

Robert E. Wolf

Personal Memories
Of A Great
Conservation Senator:
Wayne L. Morse

*First in a Monograph Series
Celebrating the
Wayne Morse Legacy*

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Preface

The Wayne Morse Legacy: A Monograph Series

The Wayne Morse Legacy series of monographs is intended to honor the life and work of Senator Wayne L. Morse by examining key policy areas in which he was involved and had an impact. The series is a continuing project of the Wayne Morse Historical Park Corporation and the Wayne Morse Center for Law and Politics at the University of Oregon. These entities are dedicated to preserving the legacy of Wayne Morse through education and outreach.

The monographs are not academic or technical works. Instead, they are designed to preserve the knowledge of colleagues and friends of the Senator and thus are intended to be original and accessible essays for the general public, students, and scholars. This is in keeping with the Wayne Morse Center's role as a "Citizen Academy" that celebrates the Morse ideals of intellectual independence and integrity by hosting speakers and conferences and producing publications. The Wayne Morse Park Board hopes that the monograph series will help people learn about and understand the legacy of Senator Morse and gain a sense of appreciation for how he gave to others even as he served them.

The Corporation Board and the Center believe that Wayne Morse's contributions illustrate the *Webster* definition of history, which speaks of "acts, ideas, or events that will or can shape the course of the future." These monographs will examine how Morse affected education, natural resource policy, foreign affairs, human and civil rights, and labor and industrial relations. We have invited researchers and advocates who knew Senator Morse or his work to reminisce about the Senator's impact on that policy arena.

We are fortunate to initiate this series with the current monograph on natural resource policy by Robert E. Wolf. Wolf was involved in every major piece of federal land legislation from the early 1950s to the 1980s. His memories mesh well with the recollections of three colleagues who speak to Morse’s passion and his impact locally and nationally:

“At the bedrock of his career was his commitment to Oregon’s land and people.”

U.S. Senator Mark Hatfield

“His contribution to human rights in industrial life, as well as political life, will endure far beyond his time.”

Union leader George Meany

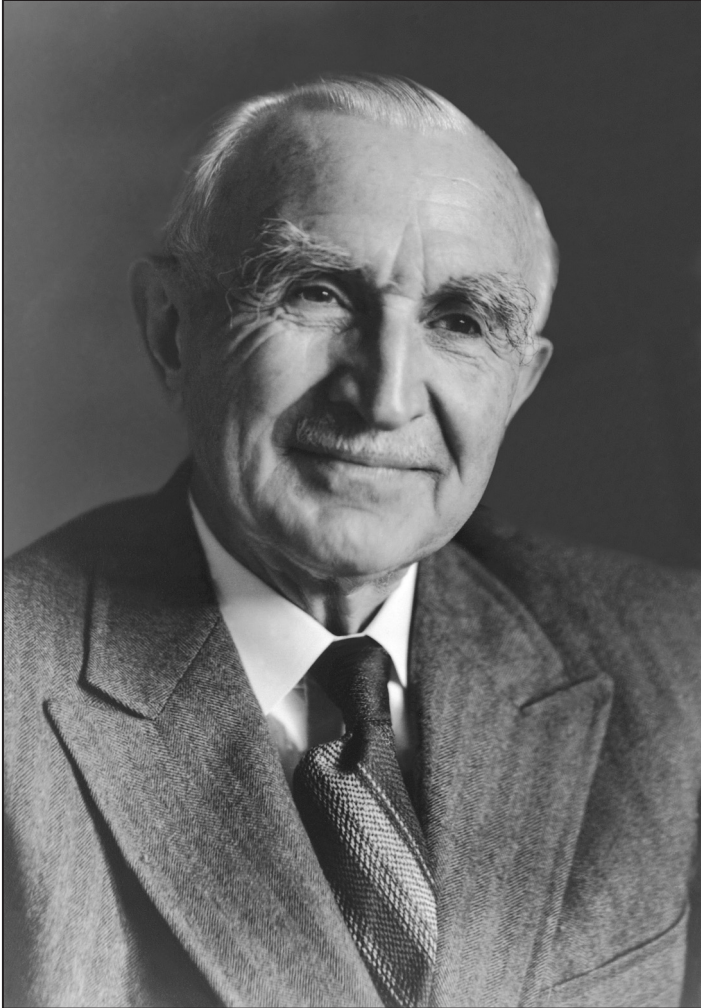
“Wayne Morse is our reminder, forever, that one man with unlimited courage can move mountains of apathy and despair.”

*Joseph L. Rauh Jr., attorney and
civil rights activist,
1989 Wayne Morse Chair of Law and Politics*

*Laura Olson, Wayne Morse Historical Park Corporation Board, and
Margaret Hallock, Wayne Morse Center for Law and Politics.*

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About Senator Wayne L. Morse

As a law professor and dean of the University of Oregon School of Law, labor arbitrator, and United States Senator, Wayne Morse left a deep legacy of commitment to democratic representation, the rule of law, and intellectual independence to the University of Oregon, the State of Oregon, and to the nation and its the people.

During Wayne Morse's twenty-four-year tenure in the Senate, from 1944–1968, he was a leader in a wide range of issues, including the anti-war movement, education, civil rights, and international law. He is perhaps best remembered for his historic stance as one of two senators who opposed the Gulf of Tonkin Resolution, which initiated U.S. military intervention in Vietnam.

