

issue was contained in the Hague Conferences. The second conference, which was held in 1907, dealt specifically with the protection of the individual. The framers stated in Preamble to the Convention:

Until a more complete code of laws of war has been issued, the High Contracting Parties deem it expedient to declare that . . . the inhabitants and the belligerents remain under the protection and the rule of the principles of the law of nations, as they result from the usages established among civilized peoples, from the laws of humanity, and the dictates of the public conscience.

The lack of specificity in these provisions, Mr. President, contributed to the problems encountered by the allied powers in their prosecution of Nazi war criminals. One of the major criticisms of the handling of the Nuremberg Trials was their "ex post facto" nature. The absence of specific treaty provisions concerning these crimes against humanity has lent credence to this charge. Thus, the stage was set for various multilateral attempts to define and punish crimes against humanity, especially genocide.

On December 13, 1946, the United Nations General Assembly adopted a resolution condemning genocide as a crime recognized under international law. From this they proceeded to draft the "Convention on the Prevention and Punishment of the Crime of Genocide." Since 1967, my pleadings on behalf of this treaty have gone unheeded.

Mr. President, the Genocide Convention is the culmination of over 500 years of the development of international law. For 35 years we, as a nation, have stood in the path of progress. As citizens of the Nation which claims to adhere to the highest standards of human rights, it should be disturbing to us that this body has failed to give its advice and consent to this crucial instrument. Therefore, I emphatically urge my colleagues to join with me in the effort to further the development of international law by insuring the adherence of the United States to the Genocide Convention.

IMPROVING PRODUCTIVITY THROUGH TEAMWORK

Mr. PROXMIRE. Mr. President, starting today, Eggers Industries, a custom plywood manufacturer in Two Rivers, Wis., will be the focus of a nationally-aired, 60-second radio spot which highlights the extraordinary accomplishments of this highly-successful company.

Eggers was selected for this honor by the American Productivity Council. The radio announcement features Howard K. Smith and Jim Lester, president of Eggers, and will be heard over the next several months on more

than 3,700 radio stations across the country.

According to Don LeBrecht, executive director of the radio campaign, this radio spot is part of a continuing effort by the Productivity Council to regularly broadcast stories of cooperation between labor and management. The council hopes to better inform the public of the problem of declining industrial productivity and encourage government, management, and employees to work together to overcome the problem. "We are hoping the average person will hear these announcements, hear these success stories, and respond to them," Mr. LeBrecht said recently.

Mr. President, if any success story is to draw a response, the story behind the successes at Eggers Industries most certainly will. By working together, both the management and employees at Eggers have benefited greatly. In 1982, Eggers reported record profits and record output, and its employees received a 10-percent bonus that year.

The Eggers success story dates back to the fall of 1980, when a group of approximately 20 production workers and 10 management people got together and designed an employee involvement plan aimed at allowing more employee participation in company decisionmaking. "At that time," said Mr. Lester, "We all felt there had to be a better way of running a company than always having management pitted against labor."

In January 1981, the company employees voted to implement the involvement plan. Two-and-a-half years later, things could not be better at Eggers: worker morale and productivity is high, production costs are down, shipments are going out on time, and employee bonuses are given out monthly.

The heart of the involvement plan at Eggers is the departmental committee—each department in the factory has its own committee, which solicits and entertains suggestions from its employees. These suggestions are considered by the departmental committees and then forwarded to a larger umbrella committee comprised of employees and management.

According to Mr. Lester, the committee system strives to elicit maximum input from the company's employees. And most importantly, employee suggestions are consistently translated into actions. New equipment has been purchased and existing production methods altered in response to employee suggestions.

At the end of each month, operating and production costs are calculated and compared to those of the previous months. If overall costs decrease, which has been the case since the inception of the involvement program, both the management and employees

reap the benefits. Under Eggers' gain-sharing system, if costs decrease and profits rise, the employees receive 55 percent of the financial gains in the form of bonuses, while the management gets the remaining 45 percent.

In short, the employee involvement plan at Eggers Industries has proven beneficial for everyone. Spirits are high, more good will exists between labor and management than ever before, and more money is in the pockets of both the employees and the management.

Mr. President, I congratulate all those at Eggers Industries for their accomplishments and wish them continued success. In the face of this serious productivity problem, Eggers has taken some positive and meaningful steps. I think we can all stand to learn something from their example.

Mr. President, I yield the floor.

RECOGNITION OF SENATOR SYMMS

The PRESIDING OFFICER. Under the previous order, the Senator from Idaho is recognized for not to exceed 10 minutes.

CUYAHOGA VALLEY NATIONAL RECREATION AREA

Mr. SYMMS. Mr. President, the National Public Broadcasting System, PBS, aired a television documentary on June 6 on the creation of the Cuyahoga Valley National Recreation Area. As a member of the House Interior and Insular Affairs Committee, I was familiar with the situation which developed in the Cuyahoga Valley, and am pleased that PBS gave the public the opportunity to hear from some of the homeowners in this case.

Unfortunately, in any situation where there exists Federal property ownership with administration by a Government bureaucracy, coupled with private land interests or tenants within this land, there is the strong likelihood of conflict. It was a clear conclusion from the documentary that the Park Service thwarted the intention of Congress in the legislation to create the Cuyahoga NRA, and failed to give due consideration to the rights of the private property owners in the valley. The resolution of these conflicts was slow in coming, and for many property owners, came too late.

