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The Public Lands: Studies in the History of the Public Domain

Edited By

VERNON CARSTENSEN

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The Public Lands is, in a sense, a new historical review of American experiences in the handling of the vast public domain. It brings together a collection of previously published articles which the editor, Vernon Carstensen, and his advisory board felt represented the most useful cross-section of research dealing with that tremendous real estate operation. The twenty-three major essays and five shorter comments on a longer essay cannot be said to be new in themselves. Payson Jackson Treat's essay on the Origin of the National Land System under the Confederation, the initial selection in the book, was first published fifty-eight years ago. Two-thirds of the essays have appeared in journals of history and economics since 1941; however, only one article has appeared within the past five years.

Professor Carstensen's introductory essay summarizes the issues and problems which challenge this or any generation to ask itself what it would have done, given the same situation and circumstances.

The individual essays which follow, together with an introductory essay written especially for each section, discuss not only the origins of the system, but also the problems, the subsequent analyses of the historians given a vantage of hindsight, and, finally, a section which deals with the lands remaining in the public domain today and a description of their management.

This ends the main body of work, but it is followed by a thirty page appendix which makes the book of particular value to those with a research interest in this aspect of American social and economic history. An article by Robert W. Harrison discusses and evaluates the public land records and their use to the researcher. Another portion of the appendix lists the statutory opening dates of the district land offices in various states while another provides brief biographic sketches of the Commissioners of the General Land Office and Directors of the Bureau of Land Management from 1812 through 1962.

With books such as Hibbard's A History of Public Lands Policies, Robbin's Our Landed Heritage: The Public Domain, 1776-1936, Peffer's The Closing of the Public Domain, Gates' The Homestead Law in an Incongruous Land System and others, it is legitimate to ask, "Why this volume?" Professor Carstensen has anticipated the question, and in his prefatory note he explains "It is not assumed that this volume will supplant such older studies . . . but it should serve as a useful supplement." It will serve that purpose well.
Again, anticipating the scrutiny of the more critical public which will be its audience, Carstensen acknowledges the gaps in coverage. Since the volume is not meant to stand alone as the last word in this field, these gaps actually have a positive value. Carstensen and his committee have thus been able to point to some important areas for further research, and they pose a number of interesting but unanswered questions. In fact, one of the purposes of the volume seems to be to encourage further research. The United States Bureau of Land Management stand ready to cooperate in making its records available for research purposes.

If the reader appreciates what the selection committee was about and the difficulties it faced, some of the shortcomings of the volume can be overlooked. Certain essays do not measure up to the others in the book but were included in order to have as complete coverage and understanding of the important aspects of the history as possible. Other essays seem needlessly long and repetitious, but the editors elected to make only the most minor changes. Thus, excisions which would have improved some of the papers were not made. The debate on the accuracy of historians’ treatment of the railroad land grants seems to have pre-empted more than its share of space in the book.

The value of a work such as this, however, is likely to be underestimated. One hopes that in responding to calls for assistance abroad, our missions contain persons with more than just a vague familiarity with this period of our national history. The parallels between this experience and problems in the developing nations may not always be the closest, but the United States of 1840, or even of 1870, was much closer to many of these nations as they appear today than is our contemporary society. A better understanding of the what and why of the events in the United States when it was in the process of opening new lands should be of value in understanding the problems and some of the forces at work in these new nations. Remembering how lurid our own past has been will give perspective to some excesses seen abroad even though we cannot condone them, and perhaps we have learned something about dealing with them that would be of value to others.

The picaresque period of American resource history lies behind us, but there are policy issues yet to be settled for the remaining public domain lands, and these lands are by no means permanently valueless. With a little imagination, one can see some of the situations of an earlier period arising again should some major breakthrough in technology make certain lands particularly valuable. Earlier generations had no corner on fraud and sharp practices. The job of guarding against such things today has been made much easier than it was in earlier times, for now the public is much less willing to permit such acts to continue once they are uncovered. The administration of the lands is in the hands of public servants who are now better supported and equipped to deal with such problems.
It seems appropriate, however, that Congress should now be considering the desirability of a commission to study the situation with respect to the public lands. The time has arrived for a decision as to what their long-term status is to be. These lands have never been subjected to a system of classification. Until this is done, it is difficult to judge how best to handle them.

From a management point of view, the situation would be greatly improved even if the lands were classified only on a three-way basis. There are some large, solidly-owned blocks of land where direct federal management would be appropriate. At the other extreme are the scattered fragments of land which are uneconomic to manage and in most instances might better be disposed of as the opportunities arise. In between are the lands of intermingled ownership. These pose the biggest problem, but a system of management involving the cooperation of all owners is already working in some situations of this type.

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