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Martin J. Rosen

TRUST FOR PUBLIC LAND FOUNDING MEMBER AND PRESIDENT, 1972-1997:
THE ETHICS AND PRACTICE OF LAND CONSERVATION

Interviews Conducted by
Carl Wilmsen
in 1998 and 1999

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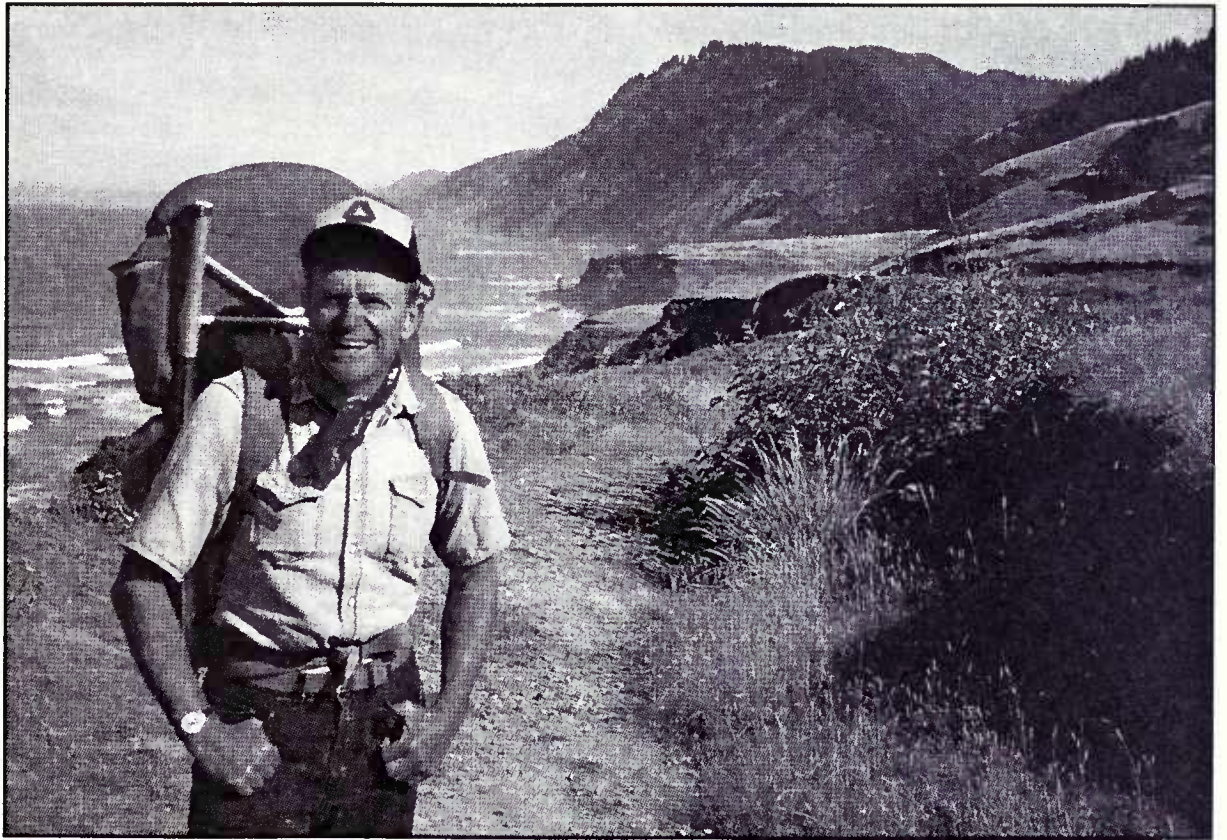
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Marty Rosen.

Cataloguing information

Martin J. Rosen (b. 1931)

Environmentalist

Trust for Public Land Founding Member and President, 1972-1997: The Ethics and Practice of Land Conservation, 2000, ix, 395 pp.

Immigrant family background, UCLA, 1949-1953, work with Project India; Boalt Hall School of Law, 1953-1956; private law practice, 1960-1978; Marincello case, 1972, preserving Marin Headlands; impetus of Trust for Public Land (TPL), 1972: philosophy, goals, and ethics of TPL, relations with Nature Conservancy, other land preservation nonprofit organizations, and environmental justice groups; land preservation programs for urban lands, public lands and land trusts; financing land preservation, generating revenue through innovative techniques; response to Reagan/Watt challenge, getting appropriations for the Land and Water Conservation Fund, working with state and local government on bond issues; TPL restructuring, staff relations, in the late 1980s; responding to Manuel Lujan's attack on nonprofit organizations; issues of fraud in land transactions, assuring equity in land preservation; "Green Cities Initiative" for preserving urban lands, working with Native Americans on land preservation, individual land transactions in urban and rural areas; reflections on the environmental movement.

Introductions by Ralph Benson, executive vice president, Trust for Public Land, and Doug Ferguson, former chairman and current board member, Trust for Public Land.

Interviewed in 1998 and 1999 by Carl Wilmsen, Regional Oral History Office, The Bancroft Library, University of California, Berkeley.

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TABLE OF CONTENTS--Martin J. Rosen

INTRODUCTION by Ralph Benson	i
INTRODUCTION by Doug Ferguson	iv
INTERVIEW HISTORY by Carl Wilmsen	vi
BIOGRAPHICAL INFORMATION	ix
I FAMILY BACKGROUND, EDUCATION, AND EARLY CAREER	1
Some General Introductory Thoughts	1
Parents: Immigration to the U.S. and Settling in Los Angeles	3
Valuing Hard Work, Education, and Personal Integrity	5
Reflections on Grandparents' Lives	8
Religious Background, and Early Experiences with Parks and Open Space	10
Undergraduate Years at UCLA, 1949-1953	12
Project India, and Deciding to Marry	14
Law School, First Job as a Lawyer, and Loyalty Oath	17
Eloping, and Wife's Work in Promoting Inter-group Understanding	19
Boalt Hall	20
Judge Advocate General, and Comments on the University of California	23
Private Practice of Law: Merced, California, 1960-1962	25
Private Practice of Law: Silver and Rosen, 1962-1978	26
II BECOMING INVOLVED IN ENVIRONMENTAL ISSUES: THE MARINCELLO CASE, THE NATURE CONSERVANCY, AND THE FOUNDING OF THE TRUST FOR PUBLIC LAND	31
The Marincello Case	31
Volunteering for The Nature Conservancy	35
Becoming President of the Trust for Public Land, 1978	38
Reflections on Implementing the University of California Master Plan in the 1950s	40
More Reflections on Being an Air Force Judge Advocate General	42
Drafting Legal Documents for Nature Conservancy Reserves	44
Marrying Art and Nature in Preserving the Farm of J. Alden Weir	46
Comparisons of the Trust for Public Land and The Nature Conservancy	49
Patrick Noonan: Viewing TPL as a Competitor	52
More Reflections on the Marincello Case	54
Becoming Involved in the Operations of TPL, and Accepting the Offer of the Presidency	55
III CONSERVING LAND FOR PEOPLE: ETHICS, INITIAL GOALS, AND THE LAND TRUST PROGRAM	66
Aldo Leopold and TPL Ethics	66
TPL's Nonprofit Tax Status	68

	Initial Funding, Buying Loans, and TPL's Entrepreneurial Attitude, 1972	70
	TPL's Four Initial Goals	75
	Establishing Operational Precedents in Initial Projects	77
	The Land Trust Program	79
	Implementing the Urban Land Program	81
	Special Challenges of Working in Urban Areas	84
	Working with the Grass Roots in Land Trusts	92
	Agricultural Land Trusts in Marin County, California, 1979, and Mesa County, Colorado	94
	Working with Ranchers on Environmental Stewardship	97
	Meeting the Needs of Landowners in Establishing Land Trusts	100
	Keeping Land Trusts Going	101
IV	ADAPTING TO THE TIMES: PUBLIC LANDS, THE REAGAN/WATT CHALLENGE, AND TIGHT BUDGETS IN THE 1980s	104
	The Need for the Public Lands Program	104
	Testifying before Congress on Conservation Easements	106
	TPL as Implementer Rather than Conceiver of Legislation	110
	The Schiff Estate: An Example of Partial Development	113
	The Trust for Public Land Center	115
	More Thoughts on Becoming President	118
	Tuning the TPL Organization to Fit the Times	121
	Early Emphasis on, and Continuous Development of Training	123
	The Reagan/Watt Challenge, and TPL's Response	125
	Generating More Cash, and Getting into Fund Raising	131
	Funding Appropriations under President Reagan	133
	President Reagan Guts the Land and Water Conservation Fund	135
	Decision to Keep TPL Alive, 1981	137
	Staff Layoffs to Assure TPL's Survival	138
	The Implications of a Tight Money Supply for Conservation	140
	Staff Layoffs in Relation to Staff Diversity	143
	Lobbying and Working with Congress on the Appropriations Process	144
	The Importance of Public Access	148
	Working with State and Local Governments on Bond Issues	150
V	INNOVATING FUNDING AND LAND PRESERVATION TECHNIQUES: THE PARK SERVICE, "BUY IT BY THE INCH," AND OTHER MECHANISMS FOR PROTECTING LAND	155
	Battle Over Sweeney Ridge	155
	Establishing the Martin Luther King, Jr. National Historic Site, 1982	157
	Dealing with Staff Concerns in the Urban Land Program	163
	Clinton Gardens, New York: First "Buy it by the Inch" Campaign, 1984	166
	The Green Cities Initiative: Reinvesting in Urban Lands	169
	The Limited Advocacy Role of TPL	173
	Further Reflections on the Schiff Estate	176
	Establishing the Columbia River Gorge National Scenic Area	182
	Land Pooling and Other Mechanisms for Protecting Land	185
	An Example of Uncareful Land Pooling	188
	Establishing and Operating a Land Acquisition Revolving Fund	190

	The Benefits of Applying Venture Capital Firm Behavior to Foundations	193
	The Investment Lands Program: High Cost Fund Raising	196
	Shifting Emphasis to Acquiring Land for State and Local Entities	197
	Retiring Grazing Permits on the Kofa National Wildlife Refuge	203
VI	MAINTAINING ADAPTABILITY: EXTERNAL AUDITS, INTERNAL ASSESSMENTS, RESTRUCTURING, AND LAND TRANSACTION ISSUES IN THE LATE 1980s	206
	Manuel Lujan's Audit of Nonprofit Land Acquisition Organizations	206
	A General Accounting Office Audit	210
	Fraud in Land Transactions: The Case of the Oren Properties	214
	A Brief Aside on Congressman Sidney Yates	216
	Lessons Learned from the Oren Case	217
	A Communications Audit and Its Impact on TPL, 1985	220
	Continuously Adapting to Change: The Tax Reform Act of 1986	224
	Relations with the Federal Government During the Reagan Presidency	227
	The President's Commission on Americans Outdoors	229
	Conflict over Partial Development: The Case of Cascade Ranch	232
	The All U Conference, 1988	237
	A Special Session on the Ethical Core of TPL's Work	239
	A Directive to Regional Managers to Expand Efforts on City, County, State, and Regional Levels	241
	Affirming the Importance of Land Conservation in Urban Areas	243
	Concerns of the "ME" Echelon of the TPL Staff	248
	Restructuring TPL Programs into a "Portfolio Concept"	250
	Redefining TPL's Role in Relation to Land Trusts	252
	Urban Land Trusts in the Northeast: A Special Case	255
VII	FROM GREENWAYS TO BROWNFIELDS: TPL'S EVOLVING ROLE IN FINANCING LAND ACQUISITIONS AND CREATING SPINOFF PROJECTS	257
	Bond Acts: Creating Money for Urban Land Transactions	257
	The Need for a Larger Land Transaction Revolving Fund	262
	New Directions in Fund Raising	265
	The River Network: A TPL Spinoff	269
	The Late 1980s: A New Federal Administration, and New Environmental Issues	270
	California Relief	274
	California Center for Land Recycling	276
	Projects as Models, and Projects as Spinoffs	279
	Another Retrenchment in the Early 1990s	282
	Low Expectations of President Clinton Met	284
	ISTEA, Greenways, and Enhancing the Transportation Experience	287
	The Continuing Battle Over the Land and Water Conservation Fund	290
	Senator Bennett Johnston: An Advocate for the Land and Water Conservation Fund	292
VIII	NEW CHALLENGES, NEW OPPORTUNITIES: ENVIRONMENTAL JUSTICE, THE GREEN CITIES INITIATIVE, AND OTHER LAND PROTECTION ISSUES	295
	Leading in Preserving Parks and Open Space for Environmental Justice	295

Relations with Environmental Justice Groups, and Recruiting People of Color	298
Maintaining an Open Mind to All Possible Solutions and Sources of Funding	304
The Green Cities Initiative: Expanding Funding and Experience in Urban Communities, 1994	307
Evergreen Agenda Project: Variation on a Theme	313
Attempting to Resolve a Land Preservation Dispute in Northern New Mexico	315
A Similar Disagreement over Sinkiyone	320
Participation in the Green Group	322
The Future of the Environmental Movement	325
Funding Conservation through Transactions, and Providing Training to the Park Service	328
Wallace Stegner	330
More on the Benefits of Venture Capital Firm Behavior	332
 IX MISCELLANEOUS ACTIVITIES AND PROJECTS	 336
The Headwaters (California) Deal: A Setback	336
Sterling Forest, New York	341
A Dispute with Wal-Mart in Billerica, Massachusetts	345
Returning Land in Oregon to the Nez Perce Indian Tribe	347
Tomales Bay, California	352
Downtowns: Santa Fe, New Mexico, and Austin, Texas	354
Melrose Plantation, Mississippi	359
Santa Lucia Preserve, California	361
 TAPE GUIDE	 367
 APPENDIX	
A Martin J. Rosen curriculum vitae	369
B Trust for Public Land, Annual Meeting, June 27, 1981, address by Martin J. Rosen	372
C Trust for Public Land, Annual Meeting, June 26, 1982, address by Phillip Wallin, "Building the American Commons"	378
D Trust for Public Land, Annual Meeting, October 8, 1984, address by Phillip Wallin, "Sources of the Mission"	382
E "Why Land??", poem by Martin J. Rosen, October 1998	386
F Trust for Public Land, Strategic Plan 1997-2000, and Mission Statement	387
G Fact sheet on Trust for Public Land for government officials of the People's Republic of China, when they visited in the mid-1980s (in Chinese)	388
 INDEX	 389

INTRODUCTION--by Ralph Benson

In the 1930s and forties when Marty Rosen was growing up in East Los Angeles, time seemed slower and the world seemed larger. In the Santa Monica Mountains north and west of the city movie stars lived in remote canyons. To the east the sometimes snow-covered San Gabriel Mountains formed a distant backdrop to the growing metropolis. The L.A. River, close at hand, had already become a channelized ditch; but there were orchards and fields galore, and working farms on the way to the beaches out Pico and Santa Monica and Wilshire Boulevards to the west.

Open space in L.A. was abundant. The fact that very little of it was public and that the California population would double in the coming decade was not at the forefront of UCLA Student Body President Marty Rosen's concerns.

However, by the time Marty had graduated and moved to northern California to enroll in law school at UC Berkeley's Boalt Hall the great postwar suburban siege on the landscape was in full gear--subdividing the Santa Monica Mountains, spreading up the base of the San Gabriels, pushing the farms and orchards out of the city of Los Angeles and then out of the county and, to the north, nibbling away at the California coastline, swamping the Santa Clara Valley and oozing into Marin County. Baby boomers and newcomers were being housed to be sure; but, ordinary places--the dairies of Marin, views of the shoreline, safe parks and green spaces around the San Francisco Bay Area were disappearing.

It was this phenomenon of heedless land use together with Marty's values--shaped by immigrant parents who believed in the promise of America and giving something back for the privilege of citizenship--along with the coincidence of settling in Mill Valley near TPL Founder Huey Johnson and fellow conservation-minded lawyers Doug Ferguson and Robert Praetzel in the 1960s when the environmental movement was about to strike a deep chord that all combined to awaken Marty Rosen's vocation--saving land for people.

I have known the living, breathing, talking, laughing, working Marty Rosen for over twenty years. He has been my friend, boss, colleague, critic, goad, and mentor. The year I started working at the Trust for Public Land, 1979, Marty assumed its presidency; and for the next twenty years he did what leaders do--he looked ahead; he told stories; he inspired; he made tough decisions; he backed his staff; he built his board; and he championed the fusion of social justice and land conservation. In short, he built an institution that saved land for people.

Under Marty's exuberant leadership TPL saved some wonderfully ordinary and some extraordinary and even sacred places. In addition to headlands, seashores and farms in Marin County, there are community gardens in New York City, a greenway of forestland from Puget Sound to the Cascade Mountains, thousands of acres in the Columbia River Gorge, the woods around Walden Pond, the neighborhood around the Atlanta, Georgia birthplace of Martin Luther King, Jr., the pastoral view from Mt. Vernon, the Nez Perce homelands of eastern Oregon and hundreds of other places of beauty and meaning. "Saved," as Marty would point out, is a temporary concept. Each generation will have to re-save and renew their commitment to these places.

In the tradition of John Muir, Marty draws sustenance from Yosemite and the Sierra where he would backpack with his brother, Larry, and long time friends. But fundamentally, Marty Rosen is an urban guy and a "people person" and his talent has been to connect land and cities and people--all people, not just the privileged who traditionally had been the face of the conservation movement.

"Scrappy" is one of Marty's favorite words. He takes pride in TPL's scrappiness. Scrappiness came to the fore during the Reagan/Watt years in the early 1980s when screwy ideas like the privatization of National Parks actually had some currency. President Reagan was persuaded that the government already owned too much land and Secretary of the Interior James Watt balked at the proposed purchase of Sweeney Ridge as a 1,100 acre addition to the Golden Gate National Recreation Area. Sweeney Ridge, above Pacifica, is the place from which Gaspar de Portola first sighted San Francisco Bay in 1769 and it was the missing link between the parklands in San Francisco and the open space watershed that runs down the spine of the peninsula. TPL had optioned the property from an Oklahoma oil company that had plans for 1,500 homes on the property. A three-year battle ensued. Marty was unflinching. TPL ponied up the money to hold the property and stood its ground through congressional hearings and bureaucratic infighting. After Watt's departure from office the administration relented and allowed the National Park Service to acquire the land.

Another unloved property in those years was a crumbling house on Auburn Avenue in Atlanta, Georgia, across the street from the home where the Reverend Martin Luther King, Jr. was born. It was just down the block from Ebenezer Baptist Church where King's father had preached and which had figured so prominently in the civil rights movement. Marty saw in that property the centerpiece of a new national park and was adamant that TPL buy the property and present it to the National Park Service. This would seed the establishment of the Martin Luther King, Jr. National Historic Site. Today millions visit this national shrine to the civil rights leader and his legacy.

Similarly, Marty got on the case when he heard that the Monroe Elementary School building in Topeka, Kansas, was threatened with demolition. Monroe Elementary was the site of the dispute which gave rise to the 1954 Supreme Court decision in Brown v. Board of Education ending the racially based "separate but equal" doctrine in public education. Marty saw the opportunity for an interpretive center commemorating the decision, and TPL acquired the school which is now the Brown v. Board of Education National Historic Site.

Marty Rosen sees the connection between social justice and land conservation and he is an optimist. He has a personal pantheon of heroes whose spirit and ideas infused his work at TPL: Martin Luther King, Jr. for social justice, Aldo Leopold for his land ethic, and Frederick Law Olmstead ("Fred" to Marty, an incorrigible nick-namer) for his democratic values as applied to parks.

Marty's legacy will grow in importance with the years. TPL continues to develop on the foundation and framework that he provided, and the American landscape is richer for the opportunities he created for people to connect with the land.

At the heart of Marty Rosen's life is a love of land and people.

Ralph Benson
Executive Vice President
The Trust for Public Land

July 27, 2000
San Francisco, California

INTRODUCTION--by Doug Ferguson¹

Like anybody who has worked or played with Marty Rosen, I've found that there's very little difference between the two experiences. Marty's exuberance can transform the most mundane event into a delightful experience. It can lead you willingly to undertake tasks which your rational mind suspects may be impossible. I should know.

It all started with the Marin Headlands.

It was the late 1960s. I was not long out of law school and had barely met Marty--then a San Francisco transportation lawyer--when he suggested that I join him and a third attorney in derailing some well-advanced plans for the development of "Marincello," a proposed new city of 30,000 persons which was to be located in a pristine part of the Marin Headlands. A pro-development Board of Supervisors had given the project a green light, and construction was soon to begin.

Enter Rosen the fearless.

A referendum petition had been circulated in an attempt to halt the project, but had been rejected by the County Clerk on the slimmest of technicalities. Marty's sense of fair play was outraged, and after some other local attorneys had been scared away from challenging Marin's power structure he decided that we needed to leap into the breach.

Completely unintimidated by the substantial odds against us, Marty concluded that we should file two lawsuits. The fact that none of us were litigators was of no consequence. Going public with our ignorance of pertinent rules of court was no embarrassment. According to Marty, giving the public the chance to vote on the project was simply something that had to be done.

As with all of Marty's endeavors, his optimism was infectious. The years of litigation which he persuaded us to undertake to protect the Marin Headlands proved a lot more exciting than anything else we were supposed to be doing for a living.

Three years later, one of our two suits was finally successful--on its own, slim technicality--in undoing the prior project approval. By that time the developer was weary. When Huey Johnson (who later would found TPL) had earlier tried to interest the developer in a sale of the

¹Reprinted from "The President's Fund: Celebrating Marty Rosen, An American Environmental Pioneer," Trust for Public Land fundraising booklet, n.d. [probably 1997].

property into public ownership, at a figure the developer thought ridiculously low, Huey defended the low appraisal by referring to the legal challenges against the project approvals.

The developer suggested that those challenges would eventually die out when the project's opponents ran out of money to pay their lawyers, but Huey countered with: "You don't understand... those lawyers have spent the last few years on this without getting paid anything. I'll bet they'll just keep going. They may be crazy, but I think they're just having fun!"

And fun it was, with the ebullient Mr. Rosen at the helm.

After our years of legal shenanigans, we were delighted when the "Marincello" entry gates came down and the property was formally dedicated as the Gerbode Preserve--a jewel at the heart of the magnificent Golden Gate National Recreation Area. Equally important, the "greening" of Marty Rosen, who went on to join Huey in the founding of the Trust for Public Land had begun.

The rest, as they say, is history...

Doug Ferguson
Former Chairman and Current Board
Member
Trust for Public Land

San Francisco, California

INTERVIEW HISTORY--Martin Rosen

In 1997 the Trust for Public Land celebrated the twenty-fifth anniversary of its founding. In that same year TPL co-founder and original board member Martin Rosen retired as president, a position he had held for nineteen years. To commemorate his outstanding service, dedication, and vision, TPL established the President's Fund to raise \$1,550,000 or more in support for three programs: a critical lands program for implementing high-risk land conservation projects; a venture capital program for exploring and implementing new programs, innovations and technology; and an oral history program to document the contributions of Marty Rosen and other TPL leaders to land conservation.

The idea to form TPL arose out of Huey Johnson's reasoning that the landmark Supreme Court reapportionment decision providing for one person, one vote would shift environmental decision making power from rural to urban areas. In 1972 Johnson left his position at The Nature Conservancy to follow up on this reasoning by forming a new organization dedicated to providing opportunities for urban dwellers to forge deep, meaningful attachments to the land. To this end TPL has worked to preserve open space to serve human needs, as well as to pioneer new techniques of land protection, and train professionals in those techniques, for the past twenty-eight years.

Operating as a facilitator of land acquisition for parks and land management agencies, TPL has helped the National Park Service, the Forest Service and other federal agencies establish new parks and wilderness areas, as well as to expand existing ones. TPL also helped pioneer the use of land trusts in the western U.S. as a means of preserving open space. Unlike most other mainstream environmental groups, TPL has also had a strong urban focus from its inception. Indeed, a primary goal of the Trust is to help instill a land ethic in urban dwellers by establishing parks in and near cities that allow visitors to connect directly with nature.

After serving as a TPL board member since its founding, Marty Rosen became TPL's third president in 1978. Marty steered the Trust through the turbulent years of the Reagan and Bush administrations when many in the federal government were trying vigorously to gut the nation's environmental protection programs and policies. Marty joined with leaders of other environmental groups, like-minded members of Congress, and a multitude of angry citizens to challenge the actions and proposals of conservative Interior secretaries James Watt and Manuel Lujan.

Despite the success of these campaigns, however, the trend toward downsizing the federal government continued, and TPL was forced to

adjust its mode of operating. It began to work closely with local governments in helping to develop bond initiatives and other innovative ways of funding public land acquisitions. Today many of the greenways and networks of urban parks in cities across the nation include parcels of land which TPL helped acquire through such techniques.

In the final years of Marty's presidency TPL renewed its commitment to urban areas by establishing a Green Cities Initiative for raising \$3 billion in local bond initiatives for urban open space in twelve U.S. cities. TPL also created the California Center for Land Recycling--a spinoff program focusing on converting abandoned urban lots and toxic waste sites to useful purposes such as parks, community gardens, and affordable housing developments.

Beginning on October 19, 1998, Marty and I recorded his recollections of, and reflections on these events and issues. We were to meet a total of eleven times over the next year, recording some twenty-two hours of conversation. All but two of our meetings took place in Marty's office on the fifth floor of the Trust for Public Land's national headquarters in San Francisco, California, usually beginning at three o'clock in the afternoon. Since Marty had to be on the Berkeley campus for other business on the date of the fourth interview, however, we decided to conduct that interview in a conference room at The Bancroft Library. Also, although we began the final interview in Marty's office, shortly after beginning that day we moved to a conference room on the fourth floor of TPL headquarters to escape the loud construction noises which were bombarding Marty's office.

We were alone for all the interviews. The only interruptions were for telephone calls, and once a door-to-door salesman, seeming rather lost, stumbled across Marty's office and interrupted the interview to make his sales pitch (neither Marty nor I bought anything).

I prepared for the interviews by conducting research in TPL's media center in its San Francisco offices during July of 1998. I had free run of the archives except for records of individual land transactions. I did not have access to the latter due to the confidential nature of the information they contained about landowners involved in the transactions.

I also talked with Ralph Benson, Nelson Lee, Bob McIntyre, and Kathryn Morreli about their views of important events and turning points in the history of TPL. In addition Kathryn Morreli sent out an e-mail in June of 1998 to all TPL staff asking them for their thoughts on defining events at TPL. She specifically asked for input on what they thought were ground-breaking projects, major issues, and controversies (internal and external) that have helped shape TPL. Only Bob McIntyre responded to this request. When I met with Bob, one thing we discussed

was the list of events important to TPL he had submitted as his response.

After the first interview, Marty asked me whether he would get to talk about his philosophy and the underlying ethics of TPL in the interview. As the transcript demonstrates, he returned to these topics at many points in the interview expressing his view that land has its own intrinsic value, but that in American society the prevailing approach is to treat land as private property. He explained that TPL's approach is to operate within the parameters of real estate markets to transfer land with important environmental, cultural, historical and other qualities to public ownership and to assure public access to the benefits provided by those qualities.

The reader will also notice that at several points in the interview Marty prefaced certain remarks by saying they were "off the record" or otherwise indicated that they would be edited out of the transcript. After reviewing the transcript, Marty decided to leave these remarks in with very little editing.

The result of Marty's candor and thoughtfulness in both the interview and the editing of the transcript is a rich account of how TPL has shaped land conservation and preservation in this country, and how it has responded to the many challenges it has faced in the first quarter century of its history.

The Regional Oral History Office was established in 1954 to augment through tape-recorded memoirs the Library's materials on the history of California and the West. Copies of all interviews are available for research use in The Bancroft Library and in the UCLA Department of Special Collections. The office is under the direction of Willa K. Baum, Division Head, and the administrative direction of Charles B. Faulhaber, James D. Hart Director of The Bancroft Library, University of California, Berkeley.