There is a bright note in this situation, one to which PBS's "Frontline" did not allude to in its ominous broadcast. The Reagan administration has recognized the problem of Federal encroachment on the rights of those people dwelling on Federal lands or on proposed Federal recreation areas. Secretary Watt, for a number of reasons—besides the heavy-handed land acquisition tactics exemplified at Cuy-

ahoga—proposed a moratorium on park land acquisition. Jim Watt felt, justifiably so, that Congress had been too busy seeking to add more land to the park system, and sorely neglecting existing parks, even to the point of falling to insure that the parks met adequate health and safety standards. In addition, Secretary Watt requested a review back in 1981 of park land acquisition policies. This acquisition had been costing up to 400 percent above figures actually used in legislative debate on the creation of new parks and park expansion. In the Cuyahoga case, it is likely that significant cost-savings could have been achieved had the Park Service been a little more interested in preserving people's homes and a little less interested in fee title purchases.

Mr. President, in my own State we have a great many of these kinds of problems, and I think that this is a problem that the Congress needs to address. We have an inholding problem in Island Park Reservoir at the present time where inholders are involved with Federal leases. I hope that we will be able to come to some kind of a reasonable compromise so that the rights of those many people can be respected as well as the public interest best served.

Mr. President, I ask unanimous consent for that reason to insert the transcript from the "Frontline" show into the RECORD at this point for the benefit of my colleagues.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

FOR THE GOOD OF ALL

INTRODUCTION

JESSICA SAVITCH. The National Park Service wants this man's house, they're operating a Park preserving landscape, animals, but what about people?

Tonight on "Frontline" the policy and practices behind the making of a Park . . . that was supposed to be "For the Good of All".

It is rarely, if ever, that we get to see a story about the implementation of a government program . . . charting its effects on the lives of people over time . . . and the details of how it worked. But two filmmakers documented such a story. For three years, they followed what happened to a small community in Ohio, when the National Park Service went about the making of a National Park, the Cuyahoga Valley National Recreation area. It was part of the drive, in the mid-seventies, to greatly expand the size and number of parks in America.

What these filmmakers discovered was a classic political story . . . a story about good intentions, bureaucracy, and a struggle—pitting individual homeowners against those acting "For the Good of All".

Unfortunately, what happened here with this park, is not an isolated case. During the period when this film was shot—1979-82—thousands of families across the country had their houses and properties turned into Parkland.

So, tonight's film "For the Good of All" produced and directed independently by

Mark and Dan Jury, and produced for "Frontline" by Stephanie Tepper.

Cleveland, Ohio. This is where the Cuyahoga River caught fire in 1969 and became a byword for pollution. But just eight miles upstream, is the beautiful Cuyahoga Valley. In 1974, Congress declared this area a National Park.

But the coming of the park was to bring irrevocable change to the lives of the people who lived here.

Before the park, the Lindley family had farmed in the valley for a hundred years.

BOB LINDLEY. I was born and raised on a farm. When I was nine years old my dad was on a 280 acre farm. He caught his hired man sleeping out in the field instead of working so he fired him. So I took over for him and I've been at it ever since.

EVELYN LINDLEY. I grew up, was born in the same house as my dad was. It's just beautiful in the area. It's a different atmosphere from anywhere else in the world.

JESSICA SAVITCH. Before the park, Bill Erdos and his family lived in the home he'd built with his own hands.

BILL ERDOS. It took me several years to do it, because of limited funds and because I was doing it in my spare time, after work and weekends and things like that. We had a new house by the time we were done. We submitted it to Architectural Record and it was selected as one of the twenty outstanding homes in the country for 1977.

JESSICA SAVITCH. Before the park, one of the small businesses in the valley was the flower shop.

NATALIE VALCONOFF. Good afternoon, Natalie Florist. Uh-huh. Okay, go ahead.

JESSICA SAVITCH. Bob Valconoff had built the shop, and his wife Natalie ran it for 28 years.

NATALIE VALCONOFF. Very few people know my last name because my first name is Natalie and they just think it's Natalie Florist. They just obviously, and they call my husband Mr. Natalie, which he doesn't like very much.

BOB VALCONOFF. That's right. I'm Mr. Natalie.

JESSICA SAVITCH. Before the park, Burrell Tonkin was the local handyman.

BURRELL TONKIN. I went to the Army in the Spring of 1940 and I came back in 1946.

JESSICA SAVITCH. Burrell could turn his hand to any kind of job. Sometimes he'd help out a neighbor for a couple of dollars.

BURRELL TONKIN. I made a living, didn't get rich or anything, but I was doing a useful thing I thought. Something I like to do which was worth quite a bit.

JESSICA SAVITCH. Before the park, Leonard Stein-Sapir had hoped his children would grow up here.

LEONARD STEIN-SAPIR. One of my primary reasons for wanting to move out here, in the valley, and raise a family here, was because of the make-up of the community. It was just a lot of different people who all seemed to get along together. People with integrity and individuality and no one was trying to rip anybody off, they were just trying to live here and take care of the environment and be by themselves. Be private people living quiet lives.

JESSICA SAVITCH. This is the story of what happened to these people when the National Park Service came to the valley.

It's a story of more than local interest because it questions whether a federal bureaucracy like the Park Service thwarted the will of Congress, ignored the law of the land and overrode the rights of individuals.

It is a story about power and confrontation, about a large federal bureaucracy up against a small community.

[New scene.]

Now the people who created the park were idealists. They believed that a park "for all people, for all time", was for the greater good. They believed that a park should preserve a place of peace and tranquility for the many people who would come here from our over-crowded cities. But what about the local community, the people we've just met. Should the park be created at their expense? That is not what Congress originally intended. When the law was being written, Congressman Seiberling, the author of the legislation, and a man whose own home was in the park said. . . "We're not just talking about the conservation of a piece of land, we're talking about the conservation of people as well. In planning the park, the people must be considered as a resource as well as the trees and flowers and birds and waterfalls."