Wayne Morse took his first law professorship at the University of Oregon School of Law and became the dean within nine months. At thirty, he was the youngest dean of any American Bar Association-accredited law school in the country. His extraordinary effectiveness as a labor arbitrator eventually consumed Morse's time and energy to the point where he resigned as dean.

Morse's mission as an arbitrator was to uphold what he saw as the sanctity of the contract, the rule of law in the field of labor relations. Deeply committed to fairness and justice, he was popular both with unions and employers. He later served on the National War Labor Board.

When President Eisenhower adopted Taft's economic policies favoring big business in the early 1950s, Senator Morse left the Republican party and became an Independent. His reason was succinct: "Principle above politics." Morse joined the Democratic Party in 1955, but two years later he voted against Senate Majority Leader Lyndon B. Johnson's watered-down Civil Rights Bill, calling it an "unconscionable compromise." And when John F. Kennedy supported the Landrum-Griffin Act, which weakened unions' legal protections in the name of rooting out organized crime, Senator Morse became so outraged that he ran against Kennedy in the 1960 presidential primaries.

Morse held the liberal conviction that the purpose of democratic politics is not to amass wealth, but rather to enable the country's true wealth—its people—to flourish. In Morse's own words: "If you want to understand my political philosophy, here's the basic tenet: I think the job of a U.S. Senator is to seek to translate into legislation values that promote the welfare of people. Because...the keystone of the Constitution is the general welfare clause, and the wealth of America is its people, not its materialism."



About Robert E. Wolf

This monograph, the first in a forthcoming series, was completed in fall 2005 by Robert E. “Bob” Wolf of Maryland, who died December 24, 2005. He worked in government service for more than thirty years, during which time he was involved with nearly every significant piece of federal public lands legislation enacted from the early 1950s to the early 1980s, including the Wilderness Act and the National Forest Management Act.

Wolf was a longtime observer of Senator Morse’s work in the field of conservation. While a staff member of the Senate Interior and Insular Affairs Committee, he helped develop legislation proposed and/or supported by the Senator.

Born in Yonkers, New York, Wolf served in World War II then earned his bachelor’s degree from Syracuse University and his master’s degree in forestry from the State University of New York at Syracuse. Wolf’s first job with the U.S. Forest Service was in the Ochoco National Forest in Oregon. He later transferred to the Bureau of Land Management, then joined the U.S. General Accounting Office. In 1959, he joined the Senate Interior Committee staff. In 1964, he became assistant to the director of the Bureau of Land Management. Seven years later, he moved to the Environmental and Natural Resources Division of the Library of Congress’ Congressional Research Service.

After retiring from government service in 1984, Wolf served on the Maryland Agricultural Land Preservation Foundation. In 2002, a fellowship in natural resource policy was established in his name at the College of Environmental Science and Forestry at SUNY-Syracuse. In 2004, Wolf became the thirty-first recipient of the Sir William Schlich Memorial Award presented by the Society of American Foresters. Earlier recipients included Franklin D. Roosevelt and Gifford Pinchot.

Personal Memories of a Great Conservation Senator: Wayne L. Morse

Introduction

Wayne Morse was a conservationist in the most encompassing sense as that term was understood in the first half of the twentieth century. He believed natural resources should be used, but only wisely. At the same time, he believed resources should be preserved, never exterminated. He thus stood with Theodore Roosevelt, Franklin D. Roosevelt, and Gifford Pinchot in balancing the use of natural resources with their prudent conservation, and he shared John Muir's appreciation of the need to preserve wild lands.

His battle to approve construction of the Hell's Canyon high dam and authorize a public agency to generate electric energy is a clear example of his views on conservation. He believed that government had a role in providing power at the lowest cost to as many people as possible. This philosophy viewed the government as a friend of the people, one that provided power generated by falling water and conserved watersheds.

Forests were a major Oregon resource. Morse believed in the national forests, and in something little known outside the states of Oregon and California: Revested Railroad Grant Lands. He championed the cutting of their timber, but only if the forests were renewed following the cutting. He battled, and defeated, giant landowning timber firms seeking to hold a preferred position to control public timber.

He was an early and strong supporter of the Wilderness Act, standing shoulder-to-shoulder with Sen. Clinton Anderson (D-NM) in the eight-year quest to get it adopted.

Key to his bedrock conservation concepts was his genuine affection for all creatures, great and small. For example, he had a palomino pony that became horribly cut when it tangled in some barbed wire at the Morse farm in Poolesville, Maryland. The vet recommended euthanization but Morse wouldn't hear of it. He went to the farm every morning at 3, tended to the animal and its wounds, and returned to his Washington, DC office by 8 am. He nursed the pony back to full health. Morse raised prize Devon cattle and was president of the Devon Breeder's Association. He also was known for his

chickens. He spent so much time and energy raising poultry, in fact, that his wife, Midge, used to ask him to bring her some of his \$5-a-dozen eggs. To Morse, life was precious—from living creatures to the giant forests and range land of Oregon.

Born in Dane County, Wisconsin in 1900, Wayne was poured from the mold that gave us Wisconsin's progressive Sen. Bob LaFollette. He respected, but was not enamored with, big business. There were aspects of large timber companies' business practices that caused him strong reservations.

Morse—and colleagues Dick Neuberger (D-OR), Maurine Neuberger (D-OR), Henry Jackson (D-WA), and Warren Magnuson (D-WA)—never caved into timber industry demands. This was remarkable because even in those days, there were members of the Senate and House who never went against something a dominant industry in their state wanted.

