.

The next subject for discussion is the matter of permits. I feel that the most valuable thing that can be done at this time is to get a distinct concept in all of our minds as to what a permit under the Taylor Grazing Act is, or is going to be. Then, after you have reached there, you can look back and see better what the licenses are, and you can see the rather insignificant position which priorities will play, relatively, in permits, to what they are now playing in licenses, and possibly it will give you a better perspective in any further discussion of priorities here today.

Preferences in the issuance of grazing licenses shall be given for the proper use of the land that they own, use or occupy. Any other consideration besides the proper use of the lands in or near the district will have to be consistent with what has been done, to hook up the proper relationship between the public and private lands. In other words, under the permits, we are obliged to be consistent with the other purposes and provisions of the Act. That does not mean, necessarily, however, that priorities sink into such a low state that they have nothing

to do until everything is practically fixed by the property set-up, because you all know that Section 3 does not say that range privileges recognized and acknowledged must be consistent with the property set-up, or must be consistent with the proper use of land. It says it must be consistent with the other purposes and provisions of this Act, and one of the other purposes of this Act is the stabilization of the livestock industry so that it does not go clear out of eight and the stabilization of the livestock industry is one of the purposes that must be adhered to and that all rules must be obliged to be consistent with.

Now, you have copies of the Act. Many of us have studied it for years, and will probably be studying it for many more years. Ultimately, of course, courts will pick it up and study it, and finally, the United States Supreme Court will undoubtedly say what the authors meant when they wrote "proper use of lands" and "range privileges recognized and acknowledged." In the meantime, it is our desire to so interpret the proper use of those words, gentlemen, that we will have no fear of any decision of any court, in order that we may have no undoing to do in this administration and this adjudication of range privileges. That is the endeavor of the Department, and that is the reason for the taking of this wide counsel here today, and for this debate.

Now, a permit is passed primarily to give privileges to homesteaders, settlers or land-owners. Nearly all of the possible users come within those three classes, so they are relatively unimportant. Everybody is either a homesteader, a settler or a land-owner, because, if he lives there, he is naturally a land-owner, homesteader or settler, but he is given a permit for the proper use of the lands and water he owns and occupies, if within or near the district. First, we have the great stumbling block; how near is near? And second, what is the proper use? Is the proper use the demonstrated use made heretofore, or is the proper use the use for that particular type of land, by reason of its vegetation, climate, rainfall, and so on, which it is best adapted to, whether that is what it is now used for, or whether it is now being used for something different.

You realize that we now have two districts which have the carrying capacities completed by careful range survey, and agreed upon by the stock men. That is, in New Mexico. We have one piece of range in Colorado District 2 where allocations have been made and allotments agreed upon, and there is a possibility of only one appeal out of the entire district, which doubtless can be fixed up. So we are going to have, before we go thru this year 1937, some kind of regulations for permits. When a permit is issued, it is obligatory, under the terms of the Act, that it be renewed, provided the permittee has complied with the rules and regulations of the Secretary, and provided its failure to be renewed would impair the security of his set-up, if it be pledged for a bond fide loan. So that is a permit and it is a very serious matter to go into.

So we want to see what your ideas and recommendations would be for these rules for term permits. In other words, while we have been seeking the proper relationship of land, we practically perform a marriage ceremony when we give the term permit, because we hook up private lands and water with some range, and, while there may be changes for conservation and other uses, at the same time it was Congress' desire that public range be used properly and be used so as to give the proper use to that which the settlers and people of the west have found that they could patent and use with their set-ups.

I believe that, before going further, it might possibly be best illustrated if we got some questions from the floor, as to this distinction between a license set-up and a permit set-up. I am going to ask, if there are any questions, that you ask them at this time.

MR. J. E. CONDIT, HAGERMAN, IDAHO (Idaho District No.1): I would like to know the difference between a license and a permit.

MR. CARPENTER: You will find on -- I think it is -- the last page of your program, there are set out the distinctive differences between licenses and permits. Licenses are purely an administrative set-up, under the broad powers given the Secretary, to do all things necessary to carry out the purposes and provisions of this Act, whereas permits are governed by a specific statutory

guard. Licenses, as you know, are temporary, and for a year only. Permits will be anything up to ten years and is a guard against a failure to renew a permit, for those in debt, and there are three or four other distinctions between licenses and permits that are set out. You will find them in the program. It is Exhibit 4 in your program.

MR. MCARTHUR, CALIFORNIA: How can they intelligently issue a permit until you know the value of the whole property as compared with the value of the range land in which the licenses are issued.

MR. CARPENTER: Mr. McArthur has asked this question: He says, "How can you intelligently issue a permit until you know not only the carrying capacity of the range land, but the value and use of the private lands and water, and the proper relationship between the two kinds of lands." Now, gentlemen, he has hit the nail right on the head. We can not do that, and that is the reason we have not tried to do it. Failing this accurate data as to the carrying capacity of the range, as to the commensurate value and the dependent value of the private lands and water, and failing a more proper relationship that can only come to us after we get that data, we have had to wait until after we get it.

This past year, we have been working on a range survey, which has been completed in one district. In some states, it will be completed this year, and so on, in order to take care of it as it comes along. I am glad it is coming piecemeal. I am glad we will have a chance to come into one district and work it out there. My feeling has always been that all those with licenses should be given a few years of a license, and a full year or two of time in which to perfect an appeal, in order that, before they are deprived of any property right, they may have a full year. You realize that, in the appeals on these licenses, the regulations have gotten out so late in the spring that, by the time the appeal is thru or perfected, the use of the range is practically over with.

That is due to the fact that this is a new Act, that we are setting up machinery and operating it at the same time. But, on the permits, it is a serious-enough matter, I take it, that, after the debate today, they may recommend that there be a continuance of licenses for a period of years, as an adjustment period, and ample time given to perfect all appeals. Now, I won't scare you to death. It is not so bad. We are not acquainted with it. We have a first-hand acquaintance with licenses. We feel pretty safe as long as they have the same ratings on it as they used to.

Now, as I see it, we have worked close enough to what a permit is going to be, that the transition can be made without badly discommoding the industry. The dependency of the property is going to be of prime importance, and dependency, of course, is a flexible word. As to how much importance a piece of property will be given will depend on its commensurate value and how many it will support for the period it is necessary to support. Its dependency is not how dependent the operator is on the public domain, but how dependent that particular land is on the public domain.

Then we have the word "near". When we have a large number of commensurate properties, sufficient to exhaust the carrying capacity of the range, under the construction that has been put on "near" heretofore, those who are nearest in the point of miles and accessibility will take it, up to the full carrying capacity of the range, and those not so near will be left out. One district in Utah has made an attempt to put in practice the "near" rule. They first made the rule 35 miles from the district. A man came to see me who lives 36½ miles from the district. I said, "The Board could change their rule to 36½ miles. Then there would immediately be a man living 37 miles away who would protest." Sooner or later, to protect your ranges, you are going to have to draw some line.

Where you are going to put "near", what kind of construction you will put on it, is a matter you yourself will have to determine, and you will not be able to determine it until you have the complete picture. I have been with this, in the adjudication of ranges: We run in a rather small arc, particularly the cow man. They don't have the whole picture of a district, and none of us have the whole picture, of course, of the ten states. To make the right use of these public lands, and to set up the right relationship between the public and the private lands, it is going to be necessary that you have a picture. That could be gotten in two ways, as I see it. If we had money enough, or ability enough, we could take you up in airplanes and take you out until you get a look at all the different properties, and all the different movements of livestock, and it would be a marvelous chance to see the entire picture. That is not practical.

The next best is to reduce it to paper and get it on a map, and we are getting maps. The committee on range improvements and the committee on range surveys will go over to the place here where the drafting department is in operation. Those of you in Colorado have probably seen the marvelous status map gotten up by the forest service, which shows the ownership of the entire state of Colorado, whether they are owned by the county, the state or the nation. If you can picture your own state in that kind of map, or your own district, and then superimpose on that picture the carrying capacity of the public lands, and the commensurate value of the private lands, you would then approach the question of saying what is the dependency rating of each piece of private land, because you would pick out its relation to the range, and you would know what it had raised, and what its dependency was, and the determination of that dependency would be the determination of the permit.

I feel that we need have no fear of stepping into a dependency proposition. I certainly would not like to be a participant in any land plan in which the users did not have a very loud voice in what went on, because wisdom was not given to a few people. We have got to get it collectively, this way, and the main trouble we have is knowing exactly what we are doing.

We are going, now, to try and discuss a permit, as to what we feel should be given the main emphasis in these rules for permits, because there is going to be a set of rules worked out, and, if it is your wish, we can pursue the method we used on licenses. You will remember, when we first approached the matter of licenses, the trepidation with which the industry approached it was so great that, even when we held meetings in every state, and I went back to Washington, and it was all worked out and approved by the Secretary of the Interior, still we were unwilling to have those license rules until we came back and held four meetings in the west to see whether those rules would do for a preliminary set-up.

Possibly the rules for permits, once drawn up, should be circulated among the boards, should be discussed in some meetings, and possibly another national meeting. They are much more important than the license rules. We want to know what you think about permits, whether you are in a hurry to get there, how you want to get there and what you think they should be when you arrive. You know as much about this law as we do. There is comparatively so little public range in regard to the private lands and water, that the privileges practically take the range. I would be glad to get questions and suggestions from you men as to how you view this matter of drawing up either the procedure side of how we should do it, or the side of what that should be.

MR. McARTHUR: How much of this CCC work will the range users be required to pay in the sweet by-and-by. I think, myself, the cattle men should pay for their own range improvements, but we certainly can't afford to pay the amount it is costing to build scenic roads and trails and get by with the cattle business. We can't do it. Do we have to pay that bill?

MR. CARPENTER: Mr. McArthur's question is as to whether the cost of the CCC camp will be levied against the stock men using the ranges. My understanding is that the CCC camps are part of the emergency set-up that the administration has put into effect to help end the depression and give employment and training to

young men, and no part of that will be recovered in a special assessment against any industry, that it will fall into the national debt and will be paid out of general taxes. So the stock men will pay no more for the work on their ranges than will the average person in general, the average tax-payer in the United States. Does that answer your question?

MR. McARTHUR: Yes. I hope it will work out that way.

MR. CARPENTER: I don't see any other way that it can work out.

MR. A. R. TEATER, POST, ORE. (Oregon District No. 5): Do I understand that there will be no permits issued, either temporary or otherwise, in any district, until there has been a range survey made?

MR. CARPENTER: Mr. Teater wishes to have it re-stated as to whether there will be permits issued before there is a complete range survey. Now, gentlemen, there will not be. If you will turn to your circular of May 1935, and your circular of March 2, 1936, you will find stated in the preamble that these licenses are issued to give us time to make these surveys, and, until they are complete, we can not go under permits. You will find that these licenses are not issued under Section 3 of the Act, but only under Section 2 of the Act. It would be unfair to you, unfair to the Department, and to the industry, to try and go at this in a half-baked way, and, withal, it may take several years. You will find on your program the number of years estimated for your particular district, with our present facilities. The Department feels that they would rather not do anything until they can do it right. Does that answer your question, Mr. Teater?

MR. TEATER: I think so.

MR. MAX COHEN, IDAHO: I want to ask the question as to whether these permits will be interchangeable for sheep and cattle.

MR. CARPENTER: Permits will be interchangeable at the option of the owner of the permit, provided the change does not interfere with the other users of the range.

MR. COHEN: Will that be governed by the local boards?

MR. CARPENTER: Yes. In that case, the other users of the range will, of course, have a voice.

MR. STYLIAN STAES, UTAH: Since permits are going to be for allotments, I wonder if we couldn't give every licensee a separate area under a license and see how it would work.

MR. CARPENTER: Mr. Staes makes this very practical suggestion: that, whereas most permits are based on an allotment, either individual or community, that, before permits are issued, a trial and temporary license allotment be given in order that they can have a kind of trial harness put on them, in the allotment business, to work under for a year, before it becomes hardened into a permit. I would like to hear a discussion on that matter, if you have views on it.

MR. D. H. ADAMS, LAYTON, UTAH (Utah District No. 1): I don't believe it is the proper thing to do, to put that trial harness on until the survey has actually been made. If you put the trial harness on, and someone tries it out for a year or two, and then you come back and take one of the tugs away from them, you might have some trouble. So, keep the harness off until you get the survey completed, would be my advice.

MR. CARPENTER: The way I understood Mr. Staes suggestion, that, even after we have all the data ready for permits, and the range survey complete, then we should give just a trial allotment for one year. Would that meet with your ideas?

MR. ADAMS: That answers it. If the survey has been completed, then it is all right.

MR. CARPENTER: In other words, if I properly understood Mr. Staos' suggestion, it was that, even when everything is collected, when we can assemble these boards and lay before them complete maps, when we can agree with them on carrying capacities on every piece of land, when all that is done, still, before the term permits themselves issue, that a trial allotment be made, at least for a period of years, before the permit is gone into. I would like to know whether or not that meets with your favor, because those suggestions, gentlemen, will probably be carried out.

MR. HAL HAMMILL, HOPE, N.M. (N.M. District No. 6): We feel that we have been thru a trial period in the last two years, and that we are ready for term permits, and if we could have something in the form of, say, 75 percent, for a ten-year basis, leaving 25 per cent to take up the slack, it would give us something concrete to go on.

MR. CARPENTER: Mr. Hammill is from New Mexico, where the range surveys are the most nearly completed, and where the question of "noar" does not enter into the discussion. He says that he would like to have the permits issue up to a certain percent, and he suggests 75 per cent, that the Department hold 25 per cent slack in the temporary license method, for future adjudication, because he says, for two years, they have been temporizing along and they would like to have it settled.

MR. J. D. NOBLITT, COKEVILLE, WYO. (Wyo. District No. 4): For what reason?

MR. HAMMILL: In our state, we haven't had a great deal of trouble. We have 90 per cent satisfaction in our district, and the banks, and other money loaning concerns, are taking a big interest in it, and that would be the reason, for the benefit of the stock men on that range.

MR. CARPENTER: He has a very different condition from what you have in Wyoming and Utah. They have had what amounted to allotments in that state for many years. As Mr. Hammill says, 90 per cent of them are satisfied with this temporary set-up, and have been for a period of years. So he feels that, in his region, at least up to a certain percentage, as soon as maps are complete and accepted, they are ready to go.

MR. NOBLITT: Then it would seem to me we would have to approach this proposition from an angle that would take care of New Mexico on a different basis than other states. Can we do that?

MR. CARPENTER: Precisely so. That is the beauty of a meeting like this, that we can get group to ask for what it wants. That is the reason why we have these meetings. If we got shut up in Washington, we would only see our back yard. We have, represented in this room, every condition in the range states in the United States, and if they are all put into the record, they will all be considered.

MR. J. M. WILSON, SAFFORD, ARIZ. (Arizona District 4): We in Arizona have something of the same situation. District 4, as you will notice on the program, has the field work completed. In our district, we have some appeals pending. In the majority of cases, however, we figure the thing is settled. We have some appeal cases that are very light. Some have an allotment or community allotment. We feel it is more or less settled. They have gone, so far as it has been authorized, to build fences. If we go back and say we have got to issue temporary licenses for another year, they will say "Why?". Our ranges are divided on the nearness of water, as a rule. I would say 75 per cent is settled. There is hardly any question of their being re-opened.

MR. CARPENTER: Mr. Wilson lives at Safford, Arizona, and, down there, with the cooperation of the Soil Conservation people, we have made a very complete range survey, the most complete range survey in the United States. The condition down there is that the wash and the run-off from that soil has been so great that the Reclamation Service are in danger of losing some of their greatest reservoirs and so great sums of money have been poured into that region to make a complete survey of that range, to protect all of the agriculture in that valley, that de-

ponds on the ranges. As a result, Mr. Wilson is talking about where they have a complete map. That is why he feels as he does. We can not take one rule and fit it all over the United States. He has a different condition from what most of the delegates in the northern states have.

MR. O'NEILL, WYOMING: In case of sale of the stock and the land, are these permits transferrable, and to what extent?

MR. CARPENTER: The permit will not transfer with the livestock at all. The permit or license will transfer only with the permit, and there will be no cut in transfer. *land*

MR. W. C. JONES, WISE RIVER, MONTANA (Montana District No. 5): Supposing a case where a party is active during the period of the commensurability, he has commensurable property and, at the time he qualifies under the period of priority rights, then he becomes inactive during the license period. At the time the permanent permits are issued, if he doesn't get in, then is he required to hold his peace forever after.

MR. CARPENTER: The question is, if a man is not stocked at the time permits are issued, whether he is out -- is that it?

MR. JONES: Yes.

MR. CARPENTER: No. He can get a non-use permit and hold his rights. He need not be stocked-up at that time.

MR. JONES: How is that going to stabilize the industry when these men have been licensed, to use this privilege, and he is cut off and this other man comes in.

MR. CARPENTER: If it is necessary, in order to utilize the range, to issue some temporary licenses, to take up that slack for the period that man is out, they will be issued, and also a reasonable restriction will be placed on his come-back, so that he can't come in in one jump. He may have to come in in two or three years.

MR. F. D. WILLIAMS, MINERSVILLE, UTAH (Utah District No. 3): I would just like to ask a question, inasmuch as you are on the subject of non-use, how long this non-use privilege will be granted. How long will they hold good for?

MR. CARPENTER: I can't tell you that. That is something that you men will have to act on and recommend. That might be different in different districts. But it will be reasonable. It will be for a reasonable period and under reasonable restrictions.

MR. J. M. CONOVER, FERRON, UTAH (Utah District No. 7): I think that these licenses and permits are a very serious question. I don't think that one district should be held back on its permits because somebody else is not up on their work. I think, as fast as any district is qualified and is ready for a permit, that we ought to immediately give them these permits, because it is going to establish the stock industry. They can get money and go ahead and do something as soon as they get their permits. I don't see why, if some districts should be slow in getting their priorities and commensurate ratings worked out, some other districts should be held back.

MR. CARPENTER: It has always been the intention of the Department, as fast as we had a set of data, to go into that district with a permit system, even though districts around it might be on the license system. There is no intention to hold back any district when this data is ready. We have thought of setting up a trial district in some state this coming year, and profiting by any mistakes that we shall undoubtedly make, in order that we can use it in other districts. That is an inducement to you to get in on the first district!

MR. MARION LEE, THATCHER, ARIZ. (ARIZ. District No. 4): I would like to know, in Arizona District 4, if we are going to be compelled to take the S.C.S. figures on the carrying capacity.

MR. CARPENTER: Mr. Lee raises a good, hot point. The Soil Conservation people have been in that district in Arizona and set the carrying capacity. The carrying capacity on the so-called grass ranges in Arizona. We have two types of ranges down there: Grass range, and a range where they don't have grass, but they just have an annual growth of weeds and cactus, and the large part of it is scenery. On that second part of the range, we have had a violent disagreement between the stock men and those government men who have estimated the carrying capacity of the range. Now, Mr. Lee wants to know whether the stock men are going to have to observe the carrying capacity of from zero to 2, that was placed on that range. This is the method of approach that has been worked out: At the meeting of the chairmen in Washington, your chairman, Mr. Wilson, was there, and he brought up the same question you brought up, and we sent for Dr. Lowdormilk of the Soil Conservation Service.

Mr. Wilson said there were ten sections that he knew cows could get fat on, if they would fence it off. I asked those fellows if they were willing to fence it off and make an experiment, and, if the stock men could prove by practical demonstration that, instead of carrying zero, or one, or two head to the section, it would keep several more head, and still not deteriorate the land, that that could be the final answer that the Government would have to accept, as well as the stock men. Now, my understanding is that they are fencing off ranges, on which one area on this scenic range will hold no stock, one range will hold the estimate of the stock men, and one range will hold the estimate of the Government, and that, after a few years, the stock men themselves will be invited to go out and look at those ranges and see which is proper. I know of no better way to solve those difficulties.