[Musicians playing.]

At first the local people welcomed the idea of living inside the park.

Here they'd always be conservation minded.

OLD MAN. Fortunately every governmental subdivision, village and township within the valley and Summit County were pioneers in zoning for the protection of the valley. Protection from industry, commercialism and multiple housing units. None were permitted.

JESSICA SAVITCH. People thought the Park Service would carry on the good work.

SPEAKER AT ROTARY CLUB MEETING. It is my pleasure to introduce to the fellow members of the Rotary Club at Shaker Heights, the Superintendent of the Cuyahoga Valley, Mr. Bill Birdsell.

BILL BIRDSSELL. Thank you, Bob. It's a real privilege to be up here today to tell our neighbors up here in the east side of Cleveland, the east side of Cuyahoga County, a little bit more about your National Park, the National Recreation Area that's being developed down the Cuyahoga Valley. So with that we'll pull the curtains and show you some pretty pictures.

JESSICA SAVITCH. For Bill Birdsell, the opportunity to create what he'd like to call "a park for all people, for all time", was to be the peak of his career. Congress, the courts, the National Park Service and a \$35 million budget gave the superintendent almost unlimited power within the valley. Birdsell now set out to create his park with an ambitious program of land acquisitions.

BILL BIRDSSELL [at Rotary Club meeting slide show]. In 1974 legislation was enacted to establish the Cuyahoga Valley as a National Recreation Area to preserve that scenery, natural, historic for the public for all time.

The National Park Service did enter within days of enactment and began land acquisition.

WOMAN RANGER. When we look at the valley, we can see that it's 32,000 acres set aside. Right now the only areas that are under park service operation are the eight metropark areas. The rest of the acreage, the light green section, marks private citizens' land that is being boughten up, slowly but surely and then will lead to further development of picnicking areas and things of that nature. Some of this land is already boughten, but they're still in the process, the land acquisition office is still in the process of purchasing all of the land area.

JESSICA SAVITCH. The local homeowners had always known that the park would have to acquire land. But they believed official assurances that only a handful of houses would be compulsorily purchased. So what happened next came as a rude shock to many of them.

LEONARD STEIN-SAPIR. For some strange reason they need my house. The needs have changed. The first one was to put in a horse trail that ran through here down there. Now you can see, it would be an impossibility to put a horse trail down there. Well once I pointed that out to them all of a sudden it changed from that, to when we took Birdsell's deposition, he wanted to bulldoze it because he wanted to preserve the open space. He wanted to add another couple of acres to the 32, 30 thousand acres of open space that they already had. The latest, and I think this just happened within the last month, or the last couple of months anyhow, that they now want to put it into some sort of a visitor center because they think it's so nice. They want to take my house and make it a visitor center.

BOB LINDLEY. Well when we first appraised it, there was, two young fellows come out and said you're not a big time farmer so he said it's classified as a hobby. He said well, that's the way it is, we want your property and I don't like it. I says, let's forget about the whole thing. He said, well, we'll buy it outright.

BILL ERDOS. We received a letter from the government saying that they wanted to acquire our property in fee and that we would be receiving a call from the appraiser to set up a time for them to come out and appraise the property. And I specifically asked why and who made the determination and for what reasons. The standard answer that I got was your property is on my list. You know that's the kind of answer that you get. There is some mysterious higher level person who is making these decisions. They're not privy to the rationale, they just end up with a list and say go about this.

BURRELL TONKIN. Well, I didn't quite believe it myself at first. I really, asked the lawyers, supposed we just ignore the —. He says well you can't do that, I says why not. He says well they'll send armed men and take it away from you. And that didn't worry me a great deal except for Grandma, it would tear her all to pieces if I went away. So I decided that uh, to do the best I could and just get out. She gonna go with me . . .

GRANDMA TONKIN. I'm gonna go with him, he's all I got. My husband's dead and I got no daughter.

JESSICA SAVITCH. Slowly but surely, boarded up houses with government "No Trespassing" signs became common sights in the valley. The U.S. National Park Service's "program of acquisition" was turning out to be far more extensive than anything Congress and the local people had ever imagined.

[New scene.]

Now Congress had provided two ways for the Park Service to acquire property. If purchased outright, the owner would lose his house, but he could still choose to stay in it, in theory, for up to 25 years, as a tenant of the government. This was called fee title purchase.

Many homeowners objected to becoming temporary tenants in a dying community so when their homes were purchased, they took the money and left.

In the second form of acquisition, an owner could make a deal with the government. He could keep his house and become

a part of the park if he promised not to make any changes to the property. This was known as scenic easement.

Scenic easement was cheaper than fee purchase. It would have preserved the community, and it was clearly what Congress had intended.

The law said that fee title purchase should only be used in special circumstances. Despite this, Superintendent Birdsell admitted under oath in 1979 that more than 300 homes had been taken in fee. Only a few easements had been given.

The man who sponsored the legislation was the same Congressman Seiberling who had originally spoken of conserving the people along with the land. Publicly he gave his support when a halt on further purchases was called for by the people whose homes were threatened by the park. But he was determined to make a park for his constituents in Akron.

So privately, Representative Seiberling seemed to support the Park Service seizing more homes.

This Park Service document shows Seiberling both encouraging scenic easements and also advocating more condemnations and more declarations of taking.