This monograph, based on my memories of Wayne Morse and his colleagues, attempts to show the senator, in all his complexities, as he led battles on a diverse range of conservation and other issues.

Hearings on Federal Timber Policy: 1955

The Joint Committee on Federal Timber, made up of the Senate Interior and House Government Operations, was formed to hold joint committee hearings and extensive field hearings on emerging forest issues. These were held in late 1955 and were followed by hearings in Washington, D.C., in early 1956. I was assigned by the comptroller general of the United States, at the committee's request, to be the professional staff for the hearings and report.

I met Wayne Morse for the first time on November 21, 1955, when he testified in Portland, Oregon. The hearings were jointly chaired by Congressman Earl Chudoff (D-PA) and Sen. Kerr Scott (D-CA). Morse opened his testimony with extensive thanks to the joint chairs, his colleague, Sen. Dick Neuberger, and Congressman Clare Hoffman (R-MI). He mentioned that Chudoff was from the state that produced the first chief of the forest service, Gifford Pinchot, and that the forests of Hoffman's Michigan were a pale shadow of their former abundance. Morse was artfully setting the stage for what he wanted to get across to the committee and to the people of Oregon.

His extensive statement, which detailed the vital role of forestry—especially the national forests and the Oregon and California (O&C) Revested Timber Lands—demonstrated his familiarity with forest issues as well as his philosophy on land use.

Morse pointed out that Oregon's annual cut in 1955 was eight billion board feet of private-public timber. Oregon, hands down, was the nation's leading timber producer, providing 20 percent of the U.S. timber cut.

His testimony in 1955 was prescient, making four points:

- Public timber was of growing importance.
- Oregon, unfortunately, had so many mills that the private and public land could not grow timber fast enough to supply them.
- New timber crops were not being grown as fast or as well as they could have been, or as fast as they were being cut.
- Neither private nor public timber was being managed in the most effective, sustained yield way. (Today, only industry timber is being cut faster than it grows.)

Morse's testimony stressed that an adequate national forest road system was essential to having a sound forest policy. He opposed the large firms' argument that, where public and private forests were in a checkerboard pattern, the landowning timber firms should control the roads tapping federal forests.

In 1950, the Bureau of Land Management (BLM) had assured open access to its O&C Revested Railroad lands and timber by competing mills and the public. It had adopted regulations requiring a private timber owner who wanted to build a road across O&C lands to assure access to firms that wanted to buy O&C timber. This policy was based on a Supreme Court decision that settled a long running political and legal battle over private company power lines that crossed Federal lands. This case, known as the "Wheeling Decision," had the support of the Northwest senators.

Morse told the committee that the two million O&C acres served timber markets better because of the BLM's road policy. Also, dedication of 25 percent of O&C receipts to roads since 1952 was funding timely road opening in advance of sales. Sen. Guy Cordon (R-OR) was the key mover of this action but had Morse's support. However, Morse, who was then a Republican, remarked there were still some BLM road access problems.

Aware that the Society of American Foresters (SAF) had met in Portland earlier in 1955 to discuss the theme "Converting the Old-Growth Forest," Morse told the Joint Committee on Federal Timber:

In converting our forests we must not lose sight of the need to use them wisely. We are constantly faced with new

problems created by fires, insects and windstorms and these catastrophes often call for temporary over-cutting. We must constantly be on guard to protect the integrity of the sustained yield principle in order that we will have a forest heritage to leave to future generations.

The forest is a dynamic thing, as is all of nature. When we cut our timber we often have to help nature get a new crop growing. While nature can do the job ultimately, our modern civilization demands certainty that a new crop will come right along.

Trees are a crop, a long-term one to be sure, and this is all the more reason that we have to get cutover land growing timber and growing it rapidly.

Morse told the Joint Committee that he knew they were cognizant of the relationship between having every acre productive and allowable cut levels. Aware that reforestation was lagging under the Eisenhower administration, Morse also stressed the need to speed up planting and seeding on federal and private lands.

In retrospect, Wayne Morse spelled out a sound expression of forest policy. Morse recognized that the goal should not be to convert the old-growth forest to products because we were able to, but that we must convert the land to a growing managed forest while retaining some areas as wild land.

Morse summed up his position by declaring that good access roads were essential to good management and keeping the land productive. He also noted that an essential component was having the people involved in making decisions.

Much of what Wayne Morse said in 1955 remains applicable a half-century later.

Charlie Brooks, his able Oregon-based staff member, probably had a hand in helping the senator prepare his comprehensive testimony. However, as I was to learn later as I got to know him, Wayne Morse was well-versed in forest and range situations.

Bill Berg, Morse's longtime administrative assistant, tried to review everything the senator said in statements on the Senate floor and elsewhere. It was a futile task. Morse would take a statement, then add or subtract from the text. The result was that what Morse said was what he wanted to say, in the way he wanted to say it.

Battling for Appropriations: 1957

Morse did something that, to my knowledge, no other senator did. In the 1950s, House Appropriations hearings were closed to the public. Committee members did not solicit the views of other congressional members. Morse not only testified before the House Subcommittee that handled the Forest Service and Bureau of Land Management budgets, he always had lunch beforehand in the House restaurant with Mike Kirwan (D-OH), the subcommittee chair. Kirwan was an old-style politician with whom every issue was personal. Morse knew that Kirwan responded to personal appeals more than to formal presentations.