MR. LEE: I would like to know what we are going to do in the meantime.

MR. CARPENTER: That man has a very practical and persistent habit. (Laughter). We are going to do what we have had to do in the past. We are going to get along the best we can by a compromise, and just wag along with this until we know surely what your carrying capacity is. You probably won't get all the stuff you want out there, and we probably won't get all the cuts we feel are proper, but, in the method whereby the stock men make recommendations and the Department act on the recommendations, you probably won't be hurt badly, and we will find a method of getting together until we get those facts definitely determined by actual experiment.

I want to say this: We have not found any great difference in carrying capacity of the ranges, where we have a grass range. I am going to call on some New Mexico people that have had some experience, going over these government estimates of carrying capacity. I wonder, Mr. Oliver Lee, if you could say something to the stock men on the capacities as found by the range surveys, as to how they agreed with the stock men's estimate of the range. Mr. Lee comes from a district and a state where we have been thru what you gentlemen will have to go thru in adjusting your practical experience with government surveys and data.

MR. OLIVER M. LEE, ALAMOGORDO, NEW MEXICO. (New Mexico Grazing District No. 5): Ladies and Gentlemen, I have been asked to answer a question that is just a little hard for me to answer at this time. I want to say this, that in general discussion with the men making the range surveys for the Department, I have found very little different in the estimate that they put on as to the carrying capacity and the estimates that the boards generally have found -- so slight a difference that it is not material -- and in just a very few cases.

I think that we are coming close to an agreement in nearly every district that has been classified up to the present time. That is my understanding. Now, I want to say to you that that statement is made from general conversation with men doing the work and not from studying the actual data that they have gotten up. But that is my general impression and while on that question, we have gone so far in some of those districts that we are now ready, I believe, for the term permits. And in my opinion, it is very desirable that they be issued at the present time.

MR. CARPENTER: Thank you, Mr. Lee.

MR. J. J. BALLARD, MC DERMITT, NEVADA, (Oregon Grazing District No. 4):
Ladies and gentlemen --

MR. CARPENTER: Is this a question, Mr. Ballard?

MR. BALLARD: Well, will be a little more than a question.

MR. CARPENTER: Everybody wants to get a try at this mike. You come on up.

MR. BALLARD: The only mike I ever stood before before was a two-fisted Mike, and I came out second best. It looks to me like we are chasing the proverbial gold at the foot of the rainbow. I had fondly hoped that this year we would be granted permits, but it seems, from what I can hear today we have to wait another three long years. Ever heard that before? (Laughter)

And further than this, a suggestion has just been made and it seems to have met with the approval of Mr. Carpenter, that after all the data is in, instead of giving us the permit which we had hoped for, that there is to be another period of probation of several years. Now, if this thing takes on that way it is going to be too late to do the present speaker any good. (Applause)

You can't even get close to a banker without him asking you how your permit stands, if you have one? No, I haven't one -- I have a license. What class is that? Class 1 or 2 -- whatever it may be. Have you any assurance that that will be perpetuated? I can only say what Landon said in his last speech: "No man knows". (Laughter and applause)

Now, there are some things that we should attend to in this life, for I am told that the Judgment Day is going to be quite a busy day and they may not have time then to attend to them. So, Mr. Carpenter, and ladies and gentlemen, I cannot subscribe to this. Now, I want to say that I am speaking for myself and not for the rest of the delegation from Oregon. I thank you.

MR. MC ARTHUR: I have spent the last two years giving Mr. Carpenter hell, and gotten no place. But, you have gotten up there and criticized him and not offered any better solution. I would like to have the facts given. The criticism I have made of him have been to his face and based on the facts as I saw them.

MR. BALLARD: I want to go this far -- I certainly would not put this extra period of probation on at a later date. As soon as we get these facts, let's go ahead.

MR. MC ARTHUR: That is all right with me.

MR. W. S. WHINNERY, GUNNISON, COLORADO. (Colorado Grazing District No. 3):
I believe that the man who is dependent on this question more than anyone else is our financial man at home. The banker seems to have some encouragement as to making his loans on these licenses. I would like to remind that gentlemen that he is in a good deal better financial condition today to make those loans with a greater security on these licenses, than he was before under no control.

I believe another thing, that perhaps there are other things to be considered today when we are discussing this proposition of licenses and permits. It is just barely possible that Congress may decide, within its wisdom, to put all this grazing under one department, and Mr. Carpenter, I don't believe it would be out of order for me to say that my personal wishes in that matter -- I have long expressed myself -- that the grazing should be in one Department, and I believe now that it should be under the Department of the Secretary of the Interior. (Hearty applause)

It is possible that that will come about within one year or two years, because it will make an entirely different setup. I believe that the Secretary of the Interior has touched upon the right form of Government when he put this Act under home control, if you please, and I believe it should extend to the other power.

A year ago I urged upon this meeting that we get down to issuing permits as soon as possible. Even though last year I asked for it, I am not worried so greatly about it at the present time. I feel that our people are becoming more and more satisfied with the license period until all this investigation is made, because the boards are going to give this man the same that he had the year before when he falls in the right class today.

The banker need have no uneasiness about making him the loan. In reference to priority, I think that is a big question and I want to say at this time we should be in one department.

MR. CARPENTER: I might say you wouldn't find any difference in putting this in one department, either here or Washington.

MR. WHINNERY: A great many of us have made up our minds about that Department.

MR. CARPENTER: I don't want to raise that question at the present time.

MR. F. S. GATNY, MOUNTAIN HOME, IDAHO. (Idaho Grazing District No. 1): We are at the time when we ought to have more stability in the livestock business. I was very gratified to hear you say that the Bill -- the Taylor Bill -- provided for the stabilization of the livestock business. I was afraid you had overlooked that point in the law, in your seeming desire to stabilize the land values.

Now, I feel that mistakes have been made in putting too much importance on range rights and preferences in the lands, especially lands with no connection with the livestock business, and I refer particularly to a lot of homesteads that the livestock men have been paying a nuisance fee to the homesteader on, to keep him still. Now, your Department is putting a prior right in those homesteads, which, I believe, is wrong, because the homestead value will be raised up until we can't keep it up any more.

The stability should be put on now in the livestock business and, I believe, we are ready for the term permit in most states, but still, I believe, we should go slow enough so that we are certain we know what we are doing. In my four or five years experience there never has been a time when the livestock business was so unsettled as today. There is no stability to it. The bankers are fearful. The men here are also afraid of what is going to happen. There is a roof of fear on the livestock business today, and I think we can clear away this fear by issuing term permits. I believe we are ready for them, in order that we will know where we are going from here.

The banker doesn't know, we don't know. We can't sell or buy. There is no trading in livestock or land because of this uncertainty, yet I say this, that we should be careful. We don't want a permit like the Forest issued here for ten years, except that they reserved the right to reduce it for range control, they reserved the right to reduce it for transfer purposes and they reserved the right to cut the allotment. No man can run under those ten-year permits.

But, Mr. Carpenter, we are ready right now in all these districts for these term permits. What is there to be afraid of? Why are you fearful of this term permit? We want this term permit to stabilize this livestock business, as it provides in this Taylor Bill.

A man, who is a Basque, came to me a year ago, and he said, "What this fellow Taylor going to do? I hear this fellow Taylor going to take this range away, and I hear we all have to go just one little place over out of region. What the hell the matter with this fellow Bill Taylor?" Now, in my opinion, there isn't anything the matter with the Taylor Bill. If there is anything wrong it is in us, not knowing the facts, but I do believe that they know the facts well enough that by the next spring they can issue a permit, not a license, next spring.

As to the question then of the length of time, I cannot say, except as to the facts, but I can say that what we want is a ten-year permit and if next year is

the time and we are ready, we want them because we want to know where we are and what we are doing and where we go from here. I thank you.

JUDGE LEROY H. COX, ST. GEORGE, UTAH. (Arizona Grazing District No. 1): I believe we should give some consideration to what the gentleman just said. I believe this, that we have the Department here with a handful of men trying to make a survey in order that we may have the ten-year permit, and the livestock man has been ignored. So far as the cost and worry and anxiety, that he has had. Because the Department said, we have a handful of men to work ten years' time. I believe the Department can do something by expediting these surveys and putting on enough men. It would not cost any more to do it in one year than in three or ten years.

MR. CARPENTER: Judge Cox has raised a point that the program at present is not very fast with the existing personnel, and as long as these term permits are dependent on the proper data, we should get a larger personnel. I want to make a statement on that matter. We have a few men qualified to make range surveys. Everyone can't do it. It takes specific training and experience. There is, however, quite a little foot work and drafting work. We have asked that we use the emergency setup -- the C. C. C. camps -- for what help they can give us. We have taken selected young men from the camps -- some of them highschool boys, some of them college boys -- we have given them intensive courses in drafting and in working section lines for range surveys. We have three schools -- one in Salt Lake -- and the committee on Range Surveys, and the committee on Improvements will visit the drafting room tomorrow. We have another in Albuquerque and another in Reno. Likewise, we have in the field a number of boys who are learning how to walk the section lines and make a careful estimate of the vegetation and palatability.

We are not waiting and saying that we can't do our work because we need more appropriations. That is a hard word in Washington. Out at the Zoo, near Connecticut Avenue, they have a bird there. Its tongue has been split so it can say a few words. And whenever a visitor comes to town, they take him out to Connecticut Avenue to hear this bird, and these are the four words he says: "What about the appropriation, what about the appropriation, what about the appropriation?" It is customary for all Government people to holler about the appropriation. We have tried not to do it. It is true, as Judge Cox says, and we have made a frank estimate to you on the sheet in your program, on when we figured the work will be completed with the trained men and men we are training, but it will take some time. Any questions?

MR. W. C. JONES, WISE RIVER, MONTANA. (Montana Grazing District No. 5.): We have had no range survey, but have had some experience with the range conservation men and from what I can learn -- well, recently we have had some experience with these fellows in the range conservation program and from our experience with these fellows, we would be a lot better off if we had never had any conservation survey. They run all the way from the absurd to the ridiculous.

MR. CARPENTER: They say frank expressions are good for the soul. If that is true, this gentleman's soul is in pretty good shape.

MR. JONES: Referring to Mr. Gatny's speech, in which he emphasized we are ready for term permits. I gather we are ready to those we know are qualified. What will we do with the other fellows?

MR. CARPENTER: I want to say in defense of Mr. Gatny. He is a new man and I find the older men are more cautious. I remember last year a great many of you were not so cautious, but you have found that no matter which way you jump you hurt somebody. The longer you are on the boards, the more carefully you will move. The Department is ready to go whenever you give the word.

MR. GATNY: Can't these boards grant one man a permit for one year, the same as they grant a license for one year, and then the other fellow who has the dependent commensurate property -- they can grant him a permit for ten years? It will always be the same -- there will be a few men in each district who can't qualify, but give them a permit for one year. Then you can immediately go to a bank and if you can talk about a permit, that is a whole lot greater than talking about a license -- and it is greater in the trading and transfer of livestock.

Now, in our district, there are a few men who are not qualified at this time to qualify for a ten-year period. Give them a smaller permit. We can make mistakes and we can correct them. What harm is there going to be if we do give somebody a permit who does not deserve it. We can take it away from him later, but the actual bona fide livestock businessman is entitled to this stability of this permit.

MR. CARPENTER: Mr. Gatny suggests that we go immediately into issuing term permits to some and not to others.

MR. W. B. MATHIS, ST. GEORGE, UTAH. (Arizona Grazing District No. 1): I would like to speak as a banker and a board member. I think that the bankers are not nearly as badly worried over their loans now as they were before any permits were issued -- pardon me, I mean licenses. I think they are more concerned that their patrons see they go into this carefully and get something they can depend on, then to rush into it. For my part we are willing to move along pretty well as the Department thinks best and if the date is here and the Department is ready to issue permits to those who are ready and have the information and data to guarantee these permits, then it is all right with me.

MR. R. J. CONWAY, CRAIG, COLORADO. (Colorado Grazing District No. 6): I have been listening to these boys talk about permits and I have been thinking and I will say something if you will let me. I don't believe you could issue a permit until you have all the data to work out the carrying capacity. We must wait to get this data. We admit, the data might not be correct. All right then, do it this way. Issue permits -- term permits -- when we get this data, but confine it to three years and then we can perfect this data and then I say probably we would be ready to issue ten-year or seven-year permits. Why can't it be done along this line.

MR. CARPENTER: We now have three suggestions, one is the suggestion that Mr. Conway just made that we issue term permits for three years until we get the data perfected and then issue ten-year permits. Mr. Mathis thinks we should go carefully and not issue permits until we are ready to issue them on all the data obtainable. Mr. Gatny thinks we should issue permits right away, and then gather the data. Some say three years, some say one year, and some say issue permits up to 75%. Probably each one of them would fit some particular part of the country and after this discussion is given here today before the state meetings it will be of value for that purpose.

MR. P. W. SPAULDING, WYOMING: Sitting in the back of the room and looking at the number of men here, it seems to me that there is some knowledge among our advisory board members of what the range really will carry. A knowledge, I believe, sufficient to issue the permits, if and when those who are being given intensive training in the C. C. C. camps, turn in the data. Then we can make a pro rata adjustment. But it seems to me there is some knowledge among the members of the Advisory Boards at this time to issue permits.

MR. CARPENTER: Yes, I agree with Mr. Spaulding, and I wish to say that the men from New Mexico will probably vouch for it. When those range surveys are made they will be laid before the Board and they will be asked whether the Board thinks they are correct. They will bring in all they found in the field and ask the Boards, are those correct. In general, there has been no disagreement, as Mr. Lee has said. I see Mr. Brownfield --

MR. A. D. BROWNFIELD, FLORIDA, NEW MEXICO. (New Mexico Grazing District No. 3): Mr. Carpenter, may I say --

MR. CARPENTER: Mr. Brownfield is chairman in his district, and this is a man who has been through it all in this, if anybody has.

MR. BROWNFIELD: Under the licenses granted we have been concerned only with the lands they have customarily used. Now, coming out of the license-period to the permit period, or granting the allotments, you are more concerned with establishing the lines -- the dividing lines between the ranches. In our state we

have been told that some 90% of the ranchers have agreed upon these lines and for that reason we say that we are ready for the permit. One year, three years, or ten years, we are 90% ready for permits. We, for the sake of aiding the Division of Grazing and Mr. Carpenter, are asking for 75% and holding in reserve for their benefit and future developments this 25%, and for that reason we believe that each and every one on advisory boards and our apportioned time for making the allotments and recommendations -- then you will find it very easy to make your recommendations for the term permits.

MR. CARPENTER: As our time is rolling on, I want to introduce a new topic, because we wish to cover all of these topics so there will be some general background for each state committee to work on tomorrow morning and the national committees to work on tomorrow afternoon. We will take up railroad and wagon road checkerboard lands.

This public domain wasn't made in blocks, but when the Government gave grants to railroads, it was scattered out and a number of grants made. The railroads were given alternate sections because Congress did not wish to create any great interests. They gave every other section there because they were supposed to sell it and develop little homes. Practically all of that country that could be sold or rented has been done so. Some has been used as public domain. It will be of interest to know that in the state of Nevada, where the largest amounts are there, with the railroad having the most public lands, the Southern Pacific Land Company, I think has some four and one-half million acres of land, part in Idaho and Utah, although this same land takes in some land preference in New Mexico, Arizona and Montana, and is a wagon grant in Oregon. The most, however, is in Nevada.

We met with the representatives of the Southern Pacific Land Company and we agreed on a cooperative contract to use nine of the railroad company's owned lands and the Government lands together, and the applicant for the lands will meet and they would agree that if a man did not have a priority or dependent commensurate property, he would not get on the Government lands in between. Congress says that those who had the right to use the Government lands should be able to use the railroad lands in part. Now, I don't know whether that contract has been finally approved or not, but when it has been, it will be followed by an order for the Regional Grazier to work out the particular allotments. There are, I believe, about 150 in Nevada to be worked out.

The method used in Idaho in working out isolated tracts is as follows: There were some 125 isolated tracts that could not be handled on a regular range operation. Our representative in Idaho went to the town near the tract and asked all the inhabitants to adjust their difficulties and they were told if they didn't, it would be done for them. When you get right out on the land you have less difficulty in settling matters. The result is that it was worked out in Idaho. There were over a hundred, practically all were fixed up with allotments, and no appeals. This is a matter for this meetings and other meetings to consider.

If there was nobody in Nevada, we could easily say, well you take the south and we will take the north, or you take the land north of the railroad and we will take the south. That would be just as fair for the railroad as for the Government, but with all those ranches out there, we can't do that, and we have to go into a huddle and working this out on this track. But we have a precedent now.

We have authority in Section 9 and we are going to start in working out particular allotments in Nevada. This agreement was put up to two boards in Nevada, even the terms drafted and received their approval by the Boards before it was taken out to Washington and they considered the checkerboard lands in Nevada, Idaho and Utah.

We have already worked out a situation similar to this in District 1 in Utah -- a similar situation, which was successful.

When we come to the state land, I feel like asking the people from Arizona and New Mexico to pardon me. State land is one thing up here and another thing down there. In Utah four sections of every township was given to the school, and is part of their reliable, substantial setup. Here those four sections lie where they were granted originally. Fundamentally, 90% of them are not leased in Utah. This is a serious situation. We are in negotiation with the State Land Board here and the Utah Cattle Growers Association and trying to rent those lands and the Government will later purchase those leases and then handle them in a businesslike kind of way.

We have the wagon grant situation in Oregon and we have the state laws in Oregon and all of the northern states. I want to devote just a little time to this to let you know what is being done and I will now open that topic for any discussions or question you desire.

We have touched on the subject of licenses, the subject of permits, the subject of range surveys, isolated tracts, railroad and wagon grants, state lands, and checkerboard lands. We have a number of other topics left.

I have an announcement to make that Utah District No. 3 will meet on the Roof Garden of the Hotel Utah at 7:30 -- all users of the range in that district are invited to attend. On the Roof Garden of the Hotel Utah at 7:30 p.m.

I am going to leave the matter of fees and finances until last, because when we get on it, we don't want to be cut off by any other irrelevant matters.

On the matter of stock driveways there have been a large number of entrances which have been abandoned and have reverted to public domain lands. In general, our rule has been to follow the advice and suggestion of the advisory board in such matters. And a large number of stock driveways heretofore established and found not to be in accord with the uses, have been abandoned. Any questions on stockdriveways.

MR. WAYNE GARDNER, ST. GEORGE, UTAH. (Utah Grazing District No. 4):
The exchange of privately owned lands that come over the driveways. In Washington last summer, they authorized us to go ahead and make those changes, if there was some form of assurance, something worked out by the Department, the parties could go to the individuals and assure them that, in due time, there would be a deed or something in the way of a transfer, then we could go ahead and use those lands. In our particular area, we go for 60 miles or more over a lot of private lands. Made trades and exchanges to make possible that driveway, but we haven't any forms or any legal matter that we can go ahead and make exchanges to the satisfaction of private land holders. What can we do?

MR. CARPENTER: I suggest that you get the circular from the land office, which covers land exchanges, and in that you will find a form of application for an exchange, then each man will have to file his application for exchange. It will then be forwarded to the Department and come back to the Board for recommendation, and then be acted upon. The General Land Office here in the Federal Building will have those circulars for distribution.

MR. WHINNERY: Just one question, Mr. Carpenter, on that same line. In a case where a man is given an allotment, and they happen to have 640 acres that is not in, and they want to make exchange of it, should we follow the same procedure there?