LEONARD STEIN-SAPIR. Congressman Seiberling, in his statements before Congressional Committees, prior to the passage of this act, specifically stated that no more than 25 to 30 homes would have to be eliminated from the area to establish this recreation area.

BILL BIRDSSELL. Congressman Seiberling has stated this publicly, and to me personally, there was never any intent to protect a community.

LEONARD STEIN-SAPIR. Preserving the community would have added charm to the park. It would have lowered the cost of administration and it would have lowered the cost of acquisition. It was absolutely ludicrous for them to do this but the Park Service has a mind set that all parks should be devoid of people. You can preserve trees, you can preserve birds, you can preserve woodchucks, but people got to go.

BILL BIRDSSELL. It's been very clear that throughout the entire thing—and I've attended the hearings for this park and have been here since its inception, and there was never any intent for a protection of a community in the sense within the park. The law is very clear. It says that we are to establish a National Recreation Area to meet the needs of, for urban recreation in this metropolitan area. And, of course, you cannot do that and still protect everyone's interest who happened to live within the geographic area.

1ST PARK RANGER. KAOP, seven—three—one, echo.

2ND PARK RANGER. Seven—three—one—three, Delta one—two. I'll be out at the security check of the Rowhack property on Miles Road.

JESSICA SAVITCH. So the Park Service continued to close doors all over the valley. To make sure that the houses it had bought remained locked up, the Park Service sent armed rangers out on patrol.

But these purchases cost so much more than scenic easement that they helped push up the estimated price of the park from \$35 to \$166 million.

These costs overruns were not the only cause for concern. A storm of criticism came from those who were losing their homes. They charged that the Park Service was high handed and inconsistent.

Ranger Fred Reese.

FRED REESE. Anytime you come into an area that's already established and basically, mandated by the U.S. Congress, to set up a park with people already living in the area, I don't really think that it's possible not to have a PR problem.

JESSICA SAVITCH. This PR problem led area newspapers, like the now defunct Cleveland Press, to headline the park's treatment of the tiny community.

This local affair became a regional issue after a series of articles by reporter Peter Almond.

PETER ALMOND. This idea for the series on the Cuyahoga Valley Park came about through our desk and our city editor who have been in touch with the various community groups who have been protesting what the Park Service had been doing for quite some time. So I was called on to just take a look. And my inclination, both my inclination of myself and my city editor, we're both outdoor types, was that there must be something wrong with the homeowners. This is a noble concept, something that the press in fact had been pushing for some years. I went out and just started looking around. It took about a month and I just drove from one end of the park to the other and I became aware that there were indeed a lot of problems and things just didn't seem right. I went through this little village of Everett and seeing all these places boarded up with stickers on there—U.S. Government Property Keep Out—you really begin to wonder, well, why is all this being done? And that's how come we came to concentrate on this question of really what's going on. I don't think anybody had been objecting to the fact that there was going to be a park, it was just the way that it was being done.

JESSICA SAVITCH. One of Peter Almond's stories focused on the A-frame owned by Leonard and Beverly Phillips.

PETER ALMOND. I just drove up Chaffee Road, in Sagamore Hills and said I wonder what's down there. The rest of the development was untouched, but the three houses at the end were not. So I knocked on the door and started talking to Mrs. Phillips.

LEONARD PHILLIPS. The reason they were going to take these three homes here is because down from the valley, you know like in the summer, winter months, and that there, you could see the houses. And, they didn't want anything, you know, showing in the park. So that's when they approached us and they told us that they were going to take these three houses here.

BILL BIRDSSELL. That A-frame that he refers to is visible from down in the valley as an intrusion as you're walking through the valley, in the pine area Narrows and look up. So for those reasons, the trail going there and the visibility, that property was acquired.

PETER ALMOND. Well I stood on that property and looked down, I couldn't even see the river. And I thought this was an interesting story. I drove around to the other side of the valley, on the rim I couldn't see across the other side.

Now this of course was March. The trees hadn't yet come out into full flower, full leaf. And so you could see all the way through and I couldn't see, I couldn't see what they were talking about.

JESSICA SAVITCH. The A-frame was on the very edge of the park, barely fifty feet inside the official park boundary. In fact, as this map shows, it was located in the narrowest part of the park. There are no roads here and hardly any visitors.

But other houses were allowed to remain. Some of them in the most beautiful and most visited parts of the park.

For instance, close to Hale Farm, one of the park's most popular attractions, is the home of an influential local newspaper editor whose home was spared. The owner was one of the few granted a scenic easement even though his house is barely 600 feet from the entrance to Hale Farm. Critics charged the Park Service with inconsistency.

They also raised questions about the park's treatment of small businesses like Natalie Valcanoff's once thriving flower shop.

BOB VALCANOFF. We were angry. Here we are, we've established ourselves in this area. All of a sudden to have somebody come up and say hey you gotta move, we want your property.

NATALIE VALCANOFF. I cry a lot. I'm bitter. I've lost a lot of weight and I've aged.

BOB VALCANOFF. We were told what we were supposed to get and what we were going to do and that was it, whether we liked it or not. Upon refusing that, then we were told if we did not accept their offer that we could face condemnation. Ninety days is not nearly enough time to move a business that's been here for 28 years.

BILL BIRDSSELL. The flower shop itself is a commercial operation that was incompatible with the park being developed as a public use and so that had to go. The house will eventually be disposed of as will the flower shop. We try to find adaptive use of any of the structures we can, if there's an administrative need. But the size of that shop and its location we don't project any use for that at the present time. It'll be simply obliterated and become public use area along the river there.