I attended several of these lunches with Morse, who had a list of items in his head that he would deftly present to Kirwan, not as demands for money for Oregon, but as matters of significant importance. He always told his colleague that he understood the problems he faced in deciding how big the bill should be and the selection of spending priorities. These lunches were very productive for forestry and Oregon. I recall one on a Friday. Mike, being Catholic, ordered a fish plate, which he looked at askance. Wayne called the waiter over and politely insisted that a better prepared fish be brought to the subcommittee chairman. Then we sat not touching our meals until Mike's arrived.

A day or two after a lunch, Gene Wilhelm, Kirwan's able staff man, would call me to discuss how much weight his boss appeared to have given to each of the senator's requests so that he could prioritize items. Wilhelm was a graduate of what professional Congressional staffs called the U.S. Department of Agriculture's "Jump College of Budgeting."

Wayne Morse was one of several senators who taught me the importance of good staff work, competently developed. He recognized the value in that, and knew that was how members and staff got things done. I first learned this working with him on those 1955 appropriations hearings. The lesson was repeated time and again on other major issues like the 1974 Forest and Rangeland Renewable Resource Act funding.

Everything I ever saw him do was based on a thorough, questioning review. Even so, in the 1960s I saw Morse make the mistake of opposing funding for one of Kirwan's long-term dreams: funding for a huge aquarium in Baltimore, Maryland. The men had a major falling out, with Kirwan blocking funding for several Oregon dam projects. Bill Berg counseled him on how to restore amicable relations with

Kirwan. Fortunately for Morse, his House colleague forgave mistakes in judgment.

A Matter of Inches: 1959

The American Lumber Standards (ALS), administered by an industry committee in the Department of Commerce, had long allowed lumber known as “roofers” to be used as subflooring, subsiding, and subroofing. These were typically six inches wide (actually 5.50 inches) by eight feet long. Mostly this was green (wet) lumber, seldom kiln dried. While supposedly 25/32 inches thick, it was typically a scant 3/4 inches thick.

Southern production of roofers was down and the Northwest had filled this market niche. In the late 1950s the West Coast Lumberman’s Association (WCLA), the enforcer of lumber standards for the western region, decided to stamp their roofers accurately as three-quarters of an inch thick. The Federal Housing Administration (FHA) objected that this was not an ALS-approved grade.

I was at a meeting Senator Morse had in Washington, D.C., with the WCLA officers. It was humorous that the WCLA folks opened their pitch by pointing out that they knew Morse disagreed with them on forest policy. Morse hastened to point out that while this was true and would likely remain true until they changed their position, he represented everyone in the state. Whenever anyone had a problem, it was his duty to determine whether it was bona fide. When it was, he could be counted on to help get it fixed.

After their presentation, including their observation about the thickness of Southern pine roofers, Morse told them he viewed the WCLA position as merely honest advertising. These boards were not used where bending strength (modulus of elasticity) was a consideration. He promised to meet with the FHA to get the issue resolved.

He invited FHA director Norm Mason, a homebuilder from Iowa and a Republican, to visit the next day. I sat in on the meeting, having informed Morse beforehand that FHA standards did not require any subsiding.

Morse gave Mason a copy of the FHA regulations, asking him to point out where ALS standard subsiding was required in the regulations. While Mason was looking up the reference, Morse said, “You really don’t have to find it. I’ve already ascertained that no subsiding at all is required, so you have no basis for refusing to accept three-quarter-inch subsiding, or, for that matter, one inch

subroofing or subflooring.” The WCLA representatives present were amazed that Morse had discovered this because they had not. Mason was chagrined that his staff hadn’t told him that they had no basis for their position. Morse told the WCLA folks he was delighted to have helped them, again stressing that when a situation should be corrected, he was pleased that he could be of service.

Changing The Dimensions of Lumber: 1961

In 1961, the ALS decided to reduce the official dimensions of all softwood lumber. A 2x4, which had been 1-5/8 inches thick by 3-5/8 inches wide was to be 1 and one-half inches by 3 and one-half inches. Other dimensions had similar changes. Studies had shown that these changes would not introduce safety problems because stress tests had established their efficacy.

The Western Forest Industries Association (WFIA), which represented non-timber-owning smaller mills, mounted a short-lived campaign to prevent the change. It advanced the peculiar notion that this would enlarge the wood supply of major timberland-owning firms such as Weyerhaeuser because they could get more boards out of a log. Of course, this would be true for all mills. The members of the California, Oregon, Washington, Idaho, and Montana delegations rejected their contention without hesitation.

Forest Roads: 1961-1962

The issue of forest roads and access to timber—a central topic of Morse’s 1955 testimony—reared its head again in the early 1960s. Morse wanted road policy to give equal access to all potential timber buyers and the public, and he supported the BLM policy of 1950. BLM regulations required that a private owner wanting to build a road across Oregon and California (O&C) lands (managed by BLM) had to assure reasonable access to firms that wanted to buy O&C timber.

Morse helped revise the Forest Service’s (FS) misinterpretation of the 1897 Act that gave exclusive access to road rights-of-way over national forest land. In the 1950s, this was responsible for the Forest Service creating its own timber access problems.

Responding to pressure from landowning timber firms, the FS Division of Timber Management had decided it should give exclusive right-of-way to these firms when checkerboarded or intermingled with National Forest Service lands. The timber staff relied on an unsigned memo from USDA Counsel Fred Mynatt disputing the

notion that the Act's unfettered right to access for "actual settlers" included lumber companies. Mynatt refused to sign because he knew that the Act conferred no such rights to timber companies; only actual settlers residing in national forests had this right in order to reach their homes.

