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OUTDOOR RECREATION VALUES IN THE PUBLIC DECISION PROCESS

ASHLEY L. SCHIFF*

Few covet the inferior status connoted by such terms as "residual claimants" and "incidental by-products." Yet, to the chagrin of many conservationists, outdoor recreation has traditionally been the recipient of this low priority rating. It is therefore understandable that they have recently been trying to stimulate greater interest in the value of recreational resources. Seeking to assure outdoor recreation its proper share of the public purse, conservationists endorsed broad-gauged recreational analyses conducted within a framework of comprehensive resources planning. In their view, past indifference was a result of a chronic inability to formulate an integrated and harmonized set of recreational proposals. If only officials concerted their energies to this end, they reasoned, the chaos of responsibility which plagued existing programs might be eliminated. Thus, one Outdoor Recreation Resources Review Commission (ORRRC) report argued that "lack of anything resembling a National recreational policy is therefore at the root of most of the recreation problems of the Federal Government. But the recreationists exist even if the policy does not."¹ In like manner, Sigurd Olson sought comforting reassurance from Robert Weaver of the Housing and Home Finance Agency that some grand vision inspired the open space program:

Could you enlighten me by a sort of a thumbnail sketch of what your hopes and ideas would be regarding the development of any typically urban area? I know there are the parks. I know there will be breathing space. I know the transportation business will have to be licked somehow, but in the back of your mind, I am sure is an ideal of a perfect situation to which you have given some thought.²

Secretary Stewart Udall pledged Congress: "Definite overall plans are essential if there is to be adequate provision for open spaces and public use areas without duplication of effort between Federal,

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1. Frederick Burk Foundation for Education, *Federal Agencies and Outdoor Recreation 1* (U.S. Outdoor Recreation Resources Review Commission Rep't No. 13, 1962). The agency responsible for this report will hereinafter be referred to as ORRRC.

2. Official Proceedings of the White House Conference on Conservation 29 (U.S. Gov't Printing Office 1962).

State and local governments.”³ Similarly, the Bureau of Outdoor Recreation (BOR) instructed planning officials: “The Nationwide Outdoor Recreation Plan will encompass all forms of outdoor recreation.”⁴

I

THE APPEAL OF RATIONALITY

To students of natural resources administration, this diligent “grail-like” search for clarity, neatness, and order is familiar, because a record of repeated failures marks past attempts to unify and rationalize water resources organization. Despite these efforts, Irving Fox has noted, with apparent unconcern, the tendency toward greater fragmentation of governmental authority.⁵ The loose-jointed, multi-faceted decisional process implied by this development defeats the possibility of central direction or control. Yet, the contrary approach, represented by a pluralistic pursuit of the public good, does not necessarily involve the sacrifice of collective interests to private avarice.

It is erroneous to believe that the requisites for public policy integration are analogous to the role played by conductors before symphony orchestras. As Will Rogers, with earthy aptness stated, “[E]verybody is ignorant, only on different subjects.” Neither prescient nor omniscient, our power to comprehend reality—to acquire, process, and assimilate knowledge—is subject to considerable limitation. Customarily, organizations, like people, content themselves with performance meeting certain minimum standards. Moreover, organizations are prisoners of experience. What facts they obtain are interpreted in the light of their own goals and value commitments. It is vain to expect even super-coordinating mechanisms to embrace within their purview a sufficiently wide spectrum of orientations and biases. Paul Diesing, in examining the nature of “political rationality,” observes that:

If one man knew the whole truth his predictions would always be correct; but since all existing theories are incomplete and partly false, it is better to bring together a variety of partial theories to better approximate the whole truth. To some extent this is correct;

3. *Hearings on Department of the Interior and Related Agencies Appropriations for 1965 Before the House Committee on Appropriations*, 88th Cong., 2d Sess. 3 (1965).

4. U.S. Bureau of Outdoor Recreation, *Manual: Nationwide Plan, Planning and Survey Series* (1964).

5. I. K. Fox, *Trends in River Basin Development*, Proceedings of the Ninth National Watershed Congress (1962).

ideological variety is necessary as a corrective to partiality. But in some respects partiality and bias are even helpful. Partiality makes possible a division of labor in describing and interpreting, in that each person will look at a problem from the standpoint of his own beliefs and values. His standpoint will enable him to see and predict things that others would not be able to see or expect, and to exaggerate things that others can just barely see. . . . A vigorous opponent can be relied on to bring out all possible shortcomings of a proposal including some that are not there but may yet come about with bad luck. And when a program is being carried out, a vigorous opponent will be alert to the first small signs of failure which zealous advocates of a program would not notice or would brush aside.⁶

In a world of great complexity and uncertainty (and one in which policy views are strongly held), it may be reasoned with some cogency that the partial view of the public interest approach is more sensitively attuned to reality than its traditional foil—the total view of the public interest orientation. Altered to his limitations, man may better devise strategies to transcend them.