Carl Wilmsen
Interviewer/Editor

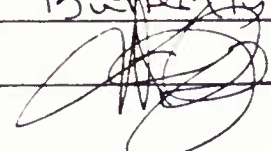
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BIOGRAPHICAL INFORMATION

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Trust, Butterfly Discovery Park
 SIGNATURE  DATE: 31 May 2000

INTERVIEW WITH MARTIN ROSEN

I FAMILY BACKGROUND, EDUCATION, AND EARLY CAREER

[Interview 1: October 19, 1998] ##¹

Some General Introductory Thoughts

Rosen: What are you familiar with, what have you read, what have you not read? Because you had a bunch of stuff, as I recall, beforehand, to pore over.

Wilmsen: Right. You gave me several articles to read, which I did. Then I came back here several times and went through all of the annual reports all the way back to 1974, the very first one. And went through other things in the media center, various files that they have.

Rosen: Have you seen our videos, such as they are, including the CBS and the other stuff?

Wilmsen: No.

Rosen: You should. There are several videos. The most extensive one is by CBS Sunday Morning. They did a piece on TPL, and I was the poster boy. We ought to get that for you.

Wilmsen: Okay.

Rosen: I'll make a note of that. So that's the CBS video. And then we have miscellaneous others, and I'll see what they are.

And then I noticed, for example, here is an example of the kind of thing I do when I'm on the road. NPR had an interview with me, and so I'll lend that to you. That's part of what comes out, which is consistent with my--I don't want to use the word

¹## This symbol indicates that a tape or tape segment has begun or ended. A guide to the tapes follows the transcript.

"style"--my orientation, that as important as the big picture is, and it is, the beautiful part of this work is we can be terribly specific about the great wide outdoors. So it's kind of like either anecdotes or experiences or homilies, whatever you want to call it, to bring it into a human-scale focus. So that is an example. When I'm being interviewed by Minneapolis public radio, I obviously talk about things in the Minneapolis area, and what we're doing, and how it relates to the people who care about these values right here, as opposed to global warming or the other areas that people find very important. We have to build on what I call steps of experience until they say, "Oh, yes, we're doing this *with* that, not at the expense of that." Got that?

Wilmsen: Got it.

Rosen: Whatever he said. [laughter]

Okay. And then I have a few other examples of what I mentioned to you about this and that. [going through papers] For example, I think if there's any trick--Wally Stegner used to talk about the "trick of quiet," so "trick" isn't always a bad word--of how we tried, and especially me, to build an organization that is personal, but more than personal, so it's not a one-man or one-person organization that is looking for the occasions to show people that we care about each other. That isn't just something we do once a year when we announce success or failure, but it's the way we practice a daily ethic: namely, we're not a family, we're a work place, but that means that we have even more opportunity to enhance each other by the work we do. So I have a few examples.

Wilmsen: Okay, great.

Rosen: Otherwise, they're just kind of blithe, glib slogans, and so if you try and decode them, you say, "Well, what do you do when you get up in the morning, and you're shaving?" Well, you look for a variety of ways to tell somebody how much you appreciate what they're doing. Not as an afterthought, but as a primary thought.

Not always true at the University of California, where I am now a member of your faculty, I might add.

Wilmsen: Oh, is that right?

Rosen: Yes, I'm teaching at Berkeley's business school.

Wilmsen: What are you teaching?

Rosen: Environmental Partnerships, which is what I reflect and believe in. How nonprofits, governments, universities, and businesses can and must work together if we are to protect and enhance the environment. None of us have "it," and therefore, we ought to be looking for ways that we can build the networks and give them vitality, and most importantly, outcomes. I'm a very big outcome guy. I think dialogue is wonderful and process is wonderful, but outcomes matter also.

My colleagues at the faculty--are a diverse bunch. How's that?

Parents: Immigration to the U.S. and Settling in Los Angeles

Wilmsen: Okay. [laughter] You touched on several things I want to come back to, the ethics and outcomes and everything, but I want to start at the very beginning--

Rosen: You want to do it your way! [laughter] You want to do it your way. It's your script, and I'm the player.

Wilmsen: I'll start out just by saying the date: it's October 19, 1998, and this is the first interview with Marty Rosen for his oral history. I wanted to start at the very beginning, where I thought maybe you could say when you were born and where you were born and where you grew up, and talk a little bit about your family background.

Rosen: Good. I was born 9 September, 1931, in Los Angeles, California. First-generation American; my father was a farm boy in a small town in sometimes Poland, sometimes Russia, called Kaminkashirsk. He came here to the United States I believe as a stowaway, certainly alone, and landed at Ellis Island, went to work knowing hardly any English. He served in World War I, got shot up, was repatriated to Fort Dix in New Jersey, where he got, most importantly, in addition to his Purple Heart and his discharge papers, his citizenship papers, which was a very major event in his and in our life. Because normally, you didn't get citizenship papers by either being in the army or by being shot up. Dad, who as he said didn't know any better, said, "Fine, then I'll stay in the hospital until I get my citizenship papers." And indeed, perhaps to get rid of him, they found a way to give him his citizenship papers.

I think that's the first official document Dad had, because he didn't have a birth certificate, he didn't have any papers,

but he did have a discharge certificate from Fort Dix, and he did become a citizen after serving in the U.S. Infantry in the Meuse Argonne Forest.

Mom immigrated to this country from Kiev, Russia, early on with her brothers and sisters and parents, and eventually met my dad when the two of them had settled in Los Angeles, California. They married. Dad was what we call a wagon man or a peddler, and we have two children of that marriage: my older brother, Lawrence M., or Larry Rosen, and myself. Larry is two years older, being born in 1929.

Both of us went to L.A. High and then to UCLA. Larry then went on to medical school, where he became a world-renowned neuroradiologist. I went to UCLA as an undergraduate, graduating in 1953, Phi Beta Kappa, as a junior, and then went on to study law at Boalt Hall in Berkeley and was graduated from that graduate school in 1956.

Wilmsen: How did your parents end up in Los Angeles?

Rosen: I really don't know the answer to that for Mom, but I do know the answer for my dad. My dad was a fairly stocky farm guy, kid, and he helped a man by the name of Michael Ladonin change a tire in New York City, in the rain. Mr. Ladonin--I later met him--said, "Well, what do I owe you?" And Dad said, "Nothing. I'm happy"--as he would--"to do this for you." And Mr. Ladonin said, "Well, if you ever get to California, you come and look me up and I'll see that you get work." So Dad said, "Well, fine, thank you. Where's California?"

"Well, the streets are paved with gold. The streets are paved with gold." Dad at first thought he was kidding, and after a couple of winters in New York, he said, "Well, maybe I'll go out to California." So what he did is he took a train and landed in Los Angeles, where Mr. Ladonin, true to his word, helped him find work. Dad settled in Los Angeles.

Mom he met--Dad being a wagon man--Mom worked in a local branch of the Bank of America. She was a teller, I think, and that's how the acquaintance was formed, and eventually romance, and then eventually marriage. We spent virtually all of our growing up years, both my brother and I until we went away after UCLA, in the Los Angeles area, first in East Los Angeles and then in West Los Angeles.

Wilmsen: What did Mr. Ladonin do?

Rosen: It really wasn't clear to me. He was also Russian-speaking, and Dad was Russian-speaking. I'm not really sure what he did, except it was some kind of trade. Dad was a farm boy, he didn't have any profession, he didn't have any particular building or other skills. I think he got Dad a job working in either a market or some kind of a commercial affair. Then Dad finally took off on his own and got a truck and started selling candy and tobacco and paper bags out of his truck to small businesses.

Wilmsen: So that's what you mean when you say a wagon man.

Rosen: Wagon man.

Wilmsen: It was a motorized truck?

Rosen: Originally, of course, it was a horse and wagon, but eventually, it was--yes, by the time he got to Los Angeles, he had bought a truck. I remember he was always fond of International trucks.

Valuing Hard Work, Education, and Personal Integrity

Wilmsen: So when you were growing up in Los Angeles--can you talk a little bit about some formative events in your childhood?

Rosen: There were a couple of things that I would remember now. Very hard-working people. Neither of them had been to college; I don't think Dad finished high school. Mom finished high school. Mom grew up--earlier than the move to L.A., they actually lived in Omaha, Nebraska. She actually graduated from high school, so I know that. I don't think my dad did. She graduated from Central High School in Omaha, and then they came to Los Angeles--as I say, I don't know why.

But they were very hard-working. We went through, as you would imagine, the Depression. But the interesting thing there was, we were never poor. We just didn't have any money. But that was okay, because nobody else had any money. So we were able, fortunately, to learn how you live in adversity. You don't feel sorry for yourself, you don't blame somebody else, you just pull up your socks and quite honestly do what you have to do.

The reason both Larry and I went to college is that education was a huge premium in our family. Both Mom and Dad made it very clear that we were going to go to college. We didn't know what college was, except that it was something over the hill. But it was very clear that that was expected, and it

was required. And even though, quite truthfully, I had trouble learning to read in elementary school, for whatever reason I was not connecting, instead of blaming the school system--which I must say some people are now doing--Mom worked along with Dad. I'll never forget that Mom went to my first grade teacher and said, "We will buy a copy of the textbook." We didn't have a lot of money, but "we will buy it, and we will teach our son to read at home if you tell us what to do and how to do it."

We bought this red book, and every other page had a picture of a sunshine in the upper right-hand corner, which I'll never forget. Right after dinner--but then I got sleepy, so then it was right before dinner--Mom would sit down with me for an hour a day, and that's how I learned to read. I discovered I was not the dumbest guy in the class, which was what I secretly feared. I just was having trouble learning. The person who made the difference, truthfully, was Mom, who taught me to read.

Wilmsen: Are you left-handed?

Rosen: I am.

Wilmsen: I had a professor who--I'm left-handed also--who had this idea, I don't know if it's true or not, and I don't know where he got the idea, but that left-handed people have trouble learning to read.

Rosen: Or in my case, are dumber. [laughter] They tried in those days to get me to write with my right hand. I mean, there were a whole bunch of things. They weren't evil or mean or bad people; they just had their own ideas, and I was slipping through the cracks. I probably would have gone further through the cracks if Mom, quite truthfully, and the teachers didn't say, "Well, we may be able to save this kid." So I got over the "reality" that was as true as air that I was just a dummy. I remember that.

And then secondly what I remember--about a whole bunch of things, you grow up and you remember selectively--is how proud of my dad I was during the war. I mentioned he was a wagon man, and then eventually we got a little store on Vermont Avenue. For want of a better word, there is a lot of black market going on during any war effort. If you've read *Catch-22* and all those things, it's a reality. Or Vietnam. There's always a way to make a buck in a war.

On Saturdays when we were not in school, we would go and help out, either in the truck or in the store. There were always people with wads of bills that were offering my dad "bonuses" (I'll mention this and it won't come out in the book: including Lockheed Aircraft) if they would get all of the stuff that they

wanted--candy, tobacco, and other things in short supply--and they'd pay him under the table. It wasn't once in a while; it was all the time.

Wilmsen: This was during the war years?

Rosen: During the war years. During the forties--late thirties and forties. Wasn't any big grandstand, it was Dad's reality, he said, "We don't do that. We just don't do that." He said, "There are people like me over there getting killed, and I'm offended by this whole rigmarole. Please don't do it again." It didn't stop them. They just sent somebody else with more of a wad. Eventually--because I didn't know what was going on, I was only a kid--eventually it dawned on me that that's what integrity and ethics are all about. It's what you do in the privacy of the moment where you think you might be able to get away with it, and you just have a moral compass that says, "I'm not heading in that direction." I happened to be there a couple of times when--because it impressed me--they pulled out a big wad of bills that would choke a horse. They just said, "Tell me what you want, and I want Lucky Strikes, and I want Phillip Morris, and I want Camel cigarettes, and I'll pay whatever it takes." And Dad said, "I don't do that. Don't do that."

So I was very proud of him, that we stood for something, he stood for something, and obviously it was part of the patriotic tradition. It's not a familiar or favorite word these days, but it was very real, very real. I was very proud of my dad, not just once.

On the other hand, I have to say growing up as a kid, I wasn't always proud of him. Because he didn't speak English well. He had an accent, and he had trouble putting things into words. A lot of the things that a young person does, being a graduate of the Yale School of English, when he's not proud of his parent, is something I'm kind of embarrassed or ashamed of now, because he was a very good man. Very good man.

Wilmsen: Did you speak Russian at home when you were growing up?

Rosen: We really didn't. They did, they spoke Russian, and Dad spoke Polish, and they spoke Yiddish. But they had a big thing about being American, and that meant we spoke only English. There was a big push, not to "pass," but to become an American. It was very important that we write well, and we speak well, because after all, we were going to college--wherever that was. We were going. Part of that was explaining, I guess, a bit, that you do the best you can, and then life isn't necessarily fair. But if you don't do the best you can, then basically, you get what you

deserve: namely, what's left. It was up to us to be the best we could be. It was not always a sport, because it meant we had to work harder, and "Why do we have to do this?" and "Nobody else has to do it," and all that stuff.

But looking back, as we say, looking back, that was obviously something where really both my brother and I--who remain very close; we talk to each other at least once a week, sometimes twice a week. He lives in Santa Monica, and we're still telling stories about how grateful we are, especially today when we see, quite frankly, how many brothers and sisters don't get along that well, and how many parents are estranged or alienated or don't talk the language that their kids do, how lucky we were and gratified that we really had in many ways a very fortunate--not necessarily an ideal--but we had a very fortunate childhood.

Wilmsen: What does your brother do now?

Rosen: He is now retired--he's two years older--from his last assignment. He worked for a Catholic hospital in the inner city in Los Angeles, St. Francis Hospital. He was the chief of neuroradiology on staff at the hospital, and did some teaching for the Veterans Administration, and at Hadassah Hospital in Israel, and USC, and for professional meetings. Neat guy. He has a wife who's an artist, as is my wife--photographer artist, Joan--and he has three boys. His oldest is David, who plays cello in the New Orleans Symphony. His middle son, Brant, is a rabbi at Evanston, Illinois. His youngest, Ian, is a librarian in the city schools in Los Angeles.

Reflections on Grandparents' Lives

Wilmsen: Did you know your grandparents at all?

Rosen: Not really. Both of the male grandparents were totally unknown. My dad, as I say, ran away from home--was a stowaway, came over here alone, didn't know anybody. We never met his parents. To my knowledge, there was not a great deal of dialogue with them.

Wilmsen: Were they farmers in Poland?

Rosen: I'm not sure exactly what they were. I know they lived in a small farming community, and the reason I say I'm not sure they were farmers is I don't know if they could have any interest in land in those days. Those were the days of the czars, and being

Jewish living in a small town was kind of like being Japanese or Chinese in California at the turn of the century. So they lived in a small community, and I'm not sure exactly what the fathers did. Certainly my dad's dad, I don't know anything at all.

My mother's side, I do know her mother. Bessie Savad was her name. She was the matriarch. Mom had a fairly large family, and they were all intact here. They all came over together from Kiev. There was Ann, the oldest sister, and Morris, Sam, Al, and Mom, and then the youngest is Goldie. Of that brood, only the youngest sister of my mother, Goldine, is still surviving, and she's in her nineties.

But the two male grandparents I really did not know at all, and of the grandmothers, I knew only Bessie Savad, because she lived in Los Angeles.

Wilmsen: Did you say that your mother's parents came over as a family?

Rosen: They came over together from Kiev. And that was after a pogrom, when--if you're familiar with that term--periodically there would be a "Let's get the Jews." They would ride through town and either beat up, maim, or kill any Jews they could find. After the most recent experience, they decided it was time to leave Kiev, and they did.

Dad came over for more personal reasons. He was not all that happy in the situation he found himself in in this small village. That was why he came. But they came directly as a result of the pogrom getting very, very close, and those were czarist days, and there was no protection, so they decided it was a good time to leave. They were able to get on a boat, landed at Ellis Island, and kept on coming.

Wilmsen: Do you know approximately what year?

Rosen: Early teens. Thirteen, '14, approximately.

Wilmsen: Okay. So a few years before the revolution.

Rosen: Yes. Both of them were pre-'17.

Religious Background, and Early Experiences with Parks and Open Space

Wilmsen: You're obviously Jewish. Were your parents particularly religious?

Rosen: Observant? Yes. I wouldn't say we were fundamentalist or a whole bunch of other things, but I would say we were practicing Jews. Dad helped start a synagogue in Los Angeles called Beth Abraham in the community in which we lived, called City Terrace, which is kind of an area of East Los Angeles. Mom pretty much kept a kosher house, which means that you observe certain dietary rules. Both my brother and I were bar mitzvah, which is when you are formally, as a result of training, qualified and admitted to adulthood in the Jewish community at the age of thirteen. Both of us were bar mitzvah. And I would say we are observant, but not fundamentalist or not more than that. I think that's fair.

Wilmsen: Do you think your religious background ties into your views on ethics today?

Rosen: You bet. No question. Mainline. There is a strong commitment, I would say, in the Jewish faith to the notion of community, always reexamining the question of giving: what is giving, how you give. The highest form of giving is called *Tzedakah*, which is anonymous, which is giving because it's the right thing to do. Not even because it's a commandment, but because it's the right thing to do. And the best form of giving is anonymously, and the best form is also where the recipient knows that something good has come into his life, and not out of a sense of obligation, but out of a sense of joy, wants to do better for having something good happen to him.

And that's something we kind of grew up with, the whole idea of not looking--in our case--to get your name on the marquee or have the building named after you, but to figure out what true giving is. And then just doing it, and not even taking any satisfaction or pride or fulfilling any commandment, but in just knowing that you've approached an ethic which always must be reexamined and redefined instead of "gotten."

Wilmsen: Did you have any experiences with the outdoors while you were growing up?

Rosen: I was a Cub Scout, and my brother was a Boy Scout. We had a few experiences. We had a victory garden during the war, raised fruits and vegetables right there in our front yard. We made great use out of the parks in the Los Angeles area. Hollenbeck

Park, Hazard Street Playground, Brookside Park in Pasadena, and of course, the beaches. And then eventually, increasingly, use of Mineral King and Yosemite.

Wilmsen: When did you start going up there?

Rosen: In college. As I say, it wasn't so much with the family. Being hard-working, I don't recall ever going on vacation, for example, with my dad. He worked at least six, sometimes seven days a week. But occasionally with my mom, we might go somewhere. I do remember we did take one trip that impressed me personally a great deal. We went on a vacation from Los Angeles, got on a train, got to San Francisco, and discovered a place called Muir Woods. That blew me away. It was the first time I ever saw a redwood. That was before I was in college; that's when I was a teenager of some kind. I thought, "Boy, to have a place like that is just wonderful." And that was my first serious experience with a national park; and that was just a day trip, wasn't anything overnight. I don't think we had any national parks in the Los Angeles area. We had some national forests, and then eventually, as I say, Mineral King and Yosemite.

That has been kind of a peer thing. My brother and I to this day go into the wilderness at least once a year.

Wilmsen: Together?

Rosen: Together, as part of a foursome. My son just joined us last year. There are about four or five of us guys who go into either the John Muir Wilderness, or the Trinities, or someplace where we kind of pay our respects to nature and get kind of reoriented and recharged from that experience.

That probably came, I'd say, during undergraduate days, through friends who either had been or thought it would be a good idea to go, and a couple of times we would end up going, and then it became part of our appetite.

Wilmsen: Is there anything else you want to add about your childhood?

Rosen: Well, just that, of course, when we grew up in even Los Angeles, which was forty or so years ago, and it was growing, and everybody thought growth was great, we were surrounded by readily accessible open space. We used to have weed bomb fights three or four lots away, or on the way back from school we would stop off and scoot down the side of a grassy hill on a cardboard box liner. That it was just part of the air that we inhaled, that we always had these places that were just like putting your shirt on. It progressively dawns on you that it's the places you take

for granted that go the first. That's part of the conviction I have, that not only is it important to save these huge ecosystems, which it is, but it's also important to have these places that are readily accessible, where children can get their feet in the mud and their fingernails in the dirt and pull up the grass and throw the weeds or whatever.

Undergraduate Years at UCLA, 1949-1953 ##

Wilmsen: So then you went on to UCLA.

Rosen: Went on to UCLA--

Wilmsen: And majored in--?

Rosen: Undeclared for as long as I could be undeclared. I thought it was a great idea being in a cafeteria, taking one of these and one of these and one of those, and eventually they caught up with me and said, "You have to have a major." So I said, "Okay, I have to have a major." I was in Letters and Science, and I became a sociology/anthropology major for my last two years, probably because that also enabled me to keep the same idea of being educated by as broad a selection of courses as possible. I wasn't afraid of specializing, but I didn't think I was ready to specialize. So I took art history, I took world history, I took statistics, I took accounting. I took as many different kinds of things as I could because I was really pretty hungry for intellectual stimulation.

I had several jobs. Always had at least two, sometimes three. Worked in food services at the cafeteria for meals. They gave me two meals for every hour that I worked, so I always had meals. Then I worked in the library, and then I worked in a variety of other kinds of jobs. Anthropology/sociology is what I majored in, in Letters and Science.

Wilmsen: That was more a way of--

Rosen: Staying loose.

Wilmsen: --staying loose and keeping a broad--

Rosen: That's right, that's right. One of the things I entertained was being a newspaperman. I was fortunate enough to have a four-year scholarship from the *Los Angeles Times*, because I worked in high school as the editor of the *Los Angeles Blue and White*, which was

a daily. For a high school, that's kind of unusual, but it was what we had. We had two wonderful teachers. One was a print shop teacher, A. T. Vaughan, whose expression to me was memorable. He said, "Okay, Rosen, what is on your alleged mind today?" [laughter] A wonderful educator, in a print shop. It was required if you put out the paper, you knew how to produce the paper.

And the other was George Robert, who was my journalism teacher. He actually taught me to write. Between the two of them, they put enough of me together that they put me in for a scholarship from the *L.A. Times*, and I won it, and I got the Tom Treanor Journalism Scholarship for four years. Tom Treanor was like Ernie Pyle: he was a very famous war correspondent, primarily in the Pacific Theater.

So I entertained the idea of becoming a newspaper guy. It made sense for me to stay as broadly open as possible, so I did. I took as many different kinds of things as I could. Zoology, geology, et cetera.

Wilmsen: They didn't have a journalism major?

Rosen: That was the problem, as I was about to say: there was no journalism school. Either undergraduate or graduate, in those days. So I was kind of self-selecting a curriculum that might give me at least a superficial knowledge of as many kinds of subjects as possible.

Wilmsen: I see. But then you ended up going to law school.

Rosen: Ended up going to law school, and that was probably because an English teacher, Mr. Sanderson, suggested it. He was a very fine Midwesterner, I think from Montana, who said, "If you had a chance, and you have very good grades, I would urge you, instead of going to a trade school"--journalism or whatever--"to take a whack at becoming a professional guy, and seeing if you can't go to law school." I asked him why, and he said, "Well, simply put, it will probably open more doors than it will close. You can always become a newspaper guy, and if you are, you'll be one of the few that have a law degree. On the other hand, you might also have a chance of doing something other than working for somebody else's newspaper. You'll have a lot of freedom, as long as the editor allows you to have that freedom."

So that was his suggestion. So I did, I--.

Wilmsen: This was a teacher at UCLA?

Rosen: At UCLA, an English teacher. Sanderson, I don't remember his first name. He always wore double-breasted suits, and unfortunately, he was a very heavy smoker. I hope he's still alive.

So that's what I did. When I graduated [UCLA], I applied for a variety of law schools, and I was very fortunate. Not only was I fortunate academically, but I always had a kind of itch, happily reduced since then, to do something worthwhile. So I was active in campus politics. Even though I was never a member of a fraternity, and the tradition was that fraternities ran the politics in those days, I ran as what was called a non-org, and I was elected student body president of UCLA. Therefore it was fortunate, I guess, when I did apply for law schools, I was offered scholarships by a variety of institutions, including Stanford and UC Berkeley. I almost went to Stanford, but at the last moment, being an Old Blue from UCLA days, was persuaded that I would go to Boalt, so I did.

Wilmsen: Any particular reason why you didn't belong to a fraternity?

Rosen: They really weren't for me. They really were just not for me. I examined those options more than once. I rushed, I guess that was the expression. And I know that there are an awful lot of people who say that they provide the wonderful experience of their life, and that's the way to take a big institution and have a livable situation. But while many of my very good friends were fraternity people, and my wife was a very active sorority person in Alpha Phi, I was just not a fraternity guy.

Project India, and Deciding to Marry

Wilmsen: Did you meet your wife in college?

Rosen: Met my wife, believe it or not, in junior high school. She was about a foot taller than I was, at Louis Pasteur Junior High School in Los Angeles. We knew each other, and I think it's fair to say, couldn't stand each other. [laughter] She was a goody-goody, and I was an ill-mannered--well, vulgar might not be the right word, but certainly I was no catch. Later on, she went to a different high school; she went to Alexander Hamilton and I went to L.A. High. We met again at UCLA, and knew each other, but I would say not well until the end of our junior year, which would have been 1952, when for a stroke of good fortune, both of us were members of what we called the University Religious Conference. She was raised a Roman Catholic.

We heard an address by a Presbyterian minister by the name of James W. Robinson who had just come back from the Far East in the early fifties, and told us, as part of his experience overseas, how tragic it was that gulfs of misunderstanding were developing and accelerating between young people in Asia and young people in America. There was not only mutual ignorance and indifference, but increasing misunderstanding and even hostility. If he were asked what he would place a priority on, it would be young people from the Far East, where he had just been, getting to know people from the West, and conversely people from the West.

Well, it was one of those learning moments, and it was orchestrated by the director of the University Religious Conference, a woman by the name of Adeline Guenther, and a Presbyterian minister, Cecil--and I can't remember his last name right now--who presented this learning. And because we were young and didn't know any better, somebody said after the speech, "Well, why don't we go and build a bridge between young people there and young people here?" not having any particular qualification whatsoever to do that.

But Grandma--Adeline was called Grandma--Guenther said, "Well, if you're serious about building a bridge, you have to learn something about bridge-building, and you can't go over there and be an embarrassment, and be as ignorant there as you are here. So if you're serious about learning something about bridge-building, we at the University Religious Conference will do what we can to help you."

Thus was born what became for about ten years the precursor of the Peace Corps, called Project India, where college students initially from UCLA, and later from Berkeley, and later from other universities in the United States, built a mutual goodwill understanding network between--and we narrowed it down and narrowed it down--college students in India and college students in the United States. It was fairly well done in that the University Religious Conference said, "If we're going to do it, we have to have serious students"--but not just serious students, people who were alive and curious--"but also who are 'representative.' So we're not just a bunch of look-alikes."

So they took it upon themselves to recruit, with us, people who met certain threshold qualifications of commitment and diversity. We had Catholic, Protestant, and Jew; Native American, and--we did not have a Latino--Native American and African American. So we had about nine or ten different majors, different ages, different sexes.

That's a long way around the barn of saying that Joan and I, my wife, were selected to be part of this first Project India in 1952. Joanie and I were part of this small cadre. We raised pretty much all the money to send ourselves. We had no government support whatsoever, until later, interestingly. We did a fairly good job. We were given a few stipends by U.S. State Department and U.S.I.A. to extend what was otherwise a fairly limited itinerary, for people like me to go to Calcutta and other places which we were not going to do as a group.

But the personal side is, that's when Joan and I decided that we were in love, and we wanted to marry, and we had a lot of things to look at over a period of time. So I sold my used typewriter that I had used to write articles for the *L.A. Times* while I was in India. I was a stringer--

Wilmsen: You were a what?

Rosen: I was a stringer. That means I wrote as a freelancer, and if they wanted to print them, they would print these little dispatches from Poona, and dispatches from Hyderabad and Mysore, but there was no obligation on my part to send them, and no obligation on their part to print them. That's called being a stringer.

So I finished, toward the end, writing for the *Times* and decided to sell my typewriter in New Delhi, which I did, and bought her an engagement ring. That's when we knew that we were more than just dating. That was 1952, and after a whole bunch of things, we finally did marry in October of 1954. So it will be our forty-fourth wedding anniversary this month, where most people who knew us figured the marriage wouldn't last forty-four months, let alone forty-four years. [laughter] And they were probably right.