MR. CARPENTER: If you expect to change the title on it. Are there any other questions on stock driveways or trails. In the matter of allotments, attention has been called to the fact that, several times during the meeting, I have mentioned a completed range survey. That is only a name to most of you. Mr. Molohon, who has charge of range surveys, informs me that he will put up a picture of the actual completed range survey of a district in New Mexico, and he will have it up on exhibition here in this room. In the committee on range surveys, he is going to take them over and show them what a completed range survey looks like, and Friday morning, and possibly Thursday evening, he will have on display here, either on the mezzanine floor or in this room, the completed 100% map of a district. It will be of great interest to you to see that.

The essential features of the map are the same; the carrying capacity of each 40 acre tract and the commensurate ratings of all private properties are shown, and it shows how the allotment is made. It may not all be in one block. It gives you a very interesting picture, and they will be put up on the Board for your inspection. Are there any questions on this matter of allotments?

MR. ANDERSON, UTAH: Gentlemen, on the question of allocation or range, we call ourselves the step-children from Idaho and Utah, in Nevada District No. 1. I think we have beaten the rest of you to that question. We have already received an allotment. First we objected to it. We attempted to, and we thought we would, prove that we had used considerable more of the range in our private operations for years. The Advisory Board would like to get rid of us, and maybe I couldn't blame them so much. I think, maybe we would do the same, if we had the same power, but we haven't. Now, then, they allot us about 40 percent of the range that we have formerly been using. It has already been done. Some of our sheep men from other districts say, "They can't do that!" But they have done it. We can't graze there. What are we going to do? That question looks to me like it is being prematurely handled by some districts. I took the trouble of getting some data on what results this has already brought about. Three of our men, operating about a band of sheep, 2500 head of ewes perhaps, each, stayed back voluntarily and bought hay.

Two of our men were forced to stay back by their financial backers. They would not risk their money on a band of sheep that would have to be fed with the other sheep on that small amount of land. Three of them were forced to liquidate. Twenty-two of us are going to tackle it. We think that such premature action on the allocation of the range should be stopped. The board advised us to appeal. All right, they will do that, but an appeal is slow. We cannot winter there. We have never confined our operations to a small area. We think they should go more carefully. I thank you.

MR. CARPENTER: I am glad in the matter of allotments, that if they are step-children, they have such an able advocate.

MR. R. J. CONWAY, CRAIG, COLORADO. (Colorado Grazing District No. 6): Mr. Anderson, if you got your allotment, the other fellow -- would that cut down on his rights?

MR. ANDERSON: They did not give us an equal break. We do not want to be set aside.

MR. J. M. MC FARLANE, SALT LAKE CITY, UTAH. (Utah Grazing District No. 2): I think the most important question before us today is the question of allotments and we have had more complaints come in from people who are paying fees and receiving nothing. Now, they feel if they are going to get any fruits of any sort, some part of the range must be set out so they will know what they are going to have. I don't care whether you call it a license or a permit -- just so they have some range.

The cattle men are willing to pay for what they get, but they want to be sure they get it. But they won't get it until we fix the allotments. In district 2 we have allotments, but no enforcement and I don't believe any range survey is complete until you have made the allotments and tried them out. The allotments represent the practical part and if we are going to do anything with the Taylor Bill we should have allotments and have them right away. (Applause)

MR. CARPENTER: It is plain all the cowboys are applauding on that.

MR. MORONI A. SMITH, SALT LAKE CITY, UTAH. (Utah Grazing District No. 8): I don't understand how you can make an allotment arrangement unless it is very short and very temporary. They always have to get the same man to make the investigation. Up to the present time all the advisory boards that I have had any contact with, some fellow figured that if he could get there first, he would be fixed up. The other fellow wouldn't get in. The boards have attempted to make allotments without notifying the other licensees grazing there. And some fellow get their allotments and the board has attempted to give them allotments

and they can make them, but can they enforce them? I think that is out of order. The boards are working too fast, when they make these allotments without substantial investigation. Every license should have a modifying order. That is important to each and every licensee on the district. And we must have a better setup in order to make them work.

MR. S. C. HYATT, HYATTVILLE, WYOMING. (Wyoming Grazing District No. 1): In figuring out the pro rata range as used as a commensurate radius, I think a year lease would be about right. How will we go on a term allotment on a year basis?

MR. CARPENTER: I don't see how a term permit can be based on a less number of years than the term permit. If the base is transferred a part of the permit would follow with it.

The question of enforcement was brought up by Mr. Mac Farlane. Last year we worked it with a range rider. That led to legal difficulties. Our biggest problem is the interstate movement between November 1st and December 15th, and this year the four states were divided into four regions. Special enforcement officials were appointed and given a right to hire helpers in the program. I would like to hear from you grazing men on your enforcement this fall. Any suggestions about it or comments on it?

MR. ELMER KING, TEASDALE, UTAH. (Utah Grazing District No. 5): On these allotments -- I have been on two boards and we have tried to make these allotments and the carrying capacity of the ranges has a lot to do with these allotments. One range has had quite a lot of rainfall and will carry twice the number of stock one year it would another year. The next year, if it doesn't get any storm, it might carry only one band of sheep, where this year with plenty of storm it will carry two or three bands. So which year would you use in figuring the carrying capacity? It would be a mighty hard question to decide.

MR. CARPENTER: Mr. King has called attention to the necessity of understanding what the climate will be in the future. It is pretty hard to do.

MR. R. C. ATKIN, ST. GEORGE, UTAH. (Arizona Grazing District No. 1): On the strip we were limited to a five-mile radius around water. Is the Interior Department going to make first use of one and second use of another?

MR. CARPENTER: Yes, I heard the question, and I have heard it before and it is going to be settled, Mr. Atkin, but it can't be settled in a day and how many men would it take to keep the cattle off the sheep allotments?

MR. ATKIN: If they would give us some extra preferences, but to tie us down and make us stay in one place is not fair.

MR. CARPENTER: A compromise was worked out in one district with an area allotment for sheep along some water and the cattle drifted in and there was trouble with sheep people. We didn't have fences and wire and money enough to fence it, so the cattle people agreed to give the sheepman twenty percent more allotment, provided they wouldn't kick, and let the cattle drift. Did that work out satisfactory?

VOICED: It has. On the same situation, this gentlemen had a similar situation and we allowed five sections between the sheepmen's and the cattlemen's allotments.

MR. CARPENTER: I think, Mr. Atkin, that we can work this along similar lines, giving a larger allotment to the sheep interest and in order to take care of the drift that can't be prevented at this time. And that is what our boards are for, gentlemen, at this time.

MR. J. A. TARTER, WEISER, IDAHO (Idaho District No. 1): In Idaho No. 1, we have made some 45 or 50 individual allotments in the checkerboard land. Got the fellows to go right out on the land and made some 45 or 50 private allotments on the checkerboard land, and I don't believe there has been a single appeal on those allotments. In a very cases, where the fellows couldn't agree on the allotments, the Board handled it for them.

MR. CARPENTER: That, gentlemen, comes from the district in Idaho, where I mentioned the Regional Grazier was successful in working out individual allotments in which we have had no appeals, and Mr. Tarter is just giving us evidence to substantiate what was stated here. I am very glad to hear from him, because I have not had an opportunity to see those this year, but I have heard about them, and I think it is a big mark to the credit of that Board and that Regional Grazier, the way they have handled that situation.

MR. M. H. MEEKER, GUNWISON, COLO. (Colorado District No. 3): I do not know what the experience of the others has been in the matter of this enforcement, but we in our area in Colorado 3, endeavor to protect some of the smaller users of the range. Many of the users were honest in their endeavor to gather the stock, but a certain percentage, very small percentage in licensees, but perhaps a larger percentage in livestock, absolutely and utterly disregarded the fact that their licenses had expired. I feel that you can make allotments. I feel that you can carry your Taylor Grazing Act completely thru, you can take up every subject here, and unless you can enforce them, our set-up is entirely too lame.

MR. CARPENTER: Mr. Rose is in charge of your enforcement, isn't he?

MR. MEEKER: Yes.

MR. CARPENTER: Has he taken any steps to remedy that situation?

MR. MEEKER: Mr. Rose has been up there several times, but, with the limited personnel that Grand Junction has apparently had, to get them on the job at the time that we need them, it seems almost impossible. Some of the people feel the penalty under the Taylor Grazing Act is too severe. They feel that the Boards may be a little slow in enforcing the \$500 -- I believe it is -- penalty of the Grazing Act. We had, as you recognize, under our land law, under adjudicated lands, some recourse. As I understand from our attorneys, we now have no recourse. We have not been able to get nearly the work done, and it is said that it is lack of personnel. If that is the set-up, can't we add -- even though appropriations are hard to get -- can't we add enough to properly enforce this Act? The big man up there has taken the feed from the little fellow, the fellow whom I believe was to have been protected under the Taylor Grazing Act.

MR. CARPENTER: I am glad to hear of that instance. I am sorry, of course, to hear of any failure in any spot, but I want to know whether there has been a general failure. Are there more spots lacking enforcement? Let's hear from it. We are all here together and we are not afraid to face them.

MR. PAULEY, UTAH: I would like to ask the man who has been so successful in their allotments, if they have had a range survey.

MR. TARTER: No, there has not been a range survey. The men who were directly interested in this fight are the regional graziers. Every man around there had an application for whatever rights he thought he had, and he was notified of the time and place of the meeting, and he figured he had a right to appear, and he presented his case, and, in every instance, it was taken care of.

MR. CARPENTER: Are there any more complaints on lack of enforcement?

VOICE: I can't see any use in waiting for surveys if, in the most successful allotment, that has not been done. Some of these districts won't have the range surveys until 1934. That is a long while. I can't see any use of waiting for these range surveys, when the most successful allotment we have had has been gotten up without it.

MR. J. A. WILCOXSON, DABEQUE, COLO. (Colo. District No. 1): I would like to say a word about Colorado No. 1, in regard to the enforcement officers. We have had some very successful men, I think, working in our district. A lot of the sheep and cattle have been cut off by the Board and were not allowed licenses. These men, a lot of them, had planned to go on the winter range without a license and take the matter up with the courts, and these men interceded to stop them, and told them that they were not allowed on the range, and they stopped a great many of them, and it was much easier to stop them from going on the range than to remove them when they were on. I think it has saved a lot of litigation, and caused people that had no license to take a different view of it, and I think they have done a wonderful work in Colorado No. 1.

MR. WAYNE GARDNER, ST. GEORGE, UTAH (Utah District No. 4): Just when should the Department of Investigation be called in? I think we appreciate the men in the Department of Investigation. They are beginning to see the situation. But I don't appreciate it when a Department of Investigation man wants to count my herd without any warning from the Grazing Department, when I am notified that the Department of Investigation wants to count my outfit. It seems that there should be at least warning from the Department of Interior before the D.I. man comes out.

MR. CARPENTER: His herd counted out all right; I know that.

MR. GARDNER: Why should a group of sheepmen, because some cattle man makes a report, why should they come out and count us without some notice from the Department. If the sheepmen reported to the cattle men, would it be fair, without any warning at all, for the D.I. man to come and ask that they be counted. The men who have counted have been gentlemen in every respect. They have been very considerate, but it seems that the D.I. man, coming without any warning at all, without any consideration of what it was all about, was not appreciated.

MR. CARPENTER: Our general rule is not to call on the D.I. until our own enforcement officers have failed and we are trying to get a report case to take to court. In some cases, reports get in and the investigations are made kind of "short-cutted", but it isn't our intention to do that, and that is the first complaint I have heard of such a matter.

MR. JOHN MEDLIN, HARPER, (ORE. (Oregon District No. 3): When we got our set-up over there, called District 3, we cut it up into six units. We had our set-up there, and it was cut up into six districts -- unite, rather -- and the sheep men and the cow men began to talk about allotments. Mr. Klemme is our grazier over there and he came down and told us it was our duty to sit down together and talk it over and divide it up. The sheep men and the cow men had about three meetings, and we divided it up there, every unit that we had, in from three to five community allotments. In my particular allotment that I run in myself, and one other sheepman, we asked them if they wanted to make an individual allotment for the sheep and they said, "No, we want to run together", and today we are satisfied; we have our community allotments. Our lines are there. We don't pay much attention to the lines as far as the cattle are concerned, but we are running more stock.

In regard to our law enforcement, we have a rider there, and our sheepmen have all stayed where they belong, with the exception of one or two this spring. We have a few cattle men that have a little drift out, but they are trying to get them in as near as they can, and I don't think we could have any better law enforcement than we have got. It seems to me like, as far as these allotments are concerned, if the sheep men and the cow men will go home and sit down among themselves, and figure out what is right for each other, they don't need to come to the Department of the Interior to ask them to allot it for them. They can allot it themselves. And that is the proper way to get it allotted.

MR. CARPENTER: I wish that had been a radio broadcast, when he said that all the sheep men stayed where they should. I would like the world to have heard him. On the matter of improvements, by the way, we haven't heard much from Oregon, but we were glad to hear that kind of report. Do you realize there has been several million dollars spent on these ranges in the last few years? We have

just moved down to where we are using a certain part of the fees for range improvements. So I am going to open up the subject of fees and finances in connection with range improvements. We will spend a little time on range improvements and then we will go into the subject of fees and finances and save some short time for legislation.

Of every dollar of grazing fee that is charged, except on Indian lands, Congress has said that 50 cents of it shall be returned to the states, to be used as the state legislature may direct, for the benefit of the counties. Some states, through their state legislatures -- notably Nevada and Oregon -- have said that it should be returned to the district advisory boards, to be used for range betterment. Some states, such as California, say that that 50 cents should be used for range betterment or predatory animal control. Some states have said, as my own state of Colorado, that that 50 cents shall go, half of it, to the general school fund, and the county commissioner can say where the other half goes.

When we come to legislation, it is going to be an interesting matter, and you will have an interesting report from your national committee. In the state of Utah, we figured up, just the other day, and that 50 cents amounts to 90 thousand dollars this year, so it is a considerable sum, and its disposition is a matter of interest to every stock man. Our future depends on the disposition of that money. 25 cents of that dollar is to be used by the Department for range improvements and their maintenance, and, following our usual custom, when it is to be used by the Secretary of the Interior, the suggestion will first come from the advisory board.

Many of the boards have taken their 25 percent, which was returned to many of these districts, and have used it to purchase material, and the C.C.C. camps have furnished the labor for the erection of the improvement. In that manner, not having to use their money for the labor, they have made it go farther in material. Are there any questions on improvements, or the use of this money?

MR. P. J. BRATTAIN, PAISLEY, ORE. (Oregon District No. 2): I am very much interested in improvements. I sort of feel like the fellow who writes a letter and always adds, after the letter, "Please excuse the spelling", when I got up before an audience and try to say something. But I will try to explain to you what is bothering me. As I said before, I want to talk about improvements. I came here to talk about improvements on the range. I think, perhaps, at the present time, there is nothing concerning my fellow livestock operators in our grazing unit and district that is more important than the improvement of the range. In order to bring out the point that I want to imply, and to point out to the Division of Grazing what we are up against, I am going to describe our situation there as it stands.

We have had a meeting and have divided the range between the different classes of livestock, as we wished to do it. We have taken in territory where we run in common with the sheep and the cattle, and we also have a cattle allotment allotted off, and a spring range in another part of the country. In order to create circumstances that are favorable, we must build 36 miles of fence. We also must build around 20 waterholes in that grazing unit. Now, then, in order to do that, we need labor or we need finances of some sort. As nearly as I can figure it out, we must have around seven thousand dollars to build 36 miles of fence and 20 waterholes. Our great problem is: where is this money coming from, and where is the labor coming from. Perhaps \$3,000 or better of this \$7,000 is expended, or would be expended, for labor.

Now, then, we are also told that we must do something in the matter of congestion of our livestock on that range. We must either complete our plan or cut 40 percent. Probably a little hasty but I appreciate that remark. That remark has spurred us to do something in order to create favorable conditions. Getting right down to facts, we need the CCC camps, which we do not have at the present time, or we need some manner of financing. We don't ask for appropriation necessarily, altho that would be acceptable. If the Government was able to finance it in the same manner I was able to get \$5,000 from an individual recently -- borrow it and create a sinking fund. Why not? It was acceptable and agreeable with all

of us within that grazing unit, to do that. We could pay it all back within five or six years. It was pointed out that perhaps that would not be desirable. Now, then, I would like to have somebody offer some suggestions, how we are going to finance that kind of project. No doubt there are many other units here that are needing CCC camps, and more of them.

MR. CARPENTER: It is quite an age-old problem that Mr. Brittain has, as to how to get money when you haven't got it, and without appropriations. I will say in answer to your question, you can recommend the use of 25 percent of your fees that are paid in that district, and you have, under your Oregon law, the return of 50 percent of the fees, which you can use for improvements, and, further than that, we have no means, unless we have available some of those emergency CCC camps to use. Now, are there any other questions or suggestions on improvements?

MR. McGETTY, NEVADA: We have the idea over in Nevada, that the individual stock man probably has a better idea as to what his range improvements should be, than any one else might have. So long as the money was coming thru taxation on all of the taxpayers of the nation, expenditure thru the CCC camps not with favor. But I am inclined to think that, if they start spending the stockman's money, they would rather have it spent under some other set-up. It seems to me it might be possible to allow the individual stockman to make the improvements on their ranges as they see fit, if necessary, and that they might apply the grazing fees to the public domain.

MR. CARPENTER: The CCC camps are not using any stockman's money at all. The 25 per cent to be used is, for instance, if you want to put a water tank in on the range, you can recommend that your 25 percent go into the purchase of that tank, and then, without any further contribution from you, the CCC labor can put it in and it is not charged against the stock man at all. I am glad you raised that point, because I want to clear that up.

MR. McGETTY: Aren't we approaching the point where we are likely to have to finance those camps, if this continues?

MR. CARPENTER: That would be in the future, and certainly we would not want to go into that method of making improvements at our own expense.

MR. J. M. SMITH, CENTRAL, ARIZ. (Arizona District No. 4): I wish to refer to the legislative matter of the 50 percent. You have just got an added tax on the cattle man and livestock man of your state, and I think that this body of men ought to go on record in the legislative committee, favoring that this 50 percent of the fees revert to the boards, the advisory boards. If they want to raise additional taxes for the general school fund, then we are in favor of the livestock man paying his portion. But we are paying a fee now for grazing privileges, and we want that fee, and in my mind I think it is very vital that this entire assembly go on record, before this program is over, that we favor this 50 percent going back to the advisory boards for the use and improvements of the ranges, according to the recommendations of the advisory board.

MR. CARPENTER: The national legislative committee will be asked to draw up some form of the model law to be turned over to the stockman, as individuals, to place before their state legislatures, and the matter will have to be thrashed out in the ten state legislatures. I see one state legislator from Utah standing up. Mr. Mathis from Colorado.

MR. MATHIS, COLORADO: In Colorado, where you have returned 50 percent of this to the commissioner, or 25, has there been any other adjustment made in the county taxes?

MR. CARPENTER: No.

MR. MATHIS: Then it is an additional tax to the cattlemen?

MR. CARPENTER: Yes.

MR. WHINNERY, COLORADO: It is even worse than that. The legislature has put 25 percent in the general school fund and then gone ahead and said it shall be proportioned according to the census in the school district. It is practically taking this money away from the stockmen's school districts and putting it in the hands of the town. I believe that, in Colorado, we shall have to have that legislation amended, and I am strongly in favor of what the gentleman has just said here, that us people from Colorado should ask it be returned for the use and improvement of those ranges, to be used by the boards in Colorado -- the whole 50 percent, if you please.