JESSICA SAVITCH. But just a short distance up the river a much bigger commercial enterprise had been spared by Birdsell. Here in the very center of the park, on the banks of the Cuyahoga River was the Jaite Paper Mill.

Though the Mill was clearly an eye-sore, escalating costs had left the Park Service unable to afford it for the foreseeable future.

Smaller concerns like John Szalay's were supposed to go. He'd raised sweet corn and sold it to tourists in the summer.

Bob Bishop, who grew Christmas trees for the winter season had his business bought up and closed down.

One of those who could make no sense of this was their neighbor, Lily Fleder.

LILY FLEDER. The federal government did not invent this. This was all here before and the local people knew what brought people here. They came to buy sweet corn and vegetables. They came to buy Christmas trees, they came to drive through the roads. And what are the first things that the government does? You can't raise this sweet corn here, that's not compatible, you can't sell Christmas trees, that's not compatible. Now they're saying you can't drive through the park, that's not compatible either. If they wanted to go about closing something off so that nobody could see it, they couldn't be doing a better job than they're doing right now, I don't think.

JESSICA SAVITCH. At park headquarters, Bill Birdsell continued to work on his master plan.

The park superintendent was supposed to draw up a detailed plan of acquisition and make it available to the public according to the Congressional act that created the park.

BILL BIRDSSELL. We had to determine in planning this park with the public input which areas would be actually acquired in fee and would therefore be public lands open to the public, as called for by the enabling legislation.

JESSICA SAVITCH. Though he often talked about his plan, the public was kept in the dark.

PETER ALMOND. I asked the Park Service do you have a plan and they produced a master plan but it wasn't an acquisition plan. It didn't say how they were going to obtain the houses, or any other properties, in what order and why. And from what I could read of the original authorization by Congress that that was definitely required to have an acquisition plan and I didn't see one.

JESSICA SAVITCH. For those protesting against the park this was a crucial omission. It deprived them of their legal right to know the intentions of the Park Service. Their confusion and uncertainty meant that effective opposition was only organized when it was too late.

LEONARD STEIN-SAPIR. They're buying homes for hundreds of thousands of dollars that they don't need, and they're bulldozing them. I mean it's sheer lunacy. They're destroying family homesteads that have been in the same hands for generations for no reason.

BILL ERDOS. We are for the original concept of the park which was to preserve the area. To keep the trees, to keep the people living here to have the farms maintained. To keep the village intact. That's what we're fighting for and protesting for.

JESSICA SAVITCH. The protestors were very bitter that Congressman Seiberling was one of the few who was enjoying a scenic easement, which enabled him to keep his home in the park, while so many others were forced to go.

CONGRESSMAN SEIBERLING. That's democracy. We'll never find in any group everybody agreeing. It's inevitable when you do something this big that some people aren't going to want it. What I'm really saying is that the public interest must be served. And as far as I'm concerned my personal interest, and everyone else's personal interest that lives in this valley, is secondary to the public interest.

LEONARD STEIN-SAPIR. What I'm trying to say is a bureaucratic agency has trampled the rights of people illegally.

CROWD MEMBER. Well you're using emotional words, like trampled. . .

LEONARD STEIN-SAPIR. What's wrong with emotional words? You're talking about people's homes.

LILY FLEDER. It's just ironic that in the time we have lived here there have been so many battles. The people of the valley have worked so hard to preserve it as it is and they did such a good job that it was desirable as a National Recreation Area. But, you can't help but wonder if the people who came in and said well this is lovely, we'll take it, have any idea of what went into keeping it this way. There were all these battles over the high tension lines that were going to go right through town . . . so we lost that one . . . but still we won something because they painted them green and moved them over a little bit. 271 originally was going to cut right through the center. Do you know what's involved in getting, once the engineers have a road on the map, in getting them to move that? You can't imagine. And the people of the valley did all that. It seems as if the whole time we were

here we were always working on something like that and so were our neighbors. And what's, so what do you get for all that. You know, out.

BILL BIRDSSELL. It's like any other public project, some people are effected for the good of all, and it goes right back to the Constitution of the United States where a man's property is his and inviolate unless there is a need for the good of all, and then, therefore, it must be subservient. The right of eminent domain. And so this is what we're doing in our land acquisition, we're very comfortable that it's been well planned. It is not in any way arbitrary. It's been well established, well thought out, hundreds of hours of experienced man power has gone into developing this plan and while it is in conflict with some individuals, we still believe it is certainly within our mandate and what we were charged to do.

JESSICA SAVITCH. Having acquired the homes, the Park Service enlisted the aid of the local fire department.

FIREMAN. The firefighters are taking a training session today. The house is part of the Cuyahoga Valley National Park and it's slated for demolition. We gained permission from the Park Service and the EPA to burn it instead of just demolishing it. That way they get rid of the house and we get the benefit of the training at the same time. We'll be here all day until this house is completely to the ground.

MARK JURY. What'll be here at the end of the day?

FIREMAN. That slab and this will be a slab too. That'll be all that's here. And they'll send a bulldozer in, to take it away, and this will all be considered reclaimed ground for the forest.

MARK JURY. How often do you do this kind of exercise?

FIREMAN. As often as we can a place to destroy. Not many people want to volunteer their homes.

JESSICA SAVITCH. As the fires inflamed the passions of the community, more local reporters began to take notice.

ANNOUNCER. WJKW, TV 8, Cleveland.

JUDD HAMBRICK. Property owners in Peninsula are really upset, saying they're losing land to the government. Newscenter 8 citycam reporter, Dale Solly is standing by with a live report on tonight's angry town meeting. Dale.