Having said this much, it would be absurd to contend that the claims for comprehensiveness were, in fact, meant to be taken at face value by officials associated with the outdoor recreation program. Rhetoric functions as balm to the uneasy public mind yearning for coherence and structure in an otherwise disorganized world. Moreover, rhetoric justifies the demand that another member be admitted to the bargaining table of politics. It also furnishes ideological support necessary to rally one's own forces. In the process many have been seduced by their own words. Yet, events would indicate that this stage for outdoor recreation has not and probably never will be reached. Administrators have been steeped too long in the tactics of pluralistic politics to jeopardize their careers by following the siren song of physical rationality.

Officials of the Bureau of Outdoor Recreation are conscious of the agency's precarious and delicate position standing across the ambitions of established agencies such as the Corps of Engineers and the Park and Forest Services. They are mindful of their absolute dependence on secretarial support. They appreciate the strategic intervention of the Secretary's staff, as for example at Yosemite when Carver lectured the Park Service for being indifferent, indeed actively hostile, to the Bureau's existence;⁷ at the same time,

6. P. Diesing, *Reason in Society* 179-80 (Univ. of Ill. Press 1962).

7. *N.Y. Times*, Oct. 17, 1963, p. 25, col. 4.

they know they cannot invoke the Secretary's blessings too often lest BOR become unduly identified with the interests of the Department of the Interior and therefore ineffective as an "impartial" aide to the Recreation Advisory Council. They realize they must tread cautiously to avoid exposing themselves to charges of empire building; thus, they must continually disclaim any intention to become an operating agency. With respect to their sister agencies, they must apportion land and water conservation funds so as not to alienate them. It may be significant, in this regard, that Secretary Udall once advocated a forty-forty-twenty per cent sharing of land and water conservation funds among the National Park Service, Forest Service, and Bureau of Sport Fisheries and Wildlife.⁸ Such formulas—with adequate slack for flexibility to allow for unanticipated circumstances—may put a damper on conflict. In short, BOR must sedulously cultivate the image of counsellor, not commissar, with respect to its federal rivals.

Likewise, regarding its relations with the states and localities, BOR must profess the partnership principle, constantly reiterate faith in state potential for effective action, and emphasize the *assistance* it can proffer. There seems little reason to expect that the evolution of the outdoor recreation program vis-à-vis the states will differ from precedents previously set by other grant-in-aid efforts. Certainly, the state outdoor recreation planning requirements promulgated by BOR on December 30, 1964, perfectly fit the traditional mold of federal-state relations. As a recent Subcommittee on Intergovernmental Relations of the Senate Committee on Governmental Operations concluded:

Even those [programs] that foster comprehensive planning do so passively. . . . Fourteen of the forty-three [grant-in-aid] programs require only that projects assisted be "not inconsistent" with existing comprehensive plans. They do not require such planning and they do not go out of their way to see that it is effective when undertaken. They merely refrain from intentionally damaging comprehensive planning efforts.⁹

BOR is quite cognizant of the strength of American ideological attachments to States' rights and localism. The changes Congress

8. *Hearings on S. 859 Before the Senate Committee on Interior and Insular Affairs*, 88th Cong., 1st Sess. 14 (1963).

9. Staff of Subcomm. on Intergovernmental Relations, Senate Comm. on Government Operations, 88th Cong., 1st Sess., *Impact of Federal Urban Development Programs on Local Government Organization and Planning 34-35* (Comm. Print 1964).

effected in BOR's organic statute¹⁰ hardly were needed to impress administrators with the wisdom of proceeding cautiously in order not to offend those sensibilities.

In formulating criteria for allocating resources to various programs and agencies, BOR recognizes the virtue of vagueness and ambiguity. It is intelligent enough to know that these semantic "defects" bring benefits exploitable by nimble administrators. Mr. Cliff and Mr. Wirtz (or his successor, Mr. Hartzog) have realized the difficulty (and inadvisability) of binding themselves to objective criteria. They admit that allocation questions demand a high order of judgment;¹¹ witness the diffuse operational meaning of the "multiple use" formula, and the "inability" of the Park Service to set down definite standards regarding proposed national park areas. The value of flexibility in an uncertain environment is much too precious to surrender to the unbending tyranny of mathematical equations. Aside from the obvious inability to assign weights to cultural, social, spiritual, and psychological factors, such formulas tend to freeze the political process to allocations based on measurable data, thereby enthroning certain value biases. Ira Gabrielson perceived this peril at the Fourth Joint Meeting of the Outdoor Recreation Resources Review Commission With Its Advisory Council (1961): "It is not possible to delineate specifically the proper areas of responsibility of federal, state and local governmental jurisdictions. We must remain flexible to meet present and future needs."¹² It is also rather meaningful that the Recreation Advisory Council forced a BOR study group to discard a precise formula it had fashioned for evaluating the merit of suggested national recreation areas. Instead, the Council issued rather ambiguous criteria.¹³ Doubtless, the Council feared that the study group criteria would have estopped it from independently passing upon projects which had excited conservationist interest. Their concern over a possible "miscarriage of justice" is dramatically high-

10. 77 Stat. 49 (1963), 16 U.S.C. § 460(l) (1964). See also 109 Cong. Rec. 8779 (1963).

