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# Around the Campfire

## with Uncle Dave Foreman



## Oh, Give Me Land: How the Public Lands Began

The United States has been the world's leader in the on-the-ground designation of protected areas—National Parks, Wilderness Areas, Wildlife Refuges, Wild & Scenic Rivers, National Monuments, National Forests, and other kinds and degrees of wild havens. The key reason for why this is so, is that the United States has a system of federal public lands unlike that of any other nation. Federal public lands make up one-third of the total land area of the US—and this does not include lands owned and managed by the states. The irony behind our matchless and priceless system of public land is that it came out of a goal to dispose of public lands to businesses and settlers. Even rather few conservationists understand the background for the federal public lands.

While Spain took over the New World for the Three Gs (God, Gold, and Glory), settlers from England, Scotland, Holland, Sweden, and Germany came to North America for religious freedom, economic opportunity, and...LAND.

Listen to the cowboy sing the song of America:

*Oh, give me land,  
Lots of land,  
Under starry skies above.  
Don't fence me in.*

We came with a hunger for land. This hunger for land—and the freedom to slake that

hunger—is at the heart of the American national selfhood. We wanted land to clear, crop, build homes, rear families. We saw land as a way to pile up wealth. However, for many, there was a deeper hunger for land—for the freedom to roam, to not be hemmed in, and to get away from lords, kings, and sheriffs. All these hungers were fed by an oddly American hallmark—that of *public land*. Open land. Up-for-grabs land. Federal government land. The way the United States brought into being the thought and work of public land shaped our settlement layout from the Alleghenies to the Pacific and led to the flaying of the land. On the other hand, it later bequeathed to us the world's best conservation birthright and lore. For the first hundred years of public land—the Frontier Century, the aim was to give it away and sell it so as to build the nation and, in smoky backrooms, to make the politically mighty wealthy. Only in the second century of public land did a more greathearted belief—that of keeping and stewarding land in public ownership for the good of all Americans—come into being.

To understand today's land, water, and wildlife clashes, we must go back to the beginnings of public land, back even before the United States.

At the end of the Seven Years' War in 1763,<sup>[1]</sup> King George III decreed that his subjects could not settle west of the Appalachians. This royal order was meant to stop the headstrong, out-of-hand spread of settlers west where their ties and loyalty to the crown frayed and then unraveled more and more. George III was pretty much setting aside the trans-Appalachian country for Indian tribes. Notwithstanding the King's bidding and the threat of Shawnees, Miamis, and Cherokees shielding their land, my Scots-Irish and English forebears on the far-western edge of European society looked hungrily over the mountains at the land and the freedom, and at the pigeons, bears, buffalo, and elk. Even more hungrily, maybe, George Washington and other land speculators looked west to the buckraking happenstance of selling land to Dodsons and Foremans. As historian Louis M. Hacker has written:

*The west was not opened up by the hardy frontiersman; it was opened up by the land speculator who preceded even the Daniel Boones of the wilderness. When the young Washington surveyed the lands around the waters of the upper Potomac in 1748 he was doing so as the representative of a great colonial landlord and as the scion of a rich land-owning family; and when he bought up soldier bounty claims in the decade following he was only pursuing the same line of interest already marked out by the Fairfaxes, the Lees, and the Mercers.*<sup>[2]</sup>

Then, in 1774, came the Quebec Act, setting up civil government for the “French-speaking, Roman Catholic inhabitants of Canada and the Illinois country. The law extended the boundaries of Quebec to include the French communities between the Ohio and Mississippi rivers. It also granted political rights to Roman Catholics and recognized the legality of the Roman Catholic Church within the enlarged province,” wrote the authors of *A History of the United States to 1877*.<sup>[3]</sup> This land between the rivers (now Illinois, Indiana, Ohio, Michigan, and much of Wisconsin and Minnesota) was seen by the thirteen colonies as their natural path for booming growth. Indeed, some of the seaboard colonies had earlier been granted land claims by the crown in the land now given to Quebec.

Shutting off the west to frontiersmen and land speculators was enough for dashed-hope anger, but among the colonists were many also given to paranoid conspiracy theories, who saw this retreat from deviling Catholics as a sign that the Anglican and Catholic churches were coming back together after a two-hundred-year-old split, and that “a plot was afoot in London for subjecting Americans to the tyranny of the Pope.”<sup>[4]</sup> Remember this. A dark American thread stretches all the way from 1774 to Oklahoma City and Timothy McVeigh—as well as to today's hick fears that conservation groups are agents of the New World Order and part of a plot for fettering Americans to the tyranny of the United Nations.