This mistaken interpretation resulted in the FS giving exclusive access grants to firms with intermingled timber lands. When the BLM announced its new policy in 1950, it advised the FS it had the same authority to require access to lands. The FS declined to adopt the BLM policy because it would offend the industry.

As the pace of timber sales continued to rise, the FS found itself forced to concentrate sales where it had access. The result was described by Deputy Chief Ed Cliff as "cutting off the face of drainages." The FS was unwilling to condemn a road, even when faced with severe losses due to a local insect infestation.

The FS "state of mind" was that large firms were to be favored over small firms because of their superior production capabilities. Thus, in the West the FS had shifted from its forty-year tradition of sealed bids to oral bids. This made it possible for firms with superior funding to easily outbid small firms for timber because bids occurred in an open meeting.

Western senators were aware of the growing access problem. They caucused and decided they would not write a law clarifying and upholding the existing law. Looking forward to a Democratic administration in 1960, they decided to wait, letting the FS stew.

When the Kennedy administration took office, the amount of national forest timber unavailable for sale was many times greater than the appetite wilderness devotees had for pristine areas. The problem was particularly acute in western Oregon. Morse began discussing the situation in his late-afternoon talks before an almost empty Senate to, as he put it, "illuminate the issue." This caused Mortimer Doyle, executive director of the National Forest Products Association, to demand that Morse meet with him. The senator obliged by inviting him to lunch in the senators' private dining room. He also invited Chief of Staff Bill Berg and me.

Doyle launched into a strong protest, only to be cut short by Morse. He said in no uncertain terms that he knew what he was talking about and that Doyle knew he was right. Morse also reiterated that he didn't have the slightest intention of stopping his documentation of how much timber was tied up by the "big boys." Morse described the BLM policy, which had never been challenged in court. He said that equal access benefited competition. The meeting ended with

Morse inviting Doyle to go to the Senate gallery where, right after lunch, Morse said he would add another chapter to the record. Doyle decided to forego that invitation.

Policy decisions when not carefully crafted for conformance to law can produce unintended consequences. A problem had arisen in the Boundary Waters Canoe Area (BWCA) in Minnesota where the Forest Service decided to stop motorboat access. It wanted the Department of Justice to prevail in a suit where the plaintiff contended he was an “actual settler.” The FS said he was not. Tom McKeivitt, Justice’s career trial attorney, was my longtime acquaintance. He was concerned that the FS had him in a bind because its road policy placed him at a disadvantage acting as the government’s lawyer.

At about that time, a majority of the Western senators decided to request Secretary of Agriculture Orville Freeman to ask Attorney General (AG) Robert Kennedy for an opinion on whether lumber companies were “actual settlers residing in the national forest.” The AG agreed because the BWCA and the timber situation were linked. Freeman, who was from Minnesota, understood the issue.

The Forest Service prepared a letter to the AG that suggested that lumber companies were actual settlers. The senators sent the AG their views on the issue, which were drafted by Bill Berg and me. As soon as the Forest Service letter went to the attorney general, the FS gave it to the then National Lumber Association, later known as the Northwest Forest Products Association. The timber industry then had Sen. John McClellan (D-AR), for whom Kennedy had once worked, write the AG that the industry would sue if he ruled that the companies weren’t “actual settlers.”

The AG informed the Western senators about the letter McClellan had sent. They decided Morse should represent them in a meeting to deal with this issue. Morse took me with him. We met in AG Kennedy’s office with Deputy AG Nick Katzenbach and Tom McKeivitt.

With a draft of a proposed opinion in hand that agreed with the senators’ position, Kennedy asked for McKeivitt’s view. He said that while it was unusual for the AG to issue an opinion where the law was clear, conduct of the FS made it proper. Morse described his idea of how the law had been improperly applied; he felt the situation was such that even a first-year law student would see the proper answer.

Kennedy then asked what I thought the chances were that the industry would prevail in a suit. I said the BLM had issued regulations in 1950 that used the Supreme Court’s power-wielding decisions requiring timber companies to grant access when they wanted to build a road where their land checkerboarded with BLM timber land. The

industry had threatened to sue. That was twelve years earlier. I said it was an empty threat.

With that, Robert Kennedy turned to Nick Katzenbach and said, "Let it be done."

Based on the law, the BWCA situation, and the fact that the industry never followed through on its threat to sue Interior over the BLM road policy, the attorney general issued an opinion on February 1, 1962: Lumber companies are not "actual settlers," and the Forest Service could condition grants to build roads on its lands. McKeivitt also won the BWCA case. Thus, Senator Morse ultimately had great impact on forest road policy.

A Sequel to the Attorney General's Decision: 1964

In 1964, the Forest Service decided it needed authority from Congress to do what it was permitted to do by law: condition granting non-exclusive rights of way to companies that wanted to build roads that crossed national forest land as the BLM had been doing by regulation since 1950. It sent a bill to Congress.

When it reached the Senate, the timber industry sought changes to gut the Attorney General's 1962 opinion. It decided to finance a trip to Oregon by Richard Royce, who was on the staff of Public Works Committee Chair Jennings Randolph.

One of the cardinal rules for Senate staff in those days was that whenever an individual planned to visit the home state of other Senate members, protocol dictated that they should be informed. Royce failed to do this. He compounded this failure by coming back and writing a memo that, among other things, said that Senator Morse didn't understand forest roads issues. Royce set forth what the industry would like the policy to be, undercutting the idea that access should be open to all who wanted to purchase national forest timber and use the forest.