11. E. Cliff, *Multiple-Use Planning in National Forest Management*, in *Land, and Water: Planning for Economic Growth 73* (Western Resources Conference, Univ. of Colo. 1961). See also statement of Conrad Wirth in *Hearings on H. R. 6289 Before the House Committee on Agriculture*, 87th Cong., 1st Sess. 126 (1961).

12. ORRRC, Proceedings of the Fourth Joint Meeting With Its Advisory Council 44 (1961).

13. U.S. Bureau of Outdoor Recreation, Federal Executive Branch Policy Governing the Selection, Establishment, and Administration of National Recreation Areas (Policy Circ. No. 1, Recreation Advisory Council 1963).

lighted by the following statement prepared in opposition to Sleeping Bear Dunes National Seashore:

Bearing in mind that the greatest need for recreation areas is near metropolitan centers and that about a third of all vacation trips are confined to within 100 miles, we then note these comparisons, or contrasts:

Within a 100-mile driving radius of Sleeping Bear there are only 2 cities of over 10,000 people. Their combined population is 28,544.

Within a 100-mile driving radius of Cape Cod National Seashore, there are 80 cities of over 10,000 people. Their combined population is 3,184,563. This is nearly 112 times as much as Sleeping Bear.

Within a 200-mile radius of Sleeping Bear there are 17 cities of 10,000 or more people. Their combined population is 990,804. The total population in cities of 10,000 or more within 200-mile driving radius of Cape Cod is 6,335,561, more than 6 times as many as for Sleeping Bear. The report of the National Outdoor Recreation Resources Review Commission, . . . states that 'Michigan has a vast recreation resource in public ownership, but most of it is located just beyond the range of mass recreation use for the people of Detroit.' It might have added that half of Michigan's population lives within an hour's drive of downtown Detroit.

Now, let's see, on a per capita basis, how Michigan and Massachusetts compare in recreational resources, remembering that in density of population, Massachusetts has 618 persons per square mile, compared to 137 for Michigan. . . .

State Parks: Michigan has an acre for each 44 persons; Massachusetts has an acre for each 538 persons.

* * * *

National parks and recreation areas: Michigan (Isle Royale . . .) has an acre for each 15 persons; Massachusetts (Cape Cod . . .) has an acre for each 192 persons. . . .

National forests: Michigan has an acre for each three persons; Massachusetts has no National forests, as such, only an experimental forest of 1,651 acres.¹⁴

Administrators prize the flexibility afforded by escape clauses and nebulous phrases. Congress insists on a direct voice in decision making. It objects to procedures which would effectively remove it from a position of creative influence. Thus, Senator Talmadge reported his irritation over review procedures for small watershed projects:

14. 109 Cong. Rec. 25167 (1963).

We get a report to act on, and the areas in acres to benefit are given, the benefit ratio is given, the amount of funds to be put up under Public Law 566 is given, the percent of Public Law 566 of the total cost is given, the other funds are listed, and the total cost is given. And we are asked to vote yes or no on such a project. Of course, no Senator can utilize great intelligence in voting yes or no on such a project, because he must take as evidence something that he had no part in evaluating, and he doesn't really know what he is evaluating and what he is not evaluating. And in that situation we really have to vote yes or no.¹⁵

If precision poses a threat to Congress, comprehensiveness may undermine its "little legislatures." Organization demands for wider jurisdiction—whether in the form of operating or clearance authority over other agencies—and may invade the existing prerogatives of congressional committees leading to bitter legislative struggles. For example, one can refer to Congressman Wayne Aspinall's pique over the Bureau of Sport Fisheries and Wildlife's claims regarding the Bureau of Land Management's administration of the public lands under the Fish and Wildlife Coordination Act:

What is involved here is that this committee has jurisdiction over all public lands of the United States, supposedly as far as the public domain is concerned, and yet we find ourselves having had a great deal of this jurisdiction apparently taken away from us. . . . When we lose a million acres of land from the public domain through the operations of another committee and an agency of Government over which we have jurisdiction, we want to know how they are coordinated.¹⁶

Alterations in organizational scope—its functional range—may have substantial consequences for other governmental institutions. Whirlpools of influence once agitated can exert an impact far beyond the point at which initial disturbance occurs.