For both the colonial upper crust and the backwoods pioneers, the ban on western settlement became one of the “repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these States,”<sup>[5]</sup> which led to independence and war. Public-lands scholar Bern Shanks writes in his classic study of the public lands, *This Land Is Your Land*, “Personal freedom, especially freedom to use frontier land, was an important issue in the Revolution.”<sup>[6]</sup> The Continental Congress came to see the western land as wealth to fund the war and to pay off the growing national debt. Western land was brought into play to spur enlistments: 100 acres to a private, 500 for a colonel. British soldiers were promised land west of the Alleghenies if they deserted.

Following the War for Independence, seven of the thirteen states held sweeping colonial land claims between the Appalachians and the Mississippi River. Shanks writes that the six states without land claims, led by Maryland, “feared the size and potential economic power of the larger states” like Virginia. Maryland “boldly argued that frontier lands were won with the

‘common blood and treasure of the thirteen colonies’” and would not sign the Articles of Confederation unless the lands were ceded to the new federal government. When Virginia gave up its lands south of the Ohio in 1784, “it put two conditions on the gift. First, western public lands were to be considered a common source of wealth for the use and benefit of all the nation's people. Second, the ceded territory would eventually be divided up into states and admitted to the union with standing equal to the original states. This agreement was codified in the Northwest Ordinance,” writes Shanks.[\[7\]](#)

Virginia had earlier ceded its lands north of the Ohio River to the Confederation in 1781. Other states followed in handing over their western land claims. These were the first public lands of the United States.

This “public domain” stretching from the Appalachians to the Mississippi came to 370,000 square miles, or 236,825,000 acres. Shanks writes, “Land, not paper or laws, was the instrument to unite the nation....It was the only tangible source of federal wealth and power.”[\[8\]](#)

Congress passed the Land Ordinance of 1785 to handle sale of the new public domain. Harvard historian Frederick Merk wrote in his *History of the Westward Movement*, “A first principle was that survey must precede sale in any federal wilderness.” A north-south, east-west grid, in “townships” of six miles square (thirty-six square miles or “sections”) was laid out through miles of wild, heretofore unmapped land. The sections (square miles) were regularly numbered in each township. One section in each township was set aside for public schools. Merk believed that this law “was one of the most important and admirable measures ever enacted by an American legislature.”[\[9\]](#)



This township-and-section surveying pattern was used for nearly all the land later brought into the Union. While it brought an even and well-thought-out way to set down land lines for private ownership, it pounded an abstract grid of Man-will into that land, a grid that paid no mind to the natural lay of the land—rivers, watersheds, mountains, or swatches of vegetation. In its Enlightenment abstraction, in its cold  
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rationality, the Ordinance of 1785 meant to quell *wil-der-ness*, to overcome once self-willed land and all that it held. It was the first step for taming wilderness and for making it unwelcome for wildeors. Nature was boxed by Man with tidy, square lines on paper; the corners of those paper squares were hacked with hatchets into “witness trees” on the land. The township surveying, to be sure, made it more straightforward to sell land, and to carefully tally who owned what. In 1967, Paul Shepard wrote that “the American land survey was the world's most extensive example of the rationalized landscape” and “a uniform, mechanical treatment of the universe....” He called the survey grid “Topophobia.”[\[10\]](#)

After many years of careful looking at National Forest and topographic maps with their neat, little squares, I have this section layout in my head, too. It shows how deeply an abstract overlay can cut, how strongly it can shape the way we see land. Now, when you fly over the Great Plains, you see the section squares in the land as fence lines and roads and often as different hues from plowing and irrigation. Likewise, over Montana you may see the straight lines of square-mile clearcuts slicing up and down mountainsides—the mark of private timberlands from railroad grants checkerboarded in the National Forests. But for me, and I think others who have looked so long at National Forest maps, our minds project the section lines even onto wild, rugged landscapes. The Ordinance of 1785 has become a *frame* in our minds.

