

CUNY Land Acquisition

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DEAD END ■ IN ■ SILICON VALLEY

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PARK SERVICE LAND-GRAB

The Rangers put people out to pasture

BY MICHAEL J. WEISS

For most of her thirty-five years, Amy Anderson has lived in the same house in the lush woodlands of northeastern Ohio's Cuyahoga Valley. The fifth generation of her family to reside in the valley, she grew up just down the road from her grandfather's farm. When she married, she chose to remain in her birthplace. "I wanted my kids to enjoy the same pleasures as I did growing up in the valley," says Anderson from her modest, two-story frame house.

But in 1975, Anderson and her neighbors learned that the National Park Service wanted their land. The Government had turned the Cuyahoga Valley into a national recreation area, and during the next decade, it bought almost 400 homes in the vicinity, razing many with bulldozers. A Government wrecking crew demolished her grandfather's barn, where she had played as a child. And last year, Anderson received notice that her own house was to be purchased.

Though many of her neighbors simply settled on a price and sold out, Anderson vowed to stay and fight. "They asked how much we wanted for the place, and I said we just wanted to be left alone," she recalls, her voice rising in anger. "You can't put a value on living in a community for five generations."

Anderson is one of an estimated 35,000 Americans who may lose their homes to the Park Service's land acquisition program. Many of the residents are fighting the Government's efforts to absorb their property into the seventy-nine million acres of national parks—a program the victims call the Park Service land-grab.

"The Park Service is systematically trying to destroy whole communities," says Charles Cushman, president of the National Inholders Association, which represents the 11,000 homeowners who live on Federally owned lands. "People who've lived in areas for generations are being

forced out. We've become second-class citizens in our own country."

In 1965, when the Federal Treasury was flush with hundreds of millions of dollars from the sale of offshore oil leases, Congress directed the Park Service to set up its land-buying program—even when park managers could not maintain areas already in their possession. "It used to be that every Congressman wanted to have his name on a public works project," Cushman says. "Now they want a park."

In Pruitt, Arkansas, the creation of the Buffalo National River Area virtually wiped out a community of seventy-five families, many of them poor and elderly. One lifelong resident vowed, "If they take my land, they take me." Just one week after he received his condemnation notice, he died of a heart attack. "The Park Service worried him to death," contends Lucile Hannon, the seventy-five-year-old former town mayor who reluctantly moved after a six-year fight.

In Ochopee, Florida, the Government tried to railroad the community into making way for the 500,000-acre Big Cypress National Preserve. Federal buyers offered the Harmon family a low figure for 1,000 acres of property. "When my father resisted, the Park Service agent said, 'We've done some checking up on you, and we know that if you don't sell you'll go bankrupt before the case goes through court,'" recalls Lawrence Harmon, who clandestinely recorded the 1978 negotiations. "Then the agent said he'd quit the Park Service and help my father invest the money he received."

Harmon's father rejected both offers, took the case to court, and six years later accepted a settlement figure 50 per cent higher than the original bid.

In 1979, a Park Service agent offered Lawrence Harmon \$30,500 for his two-bedroom, wood-frame house, which a bank appraiser had assessed at \$53,000. Harmon turned down the bid, found his house legally condemned, and again went to court. Last February, he settled for \$50,000, but the agreement was hardly amicable:

Harmon wanted to purchase salvage rights to move his home to a new location, but the park manager sought the property for a ranger's residence. "Why can't my wife and I live in the house if a ranger can?" Harmon asks.

The elderly often suffer the most in a Park Service land-grab because they cannot afford to hire lawyers to defend their claims. Isaac Dunlap, almost eighty, lived in a modest retirement home he built himself near the Delaware River in Bushkill, Pennsylvania. In 1966, the Government began forcing out the first of 10,000 people who lived near the Delaware Water Gap to make way for the Tocks Island Dam—a mammoth public works project that would have carved out a reservoir thirty-seven miles long between New Jersey and Pennsylvania. But in 1978, the dam idea was dropped and the Park Service stepped in to transform the land—now blighted with abandoned farms—into a 70,000-acre national recreation area. Dunlap and his wife had the misfortune of living a few yards inside the border of the newly drawn park.