When Morse learned of this, he became angry. In fact, it was the only time I ever saw him literally ready to take someone's head off. I was in Morse's office with Bill Berg when the senator called Randolph and in no uncertain terms expressed his views on a certain staff person who knew nothing about timber or roads yet contended that the senator was ignorant of the facts.

Morse pointed how the Forest Service had let the large land-owning timber firms control access to national forest timber until he and other Western senators had stopped them. Morse said he wanted Royce to retract every word in his paper immediately and apologize for his

conduct. From the conversation, I gathered that Randolph was willing to fire Royce, but Morse demurred. He wanted Royce to learn valuable lessons: about being financed by an industry to do their bidding, and the consequences of going into a Senator's state without informing the Senator and returning with a misleading picture of events.

Morse and Randolph were good friends. Randolph knew that Morse represented the state that led the nation in timber production and boasted of numerous national forests. Actually, Royce, in his own clumsy way, had made sure that industry's effort to undercut open access would fail. While Morse wasn't a member of the Public Works Committee, he used the occasion to make sure all of the committee members understood what the industry was trying to do.

The Grazing Controversy: 1961

Another legislative issue related to the environment was described in two books by Philip O. Foss: *The Grazing Fee Dilemma* (1960) and *The Battle of Soldiers Creek* (1961). They give a historical view of public land grazing. In particular, *Soldiers Creek* describes how grazing permittees in the Oregon Vale District managed to oust BLM's district managers whenever one sought to change the level of grazing use under the Taylor Grazing Act permits.

Max Lieurance, Vale district manager, decided to reduce grazing use and find a way to rehabilitate and improve the land. As a forester for the Senate Interior and Insular Affairs Committee, I was aware a controversy again had erupted at Vale, but I had no details.

Morse never wanted any BLM person fired. Nevertheless an editorial in the *Morning Oregonian* called him "Range Rider Morse" and alleged that he wanted Lieurance fired.

Senator Anderson (D-NM), Interior committee chairman, sat next to Morse in the Senate. They were good friends, and Morse asked to meet with him about an Oregon grazing situation. Morse, who had not been in eastern Oregon during that time, said he was at a loss to understand the allegation in the newspaper editorial. He told Anderson no one in the Oregon delegation ever sought to have any BLM employee fired.

Morse knew the Vale area's long history of ranchers targeting BLM staff. He was past president of the Devon Breeders Association; he grew up on a farm in Wisconsin; he raised horses and was famous for his trotting horses when he held the position of dean of the University of Oregon Law School. In short, Morse knew livestock as well as anyone working for the BLM.

He told Anderson that BLM range conditions in the West were generally deplorable. He saw this situation as a chance to examine real problems and develop a program of effective range improvement. Anderson agreed. Morse asked Anderson to send me out to look at the situation because of my resource background and knowledge of the BLM.

When Anderson decided to send me, I said, "I'm not an expert on the range. I would like to have Henry Gerber, a BLM permittee in Klamath Falls who is on their national grazing advisory board, participate. He knows these issues better than I, and has the credibility of being on the BLM's National Advisory Board."

It was agreed, and Morse said he would ask Gerber to meet me in Vale. I suggested there be no BLM participation, but that we look at the situation on the ground, talking with each permittee to see what judgments we could reach.

Gerber and I met in Vale with a strategy in mind that freed us of any BLM identity. We started meeting permittees at their allotment. I'd ask each about his problems with the BLM. As each individual related his experiences, Gerber would say, "You ought to be ashamed of yourself, treating these cows the way you do, then telling this nice fellow nonsense about the awful BLM, expecting him to believe it. Your allotment is in terrible shape and you're the reason why." He used this approach as we spent a week visiting the allotments.

BLM had planted crested wheat grass seeding on the allotment of Juan Baca, who hadn't said a word during most of one whole afternoon. Gerber quietly asked him, "What's the chance of our coming over to your place for a drink later?" He hoped we might get conversation going in a social setting.

Later, Gerber asked Baca what he thought of crested wheat grass seeding. Baca said he didn't believe much in it at first, so he weighed his stock before he put them out, and again when he brought them off. They gained three pounds a day. I asked him why he hadn't spoken up. He said, "Why should I tell the others? They think cheat grass is good. Let them stay on the cheat grass."

We held a meeting with all the ranchers before we left Vale and purposefully did not invite BLM personnel. I told the ranchers they had two choices: They could work with the district manager or have the decision made in Washington, D.C., more than two thousand miles away. When no one voted for the latter, I told them they needed to learn to work with Lieurance since he was the district manager.

When I got back to Washington, D.C., Morse and Anderson met with Sen. Carl Hayden (D-AZ), appropriations committee chairman,

who agreed to fund what became the Vale Project to rehabilitate grazing land. The appropriation bill of June 1962 had Vale project money in it. Based on what we found in Vale, money was included for the same purpose in Nevada and New Mexico. Republican senators unsuccessfully tried to knock the money out.

The public lands grazing issue was a good example of how Morse used his own extensive knowledge to craft good public policy. Morse knew range grazing was part of the social fabric that affected the way the Western range was used. He knew cheat grass was an accidental import from Italy, used as railroads were being built, and that livestock starved eating cheat grass. He also knew the ranchers on these depleted ranges, seeing no alternative, were very restive about having their use of livestock reduced. Morse saw the need to get some of the BLM range planted with crested wheat grass, give it time to get established, then put stock back on it. He understood that good forage was needed. While native grasses would be better, he recognized that was unlikely, and crested wheat seemed to be the best alternative.

