

States of the Union

WINNING BACK THE WEST

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CECIL D. ANDRUS

WASHINGTON

SECRETARY OF Interior Cecil D. Andrus last month announced a sweeping plan that may eventually compel giant landholders in the West to sell off several million acres of rich, Federally-irrigated farmland. The new proposal stipulates that growers using subsidized water be restricted in their holdings to 160 acres per person, including as many as four members to a grower-family or four owners to a corporation. The upshot would be an absolute ceiling of 640 acres per owner. Barring litigation or a change of heart in Washington, the regulations will go into effect just in time for Thanksgiving.

In promulgating the new guidelines Andrus was merely obeying the law—the Reclamation Act of 1902, to be precise, but because that simple expedient had not occurred to any of his predecessors, Andrus' announcement has created a furor. "Disastrous and illegal," said a spokesman for the Westlands Water District, a consortium of huge landholders in California's San Joaquin Valley. The *New York Times* complained, ambiguously, in an editorial that "Such shuffling of land ownership hardly redistributes wealth in any important way." But the *Times* is out of touch. The Andrus decision is a precedent-maker. It represents the government's first major attempt at agrarian reform since the Homestead Act of 1862.

The *Times* notes sourly that "A populist chorus now hails the decision." Among metropolitan moderates "Populism" is a buzz-word—a term that crops up whenever the reform impulse is seen to get out of hand—but in this instance the *Times* is substantially correct. The famous Omaha platform of the Populists (1892) was very clear on the matter of land tenure: "The land, including all the natural sources of wealth, is the heritage of the people, and should not

be monopolized for speculative purposes." (Alas, yielding to the Know-Nothing element within their ranks, the Populists went on to demand that the government seize "all lands now owned by aliens.")

The same Populist tendencies were at work in 1902 when Congress passed the Reclamation Act, which authorized Federal water projects for parched Western farmlands. The history of that act, however, suggests that Jonathan Swift was right in his cynical characterization of the law: "Laws," he wrote, "are like cobwebs, which may catch small flies but let wasps and hornets break through."

From the very start, Congress in its debate on reclamation was nervous about the wasps and the hornets. Federal water, many feared, would enrich the powerful and fail to serve the small farmer. Francis Griffith Newlands, a Nevada congressman and chief sponsor of the bill, tried to reassure his colleagues. The measure, he told them, specified that "no water right for more than 160 acres shall be sold to any landowner," and that each owner "must also be a resident or occupant of the land." Absenteeism was considered as dangerous as giantism. The idea, he explained, was to "break up any large land holdings in the vicinity of government [water] works and to insure occupancy of the land reclaimed."

Some congressmen remained skeptical. A representative from New York, for instance, warned that "the great railroad interests of the West" were cleverly promoting the bill, "egg-ing it on, encouraging it." The railroads, he pointed out, owned "millions of acres of these arid lands, now useless, and the very moment that we, at the public expense, establish these irrigation works and reservoirs, you will find multiplied by 10, and in some instances 20, the value of now worthless land."

His misgivings turned out to be well-founded. Land prices shot up and the railroads made new fortunes. So did a lot of other people and corporations, through their lobbying et-

forts on the Hill and in the Bureau of Reclamation they saw to it that the 160-acre restriction was observed mainly in the breach. Average land prices today in California Federal water districts exceed \$1,000 per acre. Throughout the West, of the estimated 25 million acres of farmland irrigated by U.S. water projects, about one-fifth is thought to be held "in excess"—that is, in parcels exceeding the 160-acre limit.

The Westlands in California are a melancholy case in point. Southern Pacific owns 109,000 acres there, the legacy of its original railroad land grant, Boston Ranch, a corporation owned by J. G. Boswell Company (which has links with Safeway), owns 23,000 acres, Standard Oil, 10,000, Bangor-Punta, which among other enterprises manufactures guns, tear gas and mace, also has 10,000 acres, and Anderson-Clayton (Chiffon margarine and Seven Seas salad dressing) owns 5,000.