Wilmsen: How long were you in India?

Rosen: Just the summer. The idea was that the parents obviously didn't want to see a whole bunch of things happen. The university was doing this on a crap shoot, so to speak; it wasn't part of their program, and here they're getting involved in these kids' idea to go to India. The State Department discouraged us mightily; here were a bunch of amateurs, they were afraid that we might embarrass--or worse--the United States. With good reason. But our advantage there was we really were serious. We studied five nights a week. We really took our obligation seriously not to embarrass the United States, and make it very clear we were not representing the United States or the university. Nobody wanted

us to represent them, for good reason. They didn't know who in hell we were or what we were going to do next.

But there was a sense of opportunity and obligation, and we did behave, and I think we did make a contribution. At least, the Indian government said so. Then later, it was used, as I say, for a model. We did some construction; nothing major. We weren't there long enough, but we--.

The big thing there, for example, was Indian college students never got their hands dirty. Once you went to college, you were kind of a civil servant elite. Part of our American informality was to bring a different kind of a leavening: that it was not only okay, but it was part of what we were trying to do, is to make the communities benefit and not just ourselves. So we built a small schoolhouse in Madras, and we did some other minor projects in each of the cities where we were.

We basically went to a variety of college campuses, starting in Bombay, Hyderabad, Mysore, Madras, Calcutta, Benares, and of course, New Delhi. So that's when Joanie and I, I guess, were the beneficiaries of that experience, which has been part of our outlook ever since.

Law School, First Job as a Lawyer, and the Loyalty Oath

Wilmsen: Okay. Back to Boalt Hall.

Rosen: Yes. Three years. Ordinary law school. Not terribly gifted student, but a hard-working one. Academically did well. The signature there is Order of the Coif, the top 10 percent or something like that. Did that. Worked hard. Had a couple of jobs there as well: worked in the library, worked in the Institute of Industrial Relations, and had a couple of scholarships as well. Worked every summer.

Then the third year--we got married in our second year, we eloped--the third year we lived together at 1780 Highland Place on north campus. Then when I graduated and was looking for a job, the Ford Foundation had a relationship with the law school encouraging the study of international law. I at first declined, because I'd been going to school so long and was tired of being poor--or not having any money--I thought, "Gee, it's time to go to work." And Joan's good sense was, "Look, we can do that for the rest of our lives. Why don't you apply?"

And to make a long story short, I became a Ford Fellow and was awarded a year to do anything I wanted anywhere in Europe. I based myself in The Hague and studied emerging problems of the Common Market. That's what we did the year of '56-'57. Had a wonderful experience getting acculturated to a European experience, working primarily in French and in English, learning a lot about a different living and working situation. The end of that year--based in The Hague but primarily traveling all over, wherever they made steel--I ended up writing a monograph for the University of Pennsylvania on price fixing in the steel industry.

Came back and started practice right here, at 111 Sutter in San Francisco, for a law firm headed up by Regent Jesse Steinhart. Regent Jesse Steinhart was a regent who during the Loyalty Oath controversy took what I consider to be a very enlightened point of view. And that is he was opposed to the Loyalty Oath, but recognized that was the law of the land. Much like affirmative action is the issue today, there was then the Loyalty Oath. Those were the days of McCarthy.

Wilmsen: What was the issue with the Loyalty Oath?

Rosen: Every member of the faculty and staff had to take a Loyalty Oath. That meant even if you were a veteran, if you had the Congressional Medal of Honor, it was required as a condition of employment. And of course, a lot of people said, "Well, why not? If you're loyal, say you are." A lot of other people said, "You shouldn't have tests of conscience and belief. You ought to have tests of conduct. If you do anything disloyal, or if you teach anything that is unprofessional, nail 'em." But to have everybody like a bunch of sheep say, "I am loyal, I am loyal," because not to say so made you automatically suspect, was a climate on the campus which was unhelpful to academic freedom. That, in a nutshell, is the issue.

Wilmsen: Okay. So this applied to state employees as well?

Rosen: All state employees; all state and federal employees. And then, of course, a lot of people in private industry, and in nonprofits. And they said, "Well, gee whiz, if you're not a traitor, why are you reluctant to say so?" Well, a lot of people say, "Look, if you have a job that involves national security, if you deal with bombs or guns or whatnot, then it's job-related. But to have somebody who's picking up trash, or who's teaching biology, say, "I swear special"--it's a special oath; it's not just the ordinary oath, but a special oath--"that I am especially more trustworthy than the others," was an issue.

So anyway, Jesse was part of that, and I admired him. I went to work for Jesse, and lawyered there for a while until I was called into the service.

Eloping, and Wife's Work in Promoting Inter-group Understanding

Wilmsen: Okay. Let's back up for a minute. You said very quickly that you and your wife eloped. Why was that?

Rosen: Well, as I mentioned, she was Catholic and I am Jewish. It caused our parents great pain that we were disowning our heritage and marrying out of our faith. My parents were no more enthusiastic or less than they were. They wanted their daughter --the Meyersiecks--wanted their daughter to marry a Catholic as much as my parents wanted me to marry a Jewish girl. So we looked at that, and we did not rush into it, because we knew it would be a painful experience. But after a couple of years of cooling it, we decided that we really loved each other, and that we really would not be happier, nor would they, if we abandoned a true love for another person, even at our parents' displeasure. We had hoped therefore that maybe over a period of time, when they saw that I was okay and Joan was wonderful, that the parents would accept the union.

But rather than putting them through the public spectacle of a marriage ceremony in which their friends and all the ceremony would be involved, we just decided together that we would, on a weekend in October in 1954, take the ferry boat from Richmond to San Rafael, got the license, and then we went down Highway 101 and were married in Temple Sherith Israel here in San Francisco, with a total of two people--our then best friends, David and Stuart Nelson--as our witnesses. Stuart was one of the people who went with us to India, and David was a classmate at UCLA, then serving in the United States Navy here at Alameda Naval Air Station.

So that's why we eloped. But the logistics were such that, as opposed to now, you start living together and then you get married, we got married and started living together about a year later. Because she had a job, she was employed in New York, so she wasn't able to come out until the following year. Then we first began to cohabit when I had a job at the Union Lumber Company in Fort Bragg, California, for the summer, and we came for the first time and set up housekeeping in the same place at the same time in Fort Bragg, California, for the summer. Then

for that final third year at Berkeley, we lived at 1780 Highland Place in Berkeley.

Wilmsen: What was she doing in New York, what kind of work?

Rosen: She worked for a foundation called the Panel of Americans. It was a foundation dedicated to the promotion of intergroup understanding. It was primarily affiliated with college campuses across the country who--this was again pre-affirmative action time--recognized that there was an opportunity to do more to create mutual understanding and bridges between religions, races, ages, and classes. Joan's experience from India and other places enabled her to develop some of these dialogues, primarily based on personal experience. It wasn't any big ideological affair, but it was a series of opportunities where people could share the meaning of the experience of what it means to be an Episcopalian, or what it means to be a Hopi Indian, or what it means to be an African in Louisiana. That was the role of the Panel of Americans, and Joan was a field rep for that, traveling all over the country. It was an interesting job.

Wilmsen: Sounds like it.

Boalt Hall

Wilmsen: Was there any particular area of law that you went to at Boalt Hall?

Rosen: Again, consistent with what I said earlier about the broad exposure--becoming as conversant as I could be with most of the areas--so when I had options or electives, I would normally take things that I hadn't taken before and that were not part of the other curriculum. So I took courses in international relations, I took courses in writing, I took courses across the--in law school, I would say it was a fairly broad exposure. And that followed when I went to work for the Steinhart firm here in San Francisco, which was a general practice.

What I really wanted to do was trial work. I figured if you were going to be a lawyer, if somebody said, "We'll sue you," you shouldn't run for cover. You ought to say, "We'll see you in court." So I thought it was important to become a journeyman lawyer who knew something about trial practice, as well as some of the substantive areas. That's what I did for the year or so before I went in the air force, where I was a Judge Advocate General [JAG], which is a lawyer. Then afterwards, I came back

to Steinhart. Their needs had changed, and they wanted me to become a specialist. I was not predisposed to being a specialist, so I left the firm and returned to the San Joaquin Valley as a trial lawyer.

Wilmsen: Before we get into that, were there any memorable events from your years in Boalt Hall, or any favorite professors?

Rosen: Well, we had a variety of professors. One of whom is still teaching there: Stefan Riesenfeld, who was just written up--I don't know if he's in this magazine or not [looking through magazine]--but I think he's been teaching for fifty or sixty years. No, he's not in this one. He taught international relations; I took a course from him. I took labor relations.

Had an interesting class. Included in our class was the wife of Supreme Court Justice Roger Traynor, Madeleine Traynor, who decided that as long as her husband was going to spend most of his time at night with books, she might as well discover what being a lawyer was, so she was in our class. Madeleine Traynor. Arthur Ross, who is the head of the Institute of Industrial Relations.

And then we had a bunch of different kind of people. Two things: when we graduated, the dean had trouble figuring out how to categorize us. We had a lot of Korean veterans, older people, younger people. It was a very mixed-up (that's not a bad word) class. So when he--and all the parents were there--tried to come up with something--this is Dean William Prosser, very famous legal educator in the law school for many years, he managed to say, quite truthfully, "Well, it's not fair to say that you're the worst class we've ever had. But it's certainly not an exaggeration to say you're not the best class we've ever had." [laughter] At which time we all took our hats, our little mortarboards, and threw them up in the air, and we said, "You got that right, Bill!" [laughter]

The other side of that is, for some unknown reason, and I don't think it's true of any other class almost anywhere, our class meets every year. Around Christmastime, we have a class lunch to just kind of check in with each other and see what's going on, whether we can help each other, or are curious what is going on, for no particular agenda. We're not an auxiliary or a support group. It's just curiosity more than anything else, to see who's still around. But that happened the first year after law school, and now it's forty years--more, '56 to '96 is forty--so it's forty-some years we have been meeting every year.

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Rosen: I do check in. I know all my classmates. Pres, and Lloyd, and Noel, and Arnie, and whatnot. There isn't one of them I'd trade places with. I was happy to be active in the practice of law, which I enjoyed, which I'll tell you about in a moment. I later did specialize in transportation law. But there are seasons, I think, in life. I was very fortunate in the practice, some interesting cases, a lot not so interesting. You basically are a utility: you do what other people hire you for and want you to do.

But as I did more with the Trust for Public Land, I was not unaware of how fortunate I was to be a player in an area that I cared about, where I was the client when we hired lawyers; we have some on staff, and we hire a lot outside. But I was fortunate in being able to use the very, for me, valuable experiences as an undergraduate at UCLA, and the skills that I developed by training at Boalt Hall and then practicing in the law profession, to enable me to use those skills--and not just turn my back on them and start as if they didn't exist--but to use those skills in advancing a cause that I believe has major, major significance for the survival of our civilization. As pompous as that may sound.

Wilmsen: You were in Boalt Hall during the McCarthy era.

Rosen: Yes, I was.

Wilmsen: Was there any kind of activism on campus that you recall?

Rosen: Not really. Nothing like the sixties. We grumbled and we mumbled, but we really didn't act out our convictions and our feelings. Library, I know, closed at eleven o'clock at night, and every night when the library closed--I lived in International House for the first two years--we would go up to the television room and watch the McCarthy proceedings, or whatever the case may be.

During the second and third year, I worked in the President's Office for Robert Gordon Sproul, and I saw what he was trying to do, sometimes successfully, sometimes not successfully, in trying to blunt the attack on academic freedom that was coming from both the federal side and the Tenney Committee out of Sacramento. It was a pretty hysteric time. We saw Communists under every bed, and a lot of people were being intellectually intimidated. You know, "What's the matter with you? Don't you realize that they're about to land in Santa Barbara, and you've got to stand up and be counted."

It was a crappy time, but in answer to your question, we really did not act out our convictions and concerns.

Wilmsen: Okay. Anything else about Boalt Hall?

Rosen: No. Those were hard-working years. It was--and I don't mean to demean it by saying it's a trade school--but it was very clear, we were there to get a professional education. We were there to certainly understand and study equity and jurisprudence, but their mission was to prepare lawyers for the practice of law. That was what the training was designed to do. It was hard work, and for me, it got my attention. It was six days a week until eight, nine, ten, or eleven o'clock at night. That was the deal. That's what most of us did.

Wilmsen: So where were we? You--

Judge Advocate General, and Comments on the University of California

Rosen: I graduated in '56, went right to the Ford Foundation fellowship for a year in The Hague, did my paper on price-fixing in steel, and then came back to Steinhart for a short year, was taken into the United States Air Force and served in SAC [Strategic Air Command]. They asked me, of course, where I wanted--did I have a preference. I said sure, first choice would be Japan, since I was never there; my second choice would be Germany. They said, "Perfect," so they sent me to Merced, California. [laughter]

So I motored down Highway 99, showed up at Castle Air Force Base, checked in and served for two years in the Strategic Air Command where I did no discernible damage to the war effort. It was a useful period of time. It was an adult experience. We had nuclear weapons, we had fighter aircraft. We were a first line of defense. We pulled worldwide alerts whenever they were required, and learned something about being a responsible adult in a military establishment. Also determined that I was not cut out for the military life, which was useful, and then I came back to San Francisco to resume the practice of law.

Wilmsen: Did you work as a lawyer?

Rosen: As a JAG, I did. I was a lawyer in the 93rd Bomb Wing of the Strategic Air Command.

Wilmsen: What was that term you used?

Rosen: JAG--Judge Advocate General. That means "lawyer." They talk quaintly in the military. Quartermasters have nothing to do with quarters or masters. So I was a Judge Advocate General person for two years. Our first son--our only son--was born in the base hospital, Dirk David Rosen. Best value: six dollars it cost me, to drop a male calf in the base hospital.

Wilmsen: [laughs] We won't tell him that you referred to him in that way.

Rosen: Yes. [laughter] He's a good guy. He's turning forty next month, and he is now a wonderful human being. He has a daughter, and we are able to see him as a parent. He's gentle, generous, and we're very, very gratified that he's turned out to be a very manly guy. He runs a small tech outfit called Deep Ocean Engineering here in San Leandro that manufactures these high-tech boxes that go way, way down in the ocean. It was their units, for example, that were used offshore in the recovery of the black boxes of the SwissAir airplane off Long Island. That's the kind of thing that his company does. They have these black boxes that are useful in oil drilling, dam repair, seismic, et cetera. His little company, about thirty people, at Deep Ocean fabricates those. He is a mechanical engineer, also a UC graduate of the University of California at Santa Barbara in mechanical engineering.

So the Rosen family has been multiply blessed by the largesse of the people of the state of California who have invested in our university system. It saddens us, needless to say, how that commitment has eroded over the course of a single generation. We used to have a tremendous source, I feel, of unrivaled pride in our university system, as a state university. That was a big part of what we worked on with Robert Gordon Sproul and the Master Plan for Higher Education, and it saddens me that I think the state has lost that sense of pride and ownership of a first-rate university for a first-rate state.

Wilmsen: Why do you think that is?

Rosen: Fat-headedness, complacency, and lack of leadership. I'm not saying it's irrevocably lost, but it's noticeably declined. I think it is an historic source of--it should be a personal shame and embarrassment for both Governor [Ronald] Reagan and young Governor [Edmund G. "Jerry"] Brown, Brown being a graduate of the university. They just didn't get the exquisite and unique role of a great university in the service of a great state. Since they didn't get it, it is all too easy for followers to question and allow support to decline.

Then getting into controversial matters, I think the students also played into the hands of the Governor Reagans of the world. I know that it's very popular to accept the positive role of the late sixties, free speech and so forth, in shaking up the university, in cleansing it from bureaucracy and notions of the academy, to which I would add--along with Wally Stegner--that I think it also did great damage. I think the university, because it's unique, is never really fully understood or appreciated by its citizens, and therefore relies on the good faith and leaps of judgment of people who say, "Well, I may not really understand what tenure is all about, or academic freedom, but it's a lot more than a winning football team," in my opinion.

And when you tear the fabric of the university, it's very difficult to stitch it back together again. And I feel it was torn. I feel that a lot of forces were unleashed that brought out the worst in people, both within the university and in government, as well as outside the university. I think we're still paying the price for the damage that was done twenty or thirty years ago.

I worked with President [Clark] Kerr, I worked with Chancellor [Edward] Strong. They're good people. They're not perfect people, and they made mistakes. But as there were in sports, I think they were forced mistakes. They weren't elected because of their political smarts. I think the university is paying and will continue to pay--hopefully will recover in the post-Wilson era. We'll see.

Wilmsen: We'll see.

Private Practice of Law: Merced, California, 1960-1962

Wilmsen: Then after you got out of the air force--

Rosen: Got out of the air force, returned to San Francisco to practice law, discovered I was not going to be a trial lawyer at the Steinhart firm, left. Took an offer to return to Merced, where Castle Air Force Base is located, and became a cow county lawyer right there in the county seat, so that I would be doing more trial work, which is what I really wanted to do, and did.

Wilmsen: You were working for the county?

Rosen: Working for a small law firm in the city and county of Merced in private practice. I would try criminal cases, I would try

personal injury cases, I would just try cases that went in court. I got my juices churned by that.

Having said that, and done it for a couple of years--and our daughter was born in Merced at Mercy Hospital--it also was clear, I think [it's fair to say], that that wasn't Joan's cup of tea. She was a good sport, but Merced doesn't appeal to everybody, and while I was having a ball in my little twenty-by-twenty courtroom or whatever, that was not a place where she thrived. She missed the Bay Area. And it was fair. We were and are very much in love.

So when I had an invitation to return to San Francisco, and with some help of some friends open up my own law office, literally hang out my shingle, as they say, I mentioned that to Joan, and she left the room. I said, "Where are you going?" She said, "Let's pack." [laughter] So we did.

Private Practice of Law: Silver and Rosen, 1962-1978

Rosen: Came back to San Francisco, hung out my shingle in the Russ Building, and started the practice of law as a solo practitioner in 1964. Did that for a while, and then had an invitation to form a partnership with another lawyer, Bertram Silver, who was the brother of a client of mine. That was then the beginning of the law firm of Silver and Rosen, and he already had a practice aligned toward the transportation side of the law, and that was the point at which I decided I was ready to specialize. I then became one of the men, then, who were doing primarily transportation law.

What does that mean? That's the regulation and legal problems of trucking companies, airplane companies, train and transportation issues of shippers and communities. For example, I represented the commuters of Walnut Creek, or the people who wanted to keep the railroad in San Mateo County. People like that.

Wilmsen: So you were still doing litigation.

Rosen: Still doing litigation is right.

Wilmsen: But not contract--

Rosen: Some, some as well. It was kind of a blend. But it was in the subject matter area of transportation. Everything except things

that floated; we didn't do much maritime work, or admiralty. That was another specialty called admiralty law, which was more common law, British in origin, than it was what we did, which is essentially in the lower forty-eight states. And we did have a national practice; we had practice all over the United States, from Richard Spur, Oklahoma, to Wichita, Kansas, to Palo Alto, California, within the area of transportation.

Wilmsen: What were the cases typically that you were--

Rosen: The large part were essentially business disputes and regulatory matters having to do with pricing, having to do with the quality of service, and what is generically known as public convenience and necessity. So it's a subspecialty of the law where we really were lawyers' lawyers. We were specialists of specialists, and we would be called in quite often by large firms who didn't have this specialty, or by the Southern Pacific Railroad, who did have this specialty, but--immodestly--who didn't have anybody as good as we were in this area where we duked it out.

One of the unusual features that we frankly enjoyed, and there were two, was one: we accepted no retainers. We really wanted to be independent. We would accept only particular assignments, so we didn't have the same clients again and again, and therefore, either indebted to them or obligated to them from their ideological point of view. We were strictly journeyman technicians. If we approved the matter, we would accept it; if we didn't, we had no hesitation for declining. Which was unusual, I can tell you.

Wilmsen: What kinds of things would you decline?

Rosen: Well, I'll tell you that when we get off the record in a minute.

Then secondly, we really felt very strongly that we were in a pressure cooker. We saw clients getting divorced, and lawyers becoming alcoholic, and stuff, and we decided, my partner and I, Bert, that we should inaugurate our own sabbatical program. So that meant that we would work as hard as hell seven days a week, and then every five years, we'd take six months off. Literally walk out the door, with no--it took a bit of organization to do that, and we did. The beneficiaries were the Rosen family; I think it saved our marriage. We went to live in the south of France for six months with the two children, took them out of school, gave them a whole different arrangement. First time my son ever saw his father clean a toilet. That was very useful. So it wasn't just getting ordered to do things, but that Dad cleaned toilets just as he expected his son to do.

Then the second sabbatical we took, which led to my joining the Trust for Public Land, was in 1968, something like that, when we took off six months and went with my daughter to Southeast Asia. By then my son was in college and wasn't able to join us.

What I'm saying, and this is off the record, because it's very pointed, but it's very clear that if you have the design right when the stress hits, it may be a fracture, but it's not a destruction. So for example, and this is off the record, when we caught a client lying, and when we caught a client trying to buy a judge, we had no compunction--I mean, it wasn't even an issue--we just went right in and said, "You want to stay on this case? This ends, and we make it right." The client said, "You're out of line. You're just a vendor."

I said, "That's interesting. A vendor? You mean like selling shoelaces or something?" He said, "Well, no, you've got to remember who you work for." I said, "We know who we work for. You pay the bill, but we work for the judicial system."

That was a whole bunch of years that went into that nongrandstanding moment, like my dad not taking a wad of bills. But it enabled us to practice law--others may say otherwise, but I'll tell you my point of view--honorably and effectively. There's a difference between serving justice and getting paid. It's not an easy one. You say, "Wait a minute, isn't that bullshit? If they pay the bill, they're the boss." Well, to some extent, but not entirely. So that was part of it. We thought about that early enough, having some experience. Not that we were looking for a way to grandstand and put a client down, but it was important to us to be our own people. End of monologue.

And it's a well-known company right here in town. Interestingly, who isn't in business any more. They were a household name; you've certainly heard of them. Then I'm not saying that was their undoing, but part of my so-called philosophy is that ethics matter. I think ethics are good business practice. They're not the cheapest business practice; shortcuts are always a short advantage. But it's not the same as a long, sustainable value delivery system. And I've seen it again and again.

We try--Grandstand 103--to practice that in TPL. We handle an awful lot of money here, as you know. Hundreds of millions of dollars a year. And yet, you bet I'm very proud, we can account for every dime. Why is that important? It's who you are. It's who you are. Especially now when you see the headlines saying that the Bank of America--and I'm not knocking them, you know, it

can happen to anybody--but how do you get ready? How do you anticipate? How do you identify the lasting qualities? And sure, there are complexities, but they're not that complicated. They're not that complicated.

So I did that for a while, practiced law. Happy doing that. Built a house in Mill Valley from my honest labors. Both my children went to public schools through high school. Then my son went to Santa Barbara, and then my daughter went to Brown. Then, as I say, we took a second sabbatical in the late sixties. I was by then on the board of the Trust for Public Land--I'm getting ahead of myself.

How did I get involved in the environment? It was personal. It was not ideological. I'm just another lawyer, another gunslinger doing this, supporting my family and keeping my nose clean most of the time.

Wilmsen: Can I ask one quick question?

Rosen: You bet.

Wilmsen: You went back to the transportation law?

Rosen: Yes sir.

Wilmsen: So working on regulatory matters and those kinds of things, you probably didn't have the same kinds of environmental issues around--

Rosen: They didn't exist then. Remember, the law came really in the late sixties, early seventies.

Wilmsen: Okay. Was that something that was just not even thought of back then, or was there any foreshadowing of that?

Rosen: Not to me. I mean, I was a token member of a variety of organizations including The Nature Conservancy. It was kind of peripheral stuff, nothing mainline. We wanted to put a line here or there. As a matter of fact, I mentioned this railroad matter. I tried to protect the Vasona Branch Line, which was a functioning railroad. Now you know it costs billions to do what you had already in place. We had a line going from San Francisco, San Mateo, Santa Clara, Santa Cruz, and ended up in Monterey. Take the train; just like Sacramento.

The counties and a variety of other people wanted to get rid of that sucker and turn it into what they call a rubber-tired economy: "Railroads were obsolete." I made the argument to save

the railroad. I don't think I made a single environmental argument in the sixties. It was all statutory. Whatever you had--they had public convenience and necessity, they had failure to give them due notice, all this other technical crap, but I don't think the environment ever appeared.

II BECOMING INVOLVED IN ENVIRONMENTAL ISSUES: THE MARINCELLO CASE, THE NATURE CONSERVANCY, AND FOUNDING THE TRUST FOR PUBLIC LAND

The Marincello Case

Rosen: So in fairness, you say, "Well, what was the trigger?" I don't know how you do oral histories.

I'm sitting in Marin County, fat, dumb, and happy, raising children, trying to be a good person, and remember I mentioned this goofy class? Bob Conn, a graduate of the Naval Academy, and his partner, Dick Breiner, called up the office one day and said, "Can I talk to you?" I said, "Sure. Coming to the reunion?" He said, "Well, I want to talk to you about something else." I said, "Sure."

He said, "We're in this case in Marin County where a big developer is going to develop"--what later became the Marin Headlands. "We've been asked to represent some people, which we've done. We have filed suit against the county which permitted the development, and the developer, and the shit has hit the fan." I said, "What do you mean?"

He said, "Well, we're Marin County lawyers. You're a lawyer who lives in Marin but you don't practice here. We've been told if we proceed with this suit, they're going to shut us down." I said, "Who?" He said, "Well, the county. Haven't you ever heard the expression, You can't fight City Hall?" I said, "Yes. What does that mean?"

He said, "We are here in the county, we represent the City of Tiburon, we represent the county in other matters, and they just came to us and said, 'You keep on with this lawsuit and we're going to put you out of business.'"

I said, "That's terrible!" Bob said, "It is terrible. Do you have any ideas?" I said, "No. It doesn't involve me." He said, "Well, think about it."

So I looked into it, and it just kind of made me outraged that my county was a parish of Louisiana that played that kind of hardball. I talked it over with a friend of mine, Robert Praetzel, and he and I were sufficiently affected that we decided to substitute in as counsel. We then represented the plaintiffs in *Wheelwright v. The County of Marin and Gulf Oil*, and Tom Frouge was the developer, to essentially--bear in mind there was no environmental law, no EIRs required in those days--to require a vote of the people on this matter. That if we were going to have this huge development called Marincello--which was huge, right between the Golden Gate Bridge and Sausalito--that the people ought to have a chance to vote on it. It wasn't to save the endangered species or--there was no park then, remember, either. It was more of a civics lawsuit than it was an environmental lawsuit, and our big quotations were of Thomas Jefferson and not Rachel Carson, that the right of the people to decide the big issues that affect them.

So that got us involved in environmental litigation. It was an interesting, sorry experience. It was big money, big politics, and big pressure. The nice part in my case, though, was as I mentioned--I was no hero--I didn't practice in Marin County anyway. They couldn't put me out of business. I was spending more time in Oklahoma and Kansas than I was in Marin County.

And all this is innuendo. They don't come right out to you à la Microsoft and give you an email. They just communicate. "Have you thought about what other people--not us--would think about your suing the county and interfering with the economic progress of this wonderful community? Have you ever thought about that? Some people might take a very dim view of it, and it could affect your practice."

So they stepped out, we stepped in, and we tried the case, Praetzel and I. To make a long story short, it wasn't one suit, it was two suits, and the brilliant work was done not by me but by my partner, Bob Praetzel. He came up with the winning formula, ended the threat, and that land is now part of the Golden Gate National Recreation Area. It's called the Gerbode Preserve. Had a "happy" outcome, and the torch was passed.

Wilmsen: What was the winning formula?

Rosen: Very technical. They failed to comply with applicable law with respect to the manner in which notice of the zone change was required.

##

Rosen: There were many, many benchmarks that they missed. Even at the trial court, they laughed at them. They said, "That's so technical. You're not going to have this multimillion-dollar project defeated on this little technicality." Killed it deader than a doornail. Finance changed, realities changed, all gone. Now part of the Golden Gate National Recreation Area.