While prostitution may be the oldest profession in the world, land speculation is the oldest profession in the United States and in the British colonies before it. The earliest colonies were set up on land grants given to darlings of the court, such as Sir Walter Raleigh. We have a romantic folk-memory of homesteaders building a nation out of the public domain, but, Merk warned, “The chief beneficiaries...were the land speculators who later sold to settlers....They were usually a jump ahead of settlers in buying up the choicest locations.” In Kentucky's Blue Grass country, Robert Morris, bankroller of the American Revolution, owned 600,000 acres, and the father of Chief Justice Marshall had 140,000 acres.[\[11\]](#)

Farther south, land sales were even shadier. Merk wrote:

*In Georgia...the greatest speculation and greatest legislative scandal in American history took place. Practically all the state's western land in what is now Alabama and Mississippi—about 35 million acres, much of it exceptionally rich—was in 1795 sold by the legislature to four land-speculating companies for the sum of \$500,000. Every member of the legislature except one had been bribed to make the sale.*

Although the next legislature revoked the sale, the U.S. Supreme Court turned down the revocation. “Chief Justice John Marshall, who had a strongly developed sense of the rights of private property and who was a land speculator on a big scale, led the Court in ruling...that Georgia could not revoke a sale once made....”[\[12\]](#)

Thus was set the framework for dealing out the public domain.[\[13\]](#)

The growing crowds of new Americans piling up on the Atlantic coast, the untiring tramp west, and the hunger for more land, endless game for the shooting, and elbow room beyond the sight of your neighbor's chimney smoke led to the Louisiana Purchase and then to a new national theology, a theology that drew deeply on the Myth of Superabundance and on the religious drive to civilize the wilderness, a theology that lay bare God's wish for the United States: Manifest Destiny.

Given name by a New York newspaper editor, John L. O'Sullivan, in 1845, Manifest Destiny meant that “the United States was preordained to control all of North America.” Williams, Current, and Freidel wrote in *History of the United States*:

*There is significance in the mechanistic implications of Manifest Destiny. Expansion, supposedly, was not just something that human beings willed; it was created by certain forces, historical, geographical, cultural, beyond human control. Although expansion could be defended logically...it did not, being partly superhuman, particularly need justification.*[\[14\]](#)

I think this is a bright, true insight into American hallowed-belief, and shows how greatly historical determinism helped to shape us.

In 1874, William Gilpin, the stock Western boomer, wrote, “The American realizes that ‘Progress is God.’ He clearly recognizes and accepts the *continental* mission of his country and his people. His faith is impregably fortified by this vision of power, unity, and forward motion.”[\[15\]](#)

Only a little more than one hundred and fifty years after Cotton Mather preached that it was our job as Christians to wrest the Massachusetts wilderness out of the hands of Satan, our nation came to understand that God wanted us to take over all the way to the Pacific. Keep Gilpin's thunder in mind; it is a window into the thinking of landscapers and resourcists who later came, yea, who are with us yet today.

But it was out of this that came National Parks, National Forests, National Wildlife Refuges, and the *retained* federal public lands that gave Americans a whole other heritage than Gilpin's.

Around a coming campfire, I'll bring this tale along with the Louisiana Purchase, Homestead Act, railroad giveaways, and how we began to keep chunks of the public lands for all time.

Dave Foreman



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*Adapted from my forthcoming book Conservation vs. Conservation.*

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- [1] Called the French and Indian War in Britain's North American colonies.  
[2] Louis M. Hacker "The First American Revolution," (1935) in Esmond Wright, ed., *Causes and Consequences of the American Revolution* (Quadrangle Books, Chicago 1966), 123.  
[3] T. Harry Williams, Richard N. Current, and Frank Freidel, *A History of the United States to 1877* (Alfred A. Knopf, New York, 1965), 134-135.  
[4] Williams, Current, and Freidel, *A History of the United States to 1877*, 134-135.  
[5] Thomas Jefferson, John Adams, and Benjamin Franklin, *The Declaration of Independence*.  
[6] Bernard Shanks, *This Land Is Your Land* (Sierra Club Books, San Francisco, 1984), 21  
[7] Shanks, *This Land*, 22.  
[8] Shanks, *This Land*, 23.  
[9] Frederick Merk, *History of the Westward Movement* (Alfred A. Knopf, New York, 1980), 102-103.  
[10] Paul Shepard, *Man in the Landscape: A Historic View of the Esthetics of Nature* (University of Georgia Press, Athens, 2002 (1967)), 234.  
[11] Merk, *Westward Movement*, 84.  
[12] Merk, *Westward Movement*, 115.  
[13] Although we should be aware of the historical truth of land speculation in the United States, it is unfair to use it to smear the character of Washington and other signers of the Declaration of Independence who happened to be speculators.  
[14] Williams, Current, and Freidel, *A History of the United States (to 1877)*, 515-516.  
[15] William Gilpin, *Mission of the North American People, Geographical, Social, and Political*, 2nd rev. ed. (Lippincott, Philadelphia, 1874), 40, quoted in Mark Stoll, *Protestantism, Capitalism, and Nature in America* (University of New Mexico Press, Albuquerque, 1997), 120.
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