Morse was concerned from the outset that public range was deteriorating, and that the Vale area had reached a point where ranchers believed they could drive out a BLM district manager at will. Morse didn't believe in that sort of government. If someone proved to be incompetent, Morse wanted appropriate action taken for cause, not simply because somebody disapproved. His view on range conditions was based on knowledge of livestock and the condition they should be in. He thought the Vale District was a disgrace as a place for livestock grazing, largely due to conduct of the permittees, not incompetence by land managers.

Proposal for Canadian Lumber Tariff: 1962

Despite the relatively high level of housing starts following World War II, the forest products industry had some setbacks during the Eisenhower recession of the late 1950s. By 1962, home construction still hadn't picked up. President John Kennedy introduced a major bill before the Senate to reform trade policy. Also in 1962, Oregon lumberman Robert Dwyer proposed a 10/10 policy: When lumber imports exceeded 10 percent of U.S. consumption, a 10 percent tariff would be levied on it. The softwood lumber, which came largely from northwest Canada, was coming into the United States in increasing amounts in volume and percent of U.S. consumption. This led the Northwest industry to complain bitterly that Canadians had

an advantage in shipping their lumber into the United States, and demand that the playing field be leveled.

There were other complicating factors at the time. In the late 1950s, the West Coast Lumberman Association and Western Pine Association had become very sloppy in lumber grading practices. A lot of U.S. lumber shipped East was poorly graded and often wet. This was exploited by some in the wholesaling business who had fraudulent grade stamps. They bought low-grade lumber, and then upgraded it with the stamps.

The Canadians, on the other hand, were manufacturing their lumber with attention to quality and conformance. It was dry and packaged well. They earned market acceptance based on product quality. This allowed Canadians—always more export-oriented than we were—to penetrate the U.S. market. Canadian and U.S. firms would ship lumber in transit to a Canadian town, Moosejaw. Boxcars were used as warehouses, where lumber sat while an agent negotiated its sale. Then, it would be sent on to buyers.

When the forest products industry decided to mount the campaign to curb Canadian lumber imports, the key people in our Senate were Mansfield and Metcalf (D-MT), Jackson and Magnuson (D-WA), and Morse and Nueberger (D-OR), all ardent free traders. Former World War II Canadian Gen. Bert Huffmeister, head of the Canadian lumber association, and Herbert Fierst, a lawyer in Washington, D.C., who specialized in trade matters, headed the Canadian team.

I helped devise the strategy used to oppose the tariff. Morse was selected to lead the fight for import controls. He was on the Senate floor daily demanding that something be done about Canadian lumber. This boosted industry confidence that it could succeed. I remember Morse made a speech pointing out how terrible it was that the platforms constructed for the Kennedy inauguration were of Canadian lumber.

The industry didn't know that the strategy was to force the domestic industry in front of the Federal Tariff Commission (FTC) for a hearing, instead of a Trade Act amendment. Weyerhaeuser was opposed to a tariff because it had mills in Canada. Morse chose to hold a hearing before the Small Business Committee.

The Southern industry had a strategy the Western industry hadn't factored into the equation. Using the Interstate Commerce Commission (ICC), it moved to cut off the milling-in-transit arrangement. It was a valid case because there was a boxcar shortage. Every year, Warren Magnuson (D-WA), who headed the Commerce committee, held a hearing on the situation. Mike Mansfield (D-MT),

in particular, was critical of the shortage because it posed a real problem for wheat farmers. The ICC ruling effectively solved the problems of the railroads and the wheat farmers by ruling against the use of any boxcar as a free lumber storeyard.

The time to spring the FTC trap was when the Trade Act came to the Senate floor. The timber industry was told it had not exhausted administrative remedies regarding timber import claims, and that it would be improper to add an amendment to the Trade Act for this industry when no other industry had this kind of treatment. Since the case had merit, the FTC was the place to go.

A meeting was arranged with President Kennedy for all the Western senators and several House members. President Kennedy was to announce seven points he would institute to aid the timber industry. He would direct the Federal Housing Authority to make every effort to have U.S. lumber used in houses it financed and direct government agencies to buy nothing but U.S. lumber. All points sounded good and didn't cost anything. In addition, the president requested the chairman of the Tariff Commission to hold an expedited hearing in October 1962, after the Trade Act was enacted, with no decision reached until after the fall election.

Sen. Harry Byrd (D-VA), who chaired the Finance Committee, informed the industry he was reluctant to add any restrictive provisions of the sort it was seeking. Still hoping to salvage something, the Northwest Forest Products Association (NFPA) prepared a colloquy for Senator Byrd to share with Morse. Byrd asked Senator Magnuson's staff member, Jerry Grinstein, and me to deliver it to our senators for reaction.

Under the proposal, Byrd would have had to make a lot of promises about what the FTC should do to on tariffs and timber imports. Senators Magnuson and Morse had Grinstein and me deftly change key words so that Byrd promised nothing. I can still recall seeing the NFPA people in the gallery waiting breathlessly for Byrd to respond to Morse's questions, and the look on their faces at Byrd's bland response.

The Tariff Commission ruled against NFPA 6-0. In 1980, it took up the issue again, and placed a tariff on Canadian Softwoods. Decades later, after the U.S. had lost five times before the World Trade Organization, George W. Bush's administration persisted in trying another appeal.