MR. CARPENTER: I don't believe we need further arguments to convince all those here that we would like to have the money returned to us. The national law says it shall be expended as the state legislators direct. I don't believe that can be changed, but your state legislators, I believe you will find that they will take it up.

MR. PETER HENRICHs, YERINGTON, NEVADA (Nevada District No. 3): These fellows were slow on the draw, they were asleep at the switch, when that thing went over. This law said it was to go to the Treasury, then it was to be returned, and the men at the head of the stock men in the state of Nevada got busy and got that turned over to the advisory boards to use as they saw fit. The question is very broad, anything pertaining to the good of the range.

MR. CARPENTER: Nevada has led the way -- Nevada and Oregon -- and Mr. Henrichs is telling you so.

MR. HENRICHs: I have got an amendment to add to it that will help us a little bit more when it gets thru.

MR. CARPENTER: We have one topic only, left here, and that is the matter of fees and finances, and, before we take up fees, I will make a statement on finances. When the Division of Grazing was originally created in January of 1935, there had been no appropriation made for it, the appropriation year running from July 1 to July 1, so it was necessary for them to just borrow men by assignment from other divisions and bureaus of the Department of the Interior, such as the Division of Investigations and General Land Office, and Geological Survey. The only new person put on the payroll was myself, and I had to be paid out of the Secretary's contingent fund. That was the condition until July 1935.

Then Congress passed an appropriation of \$400,000, and a hundred thousand dollars of that was earmarked for the expenses and paying of the District Advisors. That left a sum of \$300,000 for the payment of the Division and their travel and sundry expenses. Out of that \$300,000, we now have 45 men in the field, spread out over the ten states. You know, there is about one or two to a region. They are spread pretty thin. A few of them are putting in their time supervising the range survey. Some of them put in their time on enforcement, others meet with you on the boards and go over those applications. There has been plenty to do.

I feel that, if there is any division of the government that has worked this year this division has. We sought, in the coming year, and with the consent of the Department, to have an increased appropriation, largely to speed up those range surveys, and we asked for an increase to \$800,000, which would, we thought, amply take care of it. That was cut down by the director of the Budget to \$650,000, which is the shape in which it will go before Congress, and Congress is standing and whetting up a knife on their boot, getting ready for us. I don't know how it will come out. If it goes thru, a large part of it will go for range surveys.

We all want the budget balanced. We all want expenses cut down. But, when it comes to our own particular activity, we begin to see the need for more money. We are going to have to take it, along with the rest of the country, and we are not going to be able to get everything we want. The finance committee, two members from each state, will have all the facts of our finances before them. We will have very little, if any, increase in our appropriations next year. One hundred thousand goes to the Boards, the other three fourths to the permanent set-up. Next year, we hope there will be an increase in it. That is the situation, as to our finances, and I wish to say this -- and I believe you will ap-

prove of this way of doing: There was some sentiment that we should overspend our amount, and go in for a deficiency appropriation. I just have never practiced my own business that way, and I just could never approve of it. And we are one division that has a little something left over at the end of the year. We may be subject to criticism for not doing as much, but we will have something left over at the end of the year.

Coming to the subject of fees, you will remember, last year, fees were set at five cents per head per month for cattle and one cent per head per month for sheep. That fee has been for all of the ten states, without any differences. In the past year, they have had a bad drouth in eastern Montana. The eastern Montana, and Montana districts, all but No. 4 in Central Montana, applied for a rebate of the fees, which was granted by the Department. That is the only rebate that has been applied for, and that has been made this year, with the exception of an application which came from Nevada. Most of the fees in Nevada are held up by litigation, a restraining order keeping the Department from collecting the fees, so the fees there have been paid into court and will be held pending the legislation, which has been passed, on the ground that the fee is unreasonable, because it is a flat fee for all parts of the range and based on the fact that there is no authority to issue a fee under licenses, which come under Section 2. That is, of course, for the courts to say.

Your fees and finances committee, when they meet, will go over finances, and I feel, before it is taken up by states, we should have some general discussion here as to whether such a fee was satisfactory, and as to its method of payment by installments, or whether it was too much or too little, or what you think about it. So we will open the subject of fees.

MR. NOBLITT, WYOMING: Districts No. 3, 4 and 5 in Wyoming are just being completed, as I understand it. Plans are to be prepared to issue licenses for grazing beginning May 1, 1937, on these three new districts. I want to ask Mr. Carpenter if we will not be permitted to operate our first year without the payment of any fees. That is, the first year under license, 12 months from the first of next May.

MR. CARPENTER: That is the method, Mr. Noblitt, that was followed in all other districts. The first year of operation no fee was charged. Will these new districts have one year with no fees? I would like to hear the sentiment of these district advisors in this matter. I have never had the question raised before.

MR. E. L. JAMESON, KINGMAN, ARIZONA. (Arizona Grazing District No. 2); March 1936 was our first beginning and the first day of July 1936 we paid up to January 1, 1937. If there is such a rule as that we have never heard of it. I have to say no member of our district has made any particular protest of any fee, and we feel we have our money's worth in the way of protection.

MR. CARPENTER: Mr. Noblitt, could you hear Mr. Jameson?

MR. NOBLITT: However, up in Wyoming we were under the impression that it has been the practice of charging no fee for the first year under license. Of course, we would like to have that extended to us.

MR. J. V. TAYLOR, CARRIZOZO, NEW MEXICO. (New Mexico Grazing District No. 4): I would like to know if the gentleman did not have the use of the grass this year when the rest of them were paying for nothing.

MR. CARPENTER: Mr. Noblitt, this is kind of a tough crowd.

MR. NOBLITT: We have all been having the grass and we are all willing to pay for it when we have an organization and know what we are doing.

MR. D. F. HUDSON, LANDER, WYOMING. (Wyoming Grazing District No. 2): It has been generally understood in our part of the state that we would have the use of the range without paying the fees the first year after the district was setup. All the stockmen in our district have met us halfway in regard to the feeding of grass and we have had very little grass or water there and in the future if we have to pay for this range and have no more grass than we have now, the thing is certainly a failure.

MR. CARPENTER: A very frank expression from Mr. Hudson.

MR. ED MAHAFFEY, GRAND VALLEY, COLORADO. (Colorado Grazing District No. 3): The gentlemen have the advantage of our experimental stage that the other states have come through. When we were going into that experimental stage we did not charge a fee. It is no experiment with you men in Wyoming. You are getting the advantage of the experimental stage that we have gone through, and you also have the advantage of the grass the last few years. And along that line, from what I saw of the big fat cattle from Wyoming, you must have had better grass than we had, too. (Applause)

MR. HUDSON: The cattle and sheep come out of other districts into ours. In District No. 2 in Wyoming they have come out of District 1. We don't know what to do with them. That is where our grass went. If fat cattle came from Wyoming they didn't come from District No. 2.

MR. CARPENTER: There are no fat cattle when we talk about fees, we all agree to that.

MR. F. C. VAUGHN, BAKER, OREGON. (Oregon Grazing District No. 6): We were organized in November 7, 1935, and we paid our 1936 dues and assessments in our district.

MR. CARPENTER: Organized November, 1935, and paid 1936 dues. No further argument than that.

MR. D. H. ADAMS, LAYTON, UTAH. (Utah Grazing District No. 1): District No. 1, Utah, was organized and we made our own rules and regulations. The other twenty-five or twenty-six districts did not tell District 1 what to do. I don't believe it is the proper thing for the other districts to tell the advisory board of Wyoming what to do with their profits. I think it is entirely out of place for the advisory boards to say whether Wyoming is guilty or not guilty. That is a question between Wyoming and the Department. (Applause)

MR. CARPENTER: Mr. Adams suggested it is out of place, but he tells them anyway.

MR. MC ARTHUR: I wanted to ask if that state isn't part of the United States Government and to say that my tenant and I have an agreement and are glad to pay those fees. By those fees we are taking care of the range, and we spend part of the fees taking care of the range. We are willing to double the present fees if it would get the grass back.

MR. CARPENTER: I am listening for applause on that. (Applause)

Leaving then the question of these new districts, let us open --

VOICE: I noted that in his statement in regard to those fees, his tenant is paying them, not he, himself.

MR. JOHN MC MURRAY, OAKLEY, IDAHO. (Idaho Grazing District No. 2): In our district we expect the first year to operate without any fees. We offer no apology for it and if necessary we will give reasons why.

MR. CARPENTER: Another one of the new districts, and he joins with the new districts from Wyoming. Are there any questions or discussion on the division of fees?

MR. J. PERKINS, OVERTON, NEVADA. (Nevada Grazing District No. 5): Why is it the fees should go to the state legislatures and not to the maintenance of the range itself? The object of the Grazing Act is to perpetuate and improve the range and I think it would be no more than fair that seventy-five percent of those fees should go back into the range for its improvement and that would give any stockman a break for his money.

MR. CARPENTER: The reason, Mr. Perkins, is that Congress said that half the fees should go to the State legislatures direct. In Nevada the state legislature has directed that back to you. So that you people in Nevada there already have seventy-five percent. The other states need to do most of the squalling.

MR. JOHN DAVENPORT. (New Mexico Grazing District No. 2-a): We have a new district and we do not think we should pay any fees. If we pay those fees, do we get any extra service?

MR. CARPENTER: They wish to join with the other new districts and then he asks: "If we pay these fees, do we get any extra service?" Does he get any additional grass for the fee? No, sir, the conditions will be the same.

MR. DAVENPORT: I meant protection.

MR. CARPENTER: Neither additional grass, water or protection. You will get the same service.

MR. GEORGE GOSE. (New Mexico Grazing District No. 2-b): We are a new district and we are all willing to pay. (Applause)

MR. HYATT: Last year in Wyoming I we paid for it. We paid our fees, most of them, and I will say we are mighty thankful for the Taylor Act and for the protection we received and the little fee that we paid has been repaid many times. (Applause)

MR. CARPENTER: That is quite a statement from Wyoming, if you were here last year. What about fees for 1937. Everybody seems to want to raise them.

MR. G. M. TIERNEY, CEDARVILLE, CALIFORNIA. (Nevada Grazing District No. 2): All of the new grazing districts should pay a fee, then we can hold the fees down. We were all supposed to pay a fee last year. We came in in November and paid for last year. What is the matter with these new districts in not wanting to pay a fee?

MR. CONWAY: I would like to ask if in 1937 the present grazing fees will be the same. And if they can't pay them, we might do a little better. We might increase them. And I move --

MR. CARPENTER:

We are not interested in motions at this time. This is a general discussion to assist in the state discussions tomorrow. The Committee on fees and finances will bring in a resolution as to applicability to new districts.

MR. O'NEILL of WYOMING: I don't understand how anybody could make a motion to increase the price on this, because no sheep or cattle men have made any money in the last five years. I know it couldn't be done in the last two years -- to make any money with your livestock.

MR. CARPENTER: Mr. O'Neill has only left the goat men and the horse men to support the national Government.

MR. FRANK MEANS, SAGUACHE, COLORADO. (Colorado Grazing District No. 3): I sincerely hope that the fees for 1937 will not be raised. We are in a predicament in Colorado. We were too slow on the trigger and the county commissioners and school found got away with all the money and we would like to have an opportunity to ask our legislature to get the funds diverted to the proper place, and if we now increase them, and the Colorado legislature, which is as greedy as any, gets a hold of an increased fee, well, that would serve as another source of revenue, and I think we also ought to get it back. I recollect in looking over my papers of my file in 1906, when we paid \$0.10 per head three entire seasons on a cow. It got up to \$1.00 a head in that same district and I will state this, if we are going to increase these fees, the first thing we know we will have the fees in this organization comparable to the fees charged by the Forest Service -- always on the increase and never on the decrease without a great deal of argument and trouble. No, I don't think we should increase fees until we see where we are.

MR. BALLARD. I would like to ask at this time if the Department contemplates a raise in the fees?

MR. CARPENTER: The Department has taken no stand on that position. They are waiting for a recommendation from this body of men before they take any action.

MR. GEDDES of NEVADA: Nevada is already in the unfortunate position of having asked too much, but we feel that we have a legitimate basis for asking that the fees in Nevada be not set at the same rate as those set in the better grazing areas of some other states. It takes two years to raise one lamb and twelve pounds of wool in our state. We feel that we have a legitimate argument and that these fees should be set by states, rather than by the country as a whole.

MR. CARPENTER: Mr. Geddes thinks that these fees should not be uniformly levied, but should take into consideration the character of the ranges.

MR. SMITH of ARIZONA: Relative to the grazing fees, most of the states up state have not made this whole 50%. Your advisory boards might not get it. Let us, before we even consider the raising of any fee, let us go back to our legislatures and get this put back in the advisory board, and then when we find out that there is at least more than 25% coming back to us and 25% to the Department of the Interior, and then we can talk about the raising of fees, but not now.

MR. WRIGHT of NEVADA: What steps have been taken by the Department to fix or determine if the proposed 1937 grazing fee is reasonable?

MR. CARPENTER: No particular steps have been made, Mr. Wright, in that respect at all. It has just been left here to be discussed and the recommendation that came last year was regarded as a reasonable recommendation of a reasonable fee.

MR. WRIGHT: What steps have been taken by the Department to determine whether this fee is reasonable to apply uniformly to each area within the same state?

MR. CARPENTER: As to the fees, no one in the Department has ever considered they were anything but reasonable. That matter has never been discussed or brought up. But we welcome discussion and I am sure that any point of view will be given every consideration by the Department.

MR. WRIGHT: When and where did you fix and determine whether this fee should be made?

MR. CARPENTER: The Department considers it was made out here in Salt Lake, here last year.

MR. WRIGHT: No one back in Washington fixed that?

MR. CARPENTER: No, no one at all. No grazing back in Washington. They, never think about it.

MR. MC MURRAY of IDAHO: I understand that the fee was set by the stockmen here?

MR. CARPENTER: Yes.

MR. MC MURRAY: I have asked them a number of times and they have told me it was fixed by Mr. Carpenter or the Secretary of the Interior.

MR. CARPENTER: Well, if you had been here last year you would have known how it started.

MR. MC MURRAY: I am talking about cutting it until we get proper adjustment. (Applause) When the receipts come in for the districts -- there is another chance for a tax. I think we ought to appeal to our Congress to amend the Taylor Bill to see if we can't get this money back from the legislature. You must be more prosperous than us in Idaho until we get proper distribution of funds.

MR. KING: I believe this experimental stage of the grazing department could be very detrimental due to the condition of the livestock at the present time and the Department men are not getting much benefit from the grazing lands. Until the lands are distributed and they have some grass to sell, I object to a raise in fees. At this time I realize we are not getting any grass for the money.

MR. CARPENTER: You would want to be the judge of the grass, wouldn't you, Mr. King?

MR. KING: I would leave that up to the stockmen.

MR. STAES: The only thing I have to say on the fees is not to increase the fees -- that is, not to raise them. Do not raise them for the benefit of the livestock business. In all the states where you get all this money back to the livestock men, that is going to be for the benefit of the stockmen. If you raise the fees by the state as a whole, but if we can't for the benefit of all, we want to graze to improve the conditions of the livestock business. We don't want to have the fees increased at this time.

MR. CARPENTER: Do I state it right when I say, united we stand against a raise in fees?

MR. P. J. BRATTAIN, PAISLEY, OREGON. (Oregon Grazing District No. 2): In listening to these arguments here and the question has been raised several times about the disposition of this grazing fee that takes the circle around to the state legislature, around to the county and finally back to the advisory board. I can't see why we can't take a short cut here. Why can't our advisory boards and stockmen prevail upon our congressmen to enact a law or amend that law so that seventy-five percent of our fee goes direct to the advisory board for disposition on the range and the remaining twenty-five percent to the Government. We pay a tax on our livestock and we also pay a tax on our real estate -- why the different tax?

MR. CARPENTER: Gentlemen, it is a little past five now. Tomorrow morning at 9:00 you will assemble by state committees. If you do not know the room, you can ask at the information desk. We would like to have all state committees assemble at 9:00. All district advisors are urged to come to that meeting and each state committee will meet until noon. After they have discussed these subjects they will elect two members of the national committee on each of the six big topics and then those men will meet at 2:00 in this building at rooms designated. Then Friday, the assembly will meet again in this room at 9:00 and the committees will make reports and will be discussed on the floor and voted on. No one will speak or vote Friday except district advisors without the unanimous consent of the house. At that time the vote will be taken and if

requested, an individual poll will be taken by districts, by the delegates voting from the districts.

MR. PETER HENRICH, YERINGTON, NEVADA. (Nevada Grazing District No. 3): Any of these people that are interested in that Nevada Law about the transferring of the money, I will be glad to make them a copy.

MR. CARPENTER: We have copied that law and it is on the program.

MR. HENRICH: Thank you.

(The meeting was adjourned at 5:15 p.m.)

DISTRICT ADVISORS' CONVENTION

Salt Lake City, Utah
December 9, 10 and 11, 1936

THIRD DAY

Morning Session

(Meeting called to order at 9:00 a.m., December 11, 1936, in the Lafayette Ballroom, Hotel Utah, Salt Lake City, Utah).

MR. CARPENTER: Gentlemen, if you will find your seats we will open the meeting. The order of business this morning will be to hear the reports of the national committees, and as we call the committees, ask the chairmen of the committees to come forward and I wish he would leave a copy of the resolutions in front of the desk on the platform here.

We will consider the reading as a motion for adoption and then the matter will be thrown upon for discussion by the advisors only. The vote will be taken by voice and in case of division in the vote, any delegate or advisor present asking to have the assembly polled, we will take the poll as follows: Beginning alphabetically with Arizona, we will call each district, and the chairman of that district, if he is present, or someone else delegated by him to be the spokesman, will announce how the four votes go. If only one man is present he will vote the four votes. If more than four men are present, each will take his fractional vote.

New Mexico has requested to vote their six districts altogether on all topics, so with the consent of the assembly, the chairman of the New Mexico delegation will simply give the twenty-four (24) votes from New Mexico.

Are there any questions as to the procedure before we call for the reports? If not, I will ask the chairman of the Committee on Licenses, if he will come forward and leave a copy of the resolutions on the desk. If you will please come forward and read your resolutions to us. Yes, I see the chairman here. Mr. Williams, if you will come forward as Chairman of the Committee on Licenses. Have you an extra copy of your resolutions you can leave on the desk?

MR. F. D. WILLIAMS, MINERSVILLE, UTAH. (Utah Grazing District No. 3): Gentlemen, I haven't had time to overlook our report, which was submitted yesterday by the committee on licenses. We had some considerable discussion within our meeting, and we did not arrive at all of the ideas unanimously, nevertheless we are going to present to you those ideas that we did finally conform to and leave it up for your consideration.

Motion made by Mr. Hay of Wyoming, and seconded by -- the name is not mentioned -- that: It be resolved by the National Committee on Licenses that the determination of the priority rule be left to the Advisory Boards of each district of the several states. (Applause)

I want to make a brief statement there, gentlemen, that we were so far apart upon the problem of priority that we could not get together on the priority period, therefore, we decided to leave it up to the different states to settle their own priority. We felt that the different states had so many opinions and conditions to work upon that we finally decided the different states should settle their own priority rule.

Motion made by Mr. Hyatt of Wyoming and seconded by Mr. Adams of Utah, that the National Committee favor a Department policy in issuing licenses until such a time as the several Advisory Boards feel that they have reasonable knowledge on which to issue permits, Carried unanimously.

Motion made by Mr. Oland of Colorado and seconded by Mr. Seeley of Utah, Resolved by the National Committee on licenses that the "Proposed New Interpretation of Preferences under The Taylor Act" be accepted in issuing licenses in 1937. Carried unanimously.