II

POLITICS AND RECREATIONAL VALUES

Skeptical as we have been on the supposed advantages of, indeed possibilities for, organizational tidiness and totality of view,

15. *Hearings on Watershed Projects Before Senate Committee on Agriculture and Forestry*, 87th Cong., 1st Sess. 20 (1961).

16. *Hearings on California Wildlife Land Withdrawals Before House Committee on Interior and Insular Affairs*, 87th Cong., 1st Sess., ser. 5, at 37 (1961).

we do not despair on outdoor recreation's prospects for higher ranking in the future on the political agenda. Basically, political indifference and disinterest rather than uncoordinated administrative activity had accounted for conservationist alarm. Ever since the inauguration of the Outdoor Recreation Resources Review Commission, and partly because of its catalytic powers, an impressive awakening has occurred. Innumerable legislative and executive actions register this trend. In the space of less than a decade, affluence has profoundly affected resource management thinking in the form of concern for outdoor recreational opportunities and environmental quality. On every front, from every stance, the value of outdoor recreation has diffused itself and has permeated through a loosely integrated political system imposing a measure of cohesion in the midst of chaos. Admittedly, particular bureaucratic interests give a distinctive cast to each agency program. Recreation has been undeniably politicized, despite BOR statements that "National leadership which is nonpolitical in nature is a major need."¹⁷ The sympathetic response elicited from so many governmental agencies indicates a general societal (governmental) obligation in this arena. In the past, when only a few organizations concerned themselves with providing recreational experiences, the myth of lofty noninvolvement might more easily have been sustained. Today, with expanded general governmental participation, that nonpolitical posture—whether in the form of revolving loan funds, bond sales, recreational professionalism, disinterested advisory boards, or high-minded state park commission leadership—might be useful for enlisting political support but it does not square with administrative reality.

Conflict will most assuredly persist, even intensify; its character, however, will be transformed as each organization bids for a share of a limited recreational budget. Ironically, as population expansion and spreading urbanization increase pressure on the land, limited financial, not physical, resources will generate future cleavages. Money, not land, will likely constitute the chief component of administrative power and political division. How utterly fascinating that the traditional folklore of American conservation should have inspired a movement tied so closely to a veneration of the land at the same time that a shift is occurring in the basis of influence away from the control of land towards the command of

17. E. Crafts, *Federal Focal Point in Outdoor Recreation* 13 (U.S. Bureau of Outdoor Recreation 1964).

capital. Resource politics frequently exemplify politics of crisis. Its customary tendency has been to reaffirm emotional attachments deeply imbedded in the culture irrespective of their relevance to contemporary situations. Political exhortation (perhaps quite unconsciously and unintentionally as seems presently the case) has masked this metamorphosis while assuring legitimacy for programs undergoing change in the very process of their implementation. Amid a world of unceasing, accelerating change, widespread nostalgia exists for the land as a symbol of permanence and stability. As Thoreau maintained, it provides a certain balance to man's existence in the face of onrushing developments.¹⁸ Through the preservation of wilderness, man gains perspective on himself and his place in the firmament. Similarly, Mr. Justice William O. Douglas has said that the wilderness offers spiritual sustenance as it enables man to "come to know both himself and God."¹⁹ Aldo Leopold contended that from a knowledge of nature, man comes to a realization of his utter dependence on the environment. Hence, humility would replace arrogance in one's approach to life.²⁰ In a philosophic and poetic vein, Sigurd Olson, quoting Trevelyan's "we are children of the earth and removed from her our spirits wither," went on to say that a national parks experience could put man in contact with "some of the ancient earth wisdom of the race."²¹ Ernest Swift in a recent editorial for the National Wildlife Federation, gave outdoor recreation a more mundane and sobering rationale:

It does seem, however, that when children are brought up to enjoy the more primitive aspects of the out-of-doors they gain a better appreciation of personal and economic survival. And that is one reason why it is more necessary today than ever before. Urban types of recreation do not emphasize the origin of a loaf of bread, a glass of milk, a sirloin steak, a piece of lumber, a railroad tie or a wooden fence post; or that the metals which go into building a hot rod are renewable. The danger lies in assuming that there is no bottom to the resource barrel. Previous generations thought the resources were inexhaustable, but at least they knew their origin. A large segment

18. R. Nash, *The American Wilderness in Historical Perspective*, Forest History, Winter 1963, p. 5.

19. *Id.* at 11.

20. *Ibid.*

21. S. Olson, *A Philosophical Concept*, First World Conference on National Parks 47-48 (U.S. National Park Service 1964).

of the present generation assumes that resources are inexhaustible because they do not know where they come from, and care less.²²

The approach is rigid in the dimensions of both time and space.