By then, a thing had started. Huey Johnson, whose name you've heard many times, was leading The Nature Conservancy. I'd worked with him in The Nature Conservancy.

Wilmsen: Can we back up again?

Rosen: Yes, you bet. Any time.

Wilmsen: They missed many benchmarks--

Rosen: In complying with the applicable county and state law for changing the zoning and getting the appropriate--the word is entitlement--to transform this land from ag land to commercial development.

Wilmsen: I see. So do you think that missing those benchmarks was because that then there weren't as--nowadays, it seems to me that developers have become more sophisticated because they--

Rosen: They were pretty sophisticated. This was Gulf Oil, and Tom Frouge. He was selected because he was a very sophisticated developer from Pennsylvania. They just missed it, and we caught them.

Wilmsen: But was there as much challenging of developments back in those days as there is now? See, that's what I'm getting at, because it seems to me like companies might be even more vigilant now, since we're in an age when just about everything is challenged, it seems. Or at least from a company's perspective, it might seem that way.

Rosen: That's probably fair. But I would say this was not a bombshell. You're probably right in saying it's even more intense now, and there are probably more sophisticated technical people available to the developers. But they had the best law firm in Marin County there. They were not scrimping. They had the best

political operatives in Marin County, Vera Schultz. They took this very seriously. This was not inadvertence. They just missed that little piece, and we found it. Bob found it.

We did not win in the trial court. Marin County thought it was interfering with the good life of Marin County. It was on appeal that the judges there found that their failure to comply was fatal. In other words, they said, "Well, we failed this little old piece of compliance, but you know, in the big picture, that doesn't change anything. We substantially complied." And our position was, "The law doesn't say 'substantially comply'. The law tells you exactly how all of us must comply, and it's very specific. Number of days notice, for example. It doesn't say 'approximately a week'. It says 'seven days'. Six is not seven, eight is not seven; seven is seven, and you don't have any discretion, Your Honor. You can't say, 'Well, it's good enough.' It's not good enough." The law is not an ass all the time. The law can be very specific, and it was.

And the appellate court agreed in this particular case the second time around. "Gotcha," and the whole thing collapsed; and then we ended up buying--The Nature Conservancy, Huey Johnson--buying the land for the National Park Service. Then we kind of came to that parting of the ways with The Nature Conservancy, because we kind of got in trouble with The Nature Conservancy saying, "Why are you buying this land? There's no endangered"--we talked about this before--"there are no endangered species there. It's just kind of a playground."

Wilmsen: That's what The Nature Conservancy said?

Rosen: Yes. Well, we've got to be kind about that, but their answer was, "It doesn't meet our specifications. We can't save everything," they say. "We can only pick the important, significant ecosystems, and this is just a recreation area. It's where people go on teeter-totters and swing sets. That's not our business."

So that, with other things, namely the focus on people relating to the land, not just consuming or exploiting, but as I said earlier in my own experience, the Hazard Street Playground was more important than even Yosemite. Why, I never went to Yosemite until I was twenty-some years old. I was in the Hazard Street Playground when I was eight. Formative.

So anyway, that's part of our different view, and we--Huey--led, and I was a member of his first board, that said, "It's important that we do things like land where we live and work, as well as over yonder, be respected and protected." And that then

led to the San Francisco Foundation, the Ford Foundation, and Andrew Norman Foundation giving us that first block of risk capital to start the Trust for Public Land. That was in 1972.

Wilmsen: Was Huey Johnson involved in the lawsuit, the Marincello lawsuit?

Rosen: No, that was just George Wheelwright, an individual, the Henry sisters, Maggie Gnau, half a dozen others. A bunch of what I would call in all fairness a bunch of individuals.

Wilmsen: They were just concerned residents?

Rosen: We cared. We cared about these issues and this place. No particular credentials, no particular financial stuff. And this is not for the lawsuit. We ended up financing most of it ourselves, because we ran out of money, which is why lawyers have to be very careful about what lawsuits they accept, because usually, clients start out with a big burst of enthusiasm, and the money doesn't go very far. So you've got to be careful. And that was, frankly, our reluctance to get involved in the first place, Bob and I.

And then later, on appeal of one of the cases, Douglas P. Ferguson, who was the third member of the law bunch that took this case, and quite frankly, assisted in the creation of the GGNRA, with a whole bunch of other people--you'll hear me say again and again, none of us really do anything alone. Now, there are champions, there are important distinctions to be made for the Ed Wayburns and the Amy Meyers and even my good friend Phil Burton, but any significant public good is the result of a joint enterprise. People figuring out the ways that they can multiply each other's effectiveness, rather than diminish it.

So that was how I kind of got involved. I got hooked on this civic lawsuit, as much as environmental, and that then led to the spinoff from The Nature Conservancy. A lot of us had worked with the Conservancy.

Volunteering for The Nature Conservancy

Wilmsen: Now, you volunteered for the Conservancy.

Rosen: Right. That was pro bono.

Wilmsen: Oh, as a lawyer.

Rosen: As a lawyer.

Wilmsen: Was that before Marincello?

Rosen: Yes. Yes, I'm sorry. That would be middle sixties, something like that. I got involved specifically with a couple of matters. Bishop Pine Preserve overlooking Bolinas Lagoon and the Point Reyes area was a preserve, owned by The Nature Conservancy for research purposes and public use and access, and one of my jobs as a lawyer was to help draft the kinds of protocols that would serve both the protection of the integrity of the ecosystem and the requirement of public access and, quite importantly, the interest of the landowner who continued, Gordon Onslow Ford, to reside on the property. So my job as a lawyer was to kind of help work all that out for the benefit of the Conservancy.

Wilmsen: That's quite different from transportation law.

Rosen: Yes, but you use many of those same kinds of skills. Namely, it's fact-building, consensus-building, problem exploration. The guy says one thing but he means another. How do we work it out. So it's legal drafting. A big part of what a lawyer does, if he's any good, is figure out what the problem is--that's what law school is all about. They keep saying, "Well, what's the issue here?" You come in and you say, "Well, the issue is money." "Well, what do you mean, it's money?" "Well, I don't like that guy." "Why don't you like that guy?" "He screwed my sister." "Oh, well!"

So the job of the lawyer is penetrating all of these layers --if you're any good--figuring out what is operational, what it is you can do about it, what it is you can't. But if you can, work out a protocol, in this case which the landowner would agree with, which The Nature Conservancy would agree with, which a public ombudsman would agree with, et cetera. That was it.

Wilmsen: How did you get involved with The Nature Conservancy?

Rosen: I guess I was a member. I think again and again, the common denominator: I was asked. Quite often, most of us don't so much volunteer as respond. Just like the Marincello suit. I didn't go looking for it. Bob Conn and Dick Breiner asked me to look into it, so I did. So my guess is, I can't remember specifically, is somebody asked me to take a look at it. It seemed two things: one, I thought it was a worthwhile matter, and secondly, I thought I might be able to add something.

And there was no ambition. I can say that, I'm not against ambition, but I've never been going anywhere. That if I do this,

it will look good on my resume, or when I run for office, or it will be good for my practice. That was the nice part of being in the transportation business: we were hired for our special knowledge. We had no retainers, as I mentioned, and no connections. I wasn't a Bohemian, but if they needed a certain kind of job done, immodestly, they said, "Well, who's the best there is?" we'd get our share.

Wilmsen: How did you meet Huey Johnson?

Rosen: Probably on the bus in Mill Valley. He lived near us. It's nothing terribly profound about these equations. We lived in a little area called Homestead Valley, which was one of the cheaper areas of Mill Valley. He probably took the bus up Miller Avenue the same way I did, and maybe there was a mutual friend, maybe it was Douglas Ferguson or somebody, and one thing led to the other. And he was talking about probably the Bishop Pine Preserve or whatnot, and he was always, like we all are in nonprofits, trying to expand the volunteer network, probably asked me if I'd be interested in taking a look at it. I honestly don't remember, but I would say that's a natural arrangement. Wasn't anything profound. It's almost incidental, accidental.

Wilmsen: So you were in the Marincello case, you met Huey Johnson--

Rosen: He then said, as we got to know each other, "What would you think of spinning off from The Nature Conservancy and starting a new organization?" And I said, "Well, that's probably one of the dumbest ideas I've ever heard. What do we need another organization for? Why don't we just persuade The Nature Conservancy, if we think alike, that there ought to be something more than the heroic ecosystem, and everything else goes into the crapper. Why don't we try and persuade them to include some of their work in this area?"

Well, that did not work. I mean, to their credit, they were disciplined. They said, "We don't do that. We are science driven." [pounding table for emphasis] "Do you understand? We are science driven." So our answer was, "Don't you realize, science changes? And what might be scientifically compelling today may not be tomorrow, if you're only looking at science." "Well, that's rhetoric. We are science driven."

So it was clear that it made sense to spin ourselves off into the Trust for Public Land, where we respect land as land, not as a commodity; as an ecosystem, but also as a vital element of a functioning community. Science, culture, music, optimism, ghosts, spirit.

Wilmsen: Huey Johnson was the western regional director--

Rosen: Yes, for The Nature Conservancy, and asked to be their national president of The Nature Conservancy, and turned it down.

Becoming President of the Trust for Public Land, 1978

Wilmsen: To start the Trust for Public Land?

Rosen: To start the Trust for Public Land. He actually went back there, served as a temporary national figure, and said he didn't want to do that. He'd rather do this. So that's when several of us joined him. Doug Ferguson, me, Si Foote, Alf Heller, Put [Putnam] Livermore, many of whom, if not all, he had worked with at The Nature Conservancy in one capacity or another.

So we launched this baby I guess in 1972, thereabouts. He served as our first full-time executive, and I continued in the practice of law until he heard the call from Governor Jerry Brown and went to Sacramento, serving as the secretary of resources in Governor Brown's cabinet. He left the Trust for Public Land. Didn't ask us; told us.

So we then scrambled around and hired as his replacement the person who was running our office in Florida, a wonderful man by the name of Joel Kuperberg. Joel was the second president for several years, until it became apparent in about 1978 that that was not exactly what Joel wanted to do. He was willing to do it because we needed a president, but that he, in all fairness, really wanted to do other things that were closer to the ground than running an organization as diverse as the Trust for Public Land, with New York and Los Angeles and all these pieces.

So he and I--I think I was then probably the chairman of the board--negotiated his becoming the head of our new office in Seattle, where we had an office previously but which failed. Joel wanted to go to the Northwest, provided he would not have to live in Seattle, so long as he could operate from Vashon Island [Washington]. What he really wanted to do was to operate as the head of a regional office and start one in the Northwest rather than be the president. So he then basically negotiated that, and we had then the task of finding his replacement.

I was part of the search committee, and to all appearances, it would certainly raise a question, "How did a member of the search committee become the president of the Trust for Public

Land?" And the answer is exactly what you would surmise. It was an inside the ballpark deal, where after going through a search, no obvious candidates emerged, and I was approached by Mr. Ferguson specifically, from the board, and Huey, and I would say Joel, to end my frivolous years at the law firm and become the president of the Trust for Public Land, which was, in all candor, not something I had planned on. I mean, it was not--well, I say it's inside the ballpark kind of a deal; it was not something that I either lobbied for or even contemplated. I was persuaded that it was the right thing to do, discussed it with my family, leaving the fortunes of the private law firm and transitioning--in fairness to the law firm, it took me a while to transfer to the other gentlemen--and become the president of the Trust for Public Land in whenever it was, 1978-79.

Wilmsen: '78.

Rosen: 1978. That's right. As I mentioned to you I think earlier, years really don't stick in my head. But you're right, the sabbatical ended in '78, so that would have been '78. Good.

Wilmsen: What was the argument that persuaded you that that would be the thing to do?

Rosen: Corny public service. I believed in the mission, as shown by the fact that I'd been on the board all these years. That it did take a certain familiarity with the organization, and a certain degree of business experience to run the Trust for Public Land.

Off the record, Joel's leaving was more traumatic than I described. I don't think it's fair to say he was fired, but it was not working. We had a hole to fill. Part of my job, and the reason I retained his friendship and his goodwill to this day, is I worked with Joel. I was not out to get his job, I wasn't out to do anything other than have him succeed on his terms. But all of us can't do everything, and Joel has some terrifically powerful pluses, and a few shortcomings. The shortcomings were magnified in this job. This being San Francisco, he was used to, having grown up in Florida, a lot more deference and respect than San Franciscans are used to giving. So he felt himself challenged, and he felt himself obstructed, et cetera. He was not happy, and he was not flourishing.

So we had a hole to fill, and time was of the essence, so I was persuaded that--not that I was the only guy, or the man on the white horse--that I could be constructive if I would step in, and I agreed to do so, at the urging of the board. I didn't really ask the staff's consent, but I just let them know that this was not my career objective, that this was not something

that I coveted and I lusted for. That it wasn't any great sacrifice; I wasn't saying how lucky they are to have me. But that it had to be a reciprocal affair. That I had certain expectations of them, and conversely, they had every right to expect some things from me, and I told them what they were.

Number one: transparency, which I strongly believe in. No bullshit. When it's bad, you'll know it first, not last. When I'm happy, you'll get the credit; when you're at fault, privately, you'll be held accountable. And it was okay.

Wilmsen: Is that a good place to stop for today?

Rosen: Sure. No time like the present. Got a lot to digest.

Reflections on Implementing the University of California Master Plan in the 1950s

[Interview 2: October 27, 1998] ##

Wilmsen: Anyway, I wanted to actually go back. I listened to--

Rosen: Uh-oh! You want to correct the record, huh?

Wilmsen: No, I want to get more detail in the record. Not correct it.

Rosen: "All right, Marty, I caught you in the big lie, and now I want to give you a chance to go back on the record. You're still under oath."

Wilmsen: The first question, going back to actually when you worked in the university president's office--

Rosen: Robert Gordon Sproul? Yes.

Wilmsen: That was what looks like a brief period.

Rosen: It was actually a job I had while I was in law school. So it was not an interim period. I worked; I always had several jobs. During part of my law school year, I was working part-time for President Sproul on a few specific things. I was called an analyst, so I had some particular projects and problems having to do with statewide and local matters that he wanted a fresh point of view from a fellow who was not going to make a career out of being a member of the staff.

Wilmsen: What were the issues?

Rosen: Well, one of them had to do with kind of the job description of the new chancellor, which was new then. Another one had to do with--

Wilmsen: You mean, that was a new position they created?

Rosen: Well, remember, we had a Master Plan, and it was to develop autonomy on the various campuses, but then you had to work out exactly, or with at least greater specificity, what the job power was of the chancellor at Berkeley, what the power was of the chancellor at Los Angeles--I'm not sure there was Santa Cruz there, but there was the prospect of developing a statewide university with powerful autonomy on the individual campuses. So we had the plan, but then like everything else, how did the plan work out, especially with the people who had those jobs?

Clark Kerr, for example, had some very specific ideas of what was and what was not acceptable, so I would take a piece of that. Or I would take a piece of speech on the campus: how free could it be? Could or would it be confined to academics? What would be the qualifications or the credentials?

This was long before the Free Speech Movement, but it was recognized that these issues were not cast in concrete, and we had to have some ability to be both consistent and flexible.

Wilmsen: So then as a lawyer, the idea was to use your expertise to make sure things were constitutional? When you talk--

Rosen: No, it was never quite that sophisticated. I was an analyst, not a lawyer, so I was examining alternatives and consequences, and probing different kinds of issues for consistency, and developing a bullshit detector, things like that.

Wilmsen: I see. How did you find it?

Rosen: It was fascinating. You saw how dedicated most of the people were on the faculty and on the staff. You saw how powerful the Board of Regents were. I mean, among the most powerful in the state. Fixed sixteen-year terms, unelected, appointed by essentially the governor. And they varied; some were very, I would say, high quality, and others were not. But the difficulty of administering a vibrant university, serving an educational mission, but at the same time, part of the political structure of the state. As I pointed out, it's one of four units of government in California, and it was an exciting time.

Looking back, of course, now, I'm not sure what could or would have happened with the Free Speech Movement, because as much of that was external as internal. It was connected to Vietnam and unrest and hypocrisy. But to the extent that the university could maintain a degree of integrity and decency and richness academically, I found it fascinating. Good experience.

More Reflections on Being an Air Force Judge Advocate General

Wilmsen: Then from there--this was something I wasn't quite clear on from the last time either--was how was it that you got into the military as a judge advocate?

Rosen: My undergraduate years, I took ROTC for four years. At that time, two years were required, and if you signed on for another two years, they paid you money as an undergraduate.

Wilmsen: Paid like a stipend?

Rosen: Like a cadet. Fifty bucks a month for being what they called advanced ROTC. So two years were required, and then two years were optional--as an undergraduate.

Wilmsen: Two years were required of every--

Rosen: Of every male. Of every male, in those days. Those, remember, were the fifties, and that was during Korea and so forth.

So I elected to take that second two years. The obligation was that once you did that, you had to agree to serve in the military, in the air force, if called. I graduated from UCLA as an undergraduate in 1953, and I got their permission not to go in the military right away.

Wilmsen: So you could attend law school.

Rosen: So I could go to law school. I applied to that and so forth. I then did that for three years, went to law school at Boalt, and then I asked for another extension to go to--if you remember--to go to The Hague, and I did that in 1957. Then in 1958, they finally said, "Hey, you owe us two years." So that's when I was called to colors and went into the military, having graduated from law school, as a JAG. I went into the Strategic Air Command as a judge advocate general of the 93rd Bomb Wing.

Wilmsen: Okay. Now, how did the developments in Vietnam figure into this?

- Rosen: That was much later, of course. Vietnam was *much* later.
- Wilmsen: Well, but France pulled out in 1956, and then 1957 was when the Viet Cong started doing guerrilla raids, I think.
- Rosen: I would say that was not a major item on our screen. We had a few. Believe it or not, there was Lebanon, and other hot spots-- Libya. But in those days, '58 to '60, although we were on the Pacific Coast, there was no contemplation, and certainly in our mission, 93rd Bomb Wing, no role in Vietnam.
- Wilmsen: It was not an issue at all, then?
- Rosen: It was a non-issue. The big issue continuously, because we were in the Strategic Bomb Wing, was the nuclear tip on our ordnance. We were a nuclear weaponry system, and that was always a question of what is the role of a military unit with nuclear capability.
- Wilmsen: Okay. Is that what you did as the judge advocate?
- Rosen: As a judge advocate, I was fairly well removed from operations. My clients were members of the bomb squadrons and the bomb crews. As a matter of fact, I did not have a nuclear clearance. In the military, they have what they call a "need-to-know," and I had no need to know any of the material that would have required my having a higher clearance. So I had--it had names I don't remember now--I had a high, but not highest, degree of clearance as a lawyer. Most of the bigger decisions having to do with nuclear were done either at command headquarters or in Washington, and I was just basically part of a wing, which is kind of like a battalion. We're operational, but we're not really into policy and terribly high security matters.
- Wilmsen: What exactly did you do as a judge advocate?
- Rosen: It was in a sense like being the lawyer for a big company. We had problems of personnel, we had problems having to do with facilities, we had agreements with military organizations on the real estate. It wasn't just one organization; there may have been three or four. There was a fighter bomber, there was a heavy duty bomber, there was a training command. They all had to have agreements as to what they could do and what they couldn't do, and how they behaved. It was essentially like working for a company.

And then we had a court martial system, and then we had a procurement. In other words, we had to buy certain kinds of supplies and materials from the local economy, and I would get involved in some of those relatively mundane questions of how you

price milk, how you make sure you have fair competition, and how you get buildings built, and how you hold people responsible. It was just like working for a company, except we went to work in uniform, and if we didn't show up, they could put you in prison, which we did. Under the military justice system, it was called AWOL, or desertion.

So it was a good experience as a young lawyer, because you got to see things at the ground level, of what worked and what didn't work, and how good lawyering could make a difference, and how some clients were interested in coming up with the right answers, and others weren't. It was just part of a learning experience. No big deal.

Drafting Legal Documents for Nature Conservancy Reserves

- Wilmsen: Skipping ahead now to doing pro bono work for The Nature Conservancy, you mentioned two things: the Bishop Pine Preserve, and the Point Reyes Reserve.
- Rosen: Well, they're actually very close. They're essentially the same ecosystem. The Nature Conservancy had lands in that area, as well as many others--Branscom, which is further north in California--and they, as landowners, have responsibility to manage lawfully and properly. I helped as a lawyer draft the operating practices and agreements consistent with their objectives of protecting the integrity of the ecosystem. At the same time being sensitive in that particular case to the artists who were in residence. So it was just kind of a legal problem of how you address all of these responsible issues in a way that involves negotiation and science and public benefit.
- Wilmsen: There were artists--
- Rosen: In residence.
- Wilmsen: --who actually lived on the properties?
- Rosen: Yes. Gordon Onslow Ford and his wife come to mind. Then later there were some other wood workers and things of that nature.
- Wilmsen: They were living there when The Nature Conservancy acquired--
- Rosen: They actually gave the property to The Nature Conservancy, subject to what we call the reservation of a life estate, meaning that they could live there for their entire lifetime, so long as

it was a lifestyle consistent with the primary purpose of The Nature Conservancy, which was obviously to protect the habitat. Which they wanted to do, but you're always kind of in a position of ensuring that it was done. So if they wanted to add a studio, or they wanted to add another building, they and we had to know what the ground rules were.

Well, that was what the lawyer kind of did, was make sure that the ground rules, number one, were there, that they were understood, and that they were fair and meaningful. That was what I did, and I got to know Gordon Onslow Ford quite well. He became a friend, and we learned from him, and he learned from us the responsibilities of being a good steward as well as a good artist. Not that he was at all hostile to the idea, but it's how you translate those good intentions into good practice.

Wilmsen: What body of law did you draw on for those kinds of issues? Were there precedents for setting up this--

Rosen: Oh, sure. There are many, many similar examples, but you have to learn that no two are identical. The Conservancy has similar arrangements all over the country. You learn how to extract them; you learn what works, what doesn't work, and what is acceptable to the landowner; with regard to your view of working with the Conservancy staff, you learn what is scientifically valid and what is popularly respected. If you're going to provide access, for example, and that's usually one of the issues, how much public access? These are "public" funds; even though it's coming through a 501(c)(3), can you just say, "Sorry, nobody gets on the joint"? What if some researcher from the University of California--and we had that question--wanted to come out and study some of the flora and the fauna? Well, how do you work that out? How much notice? How extensive? Can they establish a physical presence? All of that kind of stuff that goes on to making a sound series of fair and consistent practices applied on the land.

Wilmsen: Were there any new innovations in that kind of law that came out of this?

Rosen: Not really, except that I was very excited about the fact that Gordon Onslow Ford was a genuine--he was not a wanna-be; he was a practicing artist. It was both important to him and to the Conservancy, and therefore for me, to marry art and nature. So, I won't say we did any breathtaking work, but what we did do was, I think, a good solid job of coming up with the rules and practices of marrying art and nature.

Marrying Art and Nature in Preserving the Farm of J. Alden Weir

Rosen: That's something which we did later on that served me well at the Trust for Public Land when we acquired the farm and studio of J. Alden Weir, who is an American impressionist, and if you hold the thing a minute, I'll see if I can find it--[tape interruption] [Mr. Rosen left the room at this point, and returned shortly with a book on the art of J. Alden Weir.]

Typical, if there is such a thing, of the kind of stuff that turns me on. We were invited to take a crack at acquiring the farm and studio of an American impressionist by the name of J. Alden Weir. Not on everybody's lips, but on the other hand, remember, most people never heard of Vincent Van Gogh during his lifetime either.

It was a mess--it's in Wilton, Connecticut.

Wilmsen: What time frame are we talking about?

Rosen: You mean for the Trust for Public Land?

Wilmsen: For acquiring this property.

Rosen: I'll have to get that for you. During my watch.

We were, as we so often are, approached by someone who says, "This is very important land, and we're kind of stuck. Would you look at seeing what kind of solutions there might be for protecting this very important piece of land?"

Well, we're great lookers. I mean, that's one of our strengths. We don't just say, "Well, we don't do that. Why would we do that?" So we did, we took a look, and the main player was a guy by the name of Ernest Cook for us. J. Alden Weir painted here, and we had many of his paintings in Connecticut, but over the years, the farm had been sold off by his heirs. So we're now down to a significant, but significantly reduced, vestigial remainder of the park land. And even that was already sold for subdivision purposes to a local subdivider, developer.

So we had stepped into a situation where there was a lot of litigation. (If I can take a minute, this kind of gives you the heartbeat of the outfit. [Opens the book to a painting of the farm.]) Big mess, lot of legal bills, \$70,000 or more was the existing legal bill. Plus, the developer didn't want to sell the

land to us for a farm; he wanted to sell lots, and like anything else, he wanted top dollar. There was no "conservation" bone in his body, or at least if there was, I never found it.

What we did is we put our arms around the project, went to the developer and asked him to "stand still" while we took an option on about--I can't give you the exact number, but about a dozen lots that made up this farm in Wilton, Connecticut.

Why did we do that? I think it's very important, as you hear me saying again and again, for me and for the Trust for Public Land to look for ways to bring these values into sync. Remember I showed you that little diagram? [see diagram, next page] So here was a way to marry art and nature again. No clear way to do it, so as entrepreneurs, we kind of struggled and searched for a way to do it. We enlisted the talents of some local people, Bill Carlin for one, whose family originally had--he lives here in Sausalito now, as well as in Connecticut--encouraged us to persevere.

We did come up with a series of solutions, first to buy out the developer; number two, settle the lawsuits; number--

Wilmsen: What were the lawsuits over?

Rosen: Violation of various environmental laws that the developer didn't give a damn about, and therefore might be vulnerable to shutdowns or inability to sell lots which were in violation of law.

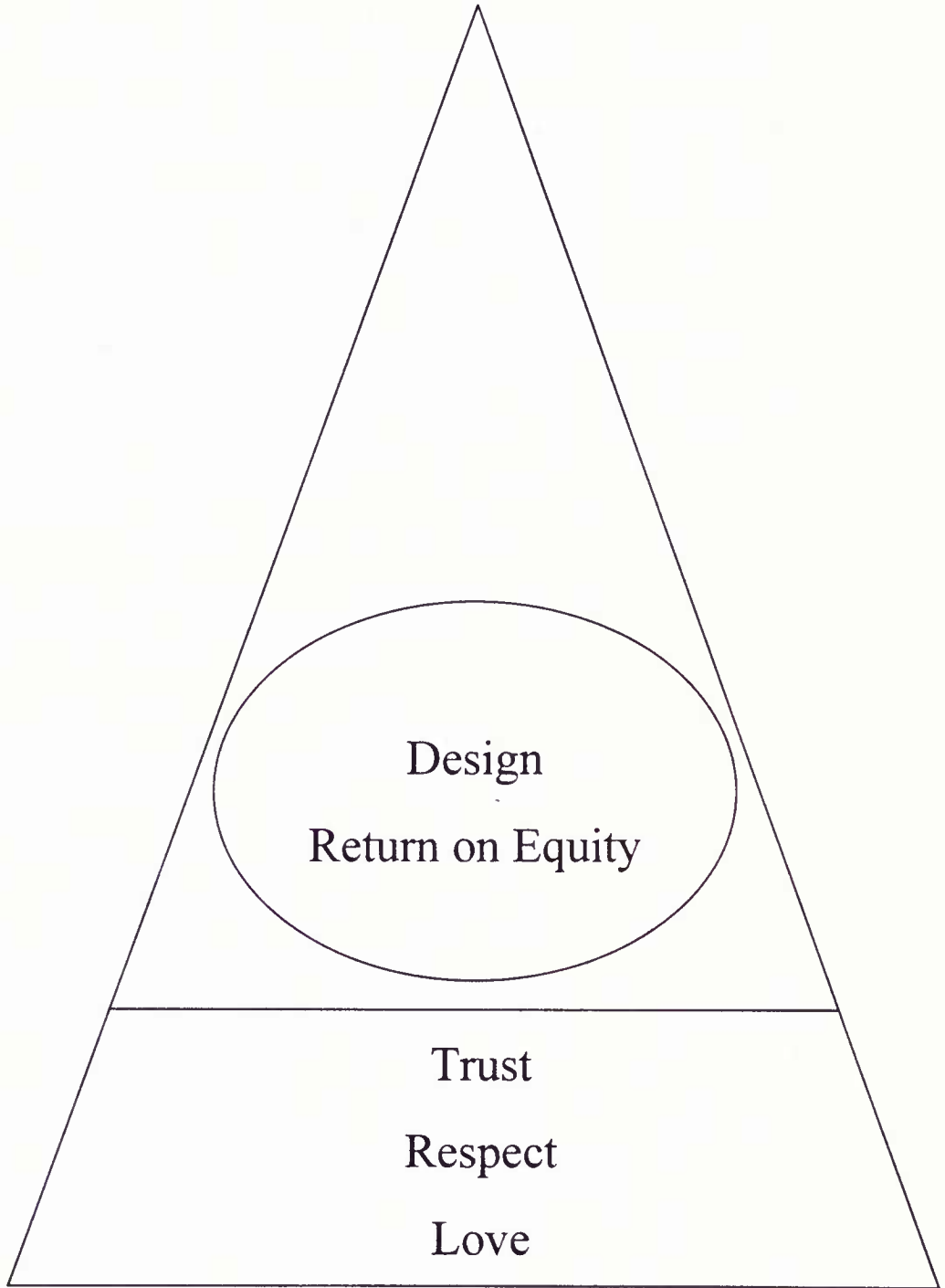
Wilmsen: Oh, so those were attempts to--

Rosen: By the local community people, yes. We normally don't do that, but that was the status quo, and it was part of the solution. If we could settle it all, that would be of some value to the developer. He would get some money, not nearly as much money as he naturally expected was due as his god-given right.