Now, we have one or two motions that were made here that were defeated. If you would like to hear them, I will read them to you. If not, I will just submit the motions and resolutions to our Director and pass them as they were given. What is your pleasure in that regard? (Audience signified that they did not wish to hear the defeated motions). Mr. Chairman, I move the adoption of the Committee report.

MR. CARPENTER: Thank you, Mr. Williams. Is it your pleasure to take these up separately and discuss them or take the report as a whole?

VOICE: I move that we take them up separately.

VOICE: I second the motion.

MR. CARPENTER: The motion is made and seconded that those resolutions from the National Committee on Licenses be taken up separately and discussed and I take it you mean to have them voted on separately. Any discussion on that motion. Are you ready for the question? (Calls for question).

All those in favor of the motion that the resolutions of the National Committee on Licenses be taken up, discussed and voted on separately, all those in favor signify by saying aye. Contrary - no. The ayes have it. Accordingly, I will read the first part of the resolution.

The first resolution is as follows: "That it be resolved by the National Committee on Licenses that the determination of the priority rule be left to the Advisory Boards of each district of the several states". Is there any discussion on that?

MR. J. L. NIELSON, FOUNTAIN GREEN, UTAH. (Utah Grazing District No. 2): "I am not in favor of that. I think we will have too much discrepancy -- running from six months to ten years. Mr. Williams stated that the conditions are so different. I do not think there can be any difference in the matter of priority in any district. I think the Department should have set that in the beginning. How could there have been any difference in priority.

I am opposed to the resolution. I believe we should get somewhere together. We should set a minimum and a maximum to come in between those two lines. I am opposed to the resolution.

MR. ALEX FINDLAY, KANAB, UTAH. (Arizona Grazing District No. 1): Is a substitute motion in order?

MR. CARPENTER: Yes, sir, that is always proper.

MR. FINDLAY: Gentlemen of the convention, I move that the priority had in all districts be June 27, 1934.

MR. CARPENTER: A motion that a substitute resolution be offered in which the priority date be set at June 28th, (I presume you mean June 28th, instead of June 27th, as that was the date of the passage of the Taylor Act), has been made. Do I hear a second to that motion?

MR. EDGAR BRAY, REDVALE, COLORADO. (Colorado Grazing District No. 4): I second it.

MR. CARPENTER: Is there any discussion on that substitute motion?

MR. BRAY: I am as much interested as anybody in having a long priority, but the idea is this. This Taylor Bill is a national law and the priorities to my mind are going to have to be the same in all the districts. That is, if the law is to stand up in the Court.

Now, as to the time of the priority. Anybody knows, that will stop to think, that the man on the range when that Taylor Bill was passed has a priority. Here is what I would like to see. I think Frank Means brought it out yesterday in the Colorado delegation. The older your priority the better your right. (Applause) If you had been there ten years, you are absolutely established and they can't kick you out. However, if you were on the ground when that Taylor Bill was passed you have some rights, but the man on there one year does not have the right that the man on there two or three or four years has.

But, if we are to avoid litigation, let us make a rule that will hold water. If our rules are going to stand up in court, let us make them right. It is absolutely ridiculous for one state to have one year and another state next to it has ten years. Let us have, the older the priority the better. Let us have the date the bill was passed as the priority date.

MR. J. M. SMITH, CENTRAL, ARIZONA. (Arizona Grazing District No. 4): I rise to a point of order. We have a motion before the house that we adopt the recommendation of the committee. The latter motion has not been voted down. The first motion is still before the house. Amend it, but I don't think you can substitute it.

MR. CARPENTER: The point is well taken. If the man that offered the first motion cares to amend it --

MR. FINDLAY: I understand, Mr. Carpenter, that you ruled --

MR. CARPENTER: I have reversed my ruling and it will have to be offered as an amendment and discussed before the amendment is voted on.

MR. FINDLAY: I move to amend the priority date to be considered as June 28, 1934.

MR. CARPENTER: Instead of putting it in a motion, the amendment is proper and before the house. Any discussion on the amendment? Are you ready for the question? The question you are now voting on is, whether the resolutions that the Resolution Committee made, that the priority date should be left to the separate district boards of the states, or whether the amendment, which is that it should not be left to the states, but set as the date of the passage of the Act, in all districts in the ten western states, should be accepted.

MR. W. W. BROWN, OGDEN, UTAH. (Nevada Grazing District No. 1): I make a motion that we poll by individual votes instead of by districts.

MR. CARPENTER: Mr. Brown has made a point of order, that we vote by person instead of districts. I wish to say that we do not have a list of the delegates here. Each district will poll. We do not have a complete list of all the delegates and I could not poll by individuals. Also, in my opening remarks I stated that we would poll by districts at the request of any one individual.

The Chair will rule that motion out of order for that reason. The question is to amend the original motion and make a uniform rule of priority. All those in favor of the motion, signify by saying Aye. Those opposed - No. The No's have it. The amendment is not carried.

We now continue the discussion of the original motion. The original motion was: "That it be resolved by the National Committee on Licenses that the determination of the priority rule be left to the Advisory Boards of each district of the several states". All those in favor signify by saying Aye. Contrary - No. The Ayes have it. The motion is carried.

The second resolution is as follows: "That the National Committee favor a Department policy in issuing licenses until such a time as the several Advisory Boards feel that they have reasonable knowledge on which to issue permits". Do I hear any discussion on that point? Are you ready for the question? All those in favor of the second resolution, which is: "That the National Committee favor a Department policy in issuing licenses until such a time as the several Advisory Boards feel that they have reasonable knowledge on which to issue licenses" --

MR. J. D. NOBLITT, COKEVILLE, WYO.: (Wyo. Grazing District No. 4):
Mr. Chairman, I think you used the word "licenses" instead of "permits".

MR. CARPENTER: I will read it again then, Mr. Noblitt. "That the National Committee favor a Department policy in issuing licenses until such a time as the several Advisory Boards feel that they have reasonable knowledge on which to issue permits."

MR. NOBLITT: That is correct.

MR. CARPENTER: Are you ready for the question? All those in favor of the resolution, signify by saying Aye. Those opposed, No. The Ayes have it. The motion is carried.

The third resolution is as follows: "Resolved by the National Committee on Licenses that the 'Proposed New Interpretation of Preferences under The Taylor Act' be accepted in issuing licenses in 1937."

I will read that again: "Resolved by the National Committee on licenses that the 'Proposed New Interpretation of Preferences under the Taylor Act' be accepted in issuing licenses in 1937." I'll ask someone on that committee what the 'Proposed New Interpretation' is, because this refers to a proposed new interpretation.

MR. WILLIAMS: Mr. Chairman, some of the rules that the Department got off regarding priority.

MR. CARPENTER: I will read those New Interpretations for you. "The proposed changes in the Grazing Regulations to carry these provisions into effect are to substitute the following for Page 2 of the Rules of March, 1936, to wit: --

"A qualified applicant will be considered in a preferred classification if he is a member of any one of the following four classes:

- (1) Landowners engaged in the livestock business.
- (2) Bona fide occupants.
- (3) Bona fide settlers.
- (4) Owners of water or water rights.

"The following definitions will assist in determining who belongs in said classes:

"A landowner must be in "the livestock business" and not simply "an owner of livestock. An occupant to be bona fide must show that he actually occupies land to the exclusion of others for at least the period for which such land is subject to grazing. Such exclusive occupation may be by fencing or otherwise excluding trespassers. Posting notices unaccompanied by actual possession, or part time seasonal use by grazing livestock, will not be considered occupancy. Any land claimed to be occupied must be held under a right such as to entitle the applicant to possession. Lands to which the applicant has no lawful right of occupation cannot be made the basis of a claim of bona fide occupation. (The last sentence above may also be stated as follows: Occupancy of lands to which there is no lawful right cannot be bona fide.)

"A bona fide settler is one who maintains actual residence under lawful authority on the land to the exclusion of a residence elsewhere. An owner of water or water rights must show that it is for stock water purposes and hold under proper authority from the state. Qualified preferred applicants will be given licenses to graze the available public range insofar as necessary to give a proper use to the lands, water or water rights owned, occupied or leased by them.

"In determining what such proper use is, the following definitions will guide:

"Property - shall consist of land and its products or stock water owned or controlled and used according to local custom in livestock operations. Such property is:

- (a) Dependent if public range is required to maintain its proper use.
- (b) Noar if it is close enough to be used in connection with public range in usual and customary livestock operations. In case the public range is inadequate for all the near properties, then those which are nearest in distance and accessibility to the public range shall be given preference over those not so near.
- (c) Commensurate for a license for a certain number of livestock if such property provides proper protection according to local custom for said livestock during the period for which the public range is inadequate.

"Qualified applicants who besides being preferred, as above set forth, also have grazing privileges recognized and acknowledged shall have such privileges safeguarded by being given consideration before such applicants who do not have such grazing privileges.

"Grazing privileges recognized and acknowledged shall be called priority of use, which is defined as follows:

"Priority of use - is such use of the public range before June 29, 1934, as the Secretary of the Interior, or his administrative officers, by reference to local customs, statutes, decisions of the courts, or other competent sources of evidence, may find to have been recognized and acknowledged as a proper use of both the public range and the lands or water used in connection therewith.

"Issuance of licenses - after residents within or immediately adjacent to a grazing district having dependent commensurate property are provided with range for not to exceed ten (10) head of work or milch stock kept for domestic purposes, the following named classes, in the order named, will be considered for licenses:

1. Qualified applicants of the preferred class who also have priority of use, to an extent not to exceed such priority of use or commensurate rating.
2. Qualified applicants of the preferred class who do not have priority of use, to an extent not to exceed their commensurate rating.
3. Qualified applicants who are not in the preferred class."

I will say in general explanation, gentlemen, this is simply a clarification of the Rules of March 2. It does not amount to a very material change of the Rules of March 2. I believe the committee gave some thought and study and consideration to that. Is that correct, Mr. Williams?

MR. WILLIAMS: Yes, sir, we went over each and every one of those problems and discussed them pro and con and finally arrived at the resolutions presented.

MR. WHINNERY, GUNNISON, COLORADO. (Colorado Grazing District No. 3): I would like to ask if they carefully checked the water right question. It seems to me that there was a little difference there in reading that resolution than there was before. It is one of the vital things we are particularly interested in in Colorado.

MR. CARPENTER: I will read the definition of property again then, Mr. Whinnery. "Property shall consist of land and its products or stock water owned or controlled and used according to local custom in livestock operations." That is practically the same.

MR. WHINNERY: That seems to be the same.

MR. CARPENTER: Yes, sir. Any further questions? Are you ready for the question?

MR. WILLIAMS: In discussing that we had a feeling, some of us, that we had better accept the definition rather than debate it and "ball" it up more. We suggest that in the future those rules should not be sent out to the advisory boards prior to their adoption at the meeting here.

MR. CARPENTER: In an extended clarification of rules like that, that was not really a rule, but a clarification of the Rules of March 2. I may say that this clarification of rules was worked out very carefully by a Committee, then submitted to the Department and then again taken up by the Committee.

MR. J. E. JENSEN, MORONI, UTAH. (Utah Grazing District No. 2): I would like to have the definition of a man in the livestock business and one who owns livestock.

MR. CARPENTER: He wants to know the definition of a man in the livestock business and one who owns livestock -- a man who owns one cow or sheep is the owner of livestock and it is possible to say he is in the livestock business to a certain extent for such a small amount. But, although the amount may be very small, if he depends upon the income derived from that stock he is then -- he is in the livestock business. It is conceivable that a man with one cow could be in the livestock business. It is distinction without being a difference.

MR. FINDLAY: I would like to know, Mr. Carpenter, how under your definition water could be commensurate -- under your definition of commensurability?

MR. CARPENTER: The definition of commensurability is: "If such property (that would be land or water) provides proper protection according to local custom for said livestock during the period for which the public range is inadequate."

MR. FINDLAY: Under "C" -- under property, is what I had reference to.

MR. CARPENTER: "Property is commensurate for a license according to local custom for said livestock" -- is that what you meant, Mr. Findlay? If you have water that will provide protection for livestock for the period for which the public range is inadequate, then your property is commensurate. In the South that definition does not equally fit in with those conditions.

MR. FINDLAY: In that case, Mr. Carpenter, how can you give the owner of water priority over the owner of land?

MR. CARPENTER: You cannot. The owner of land and the owner of water stand together. In New Mexico and Arizona if you do not have water, no matter what land holdings you have, you cannot get a license.

MR. FINDLAY: In Arizona it all depends on water.

MR. CARPENTER: The understanding on those southern ranges is that water is the primary factor. I believe that rule has been accepted in New Mexico and with some qualifications in other places, where the food arrangement does not enter into the picture.

MR. WHINNERY: Another question on water. Are there any possibilities that if this rule goes through that our irrigation water does not count?

MR. CARPENTER: No, the definition says water used in livestock operations. Water used for irrigation purposes, if used for livestock operations would be considered as commensurate, but if used only for watering fields would not be considered. Do I make that plain? Such part of irrigation water as is diverted and used for the support of livestock would be considered water in the terms of this Act. Purchase or rental of water is considered as control. Is that correct of what has been done in New Mexico? That has been my understanding all along.

MR. WHINNERY: Does that bring up stock owner priority or the owner of the water priority?

MR. CARPENTER: Range rights go with water, the same as they do with the land; Mr. Whinnery.

MR. GILMER: I think for the sake of clearing those records as to votes, we should poll these votes.

MR. CARPENTER: The Chair stated that at the request of any one man, I would poll the assembly. I will accept the voice vote otherwise.

MR. GILMER: You poll by mass first?

MR. CARPENTER: Yes, I will call for a voice vote first, and if it is overwhelming I will declare the motion carried. But anyone has a right to ask to have the vote polled and it will be polled immediately by districts. Are you ready for the question? All those in favor say Aye - those contrary - No. The Ayes have it. I believe those are all the motions of the committee on licenses. Is that correct, Mr. Williams?

I will ask the Chairman of the Committee on Permits to come forward. Leave a copy on the desk. Otherwise, come forward and read those resolutions.

MR. A. D. BROWNFIELD, FLORIDA, NEW MEXICO. (New Mexico Grazing District No. 3): Friends, it looked like war might break out any minute. We finally settled down and emerged without any bruises. We considered first, and had a very able explanation by Mr. Kerr, on the difference between licenses and permits. And the provision for licenses first under Section 2 and then permits under Section 3 of the Act. We discussed whether the setup necessary in order to have the qualifications of the permittee should be altered, and we decided to leave that as it is. Then preferences -- the same, that is meaning to say; the citizens and the state authorized corporations.

Third, the newer clause, and that one a great many overlooked the McCarron amendment to the act, meaning that if the setup is under mortgage at the expiration of the license period, the Government is to be held to issue a permit. And the duration of the permit may be from one year up to ten years. Ten years is the maximum and that is left in the beginning to the Division of Grazing, whether in the beginning the permits will be from one year, two, or more.

The permits and the priority brought about the major part of the discussion and there seemed to be a great deal of uneasiness in the minds of those in our committee and a great deal seemed to interpret, even though Mr. Kerr gave us a very full explanation as to what would happen when we go on the permit system, that the word "priority" goes out of the picture. They thought if that happened, we had better stay in the license period.

Yet, we are making an effort to go forward and we decided we wanted to get on permits as soon as possible. The word "use" in Section 3 of the Act, where grazing privileges recognized and acknowledged shall be adequately safeguarded, was construed to be your protection. Any ranch unit properly setup and going, their commensurate property was adequately safeguarded.

There was a good deal of uneasiness then about property developed subsequent to the Act. Would the individual developing a base land, developing his water, get a right. The committee decided that that piece of property could not be interpreted as commensurate.

Then there was another arrangement entered into and that was the so-called homesteaders. Are the men who bought a tax title to a piece of land that had not been opened for years, had not had any use, but at the time new improvements placed in the way of more development and water, could that land get a right and would it be classed as commensurate property? The Committee felt that, if now, if I get off wrong -- there was so much said, there was so many talking several times and we only came out with one resolution -- I may not get it quite right and if I do not, I sincerely hope you will correct me because I am trying to interpret the meaning of what I understood you meant and what was not reduced to writing.

Then, to get back to the subject. This piece of property that had had water developed on it prior to the Act and had been used prior to the priority of use date that was fixed in issuing licenses would be rated as commensurate property and carried a right.

Then, we got down to the problem of the degree of dependency of commensurate property and that is what I have just finished saying as to how to rate commensurate base property over another. In allocating public range to individuals, of use of individuals to amend the allotments and I see no way to decide on that except to leave it to the Advisory Boards, because they are the only ones who really know how your property and my property ranks in use and water developed and those other ratings which are necessary to decide upon. Shall I read this resolution?

MR. CARPENTER: Yes, sir.

MR. BROWNFIELD: Now, we brought out only one resolution and in order to stabilize the industry, and we all felt that a permit had more stability than a license, particularly with the loan corporations and that a fellow could mortgage his entire setup, and that is subject to all rights carried with property. The individual is left out when we get on permits and are dealing with the lands -- the commensurate property only. So, we leave you this resolution:

RESOLVED that the Division of Grazing issue term permits upon recommendation of the Advisory Board in the District affected, which shall include seventy-five percent of the allotment recommended for any ranch unit or range setup in proportion to commensurate property owned or controlled; that the twenty-five percent of the allotment and numbers of livestock shall have a temporary license until such time as the Range Survey program is completed.

MR. CARPENTER: Would you please read this resolution again, Mr. Brownfield?

MR. BROWNFIELD: "Resolved that the Division of Grazing issue term permits upon recommendation of the Advisory Board in the District affected, which shall include seventy-five percent of the allotment recommended for any ranch unit or range setup in proportion to commensurate property owned or controlled; that the twenty-five percent of the allotment and numbers of livestock shall have a temporary license until such time as the Range Survey Program is completed."

MR. JONES: I would like to inquire when these permits are issued if they will be at the discretion of the boards. Can the boards use their discretion or will they all have to be issued?

MR. CARPENTER: Was it your intention that all be considered?

MR. BROWNFIELD: I think when a number of ranch units are in a position to go on a permit arrangement that they should be permitted to do so.

MR. CARPENTER: Whether the survey had been completed for the entire district or not. Seventy-five percent term permits can be issued on any part of the district when they start in to issue them on recommendation of the district board. Is that correct, Mr. Brownfield?

MR. BROWNFIELD: Yes.

MR. CARPENTER: Is it your pleasure to vote on this resolution?

VOICE: I make that motion.

VOICE: I second it.

MR. CARPENTER: The motion is made and seconded that this resolution of the Committee on Permits: "Resolved that the Division of Grazing issue term permits upon recommendation of the Advisory Board in the District affected, which shall include seventy-five percent of the allotment recommended for any ranch unit or range setup in proportion to commensurate property owned or controlled; that the twenty-five percent of the allotment and numbers of livestock shall have a temporary license until such time as the Range Survey program is completed", be adopted as read. . . . All those in favor say Aye - contrary - No. The Ayes have it.

MR. FINDLAY: I would like a vote on that by district.

MR. CARPENTER: Before polling by districts, I am going to read the resolution again. "RESOLVED that the Division of Grazing issue term permits upon recommendation of the Advisory Board in the District affected, which shall include seventy-five percent of the allotment recommended for any ranch unit or range, setup in proportion to commensurate property owned or controlled; that the twenty-five percent of the allotment and numbers of livestock shall have a temporary license until such time as the Range Survey program is completed." Is that correct, Mr. Brownfield?

MR. BROWNFIELD: Yes.

MR. S. J. WYATT, CRAIG, COLORADO. (Colorado Grazing District No. 6): How can you get down to a term permit basis before the capacity of the range has been determined. Too many pitfalls in that.