On one plane, to these dedicated conservationists, undeveloped land is fundamental; it is seen as possessing intrinsic value. If the land symbolizes permanence, decisions regarding its use are also seen as irreversible, ir retrievable: "Decisions we make in the next few years may well be the last ones we can ever make."²³ According to critic Arnold Green, these attitudes, taken together, explain the frenzied urgency with which efforts to save a vanishing heritage have been launched. Green notes that conservationists act as though their "own time is critically important for all time to come . . ."²⁴ Overdrawn, distorted, and obviously unfair as is most of Green's caricature, he is on sound ground in this description of conservationist orthodoxy. The desire to insure forever against any possible alienation of the land might have confirmed the National Park Service in its reluctance to utilize scenic easements—in lieu of fee acquisition, for the Ozarks Scenic Riverway.

Indeed, the dogma may also explain why BOR's nationwide plan manual sought to define recreational needs in acreage terms. Interestingly, the sociologist, Amitai Etzioni, has observed that in an effort to appear rational, most organizations

are eager to measure their efficiency. Curiously, the very effort . . . often has quite undesired effects from the point of view of the organizational goals. Frequent measuring can distort the organizational efforts because, as a rule, some aspects of its output are more measurable than the others. Frequent measuring tends to encourage over-production of highly measurable items and neglect of the less measurable ones.²⁵

Probably, the initial decision regarding phenomena eligible for quantification already revealed a prior organizational bias. Continued quantification only contributed to the further skewing of goals.

22. E. Swift, *Planning for Resource Availability*, Conservation News, Jan. 15, 1965, p. 3.

23. Statement of Secretary of the Interior Stewart W. Udall in Proceedings of the Fourth Joint Meeting of the Outdoor Recreation Resources Review Commission With Its Advisory Council 13 (ORRRC 1961).

24. A. Green, *Recreation, Leisure, and Politics* 39 (McGraw-Hill 1964).

25. A. Etzioni, *Modern Organizations* 9 (Prentice-Hall 1964).

The Forest Service seems to have been similarly bound to an inelastic *spatial* conception. Its highway development plans for the Boundary Waters canoe area were influenced by the thought that wilderness begins at the officially designated limits. Thus, the organization paved roads leading up to the boundary in the belief that psychological attitudes conformed to a physical definition. Robert Lucas' study on user wilderness perception has induced changes in Forest Service designs and has had a striking influence on conservationist ideas.²⁶ It would also seem that conservationist predilections for examining questions of recreational supply (involving study of the resources itself) in preference to problems of demand (relating to desired activities) bespeak this same anxiety for land scarcity. Past research interest has tended to flow backward from the resource; too little attention has been devoted to the more apposite, albeit elusive, user-oriented side of the recreation market. Since many regarded preserving open space, in Whyte's words as "an almost incontrovertibly good cause—like being for motherhood and the flag,"²⁷ proposals for careful study of consumer satisfaction seemed unnecessary. Robert Weaver, in a gracious gesture to the newly established BOR, disclaimed any intention of immersing his agency in the recreational field. He willingly left that function to other agencies. The Housing and Home Finance Agency, Weaver pledged, would merely determine open-space locations. Comprehensive planning was HHFA's task, not comprehensive recreation planning.

Stress on the distinctive value of "virgin" land as a base for recreation has led conservationists to overlook the potential contributions of commercial enterprise in serving recreation needs. First, through insistence on the fundamental worth of human identification with the natural world, this orientation fostered a belief in outdoor recreation as the vital force of a democratic society. Hence, it underscored the desirability of making these opportunities available to all at minimum cost. Second, emphasizing site in contrast to activity, it diminished the importance of capital investment in satisfying recreational interests. Yet it is in this sphere that private enterprise has most to offer. Relying chiefly on capital resources, its role is crucial to the provision of those specialized facilities which make recreational diversity possible. It is astonishing

26. R. Lucas, *Wilderness Perception and Use: The Example of the Boundary Waters Canoe Area*, 3 *Natural Resources J.* 402 (1964).

27. W. H. Whyte, *Open Space Action 2* (ORRRC Rep't No. 15, at 2, 1962).

to find Disneyland unlisted in that swansong report of the National Park Service—*Parks for America*. Would Marineland, or the Mission Bay enterprise in San Diego, qualify as outdoor recreation? To cite but a few, would the following “amusements” be eligible—the chute flume ride at the New York World’s Fair (for example, if established in New England or the Lake States); Greenfield Village, the Seattle Space Needle, drive-in theatres, mine tours, or the automobile exposition center proposed by Professor Richard Meier of the University of Michigan for the Detroit Metropolitan area?