Then we were able to utilize the good offices of some of the state of Connecticut resources long enough to work with the National Park Service to create a new national park. We did a feasibility study to show how this would be a unique addition to the national park system. We persuaded the National Park Service to seek--step one is to authorize it as a unique unit of the National Park Service dedicated to both celebrating the work of an American impressionist, as well as providing studio and teaching opportunities for new artists to come onto the land and paint exactly as J. Alden Weir was inspired to do on this particular site.

Triangle of Conservation

Conservation; Health; Safety



Economy

Jobs

Education

Property Rig

Politics

Policy

Took a long time. U.S. Senator [Joseph] Lieberman sponsored the legislation for Connecticut. He's the one that recently commented on President Clinton's inability to keep his pants zipped; same Joseph Lieberman. Thought it was a positive idea; carried the legislation. The park was authorized, which is step one. Doesn't give you a dime, but at least--

Wilmsen: So when you authorize a park, that's--

Rosen: That's step one.

Wilmsen: --a decision made in the Interior Department?

Rosen: It is initially made by the Park Service, then Interior, then the Congress of the United States.

Wilmsen: Okay, and then Congress appropriates the funds?

Rosen: First thing they do is they say it's a good idea. Not a dime. They don't kill you for asking for money. They say, "Okay, it's a good idea, but no money." And then a couple of years later, if you're lucky and persistent, you then get some money. Then they finally did come ahead and buy the land from us, and we got our money back for this new national park. Very exciting, and I will get you the *Land and People* that tells the story.

Because it's again something not out of left field, but it's what distinguishes the Trust for Public Land. We do not come in that thing with an agenda that says "our way or no way," that if it isn't scientifically valid, we don't do it; that if it isn't important to the rich people of the community, we don't do it. What we try and do is bring together the best of the best on the land, by, in this case, demonstrating that this particular land was like Gettysburg, was like Martin Luther King, was like Big Sur: it's part of who we are, and for generations to come, we'll sense that the spirit and the power of place has positive consequences way beyond the boundaries, way beyond the borders of the land itself.

But you've got to start with the land, because if you erase that ability to learn and to experience, you lose the opportunity to value that spirit and that physical, tangible reality. So that's kind of been a characteristic of a lot of our work, whether it's Henry David Thoreau in Concord, or the Columbia River Gorge, where we are continuing with vigor the agricultural enterprise that is already there, and obviously also on Hawaii as well, where we don't say you have to stop doing what you're doing and do it our way because we know better. There is hopefully a built in, if not humility, modesty in what we attempt to do with

our limited resources, with a very powerful vehicle of providing a civilizing experience, and you'll notice I'm blinking my eyes when I say that. But I believe it.

But we try and take an expansive definition of what conservation is, but at the same time, demand a highly disciplined, professional approach to the performance of our nonprofit services. And if you read today's *Chronicle*, you'll see the story in the second section about what we're doing with that land below Big Sur with the Packard Foundation, taking a dairy called Coast Dairies along the seashore where we're going to protect not only the public beaches and the farm, but also the habitat.

Comparisons of the Trust for Public Land and The Nature Conservancy

Wilmsen: Yes. Now, taking that expansive view of conservation, and you mentioned last time, and then just a few minutes ago also, that an area of difference between the Trust for Public Land and The Nature Conservancy is that The Nature Conservancy kind of takes a hard-line approach, that everything has to be driven by science.

Rosen: That's correct. I think they'll say that's the case.

Wilmsen: So a question I have then is, Why was it that the Trust for Public Land decided not to become landowners in a permanent sense like The Nature Conservancy, which buys land and turns them into preserves, and then has a stewardship staff? A whole wing of The Nature Conservancy is devoted to stewardship.

Rosen: Why is that?

Wilmsen: The Trust for Public Land didn't do that, and I'm curious why.

Rosen: Well, you'll have to ask them to be sure, but I can tell you what was going on in my mind.

Wilmsen: Right, why did the Trust--

Rosen: Why did we do what we did, is what I can tell you.

The first thing is, as I think I said but I'll say again, we really did not want a separate organization, most of us. We thought we had plenty of organizations. The last thing in the world we need is another one. So we tried to persuade within The

Nature Conservancy the decision makers to at least include some of what I've described to you within their program. To their credit, they were very clear they didn't want to do that. They said, "You can't be all things to all people. We are science driven, period. If you want to do it, you can do it someplace else." So that was clear, and I say that's to their credit.

Having said that, we then saw what they were doing, and what we felt we wanted to do that made sense to us. Clearly, we did not want to compete with them; we didn't want to imitate them, and so forth. So what we did is we looked at the niche and decided what we felt was sensible for a startup organization, but also, if you'll allow me, what was sensible for an organization with a vision of what it might do and become, and what the experiences were that were superb and wanting to be emulated within the Conservancy, and those, frankly, that we wanted to depart from and do differently.

And one of them was, as you have indicated, that we wanted to be more involved in providing services to the community and having them continue to be the stewards, rather than to take it into our "inventory" and we then become the landowner, and calling the tune.

You say, "Well, gee whiz, isn't that either a cop-out or incomplete?" Sure. But it also defined in our terms more clearly what it is we did well, and what it is that would not be as strong in dealing with our core competency. So that's why we limited ourself to the role of being what I would call the interim holder, or even the land banker, rather than the landowner. And then having the community or the existing institution--state, federal, and local, churches, other nonprofits, land trusts--be the stewards.

So that was the decision. It was part of a judgment call of what we could do that made sense to us. Pure, final? No. But generally speaking, we're going to be the guys who bring things together, make it happen, and then turn it over to others.

Secondly, there's a myth (and I don't know how much of this you want to get into) that The Nature Conservancy is going to be the long-term owners. They're very, very diligent in unloading a lot of their properties. Now, they don't necessarily advertise it, because quite frankly, it would then--somewhat off the record--interfere with their fund-raising strategies, that people expect them to be the alter ego of the National Park Service, and they're not. They're in the process, and have been for a number of years--

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Rosen: They are increasingly unloading their preserves and entering into management agreements to manage the property that's owned by another person such as Georgia-Pacific, the Irvine Company, the Defense Department. So that's part of the mythology, that is understandable, and that we just simply avoid by rarely even pretending to be a longterm holder.

And then there are other distinctions as well that flow from that, and that is that, while we do some fund raising, we do very little fund raising compared to The Nature Conservancy. They have more fund raisers than they have project people. That's a distinction. That's a good one; it gives them more power, it gives them more stature, it gives them more ability to provide science. Our preference is to have more project people. We think the service that we render for the communities in putting this land, such as Weir Farm, into accessible public ownership is, for our purposes, a legitimate if not higher priority.

And then finally, there's the whole notion of membership and nonmembership and so forth. So we're similar organizations, but with some real significant differences as well. Which is why, again, with Coast Dairies, we're not the only one in town, and at the risk of sounding immodest, other organizations, including The Nature Conservancy, are not unknown. Why did the Packard Foundation choose the Trust for Public Land to handle this very complicated transaction? I'll have to answer you accurately: we're the best there is, and we work very hard at doing what we do very, very well. It's complicated business; it's a lot of time pressure, there's a lot of money pressure, there's a lot of controversy. You need people such as Anne Cole who are the best you can attract--we don't pay top dollar--and empower them to do their best work, and then have the land be the beneficiary of that happening.

And that's the role of the Trust for Public Land: when it does come to a terribly charged acquisition, there's none better than the Trust for Public Land. And you're right, I take great pride in that.

Wilmsen: What were some of the good things you saw in The Nature Conservancy that you wanted to emulate when you were first starting up?

Rosen: Good ethics. Clarity, that they were scientific driven, or dependent, as the case may be. Very effective fund raisers. They attracted some very powerful community leaders, in the best sense, not just wanna-be's. It's a solid organization.

Patrick Noonan: Viewing TPL as a Competitor

Wilmsen: Was it Patrick Noonan who you were having these discussions with? Because Huey Johnson turned down the presidency.

Rosen: He then sponsored Pat Noonan as the president. There was another fellow ahead of him--his first name was Tom, I'll remember [his last name] in a minute--who left the organization. That's a nice neutral term: *left* the organization. Tom Richards, I think his name was, something like that. And then Noonan became the president of The Nature Conservancy. So we had these conversations with The Nature Conservancy pre-Noonan. That would have been with Tom Richards, probably.

Wilmsen: Oh, so you had them pre-Noonan.

Rosen: Pre-Noonan. Yes, this is again off the record: Noonan developed into a huge pain. Our relationships with him are best described, off the record, as crappy. Huge ego, very turf-y. That's just my experience, and if you're, in my view, any good at this business, you don't just linger on the difficulties of the personalities, you just kind of acknowledge them and go around them. Which is what we do again and again.

Wilmsen: Yes. I actually heard a rumor that he tried to bury the Trust for Public Land.

Rosen: He's made the statement that he intended to.

Wilmsen: Oh, really?

Rosen: Who cares. I mean, he's kind of a sad case. And that isn't to say that all the angels, including the one you're talking to, are in any one place. We're all very human. We have feelings, we have emotions, we have ambitions. I tried very, very hard to improve relations with Mr. Noonan, because quite frankly, I felt our work was so important together, that we ought to be able to find enough common ground that we could put these differences-- and I have to say that it was pretty much a waste of time.

Wilmsen: How long was he president?

Rosen: A long time. As long as he wanted to be. It went on for years. Yes, it continues to today. He's no longer with the Conservancy; he's with an outfit he started, very prestigious, Conservation Fund. He is on the board of directors of the National

Geographic. He's a very highly regarded person. He was a MacArthur "Genius" award person. Anyway, it was a disappointment to me that I wasn't able to develop a greater degree of common cause and rapport. We had a bunch of false starts, but the fact of the matter is that it was a waste of time. Maybe it was my fault, but I have to say I don't think so.

Wilmsen: What was his objection to the Trust for Public Land?

Rosen: We were a competitor. That was his view. I had a director out of Cleveland, Ohio, Steve Morris, say, "I can't believe that two fine organizations are stuck in this high-school playground relationship. I'll go to Mr. Noonan and straighten this out." Steve Morris is a very fine person, and he said, "Do you have any objections?" I said, "Absolutely not, Steve. I support you all the way."

So he attempted to do that. He called up Mr. Noonan. (This is all going nowhere.) He said, "Mr. Noonan, my name is Steve Morris. I'd like to come to Washington at your convenience and meet with you." Noonan said, "What about?" He said, "Well, I'm a director for the Trust for Public Land, and I'd like to talk to you about how we can improve things." And Noonan says, "Save your time. It's a pointless conversation. I regard the Trust for Public Land as a competitor, and if I can put them out of business, I will."

Steve was shocked--like Claude Rains--*shocked*. So that kind of went on a while.

But lose any sleep? Oh, hell, no. There are always--and I hate to pretend I'm Christ-like because I'm anything but--there are always people out there, and they have burrs and saddles and egos and misunderstandings, and I think that all you can do is work at them, make it better if you can, and if you can't, get out of the way, and make sure that the guillotine doesn't fall and chop your head off. Is it going to happen? You bet, every day. And that's my job, or was my job, to make sure that we got the best people looking at the facts in the most constructive way, and then get on with our work of conserving land for people. And part of that is not trying to take all the credit. Part of it is making sure you don't run out of money. Part of it is supporting your people, part of it is doing all the things that you really want to have people to do when they are passionate about their work, which you think is valuable.

More Reflections on the Marincello Case

- Wilmsen: How did Huey Johnson convince The Nature Conservancy to purchase the Marincello property?
- Rosen: You'll have to ask him. In those days, being as far away from Washington or Arlington as he was, he had a fair degree of autonomy, and he used it. Then when it was kind of put together and surfaced, I would say--but he would be more authoritative--that they said, "Okay, you can do it this time, but don't do it again." That's my guess. It's a little vague.
- Wilmsen: Okay. And another question on the Marincello case: I was looking through that book you loaned me, and it mentioned that Tom Frouge and Gulf Oil had a dispute between themselves that lasted some three years--or at least put a moratorium on the construction for about three years. I was wondering how that affected your strategy and the lawsuit, if at all.
- Rosen: Obviously, it was very helpful. But it was not unfamiliar. There is usually a congruence and a disparity of the interest between the landowner and the developer. The landowner wants to get his money back promptly and fully, and with as low a risk as possible. Because after all, it's their money. Frouge is a talent. He generally has little or no money in the deal. He is, like any other developer, always using his wits and his skill to advance his particular view of the development, and he's less concerned about the bill that is being paid, or even in the same degree, the time that is being consumed in his entitlement process.

The landowner generally says, "Well, when are we going to break ground? When are we going to see some money coming out of this thing? All we see is big fancy legal bills, and debt service, and architects--when are we going to get our money?" So the developer is always on the hook for his credibility. When he says, "Well, I know I said we'd be out of the ground a year from now, but let me tell you what's happened." After a while, people back there, I think it was in Pittsburgh, said, "Enough is enough. Damn it, we're not putting any more money in this thing. You go get some more money. You get the bank, or you put in your own money. But don't just keep writing checks on our account."

That was somewhat the case, typical when things get dragged out, and developers then sense that the tail of the kite is getting shorter, and what previously had been very pleasant relationships become a little more testy, as particularly the CFO

of the landowner says, "We're not going to write any more checks." And the developer says, "You're so close! If you just put in another couple of million, I'm sure we can do this, I'm sure we can do that." And the landowner says, "We're not going to write any more checks. We've heard it all before."

So our strategy was, obviously, to play to that string. The landowner was Gulf Oil, and they were getting--it's best described as disenchanted. Bearing in mind this was not their primary business. They were not seasoned players in land plays. They were oil guys, and they know the risks and the hazards of drilling for and bringing in oil production, but they essentially lost, I would say, a degree of confidence in Mr. Frouge's ability to bring the project to fruition. And you bet, we played on that reality and said, "If you are interested in disposing of this matter in a way that is perhaps not what you anticipated with a huge windfall profit, but nonetheless meets your minimum requirements, here's what we're prepared to do." And there were people back there that said, "Take it. We should never have gone to this thing in the first place. Here's a way out." So that's what we did. Somewhat. It's never quite that stark.

Becoming More Involved in the Operations of TPL, and Accepting the Offer of the Presidency

- Wilmsen: Okay. Moving ahead a bit: you mentioned last time that your law firm had a sabbatical policy, and that it was during your second sabbatical you went to Southeast Asia.
- Rosen: Yes, I did, with my wife and daughter.
- Wilmsen: And that played into your decision to join the Trust for Public Land, if I understood--
- Rosen: Yes, you got it right.
- Wilmsen: So how did--
- Rosen: How did that happen? Well, we went to Southeast Asia. Bali, Indonesia proper, Malaysia, Thailand, Singapore. We were planning to be gone about six months, and I think we came back in about three and a half or four, so I had about two months that I was not obligated to go back to the law firm to practice. I volunteered to spend more time at the Trust for Public Land. I was, you remember, all this time on the board.

I was therefore becoming more involved in the operations of the Trust and not merely as a member of the board of directors. We at that time were aware of the fact, very delicately put, as I told you about Joel Kuperberg, that really, we were at a point that we probably ought to be looking for another chief executive, that Joel responded to our need when Huey departed for Sacramento, joined Jerry Brown on virtually no notice; he was a good soldier. But rather than run a whole organization based in San Francisco, which was not his idea of the ideal place to raise children, and he wanted to go to the Northwest, that we were in the process then of looking for setting up an arrangement to come up with a new CEO.

So I was spending more time on that, working with Joel. He's a good friend as well as an excellent conservationist and a very bright guy. And over a period of time, we were doing the kinds of things that were observable--and I can't even remember what they were--but that led, as I mentioned to you last time, to Doug Ferguson and Huey Johnson, with Joel's encouragement, to accept the challenge of leaving the law practice and becoming a full-time employee of the Trust for Public Land. So I had that two-month period from the sabbatical where I actually was basically coming to work at the Trust for Public Land for about two full months.

Wilmsen: Now, if Huey Johnson had been--he had gone to work for the state of California--

Rosen: He already was gone.

Wilmsen: But he asked you to come to step in here too, so he was still involved?

Rosen: Well, remember, he's the spiritual godfather. He was the first CEO. So he had a presence, but not an official role. We all knew each other. We all cared about the kind of thing that we felt the Trust for Public Land had the potential to contribute. Douglas was a member of the board, and while Huey no longer was and had no official connections, he had tremendous respect from all of us as our spiritual godfather, so I was responding to his sense of, "We have created this together, we three were on the first board, together with Alf Heller and Put Livermore, and it just seems to make a lot of sense that, if we're looking for another president, and I know, Marty, you're saying we ought to look outside, I'm telling you, having been both inside and outside now with the state of California, we really need, I think, somebody who understands the Trust for Public Land as you do to accept this job."

So I listened to him. And I also listened strongly to Ferguson, who I always had enormous respect and affection for, and then agreed to "become a candidate," as awkward as it was, coming from the board of directors to a staff position. It was kind of, Huh? Kind of a rigged look, isn't it? "How seriously are you really looking?" Well, I'll tell you, I was really looking. But we didn't, in all candor, look nearly as thoroughly as we did with Will [William B.] Rogers [current TPL president]. By then, many years had gone by. We hired a search firm for my successor. We had a nationwide search. We did it in a much more thorough fashion than we did when we looked for the successor to Joel Kuperberg, in truth.

Wilmsen: I see. So prior to that, how extensively were you involved? I mean, as a board member, what did that really entail?

Rosen: It was a level of participation, but not nearly, obviously, as intense or hands-on as a president. It was more of an oversight role. I was on the executive committee, which meant I reviewed, as a member of the board of directors, all of the transactions. But I wasn't part of the shaping of the individual Weir Farm transaction. I wasn't part of the original conversations with Don Henley for the Walden Woods. It comes to the board of directors after the staff conceives and shapes the project or transaction.

Whereas as president, even though it's not as hands-on as the project manager, it's certainly a lot more intense and involved than a member of the board of directors.

Wilmsen: Okay. And one more thing I'd like to get a little clearer on is how involved you were in actually founding the organization. Because I know Huey Johnson asked you to be on the first board--

Rosen: That's right.

Wilmsen: --and that came out of the Marincello case, and all that interaction.

Rosen: Clearly, I would say by far and away, the major vision of an independent nonprofit organization of the Trust for Public Land flowed from Huey Johnson. Seconded by his colleague at The Nature Conservancy by the name of Greg Archbald. Greg was his lawyer at The Nature Conservancy based here in San Francisco.

But the beauty of Huey was, while he had the, I would say primary vision of the potential of what this organization might contribute, he was not a soloist. He was very good at engaging others, and not just selling--although he was a pretty good

salesman--but in extracting judgments, concepts, risks. And we, I think it's fair to say, were very invested in Huey, but we were not his rubber stamp. And to his credit, he respected that. He was not just looking for salutes and applause. He sought and got a fairly competent and independent-minded board of directors, of which I was one.

Wilmsen: And how did it come about that the Trust for Public Land was going to focus so much on urban areas: urban park lands and urban recreational lands?

Rosen: We shared the--and I'd say all of us--shared the demographic reality that increasingly, more people were living in cities and towns, and it was accelerating. And that unless we addressed the very real issues of "liveability" and conservation of lands where people live and work, we could save all the wilderness in the world, but only temporarily. And that there had to be as much attention, in my view especially, and others, to the lands within the reach of people's settlements and suburbs, or we'd lose the wilderness. We'd lose it all. That you couldn't draw that artificial line between, "Ah, nature!" and "Ugh, the grubby, unseemly city." There was a powerful interconnection, and that had to be addressed.

We already had a Wilderness Society, bear in mind. We already had a Nature Conservancy. We already had an Audubon. Somebody, we felt must address--and this is part of our niche, similar to but different from The Nature Conservancy--that linkage, that connectivity, between the Sierras and the Mission District in town. Had to, or we'd lose it all. The only question was when.

Now, I think we're still--confessional--losing. Time is not our ally. I don't think it ever will be. But for every 1 or 2 percent increase in the population of a city or a town, we lose somewhere between 5 and 10 percent of the surrounding land. That's just the nature of the beast. We are spreader-outers, and it's not just in Los Angeles. It's in Houston, and it's in Atlanta, and it's also in Minneapolis, and it's invidious, and it's invisible, until people say, "Holy shit, how did this happen?" And the answer is, it happens every day, so you don't notice it.

That is the arena that we, with others, think is very important to address, and that's where the land trusts--extrapolation--which are not little TPLs or franchise units or Wendy burgers, but independent, stand-alone, highly motivated, locally owned and controlled around the special places [which]--even though they may not have any science in there and they may

not have any national park or other significance--live, speak, and dance to those people. That's our strategy, to take a little peewee organization such as the Trust for Public Land in the galaxy of organizations--and how we have the audacity to attempt to affect the future of the American landscape.

Wilmsen: Since automobiles are partially responsible for that urban sprawl did you ever consider working on transportation issues?

Rosen: We work on transportation issues all the time. But in a context. There are organizations that are dedicated to the transportation issue as a transportation issue. We see the transportation issue as linked to the overall question of what I call living spaces, other people call land use, other people call urban growth boundaries. There are a variety of names, one of which now currently in vogue is the "new urbanism." We think each of us have a part of the solution, and we have discovered, for example, how to access money from transportation programs.

The most recent surface transportation bill, used to be called Ice Tea [ISTEA], now it's called Transportation something. We exact, with others, a portion of those highway transportation funds for conservation purposes, whether they're called bike trails or highway enhancements or wildlife corridors or greenways or green belts, what we bring to the table is a state of mind that says it is never either/or. It is always how, whether, and how can we make something happen. And it's always messy, incomplete, and imperfect, but it's also relentless.

Now, the automobile is not mandated by God to multiply on this earth. But it is, and that is because people in the exercise of their choice, whether it's in Shanghai or Milan or San Rafael, choose it for its convenience, for its affordability, and a whole bunch of other statements that they make. So we're not trying to repeal human nature. But you'd better believe we are trying to make some, some difference in the way those highways and byways affect living spaces.

And again, without being cynical, it's a tough, uphill, squishy, slippery slope. But it's one where we choose to involve ourselves. And we have accessed millions of dollars from highway money for conservation purposes, unblushingly and unabashedly. We've had millions dedicated in Hawaii to preserve beaches. We've had millions dedicated in southern California. Maybe, maybe, in my children's children's age, we'll begin to realize the absolutely catastrophic price that we pay for the convenience and impact of the automobile, which is grotesquely disproportionate to the benefit.

But turn around and look out your window: how many sports utility vehicles, how many gas-guzzlers we choose as Americans to put bumper to bumper on the road every day. And I have to say that we are not given to throwing ourselves in front of them on the freeway, but where we can affect, however marginally it might appear, to buy some time and buy some land, we're going to do it.

Wilmsen: You mentioned that part of the idea behind founding the Trust for Public Land was that the population was becoming more urbanized.

Rosen: Yes, it is. And we were going to address those needs and those populations.

Wilmsen: Okay, and then in 1964, Justice William Brennan had fashioned the one-person, one-vote ruling. How did that--

Rosen: That simply was part of a strategy that we recognized, that increasingly that accelerated the power of the ballot box in urban areas. Where previously there was a kind of disproportionality of rural locks on legislatures particularly that were historically protected--sanctions of special interests, much like the French agricultural community, with that decision, we read that--

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Rosen: --we know that people in cities and towns value their lands some of the time. And what we were banking on is the more they had the chance to experience the positive qualities of open space in their communities, the more they'd be able to relate to the open spaces of areas that they might not ever see or visit. But if they could say, "This is important that we have," that the values would be recognized as being common to where we live, sleep, and work, to where we choose to see the geography of hope, as Wally Stegner called our wilderness areas.

Wilmsen: Also at that time, in the late sixties, early seventies, a number of politicians and studies had come out indicating that there was a need for more parks in urban areas.

Rosen: Yes. I can't remember them offhand, but you're absolutely right. The Rockefeller Commissions, the Open Space Study Groups led by Bill Reilly and others, affirmed the need for parks and open spaces as indispensable ingredients of healthy cities. That then led to the Land and Water Conservation Fund, the various kinds of Clean Air Act and environmental laws, that wilderness and those values were not something only to be out yonder, when you get a chance to go to Glacier or Yellowstone. But you bet, that was part of the intellectual capital that was being built up.

Wilmsen: Then there was the National Outdoor Recreation Study.

Rosen: That was one of them that I was reaching to--right. That was an affirmation, collection of data, that these are important. What we discovered--again, why we felt the Trust for Public Land should become a player--was we needed somebody to do it. We didn't need any more studies, we didn't need any more government agencies, we didn't need any more--we needed somebody who said, "We'll do that. We'll do that." So we weren't essentially creating a new policy, we weren't coming up with a breakthrough intellectual discovery. We were saying, "We can do that, and we will. And we'll throw our bodies into the breach."

Wilmsen: Did the Nixon administration's handling of those studies and the sentiment have an effect on your decision to--

Rosen: Some. Some of it was positive. I can't at this moment give you the fresh detail, but remember, I think it was Point Reyes and some of these expansions of UPAR [Urban Parks and Recreation Program], and some of the people in the Nixon administration, whether or not Nixon himself, but some of his people did a hell of a good job.

Wilmsen: [Walter "Wally"] Hickel--

Rosen: Hickel is the governor who was persuaded by his children. Senator [Thurston B.] Morton: I mean, we're not talking about radical here. We're talking, in my view, at least, about mainstream American values that kind of got distracted, or sidetracked, or hijacked, and what we were really attempting to do, in our view, was to refocus and affirm the mainstream values of conservation which we did not create or discover, nor did John Muir. These things have been part of the American heritage, but somehow got neglected in this craze for progressive development that even science driven, lost.

And the qualification, which you may gather, that I have about science is science is not a religion. It's not orthodoxy, lasting, permanent truth. It's the best state of knowledge, the best explanation of circumstances that we're experiencing. The people who gave us DDT were not devils. They thought they were doing a terrific job to control malaria, and they did. But what they didn't quite understand, with the best science, is the law of unanticipated consequences, the law of secondary effects, the importance of a whole bunch of things.