MR. J. M. WILSON, SAFFORD, ARIZONA. (Arizona Grazing District No. 4): The last words, "the Range Survey program is completed" do I understand that to mean if you have an allotment under consideration. That is a little vague.

MR. CARPENTER: The range survey program referred to is a complete checkup on all of the dependent properties near the district, a complete gauge of the carrying capacity of the public lands within the district, a complete working out of whatever allotments of lands found advisable to make. You cannot get away from this, that permits and allotments are sewed into together.

MR. JONES: Until the range survey was completed, what kind of permits would be given?

MR. CARPENTER: Under this resolution it would be up to seventy-five percent of the allotment recommended for any ranch setup.

MR. FINDLAY: It seems to me the resolution puts authority on the advisory boards so that if they felt that the allotments were not complete, so that the term permit will be granted.

MR. JONES: I don't think you got me quite clear. The question that I raised was the way I understand it, that this seventy-five percent is to be permanent and the twenty-five percent temporary to any man who has a permit issued to him. Not seventy-five percent left over of the applicants. Is this

board going to be allowed to issue permits to one or two in that district and leave the others on a liconse system; or will they have to consider all the applicants as permittees?

MR. WIATT: I do not like that resolution. Every advisory board in this room knows there are too many pitfalls ahead. Unless you get the capacity first. The Division of Grazing will be put in a bad position. There will be turmoil.

MR. D. H. ADAMS, LAYTON, UTAH. (Utah Grazing District No. 1): It seems to me that where you issue soventy-five percent of the stock allotted to one man in one part of the district, before the range is completely surveyed, that someone on the other part of the district is not going to be issued a liconse. I think there are too many pitfalls, like the gentleman from Colorado said. Wait until the general survey has been made.

MR. CARPENTER: Do you wish to offer an amendment to this resolution, Mr. Adams?

MR. ADAMS: Yes, sir, that permits be granted them on the ratio of the carrying capacity of the range, when the range has been surveyed.

MR. CARPENTER: The amendmont has been offered to this resolution to the effect that, I will re-state it, that permits be only issued after the range surveys are completed.

MR. ADAMS: That is correct.

MR. CARPENTER: That is stating it simply. Do I hear a second?

MR. SMITH of ARIZONA: The motion has carried and announced by the chairman as carried and the gentleman has asked a poll from the house. I think the amendment is out of order until that motion is taken care of.

MR. WHINNERY: I think you ruled on that.

MR. CARPENTER: We failed to carry out the poll because the discussion came on then. Does the maker of the motion for the poll want a discussion now or the poll.

MR. FINDLAY: The discussion is what I want.

MR. SMITH of ARIZONA: If some of the gentlemen who voted for the motion want to make a motion to re-consider the motion and the house wishes to re-consider, then you can re-apon it for the house. But you have declared the motion carried. This gentleman has asked for a poll. You said the motion was carried. Now, we have got to have a poll or somebody who voted for the motion will have to ask to have it re-considered.

MR. CARPENTER: I am going to ask for the discussion to consider and then we will vote over again. All those in favor say Aye - contrary - No. The Ayes have it - the motion is carried. The motion is carried and we will vote later on the amendment to it.

MR. SMITH of ARIZONA: I have no desire to get technical here, but I think we should proceed orderly, and as a man who voted for the motion, I make a motion that we move for re-consideration.

MR. FINDLAY: I maintain the motion was not carried. It was only carried conditionally. I make a motion for a poll and it is not carried until it is carried completely.

MR. CARPENTER: I thought we were going to learn range rights, but we are going to learn parliamentary law.

MR. SMITH of ARIZONA: As you will find out, after the chair has called for a vote on a motion and that motion has been announced as carried, that closes the motion. This gentleman has asked for a poll of the house. There was no more debate on that and if the poll carries the motion again, there is no way to reopen the question again.

MR. WYATT: In order to expedite matters, would it be in order to make a motion that this other motion be rescinded?

MR. CARPENTER: I think we will stay away from any more motions. The chair will rule that the motion is not yet carried until the poll shows the motion lost or made, and all discussion will pertain to the amendment and as soon as the discussion is over we will proceed on the amendment. The amendment offered was that permits be not issued until the range surveys have been completed.

MR. NOBLITT: Will the man please clarify that?

MR. CARPENTER: I think you are clarified now. There is an amendment up to the motion. The motion was that seventy-five percent of the allotments be issued and twenty-five percent be held up. The amendment was that no permits be issued until range surveys be completed. That is what we are discussing. I have summarized it only.

MR. MATHIS: I would like to talk on the amendment to the motion. The seventy-five percent was left entirely up to the advisory boards. I am in favor of the amendment to the motion. I think where you have a Class A license you have your permit in the bag. I don't think it is going to hurt your credit any to delay some on the permits. Why reserve twenty-five percent when we can discuss the hundred percent with the same information available. We are already protected according to the bill, on any loans that we have been hearing talked of here. I don't think any financial institutions are worrying at all if you have a Class A permit or license, and they would rather we would know our grazing business and be sure we are right when we issue the permits, and when we have all the information available and necessary data, we will be in a position to make it one hundred percent. I am in favor of the amendment to the motion.

MR. WYATT: That comes from a banker. How good will a man's credit be if after the capacity of the range is determined he is cut down twenty-five percent. That will not help his credit. That will not give the banker the proper protection. The range survey has not made their report yet, but they will and they have asked the Division of Grazing to put on a larger force, and if this group will insist on it, there is no question but that the Division of Grazing will do it, and push this matter ahead as fast as possible. Like the gentleman from Arizona, I am with the amendment.

MR. BALLARD: I believe that you can hear me here. We appointed our committees and each state has been represented. I believe I will begin this like the lawyer does. "Your honor, please we object." We appointed our committees on this and each state was represented and I take it, you appointed the best men you had. If you didn't, you should have done, and I believe this committee should be sustained and the resolution passed as recommended. If this amendment carries, I can see indefinite delays. We were told here yesterday that the personnel to carry out this range survey was low, and that there was no immediate prospect of getting this personnel augmented to any great extent. We are fighting against these delays and if you please we resist the motion to amend. (Applause)

MR. TAYLOR of NEW MEXICO: I wonder if this amendment would not place each district in this position. On a contested case it might hang in the courts for years. It might stop the issuance of permits in an entire district. The resolution is left in your hands. We heard here last year, everything was tied in at the discretion of the local advisory boards. This resolution offered by the committee leaves it entirely at the discretion of the local boards, with all federal employees as members of that board. They are going to act fairly with the best interest of the entire district at heart. I think we should issue

permits to stabilize our industry and get away from those licenses as fast as we can. I am against the amendment.

MR. CLMER: I think permits should be issued as soon as the advisory boards see fit. They are the people who have the first hand information and the people who have the chance to get the first hand information. They have access to taking evidence as to what a man's qualifications are, and no information is complete without that evidence. A license is a temporary thing for it has no credit rating. I don't see how a credit man could consider it very seriously in a credit setup. At Winnemucca, at a recent conference, it came out that many operators were almost on the rocks because they needed federal aid and credit, and could not get it until permits were issued. For that reason I am in favor of making permits as soon as possible and I think the advisory boards could handle that better than any other way. (Applause)

MR. WOOD: I am in favor of issuing these permits according to the wishes of the advisory boards of the different districts on the basis of the carrying capacity fixed by the different boards until the survey is made. (Applause)

MR. SMITH of ARIZONA: I would like to call your attention to the report here in the program in the case of Idaho, where it is estimated that the range survey will be completed in 1946. Now you, gentlemen that have your range surveys completed, now, do you want to wait until 1946 before you get a permit. We boys have had a lot of trouble with the Forest in getting ten year permits and we are very much interested about the permits. We want to stabilize our livestock industry. Until you get a term permit you will never be stabilized. There is no question in my mind that this entire group wants to get permits and not wait ten years until a complete survey is made, and if you do get it, the Department of Grazing does not have enough personnel and these appropriations may not come in sufficient numbers to complete this work. I think we are entirely protected by the resolution as adopted by the Resolution Committee and I am in favor of the resolution and not the amendment. (Applause)

MR. CARPENTER: In order that there may be no confusion, the issuance of permits in one district will not be delayed because the survey is not completed for the issuance of permits in another district. The idea is so that there will be no delay until the survey is completed within that district. That is the question at issue.

MR. HYATT: There was submitted to this assembly by the License Committee a resolution that when the advisory boards felt that they had sufficient data to issue term permits, they could. Now, we all agree those districts will have to have a range survey made. What way are we leaning?

MR. GARDNER: They are leaving us twenty-five percent figuring that any board working over a period of years will have an idea of how to make an estimate of the range. I am sure that we can. If we can't hit seventy-five percent of accuracy after two years work in this matter, I would be surprised.

MR. SAM ROSS, JORDAN VALLEY, OREGON. (Oregon Grazing District No. 4): I think that we have got to wait until those surveys are made by the Department, and then passed up to the advisory boards to pass on, that is too long. Why not have the advisory boards make these surveys and let the Department pass on them. (Applause) Now, when they make these surveys we have got to approve of them. These advisory boards know their range and nobody is more capable of approximating the range and surveying those ranges. Now, let the advisory boards make these estimations and let the Department prove that we are wrong. I therefore stand for this resolution without any amendments.

MR. JONES: I would like to have Mr. Vaughn make a statement.

MR. VAUGHN: Gentlemen, this is a great opportunity. Oregon is in favor of licenses or permits being issued after a complete survey of the commensurate property. We do not feel that the advisory boards want to take the responsibility of guessing at a man's commensurate property. We do not want to wait

until we have a complete range survey made, therefore the original resolution or the amendment thereto does not fit. We want the medium. We want the permits issued up to seventy-five percent of the applicant's commensurate property extent after that survey has been made by the Division of Grazing. I wonder if I have made that plain to you, that we want the permits after the property is surveyed. We do not want to wait for the range surveys. We feel that the advisory boards are competent to determine the carrying capacity of that range. That is all.

MR. CARPENTER: It may not be necessary to elaborate on what Mr. Vaughn said, because he made it very clear. Range surveys are divided into a checkup of carrying capacity and a range survey of the range. Mr. Vaughn wants a survey made, but he does not want to wait for the carrying capacity of the range.

MR. LEE: Mr. Carpenter, I am opposed to the amendment and in favor of the committee report. I am surprised and disappointed to find that the minority of the members of this convention distrusts themselves and their own judgment. I feel that they should not be so distrustful.

VOICE: We all feel very deeply for Mr. Lee. It is going to be a very long time between the figures and the estimates.

MR. CARPENTER: I want to say this to everyone, under the amendment to the motion there is nothing that will prevent New Mexico from considering and issuing licenses -- permits, within the very near future.

MR. LEE: We certainly appreciate the attitude of the Department.

MR. CARPENTER: That would be included within the amendment. There is nothing in the amendment that prevents going right into permits. It is simply that no district shall consider permits until the range survey is completed.

MR. STAES: How are you going to do it without knowing the carrying capacity of the range down there, and at least seventy-five percent. And then after you get that in my district, the whole capacity was exhausted by seventy-five percent. What are you going to do with the other twenty-five percent. Will you kill them. (Applause) The board would have to know, would have to have evidence of each individual's capacity and of our commensurate property. Then there would be no delay.

MR. CARPENTER: That is an election talk.

MR. J. B. WHITE, PARADISE, UTAH. (Utah Grazing District No. 1): I am going to say, any term permits should not be issued until we determine carrying capacity of the range and the commensurate rights of the permittees. I believe if we issue term permits we are going to get into a lot of difficulty. It is much easier to make adjustments and issue those term permits after we determine the facts. Therefore, I am in favor of the amendment to the motion. (Applause)

(Calls for Question)

MR. PERKINS: The mike might make them understand better than I can. It seems to me, friends, that there is a lot of useless discussion and since there has been this committee appointed to work out this detail in this act, and as there seems to have been given to each committee, certain discretionary facts which would enable them to act in the best interest of the district which they represent. And this survey committee was to determine the carrying capacity of the range, as I understand it. That should be completed as soon as possible and upon the report of the survey committee to the advisory boards would be made. Then the advisory boards would be able to act intelligently as to the issuing of licenses or permits.

Now, if there could be some medium between the survey committee and the advisory boards, if there could be something that would enable the range survey committee to complete that report as soon as possible so that the advisory board might get their report to act upon, or where there has been information supplied to the advisory board that they can go ahead and act on their knowledge and information together with that of a survey committee, they could go ahead and issue those permits. And I believe the Resolution Committee had those things in mind, and I do not believe we are going to go very far amiss if we leave the matter as it is, and it would be my suggestion that every committee use its own judgment, and everyone put himself in the position of the other fellow, that we might all have a fair and square deal in the matter, that the thing will go through.

The difficulties will be local and minor and can be adjusted to the satisfaction of the district.

MR. CECIL: If this question is illustrated much more we won't know where we are.

MR. CARPENTER: Are you ready for the question? All those in favor say Aye. Contrary - No. We will poll the delegation. * * * * *

First let me say, that there will be no poll taken until everybody knows what he is voting on. I have been asked questions which led me to believe that there is some cloudiness as to the issue. Some have asked,-- would the twenty-five percent not granted permits read to another Government program of killing stock. That is not so. I have been asked if that would force a reduction of that twenty-five percent of the stock. That is not so. We will answer questions and correct any misunderstandings if you will bring them to me.

MR. WHINNERY: I would like to ask if the amendment carries, if we will go back to the resolution.

MR. CARPENTER: If the amendment is carried, that ends it. That is to say, it will be the answer of the assembly here that range permits will be issued.

MR. WHINNERY: It kills the original recommendation?

MR. CARPENTER: Yes, sir.

MR. MC MURRAY: Would the advisory board in each district pass on this?

MR. CARPENTER: After this range survey is completed?

MR. MC MURRAY: No, they have their own choice of putting this into effect when this range survey is completed, is that correct?

MR. CARPENTER: That is true. They do not have to do it until this district is completely surveyed and they desire to do it.

MR. WILLIAMS: I would like to call your attention to the fact that there has been a resolution voted upon and passed this morning by the license committee, that these permits be not issued until after the range survey has been made. Now, we are coming along and trying to set aside that which is already carried. Therefore, I am favoring the amendment to the motion -- simply on those rules, that we voted unanimously here this morning that there be no permits issued until after this survey was made.

MR. HYATT: May I suggest that you re-read the resolution by the license committee?

MR. CARPENTER: You will listen to the resolution already adopted as recommended by the license committee which is as follows: "Motion No. 2. RESOLVED by the National Committee on Licenses, motion by Mr. Hyatt of Wyoming and seconded by Mr. Adams of Utah, that the National Committee favor a Department policy in issuing licenses until such a time as the several advisory boards feel that they

have reasonable knowledge on which to issue permits."

I call your attention to the fact that the "reasonable knowledge" might be based on their own knowledge and so it is not in conflict at the time.

JUDGE COX: This question occurs to my mind, if you vote in favor of this amendment, you have used in the amendment the word "completed". You might make a situation like this: you might send the boys out and they come in with a survey, submit it to the advisory board, but they might refuse to accept it. John Doe standing on the side line is dissatisfied with that survey. He files an appeal. They hear it. They decide against him. He takes it up to the Director and the Secretary of the Interior and then into the courts. During all that time, your survey is not completed. With that word "completed" you strangle what has been done in the other motion and here by the amendment you take that discretion away and get the possibility of dragging it out maybe for six months or six years before you can get that survey completed. I think that word is dangerous. For that reason I would be opposed to the amendment with that word "completed" in it.

MR. CARPENTER: I wish to offer another construction of that word. When the range survey has been made and laid before the Board and accepted, it will be started to be put into operation and will not wait for individual cases to prosecute and appeal. When a majority part of the board thinks they are ready, they will start into operation in spite of any particular man there.

MR. MATHIS: Does it not say within the law that they do not issue permits until this range survey has been completed and handed to the Board.

MR. CARPENTER: There is nothing in the law making it necessary to have a range survey.

MR. MATHIS: Isn't the advisory board and the Division of Grazing bound to agree?

MR. CARPENTER: The advisory board recommends the issuance of a permit and the Division of Grazing issues it. The two concur in that. It clarifies this issue a little, which I do because these questions are asked. There is a question which duties should the board have, and what should the Government do for them? Gentleman, I am well aware of the western feeling for resourcefulness. I filed on a desert claim in 1907 and I ran all my own ditches with a spirit level and a nail in it. In that little town, I served on the Town Board, and there was a fellow in there and we got together and decided instead of paying an engineer, we would do the work and save the money. We ran sewer lines over all the town, and when we got through, we ran three of the laterals upside down, so the water ran back into the houses. Then we had to hire an engineer, which cost us \$400.00, and we had to get out and re-dig all those ditches. I have carried flags for engineers, when the water ran straight up hill.

I feel that we need self-reliance, but the real question here is whether you want to be certain when serving on the board, or whether you want to venture a guess on this thing. Any more questions on this?

MR. SMITH of ARIZONA: I really felt that in the advisory boards using their discretion, it may not be altogether a guess, as to whether we are making those permits from a guess standpoint. I think the advisory boards should be careful about issuing those permits, especially since they have got the Division of Grazing to cooperate with them. We have got the two interested parties -- you advisory boards and you Division of Grazing. They don't say that we have to issue those permits at any time. I hate to see a man's hands tied, and I want to see them in a position to do something. We don't have to wait until the last little bit has been gone over by the Division of Grazing. You fellows are limited, and while I realize that, then we are limited.

MR. CARPENTER: I think we have opened this question about three times.

MR. SMITH of ARIZONA: A point of order. We are discussing this amendment. It appears to me a question was called on it.

MR. CARPENTER: Are you ready for the question to be voted on by districts? We will call the role by districts and the chairman will announce the result of the four votes — four votes in favor of the motion or four votes against the motion, which is in favor of the amendment, or he will split the votes. Any questions on how to vote?

All right, we will call the role and take the vote down. A vote Yes is in favor of the amendment which would be in favor of delaying the issuance of permits until all of the range surveys are completed. A vote No would be against the amendment.

MR. ADAMS: I think it would clarify matters some if the word "completed" was omitted.

MR. CARPENTER: Do you want to withdraw the word "completed"? Do you have the permission of the second?

MR. FINDLAY: Yes.

MR. CARPENTER: Will you state it?

MR. ADAMS: That no permits be issued until the range survey is made.

MR. CARPENTER: "That no permits be issued until the range survey is made".

MR. ADAMS: That will be all right. Then your word "completed" is left out.

MR. CECIL. The previous question has been raised. I think we should now vote.

MR. CARPENTER: We will now vote on the amendment: No permits be issued until the range survey has been made. A vote Yes is in favor of that amendment and a vote No is in favor of the original motion.

VOICE: Some of the voters would like to know what do you mean by the word "completed"?

MR. CARPENTER: As there is no Webster's Dictionary obtainable, we are going to vote on this question.

(This question was voted on by states. The list of districts was read by Mr. J. H. Leach.)

RESULT OF POLL BY DISTRICTS ON
THE AMENDMENT: NO PERMITS BE ISSUED UNTIL THE
RANGE SURVEY HAS BEEN MADE

State	District	Yes	No
Arizona	1	4	
	2	1	3
	4		4
California	1		4
	2		4
Colorado	1	4	
	2	3	1
	3	4	
	4	4	
	6	4	
Idaho	1		4
	2		4
	3		4
	4		4
Montana	1	4	
	2	4	
	3		4
	4	4	
	5	2	2
Nevada	1		4
	2		4
	3		4
	4		4
	5	1	3
New Mexico	2a		4
	2b		4
	3		4
	4		4
	5		4
	6		4
Oregon	1		4
	2		4
	3		4
	4		4
	5		4
	6		4
Utah	1	4	
	2	1 3/4	2 1/4
	3	3	1
	4	1	3
	5	1	3
	6	3	1
	7	2	2
Wyoming	8	4	
	1		4
	2		4
	3		4
	4		4
	5		4
TOTALS		58 3/4	137 1/4

MR. CARPENTER: Results of the vote: 58 votes in favor of the motion, 137 votes against the amendment. The amendment is lost. (Applause) The original motion stands and we are ready for discussion on the original motion. Come on up to the mike, Mr. Vaughn.

