

February 2021

Seven Years Later

Fred Smith

Follow this and additional works at: <https://digitalcommons.du.edu/dlr>

Recommended Citation

Fred Smith, Seven Years Later, 54 Denv. L.J. 663 (1977).

This Article is brought to you for free and open access by the Denver Law Review at Digital Commons @ DU. It has been accepted for inclusion in Denver Law Review by an authorized editor of Digital Commons @ DU. For more information, please contact jennifer.cox@du.edu, dig-commons@du.edu.

EPILOGUE

SEVEN YEARS LATER

By FRED SMITH*

The Public Land Law Review Commission Revisited has historic significance in several aspects. It sets some remarkable precedents.

In the first place, what other federal commission has ever before reunited, under its own steam, seven years after its official demise? Normally, nothing in our democratic experience dies so permanent a death as a commission that has served its term, whether or not it has served its purpose. Only its report remains, diligently catalogued and stuck away on a shelf in the Library of Congress, a symbolic headstone which might as handily be inscribed, "Here lie the remnants of months of hearings, meetings, discussions, and possibly hopes of citizens in pursuit of conclusions. May they rest in peace." And usually they do.

In the second place, what chairman of a defunct commission, especially one who is no longer in a position to consider political favors, could reassemble a large majority of his associates and lure them, at their own expense, over a weekend, to Denver, Colorado, to listen to papers describing (a) the relatively few constructive legislative results of the Commission, and (b) the misapplication by subsequent legislatures of constructive suggestions, and (c) the futility of attempting to get anything constructive done in a popular climate of destructive determination on all fronts?

The only possible answer, of course, is devotion to the chairman as an individual, which fortunately survived his departure as a potent politician. This reflects credit not only upon him, but upon the two dozen or more who came to the reunion, most of whom were anxious also to resuscitate old friendships made during the adventure. Jimmy the Greek would have given long odds on the capacity of normal adult people to remember and cherish their leader and associates for seven long and troubled years.

From all well publicized reports on the progress of the Welfare State, there is something distinctly antediluvian and even un-American about it all.

* Chairman of the National Planning Association.

In the third place, how many times in the past had the commissioners and advisory committee members really cared a great deal about how the whole thing came out? As Perry Hagenstein pointed out in his scholarly study of commissions, they are most often created directly or indirectly for publicity or political purposes, and accordingly are composed of impressive and decorative names, and staffed by bureaucratic minions who know which flags to wave and when. They deserve the fate they usually earn.

The Public Land Law Review Commission set out on a serious task, attacked it seriously, its Commissioners and Advisory Committee took its work seriously, and if it is to be criticized at all, it is because it stopped when it was finished. It might profitably have evolved into a band of revolutionists determined to see that its recommendations were made difficult for Congress—and perhaps federal agencies with fish of their own to fry—to duck.

At any rate, we all know where our recommendations stand as of April, 1977. We have the satisfaction of knowing that we had some influence, even though it was used too sparingly. We don't think we wasted our time, or effort, or hopes. We created a family of sorts, and proved that people of widely differing interests and background can work together in the common interest. This in itself is more than enough recompense for going through the exercise.

What good we may have done is a worthy bonus.