This fondness for the land often is linked with a rejection of urban civilization. It is revealing that despite protests from such eminent park officials as Robert Moses, the Outdoor Recreation Resources Review Commission study mandate stopped “at the city line.” For this reason, “outdoor recreation resources” were defined to exclude “facilities, programs, and opportunities usually associated with urban development such as playgrounds, stadia, golf courses, city parks and zoos.”²⁸ Reflecting kindred values, the federal and state open-space programs generally describe open-space as “undeveloped or predominantly undeveloped land.”²⁹ To encourage a feeling of liberation, some states, in fact, required that areas be at least fifty acres in size. For many years planners have endorsed green belt parks. Implicitly, they were to function as *cordons sanitaires* protecting the countryside from contamination by urban encroachment and affording urbanites a place of occasional escape from the torment of civilized existence.

Toward parkways, the conservationists were ambivalent. Certainly, these roads represented an aesthetic advance over miles of highway bordered by tawdry honky-tonks. On the other hand, they stood for abject surrender to those “insolent chariots” of a mobile age, as Lewis Mumford has stigmatized them. It galled conservationists that man could be deceived into accepting such counterfeit contacts with nature as rewarding experiences. Yet for all their limitations, scenic roads did introduce a measure of order and beauty to the urban setting and thus met with conservationist acceptance. Their extension as integral parts of the national park system, however, raised preservationist hackles. Conservationists reasoned that another Baltimore-Washington Parkway would cause irreparable impairment to the meaning of national park

28. 72 Stat. 238 (1958).

29. 75 Stat. 183 (1961), 42 U.S.C. § 1500(e) (1964); Whyte, *op. cit. supra* note 25, at 34.

standards. It appears significant that not until 1961 did the National Park Service's Advisory Board rescind an earlier resolution stating, "it is not a proper function of the National Park Service to participate in the construction or administration of future parkways unless they are within National Park areas."³⁰ Moreover, among the noteworthy omissions in the recommendations of ORRRC was one calling for a nationwide network of scenic roads. Perhaps, failure specifically to designate the Secretary of Commerce as one of the members of the Recreation Advisory Council was attributable in part to the attitude toward these creations of an industrial era.

Admittedly, it would be false to contend that ORRRC entirely ignored the areas mentioned above. It did point to the need, not simply for more parks, but for "building recreation into the environment."³¹ Again, it spoke not of the "number of acres but of effective acres."³² *Outdoor Recreation For America* even proposed a search to discover "substitutes for outdoor recreation." Nonetheless, its overriding thrust and, indeed, that of HHFA's open space program, was in terms of acquisition, not development; on "lost opportunities," not future promises; on open spaces and communion with nature, not urban aesthetics and the excitement offered by city life.

These deficiencies did not escape notice. Recognizing them, Mayor Richard Lee of New Haven claimed the Open Space Act

will actually benefit—at least in New England— . . . the small towns far more than it would the larger cities, because all of the cities that I know of in New England have been planned decades, as a matter of fact, several centuries ago and we have our parks and we have our green spaces and we have our open areas and actually the problem in New England is with the growth of the small towns . . .³³

Luther Gulick addressed himself to the same point: "we are going to have very heavy demands for leisure time activities and cultural activities in the urban areas. . . . Now, you left their problems out of these internal needs. So don't lean on their money unless you are

30. U.S. National Park Service News Release of May 30, 1961.

31. ORRRC, *Outdoor Recreation for America* 83 (1962).

32. *Id.* at 49.

33. *Hearings on H.R. 6423 Before the House Committee on Banking and Currency*, 87th Cong., 1st Sess. 740 (1961).

going to fulfill their total requirement."³⁴ The crusade for open space had too readily assumed that the values which dominated a rural America would continue to exert equal force in a transformed setting. This view received apparent corroboration from a Commission finding that: "At present, it is the simple pleasures Americans seek most."³⁵ But extrapolation of these behavior patterns into the future may be most unwise as Perloff and Wingo have argued:

Conserve our natural recreation and landscape resources, yes; but do not confuse this conservation objective with the powerful objective of meeting the recreation needs of the Nation. What is needed is a new strategy for recreation policy which is urban-oriented—that is, oriented toward serving the great majority of the national population—in its articulation with urban needs, developmental in its constantly improving levels of performance, and carefully integrated with the whole array of public activities which afford a joint pay off for the production of recreation services.³⁶

Significantly, within the short span of three years, signs of adjustment to urban growth and influence have become increasingly evident. Repercussions from *Baker v. Carr*³⁷ may intensify the value struggle leading to an acceleration of these changes. Despite its previous orientation, BOR may well be capable of making the shift. Lacking its own areas to manage, the psychological burden might not prove too onerous. Further, the Forest Service, even with its vast reserves, has shown some indications that it recognizes the nature of the problem. To the dismay of such former Service officials as R. E. Marsh, C. M. Granger, and Thornton Munger, the organization refrained from competing aggressively for the Ozark Scenic Riverway and the Oregon Dunes Seashore.³⁸ Aware of its limited capital funds, it much preferred to earn Land and Water Conservation Fund support blocking existing holdings. If it is to make an impact, to forge a new recreation image, the

34. ORRRC, Proceedings of the Fourth Joint Meeting With Its Advisory Council 135 (1961).

35. Green, *op. cit. supra* note 22, at 34.

36. H. S. Perloff & L. Wingo Jr., *Urban Growth and the Planning of Recreation*, in *Trends in American Living and Outdoor Recreation* 96 (ORRRC Rep't No. 22, 1962).