DALE SOLLY. Well Judd, the residents are angry because the Cuyahoga National Recreation Area. A 32,000 acre park between Cleveland and Akron. The people of the valley say that park is costing them their homes.

LEONARD STEIN-SAPIR [at meeting]. They're taking these homes because in the mind of some bureaucrat it would be better to remove them and have open space than have a family living there, paying taxes and raising their children there.

DALE SOLLY. The residents charge the Park Service is coercing them out. Pressuring them into selling their homes for park land. In between the shouting, Congressman John Seiberling tried to explain the government's view, that the park is bigger than what the residents want.

CONGRESSMAN SEIBERLING. The concerns of the several hundred people that live in this valley are important. But the concerns of the millions of people who are people who are going to use this park are also important.

DALE SOLLY. The residents aren't against the park they say, only against what they

call the destruction of the community. However, what their efforts to save that community will do remains to be seen.

JESSICA SAVITCH. In his efforts to save the community, Leonard Stein-Sapir went to Washington in the summer of 1980.

He still hoped to persuade the Park Service to stop buying houses so as President of the Homeowners Association, he arranged a meeting with the head of the National Park Service, Russell Dickenson.

RUSSELL DICKENSON. Anybody who was generally expressing, was the kind of concerns that many of the homeowners in the National Recreation Area have about the future, where they were headed and the impact of the National Recreation Area project on their lives. And we had an exchange of views and they've now gone on their way.

LEONARD STEIN-SAPIR. My feeling was that this is a large corporation. The Interior Department is a large corporation. He's the executive head of it, they have a subsidiary company in the Cuyahoga Valley where there are a few problems and he will do what he can, to see, if there are problems. It's very clinical, devoid of any emotion.

RUSSELL DICKENSON. One of the things that's associated with parks is open space. But in establishing a new area, such as a National Recreation Area where you have residential communities already in place. The question is always, how much residential, how much residential space ought to be allocated and how much open space. And essentially, that seems to be the continuing question.

PETER ALMOND. The open space concept is one which, as I understand it, helped to create Yellowstone, and all the famous parks out in the west where they wanted to maintain the natural beauty. This was not just going to be an open space kind of park. There were communities involved. That's the reason it's not called a park, it was called a National Recreation Area. I wondered whether the National Park Service, and those in Washington, understood what it was that they were going to create here in the Cuyahoga Valley.

JESSICA SAVITCH. What they were trying to create was a wilderness park where every tree and flower and animal would be protected by federal laws.

The laws were strictly enforced and became a new source of bitterness for the local people.

BOB VALCANOFF. The party sold their property to the park, retained rights to live there. Their dog killed a groundhog.

LILY FLEDER. And a park ranger came by.

DOGOWNER. He said is this your dog and I said, yes. And he said well he just killed a woodchuck in the corner. And I said well the farmer that has that little garden down the road, he'll be coming up and thanking me.

BURRELL TONKIN. They charged the lady with harassment to the groundhog or the woodchuck, not the dog. Of course, I guess the dog couldn't be.

LILY FLEDER. Then, they had to pay a 15 dollar fine or else go to court.

DOGOWNER. And I asked him, I said well my husband's got a garden out here. You mean, if the woodchuck comes in there, any self respecting woodchuck is gonna eat cabbage and lettuce instead of weeds. You mean that we can't do nothing about it, he said no.

JESSICA SAVITCH. The Park Service had also said no to all the Valcanoff's appeals to continue to run their business in the valley.

So in the spring of 1980 the time had come for them to leave their home next to the flower shop.

NATALIE VALCANOFF. Do you want me to tell you something? I caught Bob vomiting yesterday. He's so nervous and upset that he just, he's holding his stomach like this. He doesn't want to move. I mean it's affecting him more than me.

BOB VALCANOFF. Well what your standing in is my ideas.

NATALIE VALCANOFF. He built it.

BOB VALCANOFF. I built, I designed this house and built it.

NATALIE VALCANOFF. Like I said, in this whole area there's been six houses torched, and if I see this house go.

BOB VALCANOFF. Well, we've been here for 30 some years.

NATALIE VALCANOFF. 28, no 24 here and.

BOB VALCANOFF. Well, we've lived here.

MOVER. I couldn't do it. That's all there is to it. I wouldn't even go.

NATALIE VALCANOFF. That's what Bob said to me yesterday, and no, last week—I started packing things for the truck, and he comes to me, gosh darn, he used different words, he said, we're packing and I'm not gonna move . . . I said Bob we have to, he says well I'm gonna tell the park we're not moving. I said Bob we have to. So I just kept on packing.

BOB VALCANOFF. That's one of the things that . . . I brought Natalie home from the hospital with the new baby . . .

NATALIE VALCANOFF. With Michelle.

BOB VALCANOFF. Which is our youngest. She was born on April 8th and that's when we moved into the house, so we'll start all over again, so well.

JESSICA SAVITCH. After three generations in the valley leaving came hard to the Lindleys.

BOB LINDLEY. They claimed they wanted to beautify the park. Destroy a landmark that's been there for way over a hundred years. It hurts. I spent a lot of hours, a lot of hard work, have 'em come along and tear it down. All you could take.

BILL BIRDSSELL. I elected and chose a career to be a public servant. And it's very satisfying to me to know that I'm preserving something for people all the time. I am playing a major role in that. There's certainly a personal gain for me, I won't be here 25 years from now to enjoy the benefits of the park. But I get a great deal of satisfaction in knowing that it's something that is going to be here in perpetuity and a major project that is going to benefit the public forever.