So again and again, you'll hear me say that science is part of, yet it is not all of, it. It is not a religion that we want to worship as "it." There are many different collisions. There

are many needs for examining consequences, including ours. Locking up land, developing land here and not developing it there. And it's from that collision, quite frankly, that we think the better--not necessarily the ultimate--but the better answers, the better decisions. Especially when most of our work, distilled to its essence, amounts to buying time, as much as it is buying land. We buy time for a community to say, "Wait a minute. Is this the best? Is this what we think is all we can afford, or if we reach more deeply, if we look at it another way, if we enlist a potential adversary, can we do better?" And if we help frame that question for a community, an agency, an individual, we think that's a very big part of our job, of buying time to do better.

Wilmsen: Okay. And then how about Earth Day?

Rosen: Earth Day is fine.

Wilmsen: Did that play into your--

Rosen: It was part of it. It certainly is constructive, it certainly enlists new people, it certainly plays to the same outcomes. But we're always concerned with, What do you do after the rally? We're really outcome-oriented, and while we celebrate--as you know, a big part of our rhythm when we acquire a piece of land on the Taconics or on the Chattahoochees, we think it's important to celebrate. We think that's part of the ritual, and we're always looking for a reason to celebrate. Because frankly, like anybody else, we think it's important to have a sense of success and a sense of historic advantage.

But that's not the end game. The end game is, Are we doing as much as we can? And this is part of it. So Earth Day is important to kind of remember where we came from, who we are, where we're going, but after you take down the banners, that's when the work has to begin, and not with the sense of, "Been there, done that, what's the problem, it's gone away," but, "How do we learn, how do we experience, how do we share, and how do we advance?" We're always very interested in what I call "What's next".

Wilmsen: Because the founding of the Trust for Public Land came pretty much on the heels of the first Earth Day--a couple years later.

Rosen: Couple years. I think the first Earth Day was about 1970, and I think we were around 1972. So you bet. We're not at war with the values or the people, but clearly, we want to harness that energy, that vision, that can-do attitude--that must-do attitude --and as I say, our perceived role is that we would be the hands,

we would be the dirt under the fingernails to take the good intentions and the vision and provide the outcome, in terms of land conservation. Directly and indirectly.

Wilmsen: Because one thing I'm curious about is that, as a result of Earth Day, there was so much more interest, or it spawned a lot of interest in the environment, and there were all kinds of things happening, and there was a lot more news coverage and so on. It was much more of a public issue after Earth Day.

Rosen: That's right.

Wilmsen: And one of the criticisms that came out was that the focus of environmental groups, or whatever you want to call it, was not relevant to black people--at that time that was the term they used.

Rosen: You bet. You bet.

Wilmsen: I guess now you'd say people of color. But did that play into the decision to focus more on urban areas for you and the other board members?

Rosen: I'd say a fair statement is, if you're going to work in urban areas, you've got to work in all of the urban areas, not just the Rosses and the Woodseys, or it's shuck and jive. The scourge, the taint, the catastrophe of slavery in this country has never been fully measured, either by blacks or whites. We're still paying the price of, what was it, 25 million people brought to this country in chains, treated as chattel, property, a constitution drafted that affirmed the fact that certain human beings were property, to be disposed of like wood or oxen. Morally, corruptly wrong totally, but embraced by our founding fathers, for which we're still paying a price.

And conservation has a contribution to make to a joining together around land uses, how we can bring people together, and you bet we're very conscious, before it was fashionable--or unfashionable--to do so.

Wilmsen: So was that something that you thought about back in 1972?

Rosen: Absolutely. It was as important in our founding--of all of us--vision, as difficult as it is to work, because there are a variety of consequences of what I call that slave-trader mentality. Sense of what a community is. Communities being something to escape from and not to build or restore, if it is derelict or seedy or dangerous. It is not the entire answer: schools, health, jobs clearly are related to any sense of

progress or improvement. Jobs are very fundamental, and when you can be accused of "locking up land" rather than allowing a factory or housing tract to be built and jobs to be created, your motives can be questioned, and should be, and suspect.

But you bet. There is not any accident that we addressed from day one--and our first project was in, as you know, O'Melveny Canyon in Los Angeles, and then went on to other places.

Wilmsen: Was that Bee Canyon?

Rosen: It could have been called Bee. We bought it from the O'Melveny family in southern California. That may have been. But it's very important to us that public access, wherever possible, we are not neutral. If there's an issue there of too many people overrunning the habitat, carrying capacity, a whole bunch of explanations. But our bias is toward public access, and that the burden of proof why the public should not be allowed is on the landowner or the agency who claims it to be public, whether it's a reservoir or a downtown park or a wilderness area, and we feel very strongly that we need landmarks to continuously remind ourselves and others that conservation is not something just for Woodside and Ross, California.

And that's why we have done the Bee Canyons, why we have done projects in the Mission and in Chinatown, why we've done urban gardens, why we have done the Sinkiyone Wilderness for both the state and the Native American people--and look for more opportunities to work with Native Americans, à la the Nez Perce--why we did the Monroe School in Topeka, Kansas, where--*Brown v. Board of Education* was decided, and people say, "What the hell are you buying a downtown Topeka schoolhouse for? What are you conserving?" We're conserving a very important part of the American landscape, where our school systems physically connected to the land of Topeka, Kansas, was restored to the lands of the United States of America as open and not separate and unequal. And why we went on from there, as you know, to Martin Luther King's historic district. And people will begin to say, "Hey, that's not what I thought of as conservation." And maybe they'll begin to see the kinds of relationships that Americans have that are as diverse as our lands are diverse. It's not all Wal-Mart land. It's not all Yosemite land. It's a very, very diverse land which has compelling stories in each of the communities, and if we can--like Weir Farm where we started out today--relate to and raise awareness, we'll have a better quality of civilized life as well as a better quality of healthy lands.

- Wilmsen: How do you respond to those criticisms that you might be locking up land and preventing the creation of jobs?
- Rosen: Like every accusation, there's some partial truth. But it's not the overriding truth; it's a false dichotomy, generally speaking. That while we can't be all things to all people, neither do we have to convert all of our land to factories and shopping malls. So what we try and do is discern the impact of development--which is tough, people differ--on natural places, and see where we may do both the linkage of land in its natural state and land developed for more intense commercial uses.

Most decisions, however, in development are done in spite of the natural consequences, rather than because of them, and if we can get into the decision-making process early enough, we hope to appeal to landowners to see how the development can relate, not as a P.R. gesture, but relate to certain land that should be kept in its natural state to the benefit of the landowner, as well as the benefit of the surrounding community. It is not lost on anybody who has studied real estate patterns that again and again, the most valuable parcels of land are those which adjoin natural areas. The best sites are positioned to take advantage of those qualities of natural open space, and that understandably, some people want the open space to be on their neighbor's, which they can enjoy free, rather than "give up" or sacrifice any of their economic advantage.

That's understandable. We don't consider that evil. We just consider that part of the negotiating process. And we engage in that. We understand there is some truth in every accusation, but it is not substantially accurate, and we take them on.

- Wilmsen: Okay. Is there anything else you'd like to add about the founding of TPL?
- Rosen: No, except I'm very proud that we had some very, very good, solid people who have pretty much stayed involved over the years and are gratified that we each brought something valuable to the table--Si Foote, Put Livermore, Alfred Heller, Greg Archbald-- that we didn't necessarily think of ourselves as pioneers, but we had a clue that we just might, just might be onto something that would make this place a better place than it was, and was worth the effort. There wasn't really any sacrifice. Nobody got shot, they never burned down our church. But it was good, honest work.

III CONSERVING LAND FOR PEOPLE: ETHICS, INITIAL GOALS, AND THE LAND TRUST PROGRAM

Aldo Leopold and TPL Ethics

Wilmsen: Well, one thing I actually wanted to ask about was you mentioned ethics a number of times already, and also in going through the annual reports, especially in the early years, there are a lot of references to Aldo Leopold.

Rosen: Aldo Leopold!

Wilmsen: I was wondering how his work--

Rosen: He was a big part.

Wilmsen: --fit in with your own personal ethical system, and then how that translated into kind of the corporate ethics of the Trust for Public Land.

Rosen: There was a big-time connection there. Aldo Leopold was a scientist, worked for the Department of Agriculture, was also a poet. *Sand County Almanac* is his testament. First time out hardly was read, as are many fine contributions. But the more you stayed with him, the more you recognized the lasting truths that ethics are, as he described it, the way you relate to others. Certainly there's honesty, fidelity, truth, but there's also respect--for species, inanimate, and what I would call the inquiring mind--that requires humility and modesty, that we really don't know all or even enough of the answers to be indifferent to the consequences of scientific certainty or commercial advantage, and that ethics require some deference to the unknown and respect for the mystery of life.

And that's not fuzzy thinking; I think it's very powerful, specific thinking. That you're not always pushing the envelope, you're not always looking for the win-win, you're acknowledging

there's a whole huge part of life which is yet to be discovered, let alone appreciated. And that in our work, therefore, we have to do our reconnaissance and fact-checking and minimal professional total obligation with respect for the unknown, and the ethics of our work, therefore, means that we can never be so certain that our cause is just and our answers correct that the ends ever justify the means.

That is my view of ethics, that we've seen again and again in history, whether his name is Cromwell, or fill-in-the-blanks, that our cause is so compelling and perfect that if we cut a corner, or we cut off somebody, the ends justify the means. Never. Ever. We turn that around and say that the ends never justify the means, that the means infect the ends and the ends infect the means. And unless you see the wholeness of that human experience, you will not only fail but you will deserve to fail.

So that's why we spend a bit of time on reminding ourselves, it's not what we say but what we do, and what we practice every day, that distinguishes the ethical from the unethical. It's very, very easy in the heat of battle or the press of deadline to kind of say, "Well, we've just to get it done, whatever the price. Whoever gets hurt. Go for it." You know, that's the great Nike disservice: "Just Do It." "Just do what?" is a big, big question. I hope we ask it every day. Just do what, to whom? At what price? To what effect? To me, that's ethics. And I realize that it's Nike's way of saying, in shorthand, "Get off your ass, be a champion," other kinds of misleading advertising. It's kind of, "whoever has the most toys, wins." Bullshit! If you take a short-term view, you deserve a short-term stick in the eye. That's what we think the ethic translates into.

And yet, we respect deadlines. We expect to close transactions. We expect to get something done, and there's an inherent, internal almost hysteria to reconcile things that are continuously in conflict. And they are in conflict. You always need more data. "Well, hold off. Let's check with Charles, let's make sure." And sooner or later, you have to say, "We've got enough data. We're going to take the risks of failing or being wrong, but we're going to act." That's an ethical dilemma: when is the painting done? When is the book finally written? It's when you abandon all further hope and say, "That's it. I hope."

TPL's Nonprofit Tax Status

Wilmsen: How did you convince the Internal Revenue Service that TPL should have nonprofit status?

Rosen: That there is a public benefit that is demonstrable in having an organization dedicated to its conservation objectives and organized to add value, retain a portion thereof from the successful accomplishment of its objectives by closing land transactions, and then reinvesting those proceeds in its work directly. And that a significant form of energizing and financing the enterprise would be from the satisfactory consummation of these transactions, so long as no one within the organization--or primarily within the organization, because we buy from landowners--benefitted personally in their purse from these transactions. We were up front that we intended to share a portion of the bargain sale or tax saving with others, but also to retain a portion as our working capital.

We had very good representation, and the IRS approved that. They've audited us several times and found us in compliance with our intention and our operational consistency. Which pleases me mightily.

Wilmsen: Was that controversial when you first started?

Rosen: It's always controversial. There are some people who have a notion of charity which says that charities should operate in a certain fashion. Namely, you collect money with one hand and you give away what you collect with the other, and that you never sell your services or your operation for any gain whatsoever. The analogy being that if you give to the Red Cross, say, some people say the Red Cross should never sell the donuts. They should give away the donuts. If they sell the donuts, even for a nickel, they're not acting as a charity.

I can understand that, and that's certainly true. But it's not the entire truth. There are a variety of ways that nonprofits can and do operate. As long as they're legitimate and true to their objectives and subject to transparent accountability with audits and disclosure, which we are. So I don't think it was that difficult to show the parallel to a university, which may charge tuition in part to defray some of its costs or to a Berkeley Repertory Theater that sells tickets to the public to defray a portion of their expenses at the same time they seek major gifts in a more traditional form.

So we're in that, I would say, analogy situation where we recover a portion of our costs, attempt to attract a gain to use as our working capital and therefore reduce the expense of our borrowing, as we do extensively, for our next transaction. The way you try and keep yourself as honest as possible is make it as transparent and open as we can, which we endeavor to do.

But some people, we have heard over the years, say, well, that's not the way they were trained to view a charity. A charity should never charge anything for its services, and certainly should never show a gain on a transaction.

Wilmsen: Is that what brought on the IRS audits?

Rosen: No, no. The IRS audits were always routine. We have never been chipped at for cutting the corners. We've had the same auditors, Deloitte & Touche, since we opened our doors. We've got a chain of what other people call overhead, and as you know, I don't believe in overhead--I don't think it's overhead to conduct your operations lawfully. That's not an afterthought; that's a blood thought.

But no, we've had criticisms, I would say, from certain members from time to time of the community that saw that there would be a particular transaction where, let's say we bought a piece of land for half a million dollars and we sold it for more than we paid, that they did not see that that was charitable. That was just, to them, a real estate transaction. But what they didn't understand, in our view, is that every dime of that transaction was accounted for, every dime of that transaction was first applied to our costs, and every dime, if there were any loss, we paid for, and every dime that was gained was reinvested in the working capital of this organization. Without exception. No one is on a commission, no one has a side deal. We're all on a what I would regard low adequate salary, and we take the consequences for doing it right. As I mentioned, the ends not justifying the means--

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Rosen: Some of our work is controversial to someone. Some people think no tree should ever be cut. Others think Wal-Mart is more important than trees. A lot of what we do does not exactly pat us on the head. An organization worth its salt has to be prepared, I think, to take the hits as well as the praise. Without becoming stiff-necked or indifferent or--but it goes with the territory. Everybody doesn't necessarily love what you do, nor should they. We don't approve of everything they do.

Initial Funding, Buying Loans, and TPL's Entrepreneurial Attitude, 1972

Wilmsen: The initial funding for the TPL came from the Ford Foundation and--

Rosen: San Francisco [Foundation], and Andrew Norman [Foundation].

Wilmsen: And somewhere I read, in one of the reports I think, that TPL opened its doors with \$600,000 in the bank and in pledges in 1972.

Rosen: I think that's right.

Wilmsen: For that time period, it seems like an enormous amount of money.

Rosen: I think that's more than we had. We can find that from Bob McIntyre very quickly and from those early annual reports which I used to have around here and I don't have in my hand. But my recollection is we had some cash and some confidence that if we did what we said we would do, we would have up to \$300,000 for three years.

And even that was pretty significant. It was not a puny sum. It was not "adequate" to do a lot of things, but it was just adequate enough to launch a scrappy organization that did not have an unlimited line of credit, that didn't have a board of directors that was going to underwrite whatever we did, but got us to the point that we could hire a couple, three staff, which we felt was very important, that we not attempt to do this strictly as a couple of volunteers doing it when we can. So we hired Huey full-time, we hired Greg Archbald full-time, and we hired Sarah, I believe, full-time. So we started with three staff, and then we went from there.

You bet, it was a tribute to their risk-taking, entrepreneurial backing. Ned Ames of the Ford Foundation, John May of the San Francisco Foundation, and I'll think of his name at the Andrew [Norman] said, "We'll give it a try. We'll give it a try." But there was no cascading of funds. It was tight.

Wilmsen: But then I also read that Huey Johnson had negotiated a \$10 million line of credit with the Bank of America. How did he manage to do that?

Rosen: He's a very good salesman. He happened to hit Louis Lundborg, who was then the CEO, through an introduction, at a time when he was hearing from his children, as I recall--worthy of asking

Huey--"Dad, the bank has to be something more than an outfit that serves fat cats. You've got to do something of a more significant nature." And that was about the time that Huey managed to meet him and made the pitch for a significant line.

The reality was that we hardly had access to any money at all, because there were so many conditions put on it that yes, we could talk about it, and if we had a landowner call and say, "I understand the bank has--they must be good people, if you give them a line of credit," they would get an answer, "Yes, they're a customer of ours, and they have a \$10 million line." But it was so conditioned and contingent upon banker covenants that it was hardly what you'd call an unrestricted transaction. It was helpful; it was damned helpful, and we're very indebted to Louis Lundborg, and for that reason have stuck with the Bank of America as our lead bank to this day. Because when we really needed them, even though what I just said to you was the case, they were there for us.

But we were damned fortunate, I think Huey will tell you, as good as he was, and he is a great salesman, that we were fortunate that that was just about the time that Louis Lundborg heard from his kids that, "Dad, you've got to do something more than just serve the fat cats."

Wilmsen: Can you give an example of one of the first times you actually drew on that line of credit?

Rosen: McIntyre can; I really can't. I don't know that we ever did. McIntyre can tell you. Frankly, the relationship in terms of cash flow was so unsatisfactory, it was such a morass, that we hardly, to my knowledge, ever used that money. But we could point to it, and it gave us a kind of credibility.

Today, however, we really have access to that money. We draw that money down all of the time, and we have proved that it's valuable for the bank, because we've always paid back our loans, and we've even helped the bank solve some of its problems. We bought some loans, some problem loans from the Bank of America, liquidated them, and restructured those loans to enable some of their clients to not only pay us back--we paid the bank first--but also to take some of the land that was very important and convey that to the California Department of Fish and Game, the United States Fish and Wildlife Service, and so forth.

So again, it's part of our moxie, that we will actually get into the transactions. No great intellectual breakthrough, but we actually go into the transactions, get the dirt under our fingernails, and protect some land. Now, that's not something

that everybody does. It doesn't mean taking protest signs and saying, "Save the Headwaters"--as important as that may be. It's getting inside and saying, "Holy Toledo! Is there something we can do?" and figuring out a way to do it. Big risk. You have to buy a couple of million dollar loans from the Bank of America, you say, "What are we going to do with it? They couldn't do anything with it. What the hell are we going to do with it?" We have a different outlook.

Wilmsen: So you bought the loan--

Rosen: We bought the loan.

Wilmsen: Then the landowner--

Rosen: Owed us.

Wilmsen: --would owe you some cash and sell you some land.

Rosen: That's right. We took some land, we helped him get some debt relief, because he didn't have to pay us on the same schedule that he paid the Bank of America. We arranged some purchases of his land for open space purposes. We just changed the whole equation. The bank just said, "Look. You're a farmer, right? We don't give a damn what you're farming. We want money. Farm--money. Money--farm." That wasn't our gig. We wanted him to farm, but we also wanted him to stay on the land, we also wanted him to sell to us lands which we identified for park and open space and habitat purposes.

Wilmsen: How did you hear about those land--

Rosen: The bank came to us, and they said, "We may have an opportunity to work together. We've had this relationship of long standing," and they have what they call REO property, real estate owned. That's what they call problem loans. So one of their people said, "Well, why don't you talk to the Trust for Public Land? That's the kind of stuff they do. Maybe they'll have an idea." So that was the reciprocal value to them of having us for a customer. They picked up the phone and said, "Can we talk to you about a problem? We've got this big loan, the guy isn't paying it, he probably can't pay it. It's land. You guys are in the land business. What do you think?"

So we went to work at it just like Weir Farm, looked at it. We didn't say, "Oh, we don't do that." Or, "Oh..." we said, "We'll look at it." We said, "Hmmm, we might be able to find some Ice Tea [ISTEA] money," because part of that ranch runs along a road that might qualify for transportation enhancement funds.

That's our business. The bank doesn't know that, but we know that. We said, "Okay, let's find out. If we did, would we qualify with the state and/or county of San Diego for some road enhancement?" Guess what? Maybe--no lock--but maybe. Stand still there.

Then we go over and we talk to U.S. Fish and Wildlife, and you've got a wetland area. This ranch provides some of the watershed. Would you guys be interested in buying it?" "Nobody ever asked us. We might, thank you." Then we went to the Joint Power Authority of the City and County, I guess it is, of San Diego and said something about a recreational area.

Anyway, that's what we do. We reconfigure, we restructure things, we add a different point of view, and from time to time--not always--we can bring the kinds of solutions that other people can't. That's our long suit. That's what we do for our charitable exemption, that's what we told the IRS when we started this thing: we would take an entrepreneurial attitude. We wouldn't just be doing the traditional fund raising, "Hello there, please come to Mrs. Gotrocks' house, we're having a benefit for the Trust for Public Land." We do some of that, but the primary--more than two-thirds--comes from doing these kinds of transactions which I've just been describing, which is sometimes called Volcan Mountain or Rutherford Ranch.

Wilmsen: Where did that entrepreneurial attitude come from, or the idea to apply that in--

Rosen: That's our heart and soul. That's our core.

Wilmsen: But in the beginning, how did that--

Rosen: That's our heart and soul. That's why we didn't want to have a membership, that's why we didn't want to have any impediments externally built in which would obstruct the organization from acting with dispatch, especially in real estate, where time is money. Now, you can make mistakes when you're hasty. You know, you hear all these little slogans, real estate is "location, location, location"--sometimes true. It's also timing, timing, timing. If you have an elaborate process of decision making in the name of safety and security, it is our view that is probably the most unsafe way to make the decision.

Why is that? Because you take false security in this laborious, cumbersome system, rather than saying, "How are we going to get killed if this thing goes bad? What can we do to avoid that, and who's going to be responsible? What are the"--not formulas--"what are the pathways of success? And can we

afford to stay in there long enough to make it happen?" It's a very different decision-making model. It involves a lot of risk, which we face right up in our face. Have we lost money doing that? You betcha. That's part of what we told the IRS. Nobody bats 1,000. But when you observe a form of reality that is fraught with peril and where the word of most of the people you deal with--I hate to be cynical--is not good, for one reason or another, without becoming paranoid, you accept the inherent risks and deal with them in a different way.

That's what we endeavored to do from the first day we opened the doors. We wouldn't put our name up in lights, we wouldn't become necessarily the big, best-known saviors, but we would be honest and skillful and persistent. And that's what we look for when we recruit people.

Wilmsen: In the 1974 balance sheet, in the--

Rosen: Santa Fe, New Mexico, at the La Fonda Hotel, when we thought we were going broke?

Wilmsen: No.

Rosen: Oh, that's later.

Wilmsen: I'm still talking about finances here.

Rosen: Okay, go ahead.

Wilmsen: Because I was curious about one thing. It shows a \$500,000 restricted fund, and I was wondering what that was.

Rosen: [We'll have to ask] McIntyre. Bearing in mind, a lot of money swishes through here. That may have been an advance, that may have been--I just don't remember. That would be fifteen years ago, and you may be right, that that was somehow what Ford and so forth put in cash, but I defer to McIntyre. We can get that for you. I can't remember.

Wilmsen: Okay.

Rosen: Good for you, though. I love the details. God's in the details.

TPL's Four Initial Goals

Wilmsen: So shall we move onto initial goals of the organization? There were four: acquiring land for human needs, creating a new class of land professionals, becoming the first self-sustaining conservation organization, and developing innovations in land protection.

Rosen: Yes.

Wilmsen: How did you come up with those four goals? If you can recall.

Rosen: Boy. We had a study done by a fellow whose name escapes me, who later went to work for Foster Farms, but I think he was with McInsey or something. He worked with Huey and Greg and us to develop a so-called business plan. One of the major objectives is to not only state what you hope to achieve but, quite frankly, how you are different than others. That was, I think, a combination of one, two, three, and four, what our vision was, human versus endangered species as our focus, and secondly, the statement of our modus operandi, that it was going to be a single ask, that if you gave us start-up capital, we wouldn't be back. That's how we rationalized the self-sufficiency.

Secondly, that we felt very strongly that we had to raise the quality of nonprofit professional activity in the field of real estate, that it's something more than, "Well, how much do you want for your land?", taking whatever you said, and then going out and fund raising and saying, "Okay, we met your price."

Wilmsen: That was one of the things that you thought was not so good about The Nature Conservancy?

Rosen: I wouldn't emphasize that, but I would certainly say that was a piece of it. But the shortcut answer is, they were primarily fund raisers. Fund raisers, and scientists. The actual grappling, negotiating, risk-taking as we defined it previously was alien to their nature. The big thing there was, "Don't make a mistake." Or, "Who do we know that can give us the money that we need?"

That's a piece of it, but the whole idea of generating your operating support from achieving your mission was alien. They said, "We don't do it that way. We think you ought to raise money when you raise money, and you ought to save land when you save land, and don't mix the two." We set out to unify the two. So I guess we had maybe a dozen of those goals, objectives, modus operandi. Steve--can't remember his full name, McIntyre might--

helped us say the business plan should both tell the people where you're going, as well as what's different about this organization from Audubon or the Wilderness Society. And that's what we attempted to do.

And in most respects, I would say we have been fairly true to them. The only one I would qualify, and I would say on my part very deliberately, was the goal of being a self-sufficient organization. I understand it, I appreciate it, I respect it. And frankly, I think we're way beyond that. That is the result of a series of experiences operating a nonprofit, and particularly I refer to a conversation with Homer Wadsworth of the Cleveland Foundation that said that that objective is malpractice. That when you talk about being self-sufficient, there is a built-in smugness, that there is a built-in "thank you very much, your help is not needed or welcome." You may not intend it, but that's the way I receive it, and you always ought to be open to seeking, welcoming, cherishing people's assistance and support, and not saying, "Thank you very much, we are self-reliant and we neither seek nor will accept your assistance."

So that has led to a cultural issue. What does that mean? What does self-sufficiency mean? What does it not mean? And to what degree should we acknowledge the vulnerability and the dynamic nature of a nonprofit that says all help is welcome, and our need is recognized or acknowledged. Simpler ways to put that, I'm sure, but that's what I'm saying. I spent a lot of time getting that particular statement eliminated from our goals and objectives. That we still want to be significantly reliant upon our closing real estate transactions for conservation, but not so stiff-necked as to say, "Thank you very much, we don't want or need or seek your help."

And there is a dilemma within the organization as to, "Well, aren't we supposed to make money on these transactions?" Yes. How much are we supposed to make? How much is enough? Well, there are some questions you never really answer, nor do I think you should. I think you should always be asking, "Well, what do we mean? What is reasonable? Should we do the transaction even if we lose our shirt? How many of those can we afford to do if we continue to lose our shirt? What are our alternatives? What help, what support--from the Packard Foundation, from Newt Gingrich--should we at least be alert to?"

So it's a more complicated way of achieving a degree of independence, assertiveness, expansiveness, but it is not a closed system, that we are self-reliant, thank you very much, we don't want or need your help. A little fuzzy, but it means something to me. And others, happily. But we do have a very

extensive--not nearly as extensive as it can or should be-- training program. A lot of people who come here have never done a real estate transaction before. We are focused, as you mentioned earlier, on urban, but also rural, but not exclusively one or the other. We think it's an artificial distinction to say, "Well, we only do land within SMSAs of 3 million or more," or "We never do land that is more densely populated." We think that's kind of like a gross national or domestic product: It's a very imperfect classification and more unhelpful than helpful. And then the others we had recited, we kind of address in our operating plans.

Because as you know, we're very systematic. We have extensive action plans, we have extensive quarterly reviews, we have extensive monitoring, so systems are very important to us because it's part of our transparency and part of our accountability. We think, as you heard me say earlier, good intentions are important, but they're not sufficient. It's a question we try and answer every day of the week: What have we done for the environment today? Today! Not in the annual report, or that Miss Gotrocks will give us a million dollars for. It's not over yet; it's systems of expectations based upon performance.

Establishing Operational Precedents in Initial Projects

Wilmsen: Then moving on, your first project you mentioned was Bee Canyon.

Rosen: Probably.

Wilmsen: Was there anything significant about that, other than it being the first project?

Rosen: Well, there's only one first. Showed that there was a market for our services. Showed that we had a degree of skill. Showed that we were performance-oriented, and it was in a populated area. Seemed like it met our starting criteria. Was not necessarily the ultimate or typical, but it made sense.

Wilmsen: And then there was the Wilkins Ranch.