37. 369 U.S. 186 (1962). This is the landmark reapportionment case.

38. *Hearings on S. 1331 Before the Senate Committee on Interior and Insular Affairs*, 87th Cong., 1st Sess. 120 (1961); *Hearings Before the House Committee on Agriculture*, 87th Cong., 1st Sess., ser. W, 268 (1961).

agency realizes that it must concentrate investment on more highly patronized facilities. Doubtless, this new attitude also is partly the product of western land acquisition restrictions in the Land and Water Conservation Fund Act.³⁹ Still another factor which seems responsible for this policy change is traceable to the increased influence of economists in the Service who have emphasized the meaning of capital scarcity. The result is apt to stimulate interest in specialized intense use developments instead of more uniform allocations to most administrative districts.

No doubt, the chief pressure for policy alterations will come from urban centers. Already, for example, it appears likely that New York City will be successful in adding the following amendments to a proposed state open-space bond issue: (1) fifty per cent state cost sharing for construction purposes (an earlier issue had earmarked no money for development); (2) elimination of acreage restrictions in order to permit creation of vestpocket parks, and the like, and (3) fifty per cent state cost sharing for acquisition (as compared with twenty-five per cent state grants under the present formula). The city also hopes to secure increased funds from BOR by urging the adoption of usage criteria in apportioning Land and Water Conservation appropriations. Finally, Gotham officials endorse higher federal open-space grant incentives to facilitate greater local participation. Regarding this last program, demands for repealing a clause⁴⁰ prohibiting federal grant assistance in acquiring and clearing completely developed property have issued interestingly enough, from the Advisory Committee on Intergovernmental Relations, on which are represented officials of HEW and HHFA.⁴¹ Neither Agriculture nor Interior spokesmen served on this body.⁴²

Thus, it is within the realm of possibility that outdoor recreation might yet be defined to permit the development of play areas on rooftops, a pedestrian and bicycle path across the Verrazano bridge,⁴³ the acquisition of public rights in private cemeteries to encourage multi-purpose utilization for bird watching and botanical

39. 78 Stat. 903 (1964), 42 U.S.C. § 460(l) (1964).

40. 75 Stat. 183 (1961), 42 U.S.C. § 1500(e) (1964).

41. Advisory Commission on Intergovernmental Relations, 1965 Legislative Program (U.S. Gov't Printing Office 1964).

42. In the White House Message on Natural Beauty, H.R. Doc. No. 78, 89th Cong., 1st Sess. 3 (1965), note the recommendation that broadens the program by "permitting grants to be made to help city governments acquire and clear areas to create small parks, squares, pedestrian malls and playgrounds."

43. Consider the Saarinen Arch in St. Louis.

gardens,⁴⁴ cantilevered promenades as in Quebec and Brooklyn, additional park police patrols and lighting to encourage public utilization, air-conditioned edifices where vegetative displays might be enjoyed during bleak winter months and torpid summer days, electronic parkways to promote scenic appreciation without endangering life, water fountains, and portable stands for festival parades.

III

CONFLICT AND INNOVATION

Conflict can function as the craftsman of creativity. Coordination by friction is a time-honored management technique. It may be turned to the service of outdoor recreation by promoting the confrontation of disparate value systems. It must be remembered that the verb "articulate" has two meanings: the first conveys the idea of joining; the second refers to an act of expression. Through the process of interest articulation, innovation and integration can proceed simultaneously. The conditions of political rationality will thereby be satisfied. The result will certainly be conducive to a more interesting and dynamic environment. While the basic stimulus to the clash of values is patently grounded in growing urban populations as evidenced by recent steps to rectify political imbalance, various devices might be employed to channel those forces toward constructive change. Agencies responsible for outdoor recreation should be encouraged to recruit specialists with diverse educational backgrounds, particularly in non-land management fields. The object here is *not* to foster coordination by making professionals of the bureaucracy.⁴⁵ Rather, the intent is to infiltrate organizations with the heterodoxies spawned by differing orientations. Second, interagency commissions, despite the risk of clumsiness and cost—might open their deliberations to active participation by additional parties. Third, review and clearance requirements similar to those in effect under the Fish and Wildlife Coordination Act,⁴⁶ the Interior-Agriculture agreements,⁴⁷ and the Bureau of Public Roads directive⁴⁸ should be increased and expanded. These may constitute

44. One example is the Mt. Auburn Cemetery operated by the Massachusetts Horticultural Society.

45. M. Grodzins, *The Many American Governments and Outdoor Recreation*, in *Trends in American Living and Outdoor Recreation* 73 (ORRRC Rep't No. 22, 1962).