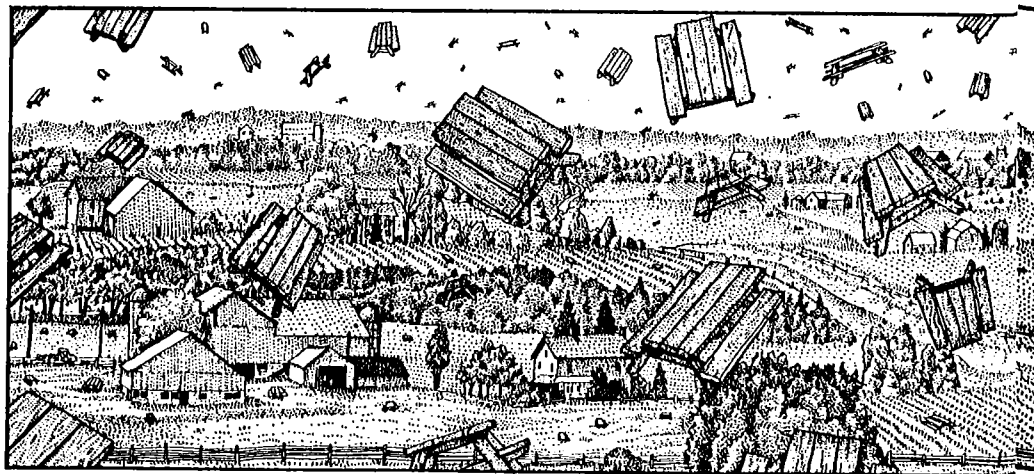
Dunlap worked out a deal to sell his home for \$35,200 with the understanding that he could buy salvage rights. But Park Service officials later denied him those rights; they wanted the house for a ranger. Dunlap received the news on the evening of his seventy-ninth birthday. The next morning, his wife discovered a freshly written will by his empty bed and a thirty-two-caliber pistol missing from the bottom drawer of his bureau. It took twenty-four hours for the search party to find his body. His hand was still holding the gun.

Many of the residents shouldn't have been forced out. Since 1979, half a dozen reports from the U.S. General Accounting Office (GAO) have criticized Federal agencies for buying land "without adequate consideration of the impact on communities."

"The traditional attitude of the Park Service is that they're in the nature business, not the people business," says Joseph Sax, a University of Michigan law school professor who specializes in natural re-

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sources law. "When they get a park, they want to revert it to a natural state because it's easier to manage without people running around. They see people and parks as incompatible."

The GAO notes that the new "recreation areas" were never meant to be grand wilderness preserves on the order of Yosemite National Park. Lacking such unique natural features as geysers or canyons, many of the areas are simply Federal playgrounds for nearby city-dwellers.

Yet park officials have often dismissed plans to work with existing communities, preferring quick buy-outs, GAO investigators found. Some homeowners who resisted were evicted through Declarations of Taking—the same condemnation method the Department of Transportation uses when building a new road through an inhabited area.

And when the victims of the land-grab tried to publicize their plight, they found that city newspapers supported proposed parks more than threatened homeowners. "The public has turned a deaf ear to the inholder," charges Senator Ted Stevens of Alaska, who has chaired hearings on land-acquisition abuses. "There's pressure from environmental groups to throw them off the land, while there's no justification for it. Parks can be created without destroying the individual rights of people who live in the parks."

The Park Service believes it is just carrying out its mandate. "To create open space, you may have to acquire private property," says Duncan Morrow, chief spokesman of the National Park Service in Washington, D.C. "And there's no good way to do it when someone's attached to their home. You can't compensate them for emotional value."

Many environmentalists share the view that the public good of preserving the wilderness often requires individual sacrifices. "The Government interferes with individuals all the time when it builds a highway or a dam," says Tim Mahoney, Washington representative of the Sierra

Club. "Presumably, there is a choice that is made by representatives of the people that the greater good, while clashing with individual rights, will have to take precedence."

Settled in the early Nineteenth Century by farmers and by laborers on the Ohio and Erie canals, the Cuyahoga Valley is a slice of rural Americana bordered by Cleveland to the north and Akron to the south. The descendants of those pioneers built sturdy wood-frame homes and, during the next 150 years, formed a handful of small valley communities known for their Yankee independence and Middle Western self-sufficiency.

"These were people who kept bees and raised their own herbs and made wine out of wild grapes," says Lily Fleder, who came to the valley in 1956. "The community was right out of a Norman Rockwell picture."