These figures come to us courtesy of an organization called National Land for People (NLP), an indefatigable Fresno-based group that deserves much of the credit for the Interior Department's refreshingly new attitude. NLP was formed three years ago by George Ballis, a brilliant photographer in the Walker Evans tradition and a masterful organizer to boot. Ballis and his NLP brought together small farmers, farm laborers and middle-class consumers—in short, the flies who invariably get caught in the cobweb while the hornets sail through.

They chose to focus their attention on the big landholders of Westlands, and specifically on the custom those moguls enjoyed of selling their acreage to friends, relatives and political cronies. Land sales in the Westlands water district require the approval of the Bureau of Reclamation, but it soon became clear that the Bureau was an easy mark, cheerfully okaying whatever questionable deals the landowner proposed.

The Bureau, of course, was supposed to be enforcing the 1902 Reclama-

tion Act by making sure no buyer of Federally-watered land went over the prescribed 160-acre limit. In fact, it was doing nothing of the sort, it hadn't even bothered to write regulations governing the sale and purchase of water district lands.

THE BUREAU'S omission was the NLP's opportunity. Early in 1976, Ballis' organization filed an administrative complaint against the Bureau for "its failure to establish public rules in the Federal Register governing approval of excess land sales" in Westlands. In August of that year, Judge Barrington Parker of the Federal District Court in Washington, D.C., ruled for the NLP and ordered the Bureau to stop approving any more excess land sales in Westlands. He also told the Agency to embark on a process it had been successfully avoiding for three-quarters of a century—that of drawing up public rules. "The present rules and regulations in approving excess land sales," Judge Parker declared, "are invalid."

The Westlands folks and their allies were, to coin a phrase, mad as hornets. They went to Washington and enlisted the aid of their friends in the Bureau as well as in the Justice Department. On four different occasions attorneys from these agencies tried to get Judge Parker's ruling overturned or delayed. But the flies remained vigilant and the courts held firm.

(Westlands people knew their way around Gerald Ford's Washington. The executive director of their organization, hired in May 1976, was one John Weidert, a former administrative assistant to Earl Butz of the Department of Agriculture. In a newspaper column several years ago, Jack Anderson charged both Weidert and Butz with taking a vacation as nonpaying guests of the Southern Railroad, at a time when that company's application for a freight-rate increase was being considered by the Nixon Administration.)

By the time Jimmy Carter moved into the White House it was clear that

the Bureau's string had run out. It would have to come up with a set of regulations, and the only question remaining was how far these would carry us toward populism. The answer seems to be, pretty far. Despite considerable pressure from the big landholders, and despite a tendency among the Bureau's oldline civil servants to "stonewall" the entire process, Andrus and his team have laid the basis for a radical redistribution of the land, not only in California, but in Arizona, Oregon and several other Western states.

The key to redistribution—what Ballis calls "the zipper"—is in the regulations that bear on future sales of excess land. They are to be effected by lottery, which is to say that all would-be purchasers with sufficient cash will have an equal chance to buy excess land. Their names will be drawn from a hat, thereby making it impossible for the sellers to play their customary insider games.

The regulations are silent, however, on the setting of per-acre prices, a key element in any authentic redistribution plan. This will have to be ironed out in later guidelines, and organizations like the NLP, Friends of the Earth and Rural America will be on hand to give Andrus plenty of guidance, whether he asks for it or not. NLP takes the view that acreage in Westlands and similarly watered districts should be assessed at nonirrigated values, as if the land were still arid. This would bring down the price considerably, in some places by as much as two-thirds, and thus within reach of small farmers and even of some of Cesar Chavez' unionized farmworkers.

Other battles remain to be fought before the West is finally won, too. No doubt the lawyers for Southern Pacific, Standard Oil and Bangor-Punta are at this very moment laying plans for a fresh assault upon Newlands' battered Reclamation Act. As Gladstone once remarked, "Property is vigilant, active, sleepless, if ever it seems to slumber, be sure that one eye is open."