JESSICA SAVITCH. Birdsell was never to see his vision become a reality. His clashes with the public had made him too controversial a figure. In Washington, the Park Service hierarchy decided to move him aside. It was a shattering blow for Bill Birdsell.

PETER ALMOND. Three or four months after the series had appeared in the paper, Birdsell was reassigned. But Birdsell didn't leave the valley. He died, had a heart attack, and died as he was cleaning out his desk I understand.

JESSICA SAVITCH. Shortly before Birdsell's death, the land acquisition policies of the National Park Service were roundly criticized in this government report.

Senior Group Director Roy Kirk.

ROY KIRK. In our reports we recommend that the Park Service sell back lands to private property owners where the acquired lands, inconsistent with intent of Congress, or where they really weren't needed for the purposes of the area.

JESSICA SAVITCH. In 1981 a second government report confirmed many of the criticisms that had already been leveled at the Cuyahoga Valley Park.

Senior Evaluator Phil Olsen.

PHIL OLSEN. As it turns out, you have less than one percent of the people's property being acquired in scenic easement for all intent purposes, almost 99 percent of the park is going to be acquired in fee simple.

ROY KIRK. What we like to see is the Park Service justify, through land protection, plans and management plans where they need to acquire land in fee title or where they could use alternatives, such as easements or rely on zoning.

PHIL OLSEN. According to enabling legislation the area was supposed to come up with a land acquisition plan as to how they would acquire the properties. It was supposed to be completed by December of 1975. Well that plan never came about until 1980 and made available to the landowners in June of 1980. The first time I saw a formal land acquisition plan. As a result many homes were being bought without the people really understanding what the intent was behind a lot of the Park Service's action.

JESSICA SAVITCH. Taken together the two government reports formed an indictment of the Park Service's land acquisition policies.

With so much controversy surrounding the park, Birdsell's successor, Lewis Albert, decided to keep a low profile, and steer a middle course.

LEWIS ALBERT. It's like walking a tight rope sometimes. Because there are clearly conflicting interests. There are some people who think this recreation area should be perhaps paved over and into one big ORV system. There's another group that says no, all they want is three million miles of equestrian trails. Everyone has their own interest, or series of interest. Yet I see my job as being one of balancing those interests, and wherever possible, satisfying the public's needs where it can be done in consistency with a broader, national policy and national function of the National Park System. Certainly, our acquisition of properties was displacing people, creating hard feelings. Some of which were justified perhaps, some which weren't. I'm not going to make the value judgment now but some hard calls had to be made.

JESSICA SAVITCH. Albert's judicious balancing act meant that he wouldn't condemn any new homes, but he wouldn't give any back either.

So in the winter of 1981, despite the government reports and a new park administration, the local residents were left exactly where they'd always been, on the way out.

BURRELL TONKIN. It's like a military operation, you know. They don't have much compromise at all. There's no give, there's no flexibility to them at all. They say they're going to do something, they go ahead and do it. Yeah, this is the end, this is the end. Yeah, this is the end of the Tonkin in the valley here. They're all gone now, 'cept me and Grandma.

JESSICA SAVITCH. But by the end of that winter it seemed that there might be grounds for hope. In Washington, at the Department of Interior, a new Secretary, James Watt, was appointed by the budget-conscious Reagan administration.

Watt's new policies seemed like a last minute reprieve to the homeowners.

ROY KIRK. Secretary Watt has established a moratorium on land acquisition, except in those cases where, apparently it's under

court order, or there is definitely a hardship, or it's really critically needed to acquire the land to protect a resource.

JESSICA SAVITCH. So in the spring of '81, Leonard Stein-Sapir arranged a second meeting in Washington. On his first trip he put his case to the head of the National Park Service but after eight months he was still waiting for a reply.

This time he was meeting with the top officials in the Department of the Interior.

Ray Arnett, an under-secretary was among those present.

LEONARD STEIN-SAPIR [at meeting]. Over 400 out of the original 500 residences have either been acquired in fee already or are presently in condemnation. What the Park Service is doing now, is they're taking homes that were purchased, homes that were worth 40, 50, 100 thousand dollars and they're giving them to the local fire department to burn for practice.

No. 1 AT MEETING. They tried to manage it like Yosemite.

No. 2 AT MEETING. EXACTLY.

No. 1 AT MEETING. You've got an elite category in the National Park Service who are trained, who have spent 20 years managing the National Parks as natural areas.

No. 3 AT MEETING. There's another factor, too, that nobody mentioned. That is the Park Service contracted with the Corps of Engineers to perform the acquisitions. The Corps isn't in the habit of going out for easements. They want to flood something.

No. 1 AT MEETING. And the most poignant central fact, is that the people did not have to be kicked off their land in order to have a wonderful park. They could have stayed.

No. 4 AT MEETING. It's not dead yet.

BARTON CRAIG. It is not dead yet. There are three classes of situation; there are the people who are in condemnation right now, but have not lost title to their property. Our recommendation would be that those condemnations be dismissed, immediately by the government. Number two, is the classification of people who are living under a scenic easement or a term of years. My recommendation, with respect to those people, and that's well over a hundred people, a matter of fact Birdsell has over 172, I believe, in 1979, living under scenic easement or a term of years. Our recommendation with respect to those people, is that they be permitted to buy back the interest in their land that they had to give up to the government. In other words, give the government back its money, less some amount to compensate them for the inconvenience, and they get back full fee title to their property.

LEONARD STEIN-SAPIR. Well, subject to a scenic easement, however, so they can't be commercially developed.

No. 5 AT MEETING. You mean the homes that are there that have been purchased, give 'em back their money—give 'em their homes.