MR. VAUGHN, OREGON: Oregon wishes to offer, as an amendment to the original resolution that, when commensurate property surveys are completed, and approved by the advisory board and the Division of Grazing, all Class A applicants will be issued permits for 75 percent of the range available, and temporary licenses for the remaining 25 percent. It is plain to see, gentlemen, when a district, within itself, can't agree within a fraction of a man, that there has got to be some compromises made, and I think it is a cinch that something concrete be arrived at so that all the advisory boards have got something to stand on. If you have got a concrete policy, thruout the grazing area, to back up the advisory boards, you have got something to stand on when you render a decision.

It seems to me that a lot of you gentlemen serving in an advisory capacity, must have your successors pointed out. Up in our country, we are not in office indefinitely. We don't know who our successors might be. We would like to see a uniform ruling thruout the grazing area, that will give the advisory boards something to base their ruling on, and we don't think that it is necessary to hold up the issuing of permits until the range survey is made. We believe that the advisory boards are capable of arriving at somewhere near the carrying capacity of the range, but we do not believe it is within the discretion of the advisory boards to determine your neighbor's commensurability. Therefore the reason for the amendment.

MR. WILLIAMS: I would like the gentleman from Oregon to explain why he wants to put in that 25 percent.

MR. VAUGHN: A compromise.

MR. WILLIAMS: Why not compromise on the 100 percent.

MR. WHINNERY: I wonder whether or not the committee on this report has covered the entire situation when they say Class A. If I remember the rules, Class 1 defines commensurability and the standing of the applicant as to his commensurability. Class A defines whether or not that property is dependent upon the public range. It seems to me there should be an amendment there to accomplish what they wish to accomplish, and that should be, Mr. Chairman, Class 1-A should be put in there, if they are going to consider commensurability at all.

MR. CARPENTER: In order to clarify this question, with the consent of the maker of the motion, I am going to try to simplify it. The original motion, as proposed by Mr. Brownfield, chairman of the committee, is as follows: "Resolved that the Division of Grazing issue term permits upon recommendation of the Advisory Board in the District affected, which shall include 75% of the allotment recommended for any ranch unit or range setup in proportion to commensurate property owned or controlled; that the 25% of the allotment and numbers of livestock shall have a temporary license until such time as the Range Survey program is completed."

Now, as I understand Mr. Vaughn's amendment, it would be to add in six words, as follows: "Resolved that the Division of Grazing issue term permits --" and add these words: "when the commensurate property survey is completed, upon recommendation of the Advisory Board --" and so on. Would that be correct, Mr. Vaughn?

MR. VAUGHN: We would accept that.

MR. CARPENTER: If you would accept that, that simply adds the words: "when the commensurate property survey is completed". Do I hear a second to that amendment?

VOICE: Second.

MR. CARPENTER: Motion is made and seconded that an amendment be offered to the original motion, and that the words, "when the commensurate property survey is completed" be added in the motion as discussed. Any discussion on that motion?

MR. SPALDING: May I ask in what order you are going to make the surveys of commensurate property? He has got voted down by an overwhelming majority "until after the range survey was made", and now we are going to inject a phrase that

will hold us up until the property survey is made. In what order does the Department contemplate making these surveys.

MR. CARPENTER: You will find the order designated in the exhibit to your program, which separates commensurate property and range surveys, and shows the estimate of the range survey division as to how soon they can complete it. In the north, it is one way, and in the south it is another way, because they can work the year 'round. Up here, we can not make a range survey, of course, in the winter. How that will work in each territory is shown on one of your exhibits to your program. Any discussion? Are you in favor of the motion? All those in favor of the amendment, signify by saying "Aye". *** Opposed, "No". *** The NO's have it. Are you ready for the original motion? All those in favor of the motion as made by the chairman of the committee, signify by saying "Aye". *** Opposed, "No." *** Motion is carried. I will ask the chairman of the committee on fees and finances to make his report at this time. The chairman of the national committee on fees and finances.

MR. E. L. JAMESON, KINGMAN, ARIZONA: I was very fortunate yesterday, in being put on a committee that didn't have anything to do. Had no arguments, only about six or seven hours, something like that. Our report, you will notice, is short:

"We, your national committee on fees and finances, beg leave to submit the following report:

"1. It is recommended that there be no change in fees for licenses during the year of 1937.

"2. This committee is unanimously agreed that the matter of charging fees in new districts during the first year of administration is a matter to be decided by each particular district and the Secretary of the Interior, and this committee, therefore, make no recommendation.

"3. It is recommended that if and when permits are granted, during the season of 1937, no change shall be made in grazing fees.

"4. It is recommended that there be no fees charged for trailing licenses on stock driveways, but where water is provided by artificial means, that the charge be the cost of producing such water, and that there also be a charge for the cost of policing the stock driveways."

I move the adoption of the committee's report.

MR. FINDLAY: Where does the fee come from? You are not charging the driver any fee, but you are charging the fee for watering purposes?

MR. JAMESON: That was the intent.

MR. CARPENTER: Do you wish to act on the recommendations separately, or on the report as a whole?

VOICES: As a whole.

MR. CARPENTER: Those in favor of adopting the four resolutions on fees and finances, signify by saying Aye. *** Opposed, No. *** The Ayes have it.

There has been a little confusion in the minds of some about a suit to restrain the collection of fees in the State of Nevada, and, because we do not wish any misunderstanding on that, I am going to ask if there is anyone here who cares to make an explanation, so that we will know clearly why that suit was instituted, and what was involved in that suit.

MR. W. B. WRIGHT, DEETH, NEVADA: I especially appreciate the privilege, not being an accredited delegate, to address this group, and I wish to thank not only the Chairman, but the state delegates, for the courtesy extended to Nevada, of allowing us a few moments to explain our position. You know, when a cow man talks on technical legal questions, he is in a difficult spot. Therefore, I trust no one will ask me technical questions. I think Mr. Carpenter has already given me the answer, only, in my case, I would state I don't have any legal volumes with me; therefore we will go forward. His reference was to the dictionary.

Last year, I had the honor of presenting Nevada's general statement, and, at that time, I attempted to make clear our attitude that we were not desiring free range. We have every wish to pay for what we get. I also attempted to explain to you that we feel we have been paying for the range for a number of years, due to our tax set-up, under which only 11 percent of the entire area of the state is in private ownership, one half of that 11 percent belonging to the railroads and which land we lease. Therefore, it is not a question of free use versus pay.

As a ground work, to clarify our position, I must call your attention to the difference between the Taylor Grazing Act and the forest set-up, and, in so doing, I do not want anyone to misconstrue my remarks as being antagonistic or in favor of either set-up. I simply present facts to you to mill over in your mind. For about thirty years -- and we might add at this time that this difference is an important consideration for you, due to the fact that there is a definite move to concentrate the two grazing services either under the Department of Agriculture or the Department of Interior -- for about thirty years, you have been operating on the forest under a grazing set-up which is a by-product of the service. In other words, grazing is secondary. You are regulated by departmental rules and regulations, solely. The Forest act was brought about by a presidential proclamation.

If the Taylor Grazing Act has any one great advantage, as has been pointed out to you by Director Carpenter on many occasions, it is the fact that you have a basic law, designed primarily for grazing, and designed to stabilize the livestock industry dependent upon the public ranges. Now, then, grazing is the first consideration under the Taylor Act. This Act not only limits those who are to be regulated, but it places certain administrative limitations upon those who are directing application of the act. Our theory in Nevada is simply this: if we have a basic grazing law, it is highly important that conduct under the law be confined to the limitations of the law, particularly in the initial stages, for that is when the die is cast. If you get away from the law, it is just a matter of time until you have a set-up which will be controlled entirely by departmental regulations.

Now, this suit is a friendly suit. I might say to you that the relations between the stock men of Nevada and the Department of Grazing are most cordial at all times. We have no antagonism over there. We are not attempting to be obstructionists. I think it is a rather short-sighted view, to consider that an attempt to crystallize law is an obstruction. We have, on occasion, heard Mr. Carpenter state that many of these things will be ironed out thru a period of years, relative to crystallizing ambiguous parts of the law. The Department of the Interior has their legal advice in their solicitors' department. The individual stock man has his legal advice in his attorneys. Each, of course, has confidence in his legal advisor. However, as in all things, diversifications of opinion arise, and, in our particular case, our attorneys advise that a fee under Section 2 of the Act is not legal.

The question, therefore, arises: Do we wish to brush aside the technical legal phase of it, and accept a fee, or do we wish to abide by the law, which provides, in Section 3 of the Act, that the Secretary of the Interior may collect a reasonable fee in each and every case, fixed and determined upon the issuance of permits. Now, to us it has seemed very important that we stay within the law, in order to prevent an arbitrary set-up. Now, in order to emphasize that, I can refer you to the hearings before the various congressional committees, and, on various occasions, our legislators voiced apprehension relative to a government bureau being set up which might prevent the normal operation of the industry, and it was because of this apprehension that certain limitations were written

into the Act. Now, there are other features in this Act, if one was out simply to cause headaches and be an obstructionist, that we believe could be legitimately attacked. That is not the purpose. The purpose is to crystallize and to determine whether or not a Department can put their own interpretations upon this Act and can stretch it to such a broad extent that, for example, under Section 2, they can collect a fee without the issuance of permits. Administrators of the law -- and I think that Mr. Carpenter is no exception in this; in fact, I am sure he is not -- welcome attempts to bring about such crystallization and clarification, and the sooner these things are settled, the better.

Now, another limitation in there, to bring out what I referred to as restrictive limitations, is the so-called McCarron limitation, which was referred to this morning. It is granted that a few words in there were rather unfortunate, but don't be confused in that feature of the provision, which provides that the value of the grazing unit shall not be impaired. That is the essence, not that a man may be in debt, and that is one of their restrictive limitations.

In order to bear out what I have said, with regard to this being a friendly suit and not an attack upon the Act, and not an attempt to obstruct it, I wish to read you the opinion of Judge Yankwich of the Federal Court. You know, attorneys have devious ways of doing things. They always exhaust all avenues, and, as was expected, the original case, filed in the state court, was transferred to the federal court by the Government, the reason being that the Government maintained the state court had no jurisdiction. Our attorneys maintained, for technical reasons, that the federal court had no jurisdiction.

In the first heat, we won, as we are now back in the state court. But, just to clarify the picture with regard to the Act itself, I wish to read you just a brief statement taken from Judge Yankwich's opinion:

"The plaintiffs do not question the right of the United States Government, thru Congress, to regulate the use of any part of its public domain, nor do they question the right of Congress to enact the Taylor Grazing Act or the delegation of power to the Secretary of the Interior under the Act, to require the payment of a license fee. They assert a right not contrary to the Act, but one under it. What is that right? Each of them asks to be relieved of the payment of grazing fees by virtue of claimed authorized rules and regulations. They question merely the right of the Secretary of the Interior to demand a license fee for a temporary, revocable permit."

In this instance, he uses the word "permit" in place of "license". That is the essence of the suit and the purpose of the suit. At this time, I wish to refer you to our statement last year, that Nevada stock men stand at all times ready to cooperate and assist in the furtherance of all constructive attempts at range regulation, which we recognize the necessity of. Thank you.

MR. CARPENTER: I can add nothing to that clear statement, except to say that, as a lawyer, I glory in the fact that we have a system of government, whereby any citizen, no matter how humble, can go to the courts and question any administrative department, no matter how great, and we, of course, wish to preserve that, and this is a demonstration of that right being preserved in that way.

GENTLEMAN FROM MONTANA: I move that a mimeographed copy of this address be sent to each advisory board.

MR. CARPENTER: It will be included in the record, gentlemen, and we expect to mimeograph the entire record and mail a copy to every district advisory member in the United States, so that you will get a record similar to what you got last year, which will include all the debates, resolutions, votes, and everything else. Will the chairman of the committee on range improvements present his report?

MR. L. L. TAYLOR, MOAB, UTAH: After the many argumentative subjects that we have had today, I think it will be a relief to most of us present, to have rather a sweet subject brought up; that is, range improvements. It is a subject that is a big subject, when you go to analyze it. For the last year and a half, we have started on this range improvement program, but we have really just scratched the surface. At the start of this program, it was hard to get the average stock man to visualize the possibility of this program. Now, I think they are aware of the fine work that has been done. I have some resolutions that don't cover everything that the committee suggested should be brought up. In the first place, we want to express, very deeply the unanimous sentiment of the board, of our appreciation of the fine cooperation of the ECW organization. It has really been wonderful.

Now, if the advisory boards don't have so much to say about a lot of things, -- whether they do or not -- they do, on the ECW work. It has been my experience with the camps in Utah, that they don't do a thing unless it is initiated and approved by our boards. Any board member, or any stock man, whether board member or not, if it is a worthy project, he can get results on it right now. There is a very crying need for more camps. You take a look at the map, and you will see that a lot of our camps are grouped, and you look at the map of the western states and it looks like one or two states have a monopoly on camps.

I want to say, now, that each of these camps that are now established, have work projects that will keep them busy for six years. Nobody would suggest moving any of these camps unless that is the last step. We feel that the other states, that were not organized at the start of this ECW work, we realize that they should have camps. At the same time, it is difficult to give up a camp that will take six years to complete their program. Our resolution is to insist on more camps. I would like to mention a few illustrative projects in some of the states. For instance, here is Colorado, which has about 15 or 20 different types of projects they have put over. I will just pick out one: 25 reservoirs, average eight acre feet per reservoir. That has been done in a little over a year.

Here is Utah. Here is a whole page of types of projects. Here is one steel bridge, two spans wide, one 100-ft. span and one 60-ft span. Here is Utah again, Cisco Springs, a pipe line project. This project will be completed within two weeks, and will bring water down over a desert area. This project will bring water down to the stock driveway, seven miles, where there never was water before. Here is Idaho, eradication of insect pests, such as Mormon crickets, over six thousand acres, poisoning of rodents; that has been carried on in an area of six thousand acres. Trapping of predatory animals, over 50 thousand acres. Here is Arizona, construct and develop the Mogyak Spring Reservoir, 700 feet.

Now, I am going to read the resolutions and let it go at that, but out in the lobby here, or the corridor, there are a lot of narrative reports, and those interested will do well to step out there and read those narrative reports. Now I will read the resolutions and I will be thru:

"We, your committee on range improvements, comprised of 20 Board members from the ten western states under the jurisdiction of the Taylor Act, wish to go on record as heartily approving the comprehensive program of range development and improvement which has been carried on thru the agency of the ECW organization. This committee, representing practical stockmen of the western states who have observed the operation of the CCC program thru the various Governmental agencies, believe that greater actual dollars and cents value is being received from the Division of Grazing camps than from any other unit. We are sincere in our statement that more need exists for improvements on the public domain than on any other Federally owned and operated lands. Based on this preamble, we hereby recommend to this assembly that the following resolutions be adopted:

"1. (A) We recommend that all Division of Grazing camps be confined within regularly established grazing districts and that no work projects be undertaken by such camps unless located within organized districts.

"(B) Your committee is of the opinion that at least 95% and perhaps more of the existing CCC camps have work programs ahead of them that will keep them fully occupied for the coming twelve months, at the least. Therefore, we recommend that

that the camps now established, which have work projects justifying their future existence, be not disturbed by seasonal migration. In this connection, we point out that the vast majority of Division of Grazing Camps are located in areas where yearlong work is practicable. However, we recognize that in some cases it may be feasible and proper to move camps north in the summer and south in the winter, depending on seasonal and climatic conditions of the various areas of the public domain where range improvement is needed. Therefore, we recommend that the question of seasonal migration of camps be left to the discretion of the Regional Grazier, Division of Grazing, and the Regional Supervisor, ECW, bearing in mind the climatic conditions existing in the various localities.

"(C) We recognize that in some of the newly created grazing districts there are very few if any CCC camps and we urge upon the Department of the Interior and the ECW organization in Washington the crying need for the establishment of new camps in those districts, feeling that the CCC camps should be located geographically so as to insure that all grazing districts will receive their proportionate share of funds available for range improvements.

"3.(A) We recommend that the Advisory Boards as a whole pass upon and approve all projects and place them in their priority of importance, whenever the Board is in session and the approval of a majority of the members is obtainable, otherwise final approval on projects and their priority of importance may be given by the Chairman and one other Board member who resides in the locality of the project.

"4. We are positive that the Division of Grazing, possibly due to its recent organization, has not been granted its fair proportion of ECW camps, taking into account the vast amount of 'bread and butter' projects the completion of which are vital to a proper administration of the grazing resources of the public domain.

"We wish to point out that the public domain consists of 142,000,000 acres, and as yet only 45 Division of Grazing camps are in operation. Other Governmental agencies, we feel, have had the lion's share of the ECW work, as illustrated by the fact that the Forest Service has six camps to each one camp for the Division of Grazing. We recommend that each and every Advisory Board member assembled here today constitute himself a committee of one to urge upon the proper authorities that more Division of Grazing camps be established, to the end that every grazing district be given at least one camp, and as many more as their needs may require.

"5. We recommend that the 25% of the grazing fees that are returned to the grazing districts be expended for range improvements, principally water development, road and trail construction, rodent control, poisonous plant eradication, and other similar work. As the needs of the several districts vary, we recommend that the Advisory Board of each district be empowered with the authority of specifying what projects shall be approved for the expenditure of such funds.

"These resolutions were adopted this 10th day of December, 1936, by the committee on range improvement, consisting of: Wayne Gardner, Utah, Region 1; Edgar Bray, Colorado; J. L. Wheeler, Montana; J. L. Whipple, Nevada; W. G. Graham, Wyoming; Walker Durhan, New Mexico; J. J. Ballard, Oregon; Marlen Lee, Arizona; L. L. Taylor, Utah, Region 2; B. Thomas Morris, Idaho.

"Mr. Chairman, I move you the adoption of these resolutions."

MR. CARPENTER: You have heard the motion. Are you ready for the question of the adoption of the resolutions of the committee on range improvements? (Calls for question.) All those in favor of the adoption, signify by saying Aye. Opposed, No. The Ayes have it. Will the chairman of the committee on range surveys bring his resolutions forward at this time.

MR. J. M. SMITH, ARIZONA: Your national committee on range surveys beg to report as follows: The committee on range surveys, meeting yesterday with Mr. Melohn, went over to the office where the plats are drawn up and where all the maps concerning the range surveys are made, and went into detail with the people drafting the maps, relative to the program and the ways and means of drafting these maps. It was a very great help to the committee, to have these maps and

plats placed before them in order that they may find just how the Division of Grazing is operating in making the range survey. We then returned to our committee room and had a great deal of discussion over range surveys. It is my privilege to report to you that we came out of that committee without a dissenting vote. Altho there were many ideas, we consummated those ideas into a resolution which was unanimously adopted by the committee and then turned over to the resolutions committee for them to draft. We wish to submit to you at this time the resolution as drafted by the resolutions committee:

"Be it resolved, that the objectives, standards of work and methods of procedure now established by the personnel of the Range Surveys branch of the Division of Grazing be approved.

"That since term permits must be based upon accurate data gathered by the Range Surveys, this work be expedited by an enlarged personnel.