Rosen: That was, as is often the case, an opportunity with a very short time fuse. We had to very quickly demonstrate an ability to what I call put our arms around the transaction and deliver, and it was a good drill, and resulted in our demonstrating skill at a high pressure situation in an area of vulnerability, adjacent to

a pretty urban San Francisco area, within an hour's drive. And again, people-oriented rather than scientifically validated.

Wilmsen: That's been described as key to the Golden Gate National Recreation Area.

Rosen: Many keys. It was a key.

Wilmsen: What made it a key?

Rosen: You can look back now and say, "Gee, it's kind of God's will that we have a Golden Gate National Recreation Area." There's always a huge likelihood of failure, that the good idea fails. That demonstrated some credibility, that land was available, that there was public support, that the agency would respond, and Golden Gate National Recreation Area in a larger sense was no popular feature of the National Park Service. Most of the National Park Service professionals up to that point had some real doubts about these new hybrids: recreational areas. "What are they? Playgrounds? What the hell are we doing running a beach or a playground or a riding trail? We're Yosemite guys. We're people that do Glaciers and Yellowstones and--I don't get it."

So that's kind of a reality, and the fact that we could bring to the table some land that even they would say, "Yeah, well, that's good-looking land. It's not got a bunch of homeless on it. Yeah, it's okay," gave it some momentum when it needed it. That's what I would say.

Wilmsen: Was that the first time TPL had made a purchase below fair market value?

Rosen: Have to check with McIntyre. We always seek to do that, but we also recognize you can't always do it. We rarely pay more. When I say "rarely", I can think of once. But that's our objective. We're always open, and that was part of our modus operandi that we would use that combination of tax benefits and cash to get the price as thriftily and economically possible, that we do not want to just throw money, being a conservation organization, at the land, regardless of the price. It's priceless, so you just pay whatever. We wanted to make sure that the public got its demonstrable money's worth.

And then off the record--which is what really concerns me about the Headwaters--I really feel that money has been thrown at that. We're talking about a half a billion dollars for maybe 10,000 acres, and I have great concern that that may create a backlash similar to the lavishness of the Defense Department that

was totally unnecessary. I think it's very important that the public be convinced that not only is this land valuable as land, but that it is priced right, that they're not on two different screens that you pay whatever it takes. I think that sets you up for a backlash. Because there are too many other important things. We need schools, we need health, we need jobs, and if one organization or series of organizations say, "Well, those rules don't apply to us. I'm the only organization that should be honored or favored," that's hubris.

So we try and bargain hard. You bet. We try and buy for a combination of tax benefits and cash to meet the minimum requirements of the landowner, but without lavishing excessive funds. Good?

Wilmsen: Call it quits for today?

Rosen: Yes--holy Toledo, what is it, five-thirty? Shame on us!

The Land Trust Program

[Interview 3: November 3, 1998] ##

Wilmsen: Last time, we ended with you talking briefly about Bee Canyon and the Wilkins Ranch purchases. So I wanted to move on into the various program areas. We're somewhat trying to keep this chronological, although we don't have to. We've gone through when TPL was founded, and how you co-founded it, and all the circumstances surrounding that. Now I want to move on into what happened after it was founded, before you became president, in getting the urban program going, the Land Trust Program, and the Public Lands Program. I think we can start with the urban lands.

Rosen: Well, what we did there--bear in mind, as you say, I was only involved to the extent as a board person, first with Huey, the first president, who was a full-time employee, and then with Joel Kuperberg. But we always had the view that we couldn't be a single trick pony, that we had to go down those three pursuits virtually simultaneously, even though they're very much related, they're distinct.

By that, I mean for the Public Land Program, that is the more traditional land acquisition work, where there is a more readily apparent source of funding for what we call "the take-out," namely, for the people to buy the land from us that we have either optioned or purchased. And that would be, say, for sale

to the City of Los Angeles à la Bee Canyon, or to the National Park Service if it were for Point Reyes or the GGNRA. So that is a more established funding source.

The Land Trust, which in the days that we were involved, in the early seventies, was just getting started as a groundswell-- not to say there weren't land trusts, but there were just a handful, and they were very specialized. The Jackson Hole Preserve, for example, because people love Jackson Hole they said, "How can we save it?" So they would start a land trust.

Wilmsen: At that time, they were mostly in the East, weren't they?

Rosen: More in the East; some in the West, but which were started by Easterners. Yes. The oldest, of course, being the Trustees of Reservation in the Boston area, more than 100 years old. And there was no sense, I would say fairly on their part, of extending either--this may be unfair, but I don't think it's entirely unfair--the geographical reach, so that there are more land trusts, or the evangelizing, to promote the idea of, "We can do it, you can do it, and here's how we can help each other."

We saw that as a role of the Trust for Public Land, to not only promote land trusts throughout the United States, but also to provide the technical assistance to the grass-roots organizations who might not otherwise, for example, be able to afford staff, or who wouldn't have anything more profound than, "We've got to save Bald Mountain," or, "We've got to save this, but how do we do it?" And we saw the role of a national organization, e.g. the Trust for Public Land, more than facilitating, actually offering something tangible by way of a manual, by way of training, by way of networking, which was essential but not terribly well funded. I mean, there are not a lot of funding sources.

So we had to kind of figure that we would make our money-- our nonprofit money, from the more traditional land acquisition, and then put in some of the money to hire staff and to underwrite the creation of these land trusts on a much more comprehensive and competent basis. Which we did.

Wilmsen: Were the land trusts in the cities as well as in the rural areas?

Rosen: Yes, all over. We didn't discriminate again on the nature of the land that would be "protected" or preserved. The truth of the matter is that not only is money power, but money generally means education. You have more people who live in Ross, California, who have graduated from either college or have professional degrees than you do in the Tenderloin. That's not any great

surprise. So we had in the land trust, we felt, a way to bring together people of common interests--namely, "Let's save our land"--regardless of class, regardless of geography, but having a common interest in orienting toward--which raises other problems which I'll come to in a minute.

So that was the Land Trust emphasis, and we conducted seminars. We gradually did get some funding, and then offered intensive workshops at Green Gulch Ranch, for example, for several years. We would prepare materials that they could take away with them and take back home, and then spread the learning. It was kind of an extension program.

Wilmsen: Train the trainers.

Rosen: Training the trainers, exactly, you got it. So that was one element.

Implementing the Urban Land Program

Rosen: And then related to that, but not identical and not all that different was the emphasis on what we called the Urban Program, where we would both train the trainers, as you so well put it, but also zero in on land that people in a community said we must save. "We need a park in the Mission, we need a park in Chinatown. How do we do that?" They may have passion, a lot of smarts, but less experience in dealing with these kinds of land issues.

We would both train the trainers and actually assign people power to the transaction on their behalf, or we would joint venture with them, that we would perhaps provide some of the cash, some of the legal stuff, and then they would say, "Okay, we'll handle the politics, or we'll turn out the folks, or we'll match"--with what we call sweat equity--"the requirements."

I must say, more of that was done in the East effectively, and continues to be done in the East, particularly in New York City. As difficult as living in the New York area is, they have a much more advanced state of history and experience in dealing with thorny land issues in Manhattan. Especially and specifically around community gardens. We would work closely with neighborhood associations, tenants associations, to create a park or to stabilize, say, a vacant piece of land and turn it into a community garden, even without the ownership or tenure. We would work with them in greening that space so it would become

a source of pride rather than a dump, and then hopefully bootstrap that and provide a longer term solution after demonstrating a commitment and competence to the community taking care of that land.

And needless to say, those adventures were more problematical. When we were successful, they meant so much more to a community that really was disproportionately disfavored with publicly owned open space. But the success rate was, quite frankly, less than you would expect, say, in Orinda or Ross, where you have more wealthy, better educated people. That's just a fact of life that I think you ignore at your peril.

But we committed to that, and we assigned people, and I will say that our hope was that the lessons that we learned in New York City especially we could translate widely, or more widely, across the country. That has been very difficult.

Wilmsen: Why is it that in New York City they have a longer history of dealing with these--

Rosen: It's a scrapper place. Their gloves are off more of the time. They're organized, they're in your face. They're used to the idea that they're living in a hostile environment, they've got to scarp and scrounge for every decent expression of community life. It's the same in housing. It's the same in schools. It's the same in traffic or transportation. If you don't have your guard up, somebody's going to walk on your neck. And that has positives and negatives.

The negatives are, a lot of people get out of there as fast as they can. The negatives are, it's a very contentious, unpleasant you might even say, existence. But the positives are, you sharpen your skills in how to deal with adversity.

We found that, quite often, the leadership was in the young people. You found, if you were working in Harlem, that the leadership might be thirteen, fourteen, fifteen years old. So you learn things. That was the exciting part for us: you take a lot of your stereotypes, and you find they just don't work, they don't apply.

But we continue to work in Harlem, we continue. That aspiration, it is what leads us to continue to work on the Los Angeles River, which you saw on the video. That's no P.R. poster. We're working in the bowels of Los Angeles, for better or for worse. That river most people don't even know exists. Those who do think it's a sewer.

Wilmsen: Or a joke.

Rosen: So it comes as kind of a revelation. It's kind of like the River Jordan, but it's tough. You've got to eke it out almost a foot at a time, and yet that's where the need is probably the greatest, in terms of equity.

Wilmsen: The first urban land trusts were in Oakland, weren't they?

Rosen: I'd say that's, if not the first, certainly the early ones were in Oakland. We worked in a variety of places, some of which were quite--oh, fanciful. We discovered in the early days of the seventies that there was some land owned by banks and especially by savings and loans that they took back, say in a foreclosure. They really didn't want them. They took a lot of management. There were liability questions. And when they were approached about giving them to us, they thought, "Great. It's not worth anything anyway. Let's just unload them and have somebody else worry about them."

So we picked up some of those--

Wilmsen: How did you find out about those?

Rosen: People in the community. Those were our eyes and ears.

Wilmsen: How do you make contacts in the community?

Rosen: We had several people over there. Mitch Hardin was one. He's still over there, I think. We had a couple of other residents who put us in touch with people. We would have conversations. Some of them would lead somewhere and others would lead nowhere. Quite frankly, also, the parcels that we were "given" were given because they were difficult, they were problematical. And they may not have been any more interesting to the community, if you follow me, than they were to the previous owners. What they really needed was something else which was much more valuable or much more difficult to come by.

But we tried to learn from working together on various kinds of community projects, developing trust, developing skill. Some of which were more rich in learning than others.

For example, we did try to work with the Black Panthers in the early days, figuring that perhaps by developing a common agenda, we might provide a positive community experience around land. I wouldn't say that was naive; nobody got hurt. But what we learned is that that was much more labor-intensive than we as a fledgling organization could be effective at doing. That our

agenda and some of these community groups were somewhat aligned, but largely unaligned. It took quite a bit of doing--as I say, nobody got hurt--to figure out that not every good idea results in a blessing or an outcome. I don't think there was anything lost, but there wasn't anything significantly gained either by experimenting. But we did.

Wilmsen: Why do you think that is?

Rosen: I think they were much more ideological, they were much more politically focused than perhaps we were. More interested, say, in power. We were more interested in gardens.

But the important thing that I want to stress, because I think it's important, is that any organization that continues to be relevant and alive has got to do more than look at the safe harbors. It has to be more than preoccupied with success. Has to be genuinely, genuinely committed to learning. And some of the lessons you learn are ones that you perhaps wish you didn't learn, or you could have learned more efficiently or effectively.

But when you stop learning, you're dying. What I hope is that the tradition of an organization like this one will be that we're always open, always. Not dumb, not foolish, but open to learning and seeing how we can make these ethical and natural community alliances more vibrant.

And we have some examples. As you know, I don't believe in models, but I love examples. How many conservation organizations would even consider buying a schoolhouse and turning it into a national park? *Brown v. Board of Education*. That's no accident. We're open to that. We're looking for that kind of way to connect and demonstrate bona fide credibility with African Americans, as well as to bank presidents and captains and princes of rank and wealth.

Special Challenges of Working in Urban Areas

Rosen: The Urban Land Program is always going to be more difficult to fund, it's going to be more expensive to operate. What we finally did was recognize that those categories of Urban Land Program, Land Trust Program, Public Land Program--we outgrew. Now we no longer assign people or focus on--we've kind of updated our mission statement. We talk about "people" meaning all people. And there's kind of a sense of almost tongue-in-cheek, because clearly, when we say "conserving land for people," that

raises as many questions as--what kind of people? Whose people? Our kind of people? Them people? And what about the birds?

But when you look at it, the real predator, the real threat to land, is man. The Bengal tiger doesn't fuck up the landscape and turn it into asphalt and parking lots, and pollute. It's you and me. So when we take care of the land for people, we mean people at their best, not at their worst. But we're talking to people, we're opening conversations, and we're hopefully aligning agendas that will enable land, as I say, to be a metaphor. A metaphor for life, a metaphor for civilized, respectful behavior, and for learning about how we can be better people, how we can be more worthy of the land that we have been given.

Wilmsen: Going back to the Black Panthers, what were some of the major points of disalignment? And then in a minute I'll ask you what the points of alignment were.

Rosen: Well, the alignment would be easier. Bear in mind, I don't claim to be as fresh on this as I would with more recent history.

The more important alignment was, if we could deliver something of benefit tangibly for the community that they could take some credit for, and to which they'd be entitled to take credit, that is a source of power. I mean, that's demonstrating value, competence, clout. So where we could, say, work together on a community park or an upgrade or some land, or a community garden, we had hoped that there would be manpower, people power, and sweat equity because money is always in short supply in these areas--one reason being the competition for those dollars, however few there are, is so much more fierce. They need everything. They need jobs, they need health facilities, they need educational facilities, they need safe streets.

So when you say, "Hi, I'm here to talk about a teeter-totter," they're saying, "That's a great idea. It's about thirty-seventh on our list of priorities. How about those others that I mentioned?" So we have to kind of go through these lengthy get-acquainted sessions and credibility and trust-building.

And as I say, for a relatively young organization, that's hard. We don't have a lot of surplus time or cash.

Wilmsen: Just kind of an aside: how did you build trust? Because back by the early seventies, the Black Panthers had been around--I don't know that much about them, but it seems like they were--

Rosen: They were already disappearing.

Wilmsen: And I think they had been infiltrated by the FBI, or at least they were fearful of that.

Rosen: That I can't speak to. The other woman's name was Marcia, I don't have her last name at hand. But Mitch Hardin would know, and then there was a fellow by the name of George, who was a Bank of America employee who was kind of assigned to us for work. They helped us. They were black, and they helped us get a seat at the table and discuss things about where we might be more positive. Steve Costa is another fellow who was around in those days.

And remember, we were kind of feeling our way. We didn't have a business plan or a table of contents. We were just trying to show an interest and develop some conduct.

I don't want to be inaccurate in saying that we got heroic things done, but I want to be equally accurate that nobody got hurt. There wasn't anything that I think they're ashamed of or that we're ashamed of, except that our intention and our expectations were never really met. Finally I think they concluded and we concluded that there were better ways for us to spend our precious time and dollars. It was just kind of a withering away of mutual interest and agenda-developing.

It just takes a considerable amount of time. Especially when you think in these areas of communities of less affluence, there's terrific turnover. People come and go. People develop new identities, new priorities. We're there, but we have to be, as we discovered, much more strategic in figuring out in advance where it is we can work and where it makes sense.

For example, now there are a handful of them, but they're real--Gwynn Falls in downtown Baltimore is an example of our urban focus. But we're working with the city government, Mayor [Kurt] Schmoke. We're working with the residents of the community. We're working with the schools, we're working with the philanthropists. We're also working, I believe, with the Harvard School of Design and with some of the Yale School of Forestry people to bring together these competencies around something that has, quite frankly, some promise. Difficult, but some promise.

Originally, my pal, Frederick Law Olmstead, actually designed a trail system along the Gwynn River, and what we were able to do is historically track it, and then re-create it. So that gave us kind of an authenticity or a genuine quality, that even though the neighborhood around it kind of deteriorated, the potential, the possibility, the vision, was still alive. That's

coming into focus. It's taken quite a few years. But in all fairness, Frederick Law Olmstead didn't do it during his lifetime; we will. We're on our way. I took our board there. We walked the Gwynn Falls Trail. We saw the fish coming back, much like the Los Angeles River. And we got some money from the Baltimore Orioles to invest in it! It just takes a lot of fishing to get something done.

But those origins go back to what you were describing as the three pathways: the Urban Land Program, the Land Trust Program, and the Public Lands Program. Now we no longer have those artificial designs. I would say the Green Cities Initiative is probably a much more sophisticated example of what we previously called the Urban Land Program. That was a multi-city program which you've seen written up in various written materials. We had multimillion-dollar grants from the Lila Wallace Foundation that enabled us to jumpstart it.

And now, quite frankly, especially since there has been only very limited federal funding, it has led to a whole series of activities around what we call our public finance, where we're actively involved in helping communities raise the money, the significant money, to do the kind of projects that previously simply was not funded. The best example is, of course, what we did in Miami. Hundreds of millions of dollars for the first time ever. And again in Los Angeles, hundreds of millions of dollars, working with churches, with police departments, various types of community leaders, to use land, recreational land, habitat land, special quality land as building blocks for more civilized, livable cities.

Wilmsen: Backing up again to the Black Panthers: what were the points of unalignment?

Rosen: Again, without claiming to be terribly accurate, they were more hard-edged about power and clout. That was a much more significant item on their agenda than it was on ours. Remember, we were always designed to be relatively low-profile. It was not, therefore, of paramount importance that we do something to make an issue out of clout.

Now, if you did it right, and it did take years, our philosophy was, it would be discovered. It would be uncovered rather than promoted. It was just kind of a different operating philosophy. They wanted something now, and more sharp-edged, even if it meant that they had to show somebody up, whereas we felt--and these are generalities--that showing somebody up or shutting somebody up is not the way to build a lasting community support system.

That is not to nay-say what they were about, except that we just had different operating styles, and probably long-term goals. We didn't spend a lot of time psychoanalyzing each other, and without going into the role of violence, I mean, we regard ourselves quite often as an agent of change, but also what we regard as lasting change. That meant developing pockets of goodwill and support rather than one-upping.

Wilmsen: Okay. So you got into the urban land, doing things in urban areas, like Oakland and New York, and then discovered that federal money mostly went to suburban and rural areas.

Rosen: That's fair.

Wilmsen: How did you make that discovery?

Rosen: When we tried to get funding for the projects. When we saw competing projects come up for the federal side--[telephone interruption]

Wilmsen: I was starting to say: more federal funds went more to suburban and rural areas.

Rosen: But there was also a beginning of what they called UPAR, Urban Parks and Recreation [Program] funding, that was just getting started, and essentially got zeroed out of the budget, with Reagan et al., which just made it that much more difficult.

Wilmsen: But this was before Reagan.

Rosen: Well, it never really was a strong program. I think for the whole country, they started with maybe \$20 million. And while that's a lot of money, when you spread it around a couple hundred million people and fifty states, \$20 million doesn't really go very far, especially in urban lands, where even in less favored communities, land is not fifty bucks an acre. It's still fairly pricey. So you could get more acreage in your rural areas, you had less controversy. Urban areas were just more difficult. We found that out when we went to get the funding.

That's what led us, in a roundabout way, to go into the finance business. That we had to create the financing with our Public Finance Program, which took us a bunch of years to kind of decode and understand, and quite frankly, do it on a state and local level rather than try and add to the Park Service budget.

There is a Golden Gate National Recreation Area. There are a handful in the whole country. Out of the 360-some park units, there aren't a dozen.

Wilmsen: National Recreation--

Rosen: National Recreation Areas. There are not a dozen. And of those dozen, very few of them are what you would call urban, like the Golden Gate National Recreation Area.

So we can either flail away like Don Quixote, which is frankly one of the things we have a reputation for doing, or say, "What's the alternative? Do we just accept the status quo, or do we build a learning community that enables us to do the kind of things which we're doing now?" And for example, today, election day, 1998, the Trust for Public Land, which is not a lobbying organization, that lives within its nonprofit guidelines and means, is participating in several billion dollars worth of recreational land programs around the country.

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Rosen: And you say, "Excuse me, you said it's a very difficult area to finance, and you've had all of these learning experiences, and now today you're saying you're involved in several billion dollars worth?" And the answer is yes. It took us twenty years to figure out how to do that. We're doing it with Governor [Christine Todd] Whitman in New Jersey, namely, related to transportation. Previously, as you know, we did Sterling Forest by relating it to clean water and avoiding the capital cost of building dams and filtration systems.

But you don't just come out and beat your chest and say, "God damn it, where's my money for a park?" You figure out how to strategically align your value system with other demonstrable values, such as I've indicated--lighting districts, cigarette taxes, et cetera--that will enable you to play at the table.

It's a bit more sophisticated, it's a little more indirect, but on the other hand, it might be just the more sustainable way to integrate an open space agenda into a larger canvas.

Wilmsen: Why is acquiring urban land more controversial as a general rule than rural?

Rosen: Money. Money.

Wilmsen: Because you need more money for less acreage?

Rosen: There's more people in the urban areas who want a piece. There are real estate speculators.

Wilmsen: Oh, because if you tie it up in a park, then you're--

Rosen: That's right, you're taking it off the tax rolls, you're destroying jobs--I'm saying with tongue-in-cheek--you're not with it, you're locking up the land. "Who in hell are you anyway, to come from San Francisco and tell us"--et cetera, et cetera.

And the stakes are higher. The stakes are higher. Today's ballfield is tomorrow's shopping mall. Or Blockbuster, or fill in the blanks. And there's a hell of a lot more money in play when you talk about urban lands, for just that reason.

Wilmsen: So how do you address the issue of taking it off the tax rolls?

Rosen: We do our math and we show how, in most cases, that isn't true. That the most valuable land in most communities is that land which is surrounding open space, whether it's in Portland or Seattle or New York, and that overall, given the time frame which is appropriate, namely five or ten years out, there's probably more tax money generated. There are probably more jobs generated. But in the short term, which we have to acknowledge, there may be an appearance of "taking it off the tax rolls and locking up resources." But it is a net gain which you can demonstrate again and again with incremental financing, where you show that land, say, around a park might have been paying taxes at the rate of ten dollars a square foot, and at the end of five, ten, or fifteen years, maybe it will be paying on the basis of fifty dollars a square foot. There is a lot of data.

And the second thing you, of course, can show is that the impact on traffic is much less, the demand for services is much less, and it's also a part of the mix. I'm not saying that the whole city ought to be Hyde Park or any park. But as part of a civilized community, it's indispensable.

Wilmsen: I have one more question about--where did the idea come from to work with the Black Panthers?

Rosen: Probably from our colleagues in Oakland. They were looking for, as we always are, partners. They had some conversations with a few of the people who thought it was not a bad idea, or worth exploring. We would pursue the matter without any preconditions to see whether or not we could, and I'd say developed a degree, some degree, of mutual respect.

But the big thing, as I say again and again, is we don't make all the decisions on the fourth floor of an office building in downtown San Francisco. Our strength always has been in the people we would put out in the neighborhoods or people who we put out in the communities that would both offer and receive information.

Wilmsen: What did you do upon making the discovery that most the money for land acquisitions goes to rural and suburban areas?

Rosen: What we did a fair amount of--I won't say it was terribly sophisticated in the allocations--but we would recognize that the ease of funding was not the dictate of our direction. That if we were able to generate some increment, as we call it, or spread between what we bought land for and what we sold it for, that we would maintain our commitment by earmarking a portion of those proceeds to put in the areas which were the most difficult to serve.

So we took a couple of stabs, for example, at opening up an office, say, in Newark, New Jersey, which is not exactly an easy place to do business. We took a couple of stabs at doing that in similar locales--in Cleveland, and even Los Angeles. We essentially underwrote those kinds of commitments by the other income streams that we were able to generate.

Wilmsen: Can you describe the process when you went to find funding for some of your urban projects that led to your discovery that the money really went mostly elsewhere?

Rosen: Well, bear in mind, our--

Wilmsen: I'm fishing for a story here. [laughs]

Rosen: I see. It's hard to give you a bumper sticker. You know, bear in mind, we are always looking at the end game before we start the foreplay. Therefore, for any activity, we try and have one, two, or three outcomes that are relatively consistent with our purpose. Now, we're never sure exactly which one it will be. It may be a merchant in the area. It may be a congressperson. It may be a foundation that we are continuously sweeping across the radar screen.

The commitment is that, as difficult as it is, we will continue to do some urban projects, but we would not, quite frankly, as long as I was involved--now we're skipping ahead--ever bet the store on our interests being so specific and our motives so pure that we would rather die than fail. We believe strongly that if what we're doing has value, it has to be demonstrated every day, but you have to have a place to come to work. This is not a hobby, and therefore, you have to continuously balance outcomes with availables and with intentions. That is not everybody's way to do business, but it was mine.

And that's what, it seems to me, the head of any organization [must do], and especially an independent sector or not-for-profit, is to balance the longterm goals and objectives with the immediate needs, and the capability of your staff, as well as their potential for growing. You can do everything right and still get killed, and you can do a few things wrong and get away with it, if the times are forgiving. But you have to have both--you have to have more than one lens to have a clear vision. You have to have a zoom lens, and you have to have a micro-lens, and you also have to have some very good people.

Working with the Grass Roots in Land Trusts

Wilmsen: Moving on to the Land Trust program, or I guess, kind of making a qualitative shift from urban-land trusts to rural--

Rosen: Well, again, remember these categories are not airtight. Because we're hoping, and we've been gratified with the growth of the land trust movement, which is now something that, quite frankly, we are spending less of our direct time and attention on, because the movement has evolved to the point that there's now another organization called the Land Trust Alliance which is based in Washington, D.C. (under Jeanie Hocker, who used to be the head of the Jackson Hole Land Trust) which is now full-time dedicated to doing the work which we did some of, if you got my drift earlier. Namely, promoting the land trusts, local, grass roots organizations around a relatively specific land issue, and developing the technical competence. They have a big rally every year. Last year it was I think in Chattanooga, this year it was in Wisconsin. And they bring about 1,100 land trusts together.

Now, we only can say that we organized maybe 200 of those, but it is probably now the most dynamic element of the conservation community: namely, the local grass roots organization saying, "We don't know what the hell global warming is all about. We don't know about this or that, but what we do know is we've got to save Bisbee Canyon, and we're going to devote all of our time and energies and all of our resources to saving Bisbee Canyon. We'll learn from others in New York, and we'll learn from others in Big Sur, and we'll learn. Make no bones about it. The only thing we're going to be judging our success or failure on is whether we save Bisbee Canyon."

That was not true in the earlier days. So we had that intention, to build the land trust movement to the point now we think we have, and that the Land Trust Alliance has now succeeded

and exceeded our efforts. Because that's basically all they do, year round, is work with land trusts and build a network and prepare for the rally, and they have some of the best legal minds, best tax minds, best naturalists, come for a relatively intense period to promote and develop the land trust movement.

But we were involved before there was any such recognition, and now we're very happy to work with them. We have about twenty people from TPL that go to those rallies every year. They present case studies. We joint-venture with some of the local land trusts here in California, we've done that several times, where we will apportion the assignments, form a partnership to acquire an island in the San Joaquin Valley, or protect a rivershed, or work with the Mono Lake Committee, et cetera. [telephone interruption]

I'm expecting my wife, which is why I'm interrupting you all this time.

So we have manuals. We turned all those over--what I take great pride in is we have no proprietary information. Anything we have, anything we develop, we feel as a not-for-profit, obligated to give away, to share. We take hopefully great pride in the fact that we are not turf-y. We are not building our organization at the expense of keeping others down. The reason we support land trusts is we recognize that none of us can do it alone--back to that familiar maxim--and the more independent, competent, motivated organizations like the Trust for Public Land there are, the better the cause of conservation will be served.

And you say, How many is that? Aren't you competing for funds? Well, life is competition in that sense. Of course it's a form of competition. But there's a lot worse things than that. Such as betrayal, such as back-biting, all that crap that can go with organizations that say, "Me first." You've heard me say our theory is, we're the third best choice in town. The land comes first, the community comes second, and the Trust for Public Land comes third. We've done very well with that philosophy. Also because it happens to be true.

