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AN INSIDER'S VIEW OF THE PLLRC: COMMENTS AND SUGGESTIONS

BY PHILIP H. HOFF*

I. THE VERMONT STATE COMMISSION STRUCTURE

I entered the governorship of Vermont in 1963 as the first Democrat to serve in that office in 109 years, following a prolonged period of relative inactivity on the part of state government. Our administration made wholesale use of "informative" advisory commissions throughout our six years in office. Within a year we had almost one thousand people studying various subjects, and I think it safe to say that these commissions laid the groundwork for the great bulk of Vermont governmental action from that day to the present.

Looking back, it would have been most helpful if we had had the benefit of Perry Hagenstein's thorough review of the limited literature available on advisory commissions.

While the purposes of each of the commissions varied, generally they fell into two types. The first involved the examination of subject matters where we knew what we wanted to do but where it was important to build a body of public support as a prelude to legislative action.

The selection of the membership of these commissions, and particularly the chairman, was vital. It was essential that the commission members shared my views.

The second type of commission involved subject matters where we felt action probably was necessary but where we were not sure of either the exact nature of the problem or its solution. Here we simply named the most informed and respected people available in the field and let the chips fall.

Our aims were: (1) To focus public attention on understanding the problem; (2) to build a substantial body of public support for the recommendations of the commission; and (3) through (1) and (2) above, to maximize public pressure on the legislature to act. To this end the following steps were considered essential:

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(1) A major press conference with the Governor was held at the time the commission members were named and its mission defined.

(2) The commissions were encouraged to hold public meetings and to elicit broad participation at all stages from the public at large.

(3) Upon completion of the commission's report and recommendations, a second major press conference was held with the Governor.

(4) Follow up citizen conferences were held throughout the state.

(5) Copies of the commission's report and recommendations were widely disseminated.

(6) All major recommendations deemed worthwhile were placed in legislative forms and introduced at the next session of the legislature.

(7) A person within the administration was charged with the responsibility of keeping in touch with the commission during the course of its work and with following through on its recommendations and the legislation that followed.

II. THE HAGENSTEIN PAPER

It is important to understand the total dominance of the Public Land Law Review Commission (PLLRC) by its chairman, Congressman Aspinall. The Commission was, after all, his brain child. While the Commission went through the motions of selection of the chairman, staff selections, breakdown of the areas to be studied, and selection of the persons or groups to submit studies of particular areas, the fact is that all of this was done under the immediate supervision of the Chairman. The decision, for example, not to permit a minority report was the Chairman's alone and was never submitted to the Commission as a whole except perhaps on a pro forma basis.

I once made the suggestion that there be made available to the public members one staff person. For a public member like myself, this was essential. As an Easterner with virtually no background on the complex issues involved and with virtually no time to read the voluminous studies involved, there was no way that I could adequately be informed, or make thoroughly thought-through decisions. The Chairman dismissed this suggestion out of hand. Lastly, I made the suggestion that the entire report be incorporated into legislation. I had a particular reason for suggesting this as will be seen in the next paragraph. This too was dismissed by the Chairman.

The latter suggestion was particularly important to me. From the beginning it was apparent that the very small number of us who had strong convictions about the environmental and conservation aspects of the study were in an impossible position. If we fought on every issue we would soon lose credibility and influence altogether. The alternative was to chip away here and there. In the end we obtained substantial concessions which made the final report palatable.

One of the biggest problems was that unless the entire report was incorporated in legislative form, individual congressional members would simply pick off those portions of the report they deemed desirable, leaving out those portions of the report deemed essential by the small cadre of environmentalists. Essentially this is what happened, leaving no basis for support of this legislation on the part of the environmentalists.

I thus strongly disagree with Perry Hagenstein's assertions that the recommendations of the Commission represented a broadly agreeable consensus. The consensus on my part at least was a consensus forced upon me if I was to maintain any degree of credibility and to exercise any influence on the recommendations of the Commission. I am not a devotee of consensus. Consensus is an invitation to watering down a report to such a degree that it loses both direction and clarity.

Several other comments by Perry Hagenstein are worthy of note. While the Commission was a joint legislative-executive advisory commission, it is very clear that in fact it was an internal congressional committee and operated that way. In a very real sense the public members were so much excess baggage designed to give the impression that the public was represented. In no sense did the Commission make a genuine attempt to educate the public, and the net result was deep-seated suspicion and distrust of the Commission and its reports by conservationists, naturalists, and environmentalists.

Mr. Hagenstein refers to the report as an orphan. I agree. It built no body of public support, and very little was done in the way of follow through. The report remains an orphan today.

One last point of Mr. Hagenstein's paper deserves comment. Mr. Hagenstein notes that the law creating the Commission was very broad indeed in terms of its mandate. He then goes on to say that two matters dominated the work and the report of the

PLLRC. "One was whether the nation had reached the point where broad disposal of federal lands no longer served a valid national purpose. The other was the nature of the management system that should govern the use of federal lands."

From my point of view these two matters were what really lay behind the creation of the PLLRC. No matter what the language of the Act states, I never lost focus that the title was not the Public Land Policy Commission but the Public Land Law Review Commission.

Happily, for me at least, I believe the report established once and for all that the wholesale or broad disposal of federal lands is over. With respect to the management system that should govern the use of federal lands, hopefully the Commission's report will have its impact and will lead to reforms that are genuinely needed.

III. "INFORMATIVE" ADVISORY COMMISSIONS: THE FAILURE OF THE PLLRC

I am of the opinion that "informative" advisory commissions, properly set up and carried through, have great value. *Involving and informing the public, including the building of a body of public support, is as important as the recommendations themselves.* It is here that I think the PLLRC failed.

It failed in the first instance because of the makeup of the Commission itself. There is a misconception about public lands, widely held in the thirteen western states, plus Alaska, that public lands are virtually their exclusive domain. The makeup of the Commission reflected this viewpoint.

There is a very strong feeling in the so-called nonpublic land states that public lands, wherever located, belong to the people of this country and should be treated as such. Unfortunately, the public in the nonpublic land states are poorly informed as to the character of these public lands and the special impact that they have on public land states. It is essential that this level of understanding be raised. Broader representation from nonpublic land states would have helped considerably.

The PLLRC failed because of the relatively small number of public meetings held in various parts of the country. It must be pointed out that the work of the Commission was voluminous.

Understanding of its work on the part of the public was minuscule.

The PLLRC failed because of the failure to include more conservationists and environmentalists. Perry Hagenstein suggests that the growth of the environmental movement could not have been foreseen. I tend to disagree, but, even if it could not have been foreseen, clearly it became evident during the course of the Commission's work and the Commission could have accommodated it.

The failure to simultaneously introduce legislation incorporating the Commission's report was also a factor in the PLLRC's lack of success.

Lastly was the failure to follow through. No public support was mobilized. The press had little understanding of public lands. The Commission did little to facilitate communication to assist the press in understanding public land problems. Without a body of understanding rallying support from the public, the political process never received the impetus to deal with these complex public land problems. As a result, little of the Commission's work has found its way into legislation.

A follow-up mechanism is desperately needed. The capacity and ability exists in this room to see that this report comes to fruition. Perhaps this meeting can be the beginning. The problems of our public lands are too important to remain dormant.