"That the Range Survey personnel be instructed to give first preference to the various kinds of work as follows:

1. Dependent property surveys in the regions where they form the basis for licenses.
2. Actual range surveys in regions where dependent property surveys are not needed.
3. Actual range surveys in regions where the dependent property survey has been completed.

"That all data collected in the Range Surveys program be submitted to the Advisory Boards concerned for their approval.

"That all Advisory Boards cooperate to the fullest extent with the Range Surveys personnel and furnish all available data covering lands within their respective districts.."

Mr. Chairman, your committee on range surveys submit this report and now make the motion that the report be adopted as read.

MR. MAHAFFEY: I would like to second that motion, and I would like to say further: You made the statement here day before yesterday about the bird about three blocks from the whitehouse that could say three words, "Give us more appropriations." I believe you can go back and report to your superiors, or Congress, and say that every stock man in the west is in harmony with that in shouting, "Give us more appropriations, so we can get this survey completed as quickly as possible."

MR. CARPENTER: You have heard the reading of the resolution. Are you ready for the question? Those in favor of adopting the resolutions submitted by the committee on range surveys, signify by saying Aye. Opposed, No. *** The Ayes have it, and the resolutions are adopted. I am going to ask the First Assistant Secretary to take the Chair at this time and he will call on Judge Cox, the Chairman of the Legislative committee, I believe.

MR. WALTERS: Ladies and gentlemen, you can hear me without the "mike", can't you, back there?

VOICES: Sure.

MR. WALTERS: I never had much trouble being heard before anybody except Congress. Yesterday evening, some friends of mind presented me with a picture which they had clipped from some newspaper, and asked me whether the statement made at the bottom of that picture was correct. I read thru the printed matter above the picture and below it. Above the picture, it says, "Talks on grazing". Immediately below the picture, "T. A. Walters, here on grazing meeting," and right at the bottom of that, immediately below the last statement, it reads: "Ploads not guilty." On a close examination, I found, however, that these gentlemen had been doing some tinkering with the matter as it came from the press, and there is a line there indicating they had folded it over and, I think, pasted it on. I do not know whether they were sheep men or cattle men.

That puts me in mind of that old story on Carpenter -- I think he has left the room. When he was speaking to a group of range men, and showing his knowledge of the range and individuals and his long association with them, he said that he could pick out the sheep men and cow men by their appearance. He referred to one man over here and said, "You are a sheepman, aren't you, Mr. Jones," and he said, "Yes, sir," and he said, "Smith, you are a cattle man, aren't you?" and he said, "Yes, sir." He was picking them out right along. Here was a big man who had been only a few years from Sweden, who had just come in from the range. He said, "Mr. Olson, you are a sheep man, aren't you?" "Ollie" rose up and he said, "No, Ay bano no sheep man; Ay bane sick about six munts, nak me look lak hell." (Laughter.)

We are approaching the conclusion of this meeting. I am going to call on Judge Cox for his report in a minute, but lest, peradventure, he might take the time which I should consume, perhaps, I want to make a few observations. I have, as you know, been at this meeting since its inception. I had the great privilege of being at the first meeting of the kind you ever held, almost a year ago, and my interest in the meeting and in the men and women who attend those meetings, increases with the number of times I attend and associate with you. If you accomplish nothing else but come here, as you do, and associate one with the other, have your committee meetings and present your problems, and discuss them, and sometimes cuss them, and went home, you would have performed a great service for the other fellow and also for yourself.

We find, by associating together, that none of us are free from problems and that the other fellow, over on the other side of the range, has similar problems to what you have on this side, and maybe he has a little different problem than you have, but, by your cooperation and discussion, you illustrated the problems and many times assisted each other in solving them. You may not be satisfied or contented, but you have gone a long way towards both.

Speaking of "satisfied and contented" reminds me of the instance where someone called upon the Irishman, to distinguish between the words "satisfied" and "contented", and he paused for a minute and he said; "Well, sir, I am satisfied that I am married, but I'm damn sure I'm not contented." So that is largely our satisfaction on the range. We are satisfied that we are out here and we have our problems, but we are quite sure, sometimes, we are not contented. But we never will be. That isn't in the human family. When a man reaches that period when he has absolute contentment, he has reached that stage in life where he belongs in the place to which a great character in ancient times was transported bodily -- to the ethereal realms above known as Heaven. We don't find that on earth.

Our problems are capable of solution today, but tomorrow there are new ones born. The Department of Interior is most vitally interested in your problems. Many of us who have to do with the range have personal knowledge of it. We have slept in the camps; we have eaten the sourdough with pleasure, and the bacon. Sometimes, even though it wasn't cooked according to the most modern methods, it tasted better there than it ever tasted in the best hotel I have ever stopped in. (Applause.) I have said, many times, when being out and taking dinner at the camp, that after being out a few days, why, I have a stomach like a corn sheller and bowels made of boiler iron, so whatever is served is good and digests perfectly. I can recommend it to those who have weak stomachs or bad digestion.

Before calling upon Mr. Cox, I wish to say that we shall take back to Washington nothing but the best, nothing but a report of the greatest interest manifested by you men and women, nothing but the evidence of the greatest desire to cooperate, nothing but a report of the most intelligent kind of action that could be had by any body of men assembled in the United States, and I don't care to what business they belong. (Applause.)

I stated to a young man -- and he is here, probably would repeat the statement -- Before we landed in Salt Lake, I said to one of our legal advisors who had never been west of the Missouri River -- we asked him many times for advice on legal problems that come before us, arising out of this Act -- and many of them have arisen and will arise -- I said to him, this: "One thing you will find after you have attended this meeting, and that is this: that you never were in a meeting where men expressed themselves as fearlessly and accurately and to the

point, and as intelligently, as you will find these men expressing themselves. I said to him: "If you could get a group of men of the same number, of the so-called industrialists of the east together, they would fall short of that capacity to express themselves and to cooperate, which you will find among the stock men of the west."

Now, I think I have talked to you long enough. I have had the privilege of talking all over the west and not long ago -- I will tell you another story; we have got time for that, I guess -- it amused me when I was talking about the social security question, and the chairman of the occasion was a preacher and he took great interest in the subject of social security and looked upon it partly as a religious matter. Before he concluded, he took occasion to speak at some length to the audience and disagree somewhat with my conception of the social security act as passed by the Congress of the United States and signed by the President, and he said to his audience with some enthusiasm, quoting the Scriptures: "What we need, ladies and gentlemen, is a condition in this country where every man of us may rest beneath the grateful shadow of his own vine and fig tree, and none shall make him afraid."

It was a beautiful conception, and he had great applause, and he repeated it: "What we need is a condition in this country where every man of us may rest beneath the grateful shadow of his own vine and fig tree, and none shall make him afraid." With larger applause and greater enthusiasm on his part, he repeated for the third time, and with some mistake, perhaps, he said, "Ladies and Gentlemen, what we need in this country is a condition where every man of us may sit beneath the grateful shadow of his own fig leaf and none shall make him afraid."

Now, Mr. Cox, if you will come forward, we will hear your report.

JUDGE LEROY COX: Your national committee on legislation has unanimously adopted the following resolutions, for your consideration:

"It was unanimously resolved by this legislative committee that provision be made so that the 50% now going to the state to be disposed of by the legislature shall be turned over to the grazing boards where the grazing land is located, for the improvement and development of the ranges; and

"It was further resolved that we recommend the form of the following proposed draft of the law, which will carry out the purpose of the foregoing resolution:

"Proposed Model Law for States for Distribution of Federal Funds.

"Section 1. That all funds received by the State of _____, as its distributive share of the amounts collected by the United States government under the provisions of the act of Congress of June 28, 1934 (48 Stat. 1269) known as the Taylor Grazing Act, and any act amendatory thereof shall be deposited with the State Treasurer. Upon receipt of said money, the State Treasurer shall distribute the same to the several counties of the State in which such public lands are located. The State Treasurer shall ascertain from the proper United States officers having the records of receipt from grazing permits and lease and sale of public lands the amount of receipts from such sources in this state for each year for which money is received by the state, and a separate account shall be kept of the sum received from each grazing district and lease and sale of public lands, which sum shall be segregated by the State Treasurer and paid to the county in which said grazing district or leased public land is located; and if any such grazing district or leased land lies in more than one county of the state, each such county shall receive such proportional amount of said sum as the area of such grazing district or leased public land included within the boundary of such county shall bear to the total area of such grazing district or lease.

"Section 2. All money received from the lease and sale of public lands within the county shall be placed to the credit of the general school fund of the county.

"Section 3. All money received from grazing fees of a grazing district regularly established and including public lands within the county shall be placed to the credit of a special fund to be designated 'The Range Improvement Fund of Grazing

District No. _____. The County Treasurer of the county in which such public lands are located shall be and is hereby constituted the ex-officio district treasurer of any federal grazing district located in whole or in part within such county, and shall be liable upon his official bond for the proper care and distribution of such moneys; and he shall collect, receive, receipt, and account for all moneys from such source. The County Treasurer, as such ex-officio Grazing District Treasurer, shall pay out such money upon the warrant of the Grazing District signed by the Chairman of the Board of District Advisors of such Grazing District, and counter-signed by the Vice-Chairman thereof, and the Regional Grazier in administrative charge of said District.

"Section 4. Said money from grazing fees of Grazing Districts shall be expended as the Board of District Advisors of such Grazing District may direct within said county for range improvements and the maintenance thereof; predatory animal control, rodent control, poisonous or obnoxious weed extirpation, or for the purchase or rental of facilities or lands within such county which will benefit such grazing district or the part thereof within said county."

Since we have a number of resolutions, which differ as to their intent, perhaps it would be better to take each resolution up, one at a time. Mr. Secretary, and fellow members of this delegation, I move the adoption of the first resolution.

MR. WALTERS: You have heard the resolution. Is there a second? Is there a discussion, first? All those in favor, signify by saying Aye. Those opposed, No. The Ayes have it. The motion prevails. Go ahead, Mr. Cox.

JUDGE COX: "Resolution No. 2. It was unanimously resolved by this legislative committee that we recommend to the Secretary of the Interior that the Taylor Grazing Act be amended to incorporate within its provisions the recognition of the Advisory Board set-up as a part of the administrative features of the Taylor Grazing law." I move the adoption of that resolution.

MR. WALTERS: Do I hear a second? (Motion seconded.) All those in favor, say Aye. Contrary, No. The Ayes have it. The motion prevails.

JUDGE COX: "Resolution No. 3. It was unanimously resolved that we recommend to the Secretary of the Interior that Section 10 of the Taylor Grazing Act be so amended as to provide that instead of 50% going to the several state treasurers to be expended as therein provided, that said 50% be added to the 25%, making 75% in all to be used for the purposes set out in the Act, upon the recommendation of the Advisory Board under the direction of the Secretary of the Interior and on the recommendation of the Advisory Board."

Just a word in explanation of that resolution, before I move its adoption. It was called to the attention of your legislative committee, that, in a number of the states, legislative action had been taken in which the 50% of the grazing fees that was returned to the states, have been diverted into school funds and into general county funds. Your committee felt that all of this should go for range improvement, under supervision of the Advisory Board, and the Secretary, and, feeling that perhaps there may be some difficulty in getting the law changed in some of these states which have already enacted laws giving the money to school districts or general funds, and those receiving the benefits having had a taste of the pie might be reluctant to give it up, that we would also recommend, in addition to the proposed state law, uniform state law, an additional change in the basic law of the Taylor Act, which, if accomplished, would give directly, or appropriate directly, thru the Secretary and the Advisory Boards, a total of 75% of the fee to be used for range improvement.

Mr. Chairman, with that explanation, I move the adoption of Resolution No. 3.

MR. WALTERS: Is there a second to the motion? (Seconded.) Is there a discussion? If not, those in favor, signify by saying Aye. Contrary, No. The Ayes have it; the motion prevails.

JUDGE COX: "Resolution No. 4: We commend the Secretary of the Interior for his splendid administration of the Taylor Grazing Act and for his selection of F. R. Carpenter as Director of Grazing --" a man who, I might state, has really been the father, in a large sense, of this particular administration of the Taylor Grazing Act, who has fathered the idea, the theory, of local autonomy, in the solution of grazing problems among the livestock men. From my observation, where I have traveled, it is my honest judgment that, if we had not had a man of the capabilities and the fight that Mr. Carpenter has given to us, that we would not have had the participation in the handling of the grazing problems that we now enjoy under the advisory board set-up, and your legislative committee, feeling that way, made this commendation.

" -- and we unanimously favor a four-year term for Mr. Carpenter and we respectfully recommend that the Secretary make this recommendation to the President."

I move the adoption of that resolution.

MR. WALTERS: You have heard the motion; is there a second. (Second.) Is there a discussion? If not, all those in favor signify by saying Aye. Contrary, No. The Ayes have it; the motion prevails unanimously.

JUDGE COX: "It was unanimously resolved by this legislative committee that we recommend to the Secretary of the Interior that Section 17 of the Taylor Grazing Act be amended to provide for a definite four-year term for the Director of Grazing; and

"Be it further resolved, that section 17 be amended to provide that in making future appointments livestock men connected with the Taylor Grazing Act from each public land state nominate one qualified potential director of grazing and that from these selections the Director be appointed."

I might state, briefly, in explanation of that resolution, that it was the sense of your legislative committee that, if it were possible to remove the administration of the livestock problems to the extent that it would not be made too much of a political football, and to the extent that we would always be assured of a western man who is acquainted with western problems, and to the further extent that we would always have, as a director, a man who is interested in the livestock problems of the west, a man who had interests under the Taylor Grazing Act, and a man who is interested in seeing the present set-up, under the Department of the Interior, of this particular administrative system kept in force, that we would achieve this by making an amendment to this law, which would carry out this purpose. Mr. Secretary, I move the adoption of that resolution.

MR. WALTERS: Is there a second?

CAPT. B. C. MOSSMAN, ROSWELL, N.M.: I would like to second that motion, Mr. Secretary.

MR. WALTERS: Is there a discussion? If not, all in favor, signify by saying Aye. Contrary, No. The Ayes have it. The motion prevails unanimously.

JUDGE COX: Mr. Secretary, and fellow members of this convention, that concludes all of the resolutions that your legislative committee drew up to report at this convention. There were some one or two direct recommendations made by this legislative committee to the Department, on matters that they didn't feel were of a legislative nature. I thank you.

MR. WALTERS: The Chair will now recognize Mr. Mossman of New Mexico, and Mr. McFarlane of Utah.

CAPT. MOSSMAN: I want to say, in opening these brief remarks --

MR. WALTERS: You better come up here, Capt. Mossman.

CAPT. MOSSMAN: Thank you, sir. I have always spoken thru my own horn.

I am a free man. I live in New Mexico. I am engaged in the stock business. I am not an advisor, and I hold no office, and I seek no office. I heard this resolution. I am very glad to see it pass. I wish you could feel about it -- and I think you do -- as I do, that never in the history of our country has there been such a demonstration of cooperation and willingness to cooperate with the beneficiaries under the Taylor Act as is shown by the Secretary of the Interior, and this noblest old Roman of them all: Secretary Walters. It has been a wonderful demonstration, gentlemen, of the freedom that is accorded a people, who are trying to work out their own salvation under difficulty.

Here we have the administration of 142 million acres, and the fortunes and welfare of many thousands of people, and they are invested with the mechanics of self-government themselves. I think it were ungrateful to ignore Secretary Walters, Secretary Ickes, and that splendid body of men that have been provided for our guidance and direction. They can not be ignored. Without their assistance, there would have been many stumbles in the dark. I think that resolution expresses our appreciation of the whole lot.

This is a wonderful country. We cow-punchers in it -- we are just cow punchers but we are men, after all, and I believe that the people are being sold on this Taylor Act, and they are being sold more and more every day, and I think we are being especially sold on Mr. Carpenter and on that body of fine men that have been provided for our guidance. Thank you.

MR. WALTERS: Mr. McFarlane. Would you care to come up on the platform, where they use the artificial horn, or your own?

MR. J. M. MACFARLANE OF UTAH: I think I will follow "Cap" Mossman, and blow my own horn. Mossman and I were on the range, where we had to make them hear on the other end, before they had telephones, so we cultivated voices that carried, and I hope that I can do that today.

I have a resolution here that I want to present. It was given to me by a committee composed of the ten Western states. This comes spontaneously. Nobody asked for it. But they thought, inasmuch as Utah was host to this body, that I should present it. So I am going to read this resolution:

"Whereas, the Secretary of the Interior Harold L. Ickes has seen fit to call this the Second Annual Conference of the District Advisory Board from the ten western states, to confer with each other and the Department on the rules and regulations governing the public domain, thereby insuring a greater local autonomy; therefore

"Be it resolved: That we commend the Secretary for his special interest in administration of the Taylor Grazing Act by sending out the First Assistant Secretary, Mr. T. A. Walters, and we most heartily enjoyed and approved his splendid address given us the first morning of the conference held in Salt Lake City and we feel that the Secretary could not have done anything better to cement the goodwill of the western livestock men than to send a man who has been born and bred in the West here to represent him at this conference.

"We further commend the Secretary on the splendid choice he made in appointing Mr. F. R. Carpenter as Director of Grazing and we sincerely hope that Mr. Carpenter can remain with us until this Administration of the Taylor Bill has been thoroughly put on a firm foundation and permanent permits are issued."

Gentlemen, this represents the unanimous approval of the ten western states, and I move its adoption.

VOICE: I second the motion.

MR. MACFARLANE: All in favor of this motion will stand, please. ***** Mr. Secretary, I think this is unanimous. I thank you.

VOICE: Will the author of the resolution just bear with me for a moment. He says that the services of Mr. Carpenter be continued for four years. Why can't we say just "be continued." We don't need to say for any length of time. Why don't we say that the services of Mr. Carpenter "be continued".

MR. WALTERS: I apprehend, if Mr. Carpenter continues during the application of the Taylor Grazing Act, his life span will be largely in excess of that of Methuselah. However, Mr. MacFarlane would no doubt be glad to entertain any suggestion for alteration or modification of the resolution. I will call upon Mr. MacFarlane, if you wish to offer an amendment or modification. I shall call Mr. MacFarlane to the chair, because I feel somewhat modest, under the circumstances, flattered and yet humiliated in a way. Mr. MacFarlane, do you wish to make a motion?

MR. MacFARLANE: No, Mr. Chairman. The motion has carried.

MR. WALTERS: All right, He does not wish to. Is there anything further to come before this meeting?

MR. TERRETT: I have a brief announcement to make. Delegates from Wyoming and Oregon have requested a meeting to consider local associations and cooperative agreements with the Secretary. To accommodate them and any others who might wish to attend the hearing, there will be a meeting at 2:15 in this hotel, in Room C-38.

MR. WALTERS: Is there any further business? If not, I would just like to say, before we present the final motion, that there is nothing at this time of the year that could be more appropriate, which is inscribed in red up here, than the words: "Merry Christmas". I don't care what your religious belief is or whether you have any or not. It has gotten to be a great institution, the celebration of Christmas. It is of the heart and not the head, and it makes us all feel a little more kindly, each to the other, and I wish to say to you, in conclusion that I wish you all, and each and every one of you and your loved ones, a most merry and enjoyable Christmas and a happy new year. (Applause.)

Do I hear a motion that we adjourn?

VOICE: I make a motion that we adjourn.

MR. WALTERS: Is it seconded?

VOICE: Second the motion.

MR. WALTERS: Those in favor of adjourning, signify by saying Aye. *** Contrary, No. *** The Ayes have it. The motion prevails. I thank you.

(Adjournment at 12:30 PM, Dec. 11, 1936.)