But in the late 1960s, pollution and commercial development began to threaten the valley. In 1969, the Cuyahoga River caught fire—the result of a burning oil slick—and environmentalists feared that metropolitan sprawl from the north and south would slowly smother the valley. In 1974, Ohio Representative John Seiberling proposed legislation to transform the valley into a 31,000-acre recreation area for the five million residents of northeastern Ohio. And though the Park Service Advisory Board opposed creation of a Federal Cuyahoga Preserve—"It didn't have the natural wonders of a Yosemite or Yellowstone," says Morrow—the plan was pushed through Congress.

Seiberling assured valley landowners that only "twenty-six to thirty homes" would have to be taken by the park; most of the 700 residences would be permitted to remain in the owners' hands for the rest of their lives. With that promise, local homeowners welcomed the idea of living inside a park.

But under the direction of Park Super-

intendent Bill Birdsell, acquisition agents began buying up house after house—bulldozing some, boarding up others, burning many as practical training for area firefighters. In some instances, the Government bought out the same people twice; owners sold their property and moved to new locations, only to discover the Park Service had changed its plans and now desired the new houses as well.

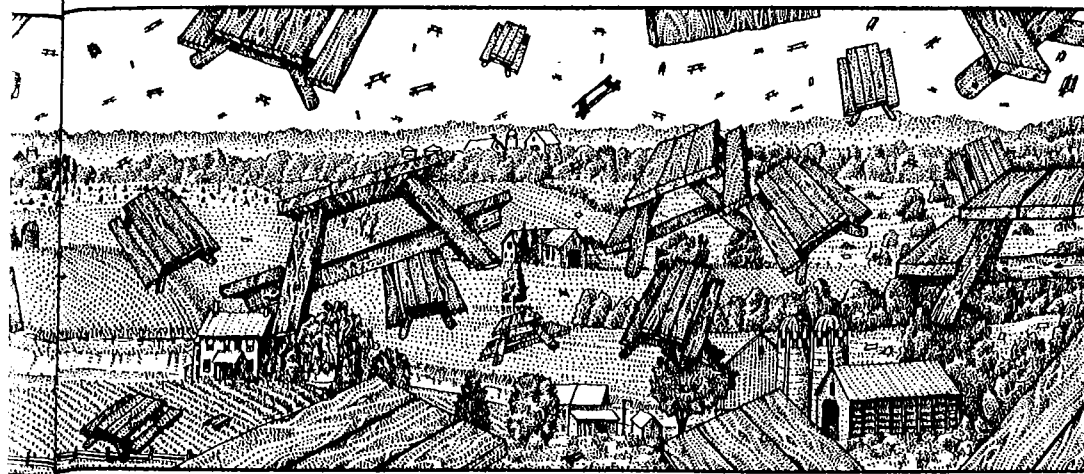
"Dealing with the Park Service is the most ruthless business in America," says Richard Fisher, mayor of the village of Peninsula, Ohio. "I'm sometimes asked why we didn't raise a lot of Cain when all this started. Well, we didn't think thirty houses was a big deal. But more than 300 houses sure is. We felt like we'd been sold a bill of goods."

When Al and Marylou Figler and their two young sons first came to the valley from Cleveland in 1971, they thought they'd found Shangri-la. They paid \$40,000 for a 150-year-old, two-bedroom home on twenty-five wooded acres. But in 1975, the Figlers received a letter from the Park Service informing them of its intention to take over the property. "No reason given," says Marylou Figler. "They didn't have a plan for what they wanted with the property. They just wanted the land."

Government agents offered \$89,000 for the Figlers' home and land, but the Figlers believed their property was worth far more than that. For five years, they resisted any settlement as the community around them dissolved. Neighbors moved out; their sons' baseball league disbanded for lack of players.

"It was aggravating having the Park Service people surveying our property all the time," recalls Figler. "You never knew when you would have to go."

One week shy of their tenth anniversary in the valley, the Figlers moved out. They left with \$119,000 after hiring an attorney to work out a settlement, but even that could not dispel their bitterness. "The money wasn't what we were after," Figler explains. "We didn't want to move to some



GLENN WOLFF

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suburb where no one knows their neighbors."