Temporary Restrictions on Log Exports: 1968

I was assistant to BLM Director Boyd Rasmussen when we went to visit Senator Morse to tell him that the BLM was granting Oregon the last 12,000 acres of n-lieu selection lands to which it was entitled. The Oregon BLM state director had refused to grant Oregon's legitimate request. The law permitted the state to select any public domain lands. Consequently, it had selected valuable timber land, which would be administered by the forest department under conservation rules similar to the BLM's.

We had completed our explanation when Morse abruptly brought up the export of softwood logs from the Northwest to Japan. This had been a festering issue with the timber industry since 1963. None of the Northwest congressional delegation had moved to restrict log exports. Morse said he was facing a tough race in 1968 and the timber industry was going to use this issue against him. I pointed out that 70 percent of the logs being exported came from private forests and about 70 percent were from the state of Washington. Morse said that although that might be true, it wouldn't stop his political opponent from using the issue against him. I knew the senator well enough to sense he had something up his sleeve and already had formulated a plan to nullify the issue.

My surmise was correct. Morse had convinced the Washington senators and President Johnson that a short-term log export restriction was vital to his reelection.

Industry had contended that a restriction solely on federal timber would result in it self-policing log exports. A few days later, Morse attached language restricting log exports from federal lands west of the 100th Meridian to 350 million board feet a year for two years. Alaska and Indian lands were excluded.

The timber industry, which was set to complain that Morse had never done anything for Oregon's largest industry and they couldn't stem log exports with an ineffective senator, was proven wrong.

In the 1968 election, Senator Morse was replaced by Senator Packwood. I thought then, and still do, that Morse's campaign was hampered by Bill Berg's terminal illness with cancer. Berg, who had been with his friend since Morse served as dean of the University of Oregon School of Law, was the solid rock advisor whom Morse dearly valued.

Other Memories
He's Not In Deep Enough Yet!: 1958

Not all of my contacts with Morse were at his request. I worked for the Interior Committee, which involved close working relationships with Sen. Henry Jackson (D-WA) and Sen. Clint Anderson (D-NM), committee chair.

One day near the end of the Eisenhower administration, Anderson called me over to the Senate floor to discuss something. Senator Morse's seat was next to Anderson's. Morse had compared President Eisenhower's conduct on some issue to the then-discredited Teamster President Dave Beck. Indignant Republican senators decided to dedicate a portion of the day to attacking Morse and demanding an apology.

Mert Bernstein, who was on Morse's staff then, was seated next to him with a box full of statements Morse had made over the years. Senator Capewhart (R-IN) said Morse had never criticized President Truman. Bernstein gave a file to Morse that detailed his criticism of Truman on two major issues. Morse recited what he loved to call "chapter and verse" to Capewhart, and that ended his effort. Then Sen. Barry Goldwater took over. Morse stood there, his head down, as though he was nearly knocked out by Goldwater's verbal punches.

Anderson said quietly, "Wayne, when are you going to let him have it?" Morse responded, "He's not in deep enough yet!" A few minutes later, rising like the "Tiger of the Senate" he was known to be, Morse suddenly roared his response at Goldwater, who did not even wait to hear it all, but beat a hasty retreat to the Senate cloakroom. This left no Republican on the Floor to pursue Morse.

A few minutes later, my business with Anderson complete, I left the Floor via the only exit, the Senate cloakroom. I saw Senator Saltonstall (R-MA) towering over short, stocky Senator Wiley (R-WI) with both hands on Wiley's shoulders saying, "Get in there, Alex. We're giving Wayne Morse hell." Lifting Saltonstall's hands off his shoulders, Wiley, who looked like an Episcopal Bishop with his collar on backwards, tartly responded, "Only a goddamn fool would go in there against Wayne!" A few minutes later the Republicans, feeling the impact of Morse's counterattack, quit their futile effort to extract an apology.

A Civil Rights Advocate: Late 1950s

Senator Morse was both a vocal and a practicing believer in racial equality and an opponent of discrimination. He cared about the rights of others and often asserted himself in defense of those rights. I saw a clear example at a dinner one night at his home on Lowell St. in Washington, D.C., before the Civil Rights act of 1957 was enacted. In that era the local police force had a reputation of being racist.

Dinner was about to begin and Morse was visibly concerned that one guest, a young African American college student who had been on his staff for the summer, had not arrived. Just then, the doorbell rang. Morse went to the door where he was met by a District of Columbia policeman and the guest he had been expecting. The policeman said in disbelieving tone, "Senator, this young man says he has been invited to your home." Expressing mock surprise that the policeman could doubt this, Morse said, "He certainly was invited. In fact, he's the reason for this dinner." Morse thanked the policeman for ensuring that the young man arrived safely. Then he asked the officer for his name and badge number because he said he wanted to write a letter of commendation to the chief. I never inquired whether Morse wrote the chief. But, knowing him, if he did send the note it would not have been laudatory!

On Final Reflection

Wayne Morse was a conservationist cut from the same cloth as Theodore Roosevelt, Gifford Pinchot, Franklin D. Roosevelt, Sen. Bob LaFollette, and Oregon's Sen. Charles McNary.

He was a conservationist as that term was understood in the first half of the twentieth century. He believed in prudent use of resources and in sound land stewardship. His battle for Hell's Canyon Dam and other dams that dot Oregon rivers attest to his staunch support of public electric power.

He viewed the role of government, particularly when it came to natural resources, as a friend of the people. At the same time, he was a staunch opponent of government intruding in the social affairs of people.

Wayne Lyman Morse, in my view, was a man for all seasons.