46. 72 Stat. 563 (1958), 16 U.S.C. § 661 (1964).

47. U.S. Dep't of the Interior News Release of Feb. 5, 1963.

48. National Wildlife Federation, *New Regulations May Cut Highway Stream Damage*, *Conservation News*, July 15, 1963, p. 5.

more than meaningless gestures, mere perfunctory service to enlightened administration. Under the Fish and Wildlife Coordination Act, the Bureau of Sport Fisheries and Wildlife acted as a broker in arranging for cooperative management areas between the State of California and the Bureau of Land Management. It has also succeeded in persuading the Federal Power Commission to insert provisions in thirty licenses to protect or enhance habitat. Where backed by vocal and persistent support, flagrant transgression of these compacts may seem politically inexpedient. Conversely, to expect them to "work" in all cases is unrealistic and perhaps undesirable in a society prizing diversity. If handled discreetly, efforts commenced by fiat may, in some instances, lead to a genuine sharing of perspectives. For example, highway engineers mindful that the interstate system "is showing good progress toward resolving the transportation problems between our major population centers"⁴⁹ may favor a national system of scenic highways. Continued exposure to the critical advice of landscape architects would enable them to understand the importance of acquiring unusually wide rights-of-way, limited access designs, indirect routings, and the avoidance of "cut-throughs." Another illustration is supplied by a recent decision of New Jersey's Garden State Parkway Authority to construct an impressive cultural center with direct access from its artery. The development will mostly be financed out of toll revenues from increased use of the road. Bilateral review agreements or dual agency committees in the highway sphere might profitably be extended to include other organizations. For example, Marion Clawson has related that improvements to back country farm roads which currently are threatened with disuse may prove a fruitful resource for investment.⁵⁰ Unless Department of Agriculture representatives were participants, along with engineers and landscape architects, in a scenic highways program, this mine could very well be overlooked. The character of administrative planning will also influence allocation decisions. Attention to the need for specialized facilities, as John Shanklin has concluded, is dependent on the adoption of a proper planning perspective.⁵¹ To the extent that assessment of recreation needs is entrusted to the lowest hierarchical echelons diversity will likely be sacrificed to

49. 109 Cong. Rec. 21469 (1963).

50. Interview With Marion Clawson, Director, Land Use and Management Program, Resources for the Future, Inc., in Los Angeles, Fall 1963.

51. J. Shanklin, A Study of Multiple Use of Land and Water Areas 9 (ORRRC Rep't No. 17, 1962).

drab uniformity. Conversely, optimal treatment of homogeneous resources may best be realized by upward devolution of responsibility for location and development of a specialized undertaking. In this regard, the appointment of economists might improve the evaluation of alternatives.

Further, restrictions on use of grant funds, either in terms of the size of the subvention or the population of the communities involved, tends to discourage collaboration for planning or administration. Removal of these limitations would appear desirable. Finally, were state or county assistance available as a sweetener, and local residents guaranteed access, peripheral communities might more readily consent to the repeal of an open-space program ban on grant financing for municipal land acquisition projects outside their traditional jurisdictions. Under the present statute,⁵² cities cannot look to federal support (except in the West) for purchasing, or leasing, recreational tracts beyond their borders.

The key to comprehensiveness, then, is to be found in the availability of choice. But the search for options often is most effective when alternatives are juxtaposed, set against each other, to allow comparisons and establish priorities. As the number of values so weighed and balanced increases, the system may be said to approach rationality. Conflict, or if one prefers, competition, tests the mettle of each value position in a manner no substitute procedure has been able to surpass. The chief flaw, of course, is the inherent limitation of any adversary contest. Preserving an open political order by structuring conflict to encourage participation of dissenters at the bargaining table probably compensates for much of this deficiency. As Aaron Wildavsky notes,

A partial adversary system in which the various interests compete for control of policy (under agreed-upon rules) seems more likely to result in reasonable decisions—that is, decisions that take account of the multiplicity of values involved—than one in which the best policy is assumed to be discoverable by a well-intentioned search for the public interest for all by everyone.⁵³

If organization is the “mobilization of bias,” I favor pluralizing prejudice.

52. 75 Stat. 183 (1961), 42 U.S.C. § 1500(c) (1964).

53. A. Wildavsky, *Politics of the Budgetary Process* 167 (Little, Brown 1964).