Much early criticism of the Park Service was directed at Superintendent Birdsell, a career park administrator who came under fire for his heavy-handed tactics in ousting residents. Birdsell regularly arrived unannounced at private properties, measuring boundary lines or poking around garages. The Park Service replaced Birdsell in 1980 with a lower-profile administrator, Lewis Albert, also a career Park Service employee, who chose to focus his energies on buying large tracts of undeveloped land rather than single-family homes.

"The law calls us to create needed recreational open space," Albert explains from his office in the park. "At the same time, we're mandated to preserve the history and cultural institutions. That's a tough line to walk. Bill and I have both taken the position that non-historical properties which don't lend anything to the pastoral scene should be removed."

But leaders of the Cuyahoga Valley Homeowners Association dispute that interpretation. "The law did not say that the Park Service should buy a house just because you could see it from the road," says Association chairman Marty Griffith. "You shouldn't destroy someone's homestead just because you want to put a picnic table there."

The Homeowners Association filed a class-action suit in 1979, claiming the Park Service had acted illegally in acquiring homes without an expressed purpose for each property. Leonard Stein-Sapir, a wealthy attorney and homeowner representing the Association, championed the suit all the way to the U.S. Supreme Court. But in 1983, the high court declined to hear the case, ending any chance of redemption for the village community.

"We lost, not only for ourselves but everyone else in the country," says Stein-Sapir. "We weren't against the park, just the needless destruction of our community to make it."

As a result, the homes of the Figlers and hundreds of others today are gone. Local roads lead to boarded-up houses, the countryside is dotted with "For Sale" signs, and oddly manicured lawns persist on sites of recently demolished farmhouses. In Peninsula, the elementary school is closed and fewer kids show up to swim in the rock quarry each summer.

"It can't help but affect you to see your community slowly dying," says Randy Bergdorf, a twenty-two-year-old local librarian. "You lose your friends. You see perfectly good houses boarded up. And you wonder why the Park Service needed so much land so people could throw Frisbees."

Park administrators in Canada and Europe have found that people and nature can be compatible. France boasts twenty parks in which residents are as much a part of the scene as the local flora and fauna—parks designed to serve the dual function of protecting natural resources and preserving existing communities.

For instance, in France's Vosges du Nord regional park, the administration provides free architectural assistance to those who want to restore homes. Authorities at the Normandy-Maine regional park pay half the cost of planting pear and apple trees (used to make fruit liqueurs) on the condition that residents use traditional methods of cultivation. French officials allow paths to ramble through working farms and villages. The regional parks are not living museums but a reflection of human involvement with the natural setting.

Park officials in the United States, responding to bitter opposition to their land-buying practices, are finally beginning to adopt the cooperative strategies of their French counterparts. In Boxley Valley, a tiny village once slated for extinction in Arkansas's Buffalo National River Area, residents are being encouraged to develop tasteful "bed-and-breakfast" facilities

rather than await the arrival of commercial motels and neon diners. The community applied last fall for placement in the National Register of Historic Properties and is given a good chance of surviving.

The Government is helping residents preserve and renovate their homes. Grazing and agriculture are regulated only to protect the water quality in the Buffalo River. Boxley Valley is an experiment in the right direction, a recreation area that takes community into account.

"There is nothing incongruous in having a few human settlements remain within a national park facility such as the Buffalo National River," says Joseph Sax. "The goal is to maintain the rivers and mountains as well as traditional life. It's taken a lot of time and effort, but the Park Service is finally learning to view people as assets rather than intrusions."

But the Park Service is learning too late for many residents of the Cuyahoga Valley. Though about 350 of the original 700 homes have been abandoned or destroyed, the National Recreation Area still awaits the planned hiking trails, bike paths, picnic facilities, and restored canal locks. Land purchases continue to outpace the Park Service's ability to develop and maintain the park.

No doubt, the public's long-time quest to recreate in untrammelled wilderness away from the crowded cityscape has fueled the Park Service's efforts to acquire land—even if it means extinguishing communities to make it uninhabited. Under such pressure, it's understandable that in the balance between a few individuals' rights and the greater public good, the Park Service has sided with the numbers. But what about the value of community?

Last spring, the Park Service began advertising for short-term tenants for the unoccupied homes whose residents were forced out by the Government. Leonard Stein-Sapir calls the move "the ultimate irony in the tragedy that was visited upon us." ■