LEONARD STEIN-SAPIR. Exactly. They'd agree to that, absolutely.

LEONARD STEIN-SAPIR [outside meeting]. I'm so happy. I can't tell you. It looks good and we spoke with people in authority. We spoke, among others, the Under Secretary of the Interior, the second man in command in the Dept. of the Interior and, as Tom says, they were sympathetic.

JESSICA SAVITCH. But for some valley residents this possible solution had come too late.

BOB LINDLEY. This Stein-Sapir, he called me one day and said would you be interested in buying your old property back? He said we're working on something now,

through the government, that the old homesteaders could buy back their old property. I said, well you're just a little bit late. I said, there's nothing left. First they tore down the barn. Our neighbor, Alexanders, told us that they came in with bulldozers and leveled the house right down, covered up the basement. I don't know if they did anything with the well or not. They just deliberately tore it down and hauled it away in trucks.

EVELYN LINDLEY. There's just no word to express it, the feeling that it leaves you with. And also that our ancestors aren't here, any of 'em, to see this happen because I don't think any of 'em could have taken it.

JESSICA SAVITCH. The months passed and gradually, the hopes raised by the meeting in Washington began to fade.

LEONARD STEIN-SAPIR. Never heard a word. Nothing, absolutely nothing. Since the euphoria of that meeting where it appeared as though people were in power who were sympathetic to our cause. We've really heard nothing. The bureaucracy here has not changed. And it appears as though the bureaucracy in Washington is more involved with higher political things than the welfare of a community in the Cuyahoga Valley.

JESSICA SAVITCH. Only a few could afford the money and time to fight the government. So more and more people were leaving the valley.

BURRELL TONKIN. You have to have some authority, you know, to have plan and have progress. But, they could have done it a lot more gently than they did, I think. People, the residents of the valley—not caused as near as much disruption as they have, but I guess they chased all the riff-raff about out now. So, they get us out I guess they can do what they want.

JESSICA SAVITCH. With the destruction of the community nearly complete, Leonard Stein-Sapir was to make one last trip to Washington.

This time the House Interior Appropriations Subcommittee heard his appeal. But the committee was hostile. When forced to sell open land he'd made a profit. Some on the committee questioned his motives implying that his efforts to save his home were insincere.

COMMITTEE MEMBER. Because of the creation of the park.

LEONARD STEIN-SAPIR. Yes, at great financial cost, and most tragically, to no good purpose. All in the name of preservation. Practically without exception, everyone in the valley was in favor of the creation of the recreation area because we knew that eventually developmental expansion would take its toll. However, both our community and Congress were told that an act of this structure would preserve our homes and community by means of preservation easements. And that the remaining open space areas would be purchased in fee. But now, over 425 out of the original 500 homes, in the original park boundaries have been bought out by the government. The tragedy of the Cuyahoga Valley has consistently been justified by its proponents as a great victory for all people, for all time. But I implore you to be suspect of those individuals who are ready to sacrifice the rights of individuals, families and communities, for general concepts of the public good, with no responsibility of the burden or proof. We're fighting this battle, we feel, for all of us. Because if we lose this lonely battle we feel that we will all be the less for it.

LILY FLEDER. It's a beautiful picnic area, no question about it. But there was a home

here. We never see anyone using it. Why did the home have to go? Out of 32,000 acres. It's inconceivable to me that Congress could specify in the enabling legislation that this community was to be allowed to remain here and that this was ignored.

JESSICA SAVITCH. Today, the Lindley family property like others in the valley is open space.

Bob and Evelyn have purchased a new farm near Hudson, Ohio. They say they will never go back to the valley.

This was once the Valcanoff's flower shop. But now the Park Service says it may invite some businesses to come back to the valley. But it's too late for Bob and Natalie. They moved their shop to a mall in Akron.

The Erdos home is one of those now owned by the government. It is still unclear how the Park Service plans to use it.

So the family will build a new home, once again, from the ground up. Bill Erdos expects the job will take him ten years.

The little town of Everett remains empty and boarded up. But now there's talk of making it an artist's colony.

This house on the edge of town once belonged to the Tonkins. Like many others, it will be destroyed. Burrell and Grandma have a new place. She is 90 and still in good health.

After four years in federal court, Leonard Stein-Sapir's home was acquired by the government on Christmas Eve, 1982. The family remains in its home but their children are growing up in a dying community.

The school system has been disrupted, two of the churches are closed and the library is struggling to survive.

Leonard continues to fight the government through a class action law suit that he intends to take to the Supreme Court.

When the park was created it was meant for the good of all. It was meant to preserve the community. It was done with the best of intentions. But perhaps it is in the pursuit of the greatest good we should take the greatest care.

UPDATE

JESSICA SAVITCH. The fight over parks continues . . . but there are ironic twists to the story.

Yet another switch in federal policy has occurred since this film was completed. Secretary of the Interior, James Watt, has ordered park managers to come up with "land protection plans", a way to preserve existing properties short of outright acquisition.

While these plans are designed . . . the Park Service has delayed spending money to buy properties, and so across the country, there is a whole new group of property owners . . . angry at the Park Service, but for different reasons, now. They want to sell, but can't. Many testified at a Congressional hearing last month, claiming the delay is hurting them, financially. They're paying interest, taxes on land they can't sell to anyone else, and can't sell to the Park Service.

They've become the newest group of people caught in the struggle over policies, practices, and philosophies in the making of our national parks.

SENATOR BILL ARMSTRONG

Mr. SYMMS. Mr. President, in 1978, a man was elected to the U.S. Senate who had established himself as one of this country's truly great conservative