Wilmsen: Now, Jennie Gerard was--

Rosen: A major player in the land trust initiatives. Just as Peter Stein was a major influence in the Urban Land Program. As Kathy Blaha was a major player in the Green Cities Initiative, along with Ernest Cook and Lisa Cashdan. This has never been--although you're flattering me with my oral history--this has never been a one-man band. I'm not John Philip Sousa. We have some very profound, talented, committed people who have brought the Trust

for Public Land to the point that it is now, and are poised to take it to that next level, whatever that may be.

Wilmsen: Did the board initially say nay to Jennie Gerard when she first broached this idea?

Rosen: I don't think so. But we're always asking the question, What's the plan? How are you going to pay for it? To some degree, after you're here a while, you are entitled to say, "Trust me." But that's risky business when you're dealing with an organization that has to meet payroll every two weeks, and has had financial fortunes go up and down.

But I wouldn't say that she was ever--you'd have to ask her--dealt with negatively. But she was always, as we all are, dealt with in a challenging way, namely, How are you going to do it, how are you going to pay for it? Because we've never had a Gotrocks on the board. Our board has always been a shirtsleeves rolled up board: How can we help you? But it also is--a term we use--a staff-driven organization. We really expect--the board really expects--that the staff will drive hard to shape and accomplish its goals, and the board will participate. But it's not a top-down organization where the board issues white papers or proclamations, and the staff salutes, and then says, "Yes, sir."

So maybe it would be good to ask Jennie how she feels. She may have been put to the test. But I would say, from my standpoint, at least fairly.

Agricultural Land Trusts in Marin County, California, 1979, and Mesa County, Colorado

Wilmsen: Are farm land trusts different from--

Rosen: Not at all. See, that's what we're trying to do, is break down what we consider these artificial distinctions. When you would say, "Well, how does the land trust differ from the urban land?" Well, they contrast kind of. They just happen to be different kinds of land. But we did develop the first, we think, agricultural land trust. MALT, Marin Agricultural Land Trust in west Marin was a land trust that we served as midwife to Ellen Strauss and Phyllis Faber, who recognized that there were some tensions between the ranching community right here in the San Francisco Bay Area and these do-gooders who live in Pacific Heights and Orinda and Mill Valley, but who didn't have to make

their living, if you follow, from having the land be "productive" and produce an income.

Well, thanks to them, Ellen who is a rancher in Marshall, California, producing organic milk, yogurt, cream products on Tomales Bay, and Phyllis Faber, who's just kind of an all-around great naturalist, recognized that there might be a way to blend, fuse, the ethics of the enlightened agricultural community to recognize that their land should be doing something more than getting ready to be turned into a subdivision. And on the other hand, a community dependent upon that agricultural product who was willing to support them in their income requirements, including the price of milk. We were very supportive of the dairy ranchers going to Sacramento when the price of milk was fixed by the Milk Stabilization Board and testifying that they need more money.

And they say, "Well, gee whiz, isn't that a conflict of interest? Don't you want cheap milk? The answer is, Hell, no. We want milk at a reasonable price. When we showed that our interests were aligned for the long-term sustainability and health of the dairy community was when the ranchers began to change their perceptions of the people who lived over the hill, and we in turn could demonstrate that we had a few ideas that they might embrace.

Wilmsen: When you say ranchers, do you mean beef cattle producers?

Rosen: There's some beef, but it's primarily dairy in west Marin. A lot of dairies. But not only dairy; there are a variety of crops, some diversified agriculture, but I would say the core was dairy ranching in west Marin.

Then they learned that we were not trying to establish them as a franchise, or were not trying to establish them as a colony, but truly offered some experience with conservation easements and organization. And then turned it over to them. Ralph Grassi was one of the first dairy ranchers who had the credibility and smarts to become a leader in that, and went on to become the CEO of the American Farmland Trust. Namely, taking that idea of agriculture and conservation values being fused, rather than opposed, that is operating nationally in that farmland ethical frame of reference, with whom we worked very closely.

So again and again, there's the theme that we show how much more we have in common, even though we're not identical. If you're not hungry for power, if you're not interested in being the dominant player and are genuinely looking for partners, we feel very good about that, while we are doing very well.

Wilmsen: How did you get interested in establishing the Marin Agricultural Land Trust?

Rosen: I think we were approached by Ellen Strauss and Phyllis Faber, who had an idea and were looking for some guidance as to how to structure it, what the pitfalls and risks were, what are the advantages. And then Jennie Gerard and John Barnes, I think, were the people who primarily went forward with the idea. Bear in mind, these are a lot of hours, weeks, months. Night meetings, weekend meetings. It's a commitment. If you're going to make it, you've got to be there. You can't just do it eight to five, or you can't do it as a hobby, or by phone. You have to put your bodies out there, and there's no assurance it will work.

Wilmsen: And then there was a group of ranchers from Colorado also, Mesa County, Colorado.

Rosen: We did the Pitkin County Land Trust, we bought some conservation easements from some of the ranchers up in the Sawtooths, and showed how they could get some cash for the sale of conservation easements. They would reserve the fee and continue to farm the land as they had previously. In other words, the conservation easement enabling them to monetize a portion of the future potential of the land as "subdivision" or second homes, as the case may be, but continue the traditional use of the land for agricultural purposes. We've done that all over the country.

And, quite frankly, it comes to mind that that was one of the areas that lent itself, in the serendipitous way, to what was then probably the largest unrestricted grant in the history of the Trust for Public Land. We had worked with some ranchers within Colorado, and quite frankly, Bill Gay by name was so competent that he impressed the lawyer of the rancher, who remembered that there is this thing called the Trust for Public Land that has, quite frankly, a marvelous way of working with people. We're not know-it-alls, we're not be-it-alls.

So when many years later, a client of his was asking who is doing a good job for "nature," a woman by the name of Alice Werk, who had virtually no independent experience with the Trust for Public Land, had her lawyer put us on a list of maybe twenty or thirty organizations she should consider making a bequest to in her will. He was not promoting us but just saying, "I've worked with these people and they do a very good job, even though they're not a terribly well-known organization." When she died, she left us several million dollars on the strength of the good work we did in this agricultural community.

That isn't to say that we do this because we expect to get that kind of a payoff. But we fervently believe that good work develops good finance. It's a hard one to document in advance. It's only kind of a hunch, an article of faith. But now that we've been at it twenty-five years, we think we can begin to document that if you're not so preoccupied with your clout, so preoccupied with your public persona or your image, that there is a verity in our American civics that eventually, good works is recognized and can be leveraged into more good work.

- Wilmsen: Did the ranchers have difficulty convincing their neighbors of--
- Rosen: Still do. It's work in progress. They're probably the most conservative element in our society. They're living on the thinnest of margins. It's a very difficult way to make a living. You have to "love" the way of life, and there are always people who are skeptical, especially of other people who have good ideas applicable to their unrestricted right to use their land and to be the best stewards, as they view themselves, without anybody's interference, let alone regulation or dominance.

Working with Ranchers on Environmental Stewardship

- Wilmsen: But as an environmental organization, as the former president of an environmental organization, how did you see the stewardship of the ranchers?
- Rosen: Some good, some not so good. Some enlightened, some desperate. But nonetheless, in this country, where private property is a basis of our democratic, republican economics, we think the data is on our side. We think the burden of proof is on our side. And if we treat our colleagues with respect, ultimately and eventually we will find more common ground. But it's when we get impatient or when we get a little arrogant in any community that we begin to come apart and bite into each other's ass unnecessarily.

But it's hard work, and it's never over. Issues of water, issues of fertilizer, issues of pricing, issues of restriction on the land for purposes other than agriculture are enthusiastically received by some members of the community, and others regard it as absolutely, "Give me liberty or give me death" issues. The whole Sagebrush Rebellion fed into that kind of divisiveness.

It's not over. Especially since the agriculture community is under continuous economic pressure. It's not easy. But none of it is easy. Why should it be?

Wilmsen: How would you deal with a rancher who was interested in becoming part of a land trust but you felt that his stewardship, his management practices weren't quite up to snuff?

Rosen: The best way--that's fairly easily answered but difficult to do--namely, by working with people known best to him, preferably with affection and trust. Rather than we fly into town with our brand-new boots and our pressed jeans, telling him what we think is best, however persuasively or unpersuasively. We try and find someone that we know and he knows--it's the old network idea--that he will give more credence to than he would to somebody who's sitting on the fourth floor of an office in downtown Manhattan, or Cleveland, or Portland, or San Francisco.

And then they have children, they have neighbors, and you try and find those people who they pay attention to.

Wilmsen: How do you feel about management techniques like, for example, Allan Savory's Holistic Resource Management?

Rosen: I was thinking of Allan Savory. Personally, I think there's a lot of merit in it. I know some of his disciples, one of whom I'm working with at the Aspen Institute, who is a very savvy rancher and who feels very strongly that the Savory model is the salvation of the agricultural community. That Savory's principles are scientifically, economically, community sound. That's Reeves Brown, who is a cattleman out of Beulah, Colorado. Every chance we have to deal with land issues of a special interest to agricultural people, whether it's transportation or subdivision or regulation of one kind or another, Reeves points out to us that the Savory model is one that cries out for greater recognition and application.

Wilmsen: Is that how you tried to steer the direction of the land trusts, or do you not try to get involved in management?

Rosen: The latter. The last thing in the world we pretend to be is a land manager.

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Rosen: We've got a lot of resources, one of which is at the University of California College of Natural Resources. We can put these experts and practitioners together, and we feel that's a useful role, rather than sponsoring a particular kind of either science

or economics. That really is not our long suit. We occupy a niche, and then it's up to the people who provide the content, we feel, to in effect persuade each other, or not, as the case may be, without having a vested interest in the specific practice. In that sense, we're really more facilitators, and "have-you-thought-about-this," recognizing that our credentials are suspect. I mean, we're just your ordinary do-gooder. But that doesn't mean that we have any claim on goodness.

Wilmsen: That seems to me that that's something that would distinguish the Trust for Public Land from other conservation organizations too.

Rosen: You bet.

Wilmsen: Because a lot of times, they have set ideas about how--

Rosen: That's it. And we understand that, and that's fine, but as I say, a little humility and a little modesty quite often is more than appropriate. That means, quite frankly, again, our momentum is in flexibility and diversity. That does not sit well with a lot of people saying, "Jesus Christ, don't you know a redwood when you see it? You've gotta save the redwoods." We agree with that. That's why there's Save the Redwoods League, and we are not Save the Redwoods. We work *with* Save the Redwoods. We try and bring something together that can happen and last, but it's not either lashing ourselves to the tree or laying down in front of the bulldozer, but hopefully building the kind of trust or confidence that will result in these outcomes.

That isn't to say we're not dismayed by such people as Mr. [Charles] Hurwitz of Maxxam. I mean, we know a predator when we see him, and I regard him as low life. You can quote me on that. Low life! And I'm ashamed of him, and he should be ashamed of himself.

But that's not our long suit. We don't have a huge roster of members and a bunch of protestors. Somebody has got to provide these good offices. That's one of our roles. That's one of our roles, and it isn't to say we don't have principles. We do. But they're not identical or of universal application that some people find difficult. You know, "Are you for us or against us?" And the answer is, "Who says so?"

Meeting the Needs of Landowners in Establishing Land Trusts

Wilmsen: Yes. Now, I could be wrong on this, but it seems to me like land trusts--kind of the financial benefits that accrue to a landowner don't always work because in some areas the land values aren't high enough to really reap the benefits of the inheritance tax. Part of the reason for making a donation--

Rosen: Is the financial reward.

Wilmsen: --is to avoid that really heavy inheritance tax, but your land has to value \$600,000 or more. Isn't that right?

Rosen: That's not difficult today, for any agricultural land, for example, of any size. Quite frankly, if you're talking about 1,000 acres or 100 acres, you just multiply it out. There's not that much land around today that's a buck an acre or ten bucks an acre anywhere.

Wilmsen: But there are some pocket areas, for example in northern New Mexico and I believe also in the Southeastern states, maybe Appalachia, where the farms are so small that you might have a high value per acre, but it doesn't add up. With an individual farm--

Rosen: No, no question. One size does not fit all. Sometimes, the only way to do it is to convince the person he's going to get top dollar now, and that's the only thing he's going to talk about. Other people are members of families where the family may have different needs and expectations. Somebody's got to get in there, and we're quite often that somebody, that listens with great care to the people who say, "The land should be saved, if at all possible."

And then, if you respect the land, we bring respect for the landowner, and try and figure out a working solution that meets that person's needs, but may not be free and may not be optimal, in which, if it's land that, say, has been in the family quite a while and has a low basis, that member of the family or that corporation will say, "It's close enough. If you can get that close, that's good enough."

Bear in mind that this is very personal stuff. Timing is quite important. Liability is quite important. Family tradition is quite important. They're not the same with every landowner or every land situation. And some are impossible. If that's the case, then we have to admit "temporary defeat" and hope that we'll get a second chance maybe three, five years from now--or

never. But to the extent that you want somebody of good will and experience, references, willing to engage in this discussion, we think it's important that that be done. That's one of the useful roles of the Trust for Public Land: to listen as much as dictate.

And sometimes we have to go to the landowner and say, "Guess what? Based upon the numbers which your accountant has given us, or what you tell us what you need and what we think we can get for you, we can't help you." On the other hand, if we're close, or we can get closer, and if there is an occasion to stand up--I have testified in the United States Tax Court as part of a legitimate undertaking that the land value which the Internal Revenue Service claimed was erroneous. I could offer, and did, countervailing expert opinion as to why that particular landowner was acting in a charitable way. And that did in that case result in some "benefit."

Now, that's not necessarily part of the deal, but it's part of the attitude, that we just don't sit back and wait for the checks to roll in, or the easy ones to turn over. There's risk in this business, and again and again you hear us say we don't necessarily pretend we're John Wayne and go looking for it, but when the risk is inherent in the transaction, that's normal. And some people may not like the outcome, or some people may question our motives, or some people--that's fine. They should. We're not offended when they do.

Keeping Land Trusts Going

Wilmsen: Once you get a land trust started, how do you keep it going?

Rosen: We don't. That's not our job. We are there to provide technical assistance. They are not a subsidiary. We will respond, we will check in, we will offer, but that's the independence. They have the right to succeed and the right to fail. If we can help them succeed, we will. But we have no guilt if a lot of good intentions result in unfortunate demise. Just like any tree: not all of them live.

Now, we will water them, we will nourish them, we'll put them in touch with similar situations, we have provided training. But independence is mutual. We're not their dependent any more than they are our dependent. Little different attitude.

But doesn't that sully your record? No. Depends what the expectations are. If we led them to believe that we would

support them come hell or high water, and they could count on us for always being there, then I would say it's a different equation. But we never say that. We say, "We'll help you get started, we'll put you in touch with the best minds, the best experience, the best bylaws and articles, we'll introduce you to the best people. Then guess what? It's yours. What are you going to do for it?"

Wilmsen: Yes. Weren't there some instances in Oakland with the urban land trusts where things kind of fell apart, and TPL just stepped back in?

Rosen: You bet. You're right on. Some of these S&L, savings and loan parcels did not prove sustainable. We found from our standpoint, organizationally, that you always have to monitor the relative inputs and outputs, as terrible as that sounds. We then found ourselves in a position--after several years, now--of doing more than we committed to do, that it was time to find another umbrella organization. With some of these, it was the Spanish Speaking Unity Council of Oakland that took over some of these community gardens particularly. Some of them flourished and some of them went into disuse.

Wilmsen: What were some of the causes of the failures? Or how could you account for success versus failure? What are the lessons learned, I guess?

Rosen: Ah, very good question, and I will try and be helpful.

It always really goes around to leadership, commitment, value, money, competing priorities.

Wilmsen: So competing priorities, getting back to they need health and education and all--

Rosen: Right, right. And they may start out thinking this is a great idea, and then they see how much work it is to organize work parties and make sure that the water bills are paid, and that the strategies to prevent vandalism are more demanding than they expected. People who said they could be counted on either moved away or changed their mind.

Wilmsen: Would you help them set up their own nonprofit organization to run it?

Rosen: Yes sir. Absolutely. An independent 501(c)(3) in most cases.

Wilmsen: Then would they have to do fund raising also?

Rosen: Yes.

Wilmsen: Because these don't generate income.

Rosen: Well, they don't generate income, but my cliché is, "This is not Bangladesh." It doesn't take a lot of extraordinary funding, but it takes some. Everything takes some; nothing runs on empty. But it doesn't take millions. It doesn't even take hundreds of thousands. We have shown them everything that we have learned from community gardens that have succeeded, how you provide a sustainable funding base. It's never easy, when people are economically up against it, but if they own the land, and if they're exempt from property taxes, which they are, the out-of-pocket expenses are recordable, but they're not--I'd have to say my bias--back-breakable, if you have fifteen or twenty people working on a bake sale or a car wash or some kind of a locally oriented seeding, there is money. There is money. There is money from the city, there is money from philanthropy, there is money from a variety of shaking the trees. We try and convey all of our experience and helpfulness, because frankly, that's what we do every day. We don't have any Gotrocks on our board; we don't expect them to have any Gotrocks.

But it's never money alone. It's somebody who said, "This is my place. I'm not going to let it go back to what it was." They know in their community, as you know in your community, how demanding that is, to get the right people and keep them motivated, and it's all work in progress. It isn't something that's going to be taken over by the city Department of Parks and Recreation to do it for you. Especially in a place like Oakland, or any other urban area where money is in relatively short supply. Relatively short supply. But it's not absent, completely.

IV ADAPTING TO THE TIMES: PUBLIC LANDS, THE REAGAN/WATT CHALLENGE, AND TIGHT BUDGETS IN THE 1980s

The Need for the Public Lands Program

Wilmsen: Okay. We've gone through Urban Lands and Land Trusts. Now there's the Public Lands Program, which TPL was in from day one.

Rosen: That's our primary income stream. Not our exclusive, but from our achieving our goals and objectives, we will reinvest the proceeds of those conservation closings and marry those to other sources of funds. But currently about two-thirds of our operating funds come from successfully closing conservation projects. Which gives us what we call an entrepreneurial outlook with its strengths and weaknesses. But nonetheless gives us a motivation for continuously looking to do your projects that are more difficult, more challenging, fraught with peril, and having strategies that involve the creation and maintenance of momentum.

It would be a lot easier for, say, people like me that, once we've saved Marincello, to say, "Fine, that's it. I'm now going to watch Monday Night Football." Our design, our intention all along is to create a new profession, develop an outlook or attitude that indicates that times are always adverse, especially in the United States, where the population is growing, even in North Dakota. The land that we have been given as a birthright has got to be addressed in a more holistic fashion involving the public agencies, involving civic societies, and the individuals who care about the quality and character of their community.

That means that in the public lands sector, we're always scrounging. We're always looking out for what we call "next". Some of it is federal conservation money, some of it is federal transportation money, some of it is forest legacy money of the U.S. Forest Service, some of it is philanthropy. But I've got to say, in this country it's not all money, but very little happens without some money.

Guess what? We don't apologize for that. We think if it's important, it should be funded. And if it isn't, maybe it's our job to help develop the mechanisms, the translator of concern into funding. As I mentioned earlier in this monologue, that's why we're looking at billions today. Now, that may sound like, "Whew, what are they smoking?" But it's not nearly enough billions. When you're talking about a country that is converting dozens of acres of productive farmland per hour to roads and malls and other kinds of blacktop, guess what? It takes billions. And we don't apologize for that either.

Now, it doesn't go into our funds that we commingle, but it does go into a value system that enables the fuel of funding to be helpfully dispersed. So that when people say, "Can you save Lindbergh Lake?" we say, "Don't know. Worth a try." "Around an interstate highway can you work with us in the Mountains to Sound Greenway?" "We'll take a look." That openness, that innocence, that risk-taking adventure, of not being a know-it-all or be-it-all, enables us to participate in what we do think is what Wally Stegner calls the "geography of hope."

And quite frankly, without being cynical, the odds are against it. This is a country that's founded on clearing the wilderness.

Wilmsen: But do you think that attitude is changing?

Rosen: Somewhat. This is a society that has more conflict and contradictions than it even acknowledges, let alone deals with. The evidence, I'd say, is ambiguous, but the possibility is not yet entirely foreclosed. And that isn't paranoia, it's just kind of an acknowledgement that these kinds of issues are not promptly resolved. It takes a steadiness, it takes a persistence, and an admission that there's going to be a lot of failure in this work, and that shouldn't be devastating or humiliating or guilt-producing, it ought to just kind of be acknowledged that if you're willing to address some of those risks, you can at least begin to redress some of the odds.

Wilmsen: When TPL was first starting out, it was about the same time that Congress was establishing the National Recreation Areas.

Rosen: About then.

Wilmsen: Was Golden Gate the first one?

Rosen: It certainly was one of the first. Yes, it was.

Wilmsen: There was Golden Gate and--

Rosen: Gateway, and Cape Cod. Then later the Columbia River Gorge. Just a handful.

Wilmsen: Oh, and Sawtooth.

Rosen: Sawtooth National Recreation Area was forest land.

Wilmsen: Did that play into your--

Rosen: Sure, sure, you bet.

Wilmsen: --or it was just happy coincidence or--

Rosen: No, we felt that the times were right for our getting a leg up. We felt that after Earth Day, and after a lot of passage of NEPA [National Environmental Policy Act] and the Wilderness Act and things of that nature, that maybe there was that little window that would enable us to jumpstart. I'd say that was fortuitous and fortunate, but twenty-five years later, that window did not stay open. There have been a waxing and a waning of interest and funding. But we chose to concentrate on those elements of promise, and several times came close to going under. We have had layoffs, which I found very painful.

So it's never linear. There's always kind of a disconnect or a deconstruct, and that sense of non-divine intervention has made us be more resourceful, more disciplined, and less naive.

Testifying before Congress on Conservation Easements

Wilmsen: The 1976 and '77 annual reports mentioned that TPL has made an impact on national land use policies. I was wondering if you could comment on that, if that jogs your memory at all.

Rosen: Can you give me more of a hint what the paragraph--

Wilmsen: No.

Rosen: Was that my quotation, or was it an article?

Wilmsen: I think it was just an item in the annual reports.

Rosen: What was the year, '76-'77?

Wilmsen: '76-'77.

Rosen: Okay, that was Joel Kuperberg probably. Or was it Huey then still? Probably Joel.

There are always phenomena that are worthy of interpretation. Is this an exception, or is it a trend? Is it a sustainable or is it a climax? I, at this sitting can't tell you that, "Oh, yes, that was when we--." But we may well have been looking at some initiatives where either states went into a more permanent source of dealing with these issues, such as the Preservation 2000 initiative of the state of Florida. Or it may have been when we testified in front of the Congress of the United States about conservation easements.

Wilmsen: When was that?

Rosen: Oh, we've done it from time to time. Joel I remember went back and testified in front of a Senate committee.

Wilmsen: That was over conservation easements?

Rosen: The role of conservation easements in public land management. It's not a panacea, but like everything else, it's one of your array of vehicles that can be useful in certain situations. We were invited to testify.

Wilmsen: What were the hearings for?

Rosen: The hearings were to determine, I think, whether in that--the one I remember--whether the United States should stop buying fee interests and now that they have discovered this wonderful thing called a conservation easement, should they buy only easements. What we tried to do was to indicate--again, you hear this frequently--one size doesn't fit all. That there are certain circumstances where the conservation easement is the ultimate best use, and other times where it is not at all. So we had a chance to offer some real-life experience of what we felt, and we listened to what worked where and what did not work well, and whether the conservation easement could be abused.

For one thing, the conservation easement is very labor-intensive. They've got to be monitored. They are restrictive in nature, and somebody has to come out and get in a pickup truck or whatnot and see whether the restrictions are being observed. That is not exactly popular, especially with a landowner who may not have been the one that put the easement on the property. But two or three generations of landowners before, the easement was perfectly understood, but the third or fourth in line may say, "Who in the hell are you to tell me that I've got to take that

porch down, or I can't put up a fence, or I can't whack off the south forty for my son-in-law?"

So you don't fall in love with the technique. You try and keep your eye on the range of possibilities, and update the nature of commitment. That's what we tried to stress, and got some attention.

Then we also were accelerating I think about that time seminars for some of the professional land managers, of the Park Service and the Forest Service, when we were convening the kind of sessions that were unusual--surprisingly--in the composition, because they were not used to meeting in common purpose. So we'd bring together ranchers and city residents and the Bureau of Land Management and congressional staffers to interact in ways that--surprisingly--were unfamiliar. You would have thought that those connections would have been made, and they would just be old hat.

Well, they weren't. The Bureau of Land Management people talked to the Bureau of Land Management people, and the community activists talked to either mayors or council people and each other. They didn't talk to Forest Service people, and they didn't talk to Park Service. So maybe that, thinking back, was one of the roles that we tried to serve as a convener.

Wilmsen: When did you first do that?

Rosen: In the middle seventies, I think.

Wilmsen: What were the circumstances around that?

Rosen: Well, there were beginning to be some of these urban park areas: a whole new role for the National Park Service. Very strange for a lot of the park rangers, who thought of parks as Yellowstone and Yosemite and places like that, to sit down with people from Oakland and hear what their expectations were, and why they weren't going to Yellowstone, and why they were hoping that a place like the Golden Gate would be more user-friendly to people who were not generations of fly fishermen and people who knew how to saddle a horse and pitch a tent. That the needs, and perceptions of needs, of individual Americans and communities were changing. And rather than have these misunderstandings or gaps grow, we saw an opportunity, since we dealt with urban, land trust, and public lands people, to have them benefit from the same kind of conversations and dialogues that we were experiencing.

Maybe that was one of the statements that echoed in that annual report, that as the honest facilitator without a vested

interest, that it was part of our charitable purpose to advance that dialogue.

Wilmsen: When Joel testified on the conservation easements, was Congress considering legislation to--

Rosen: Mainly appropriation. Mainly, "Maybe we ought to fund this more and fund this other stuff less." Or, "Maybe we ought to reconfigure the nature of our employment. Maybe we ought to have more people doing this and fewer people doing trail maintenance." That kind of thing.

Wilmsen: Prior to that, they had always acquired land in fee simple?

Rosen: That was, I would say, the modality. And frankly, one of the purposes at the hearing that I attended was to indicate that quite frankly, that made a lot of sense. That they shouldn't just leap on this new idea called a conservation easement and shut down the fee simple acquisition, and do everything by that, which in many ways, was what some of the people were proposing, especially those who felt that the parks were better shrunk than expanded. We found that a code word that had to be dealt with at their invitation, on our experience--

Wilmsen: Conservation easement was a code word?

Rosen: Conservation easements, in some quarters, was a code word for "stop expanding national parks." That what we ought to do is keep the land in private ownership and in "production."

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Rosen: In other words, some of this stuff takes decoding. Things aren't necessarily what they're sugar-coated to be. We had enough experience with both conservation easements and fee simple acquisition to try and offer some basis for seeking the best of each, rather than shoving one down and saying, "We only do this," or "We only do that." That's what I call the flexibility or the diversity.

Wilmsen: Back to your principle of doing what's best for each situation.

Rosen: Yes, and without this preconceived idea. "Oh, yeah, I read a book or I heard from somebody that's the only way to go." There's a lot of fashion and fad that can be unhelpful.

Wilmsen: So we're still talking the mid-seventies?

Rosen: More or less.

Wilmsen: There were people who wanted to stop expanding the Park Service even then? This was pre-[James] Watt.

Rosen: Sure. All Watt did was give it clout and power. He didn't create it. He utilized some sentiments which I said earlier have always been present. "We gotta dominate the land. The government is too big. Let's get government off our back." And there's always a kernel of truth in that, especially when you have arrogant public servants, or when you have--yes, I'd say arrogant is more truly a threat than corrupt. That they really begin to think that they know it all, or they know best. Then people develop some pretty legitimate grievances. And sure, they're around.

TPL as Implementer Rather Than Conceiver of Legislation

Wilmsen: Okay. What I was driving at was, Has TPL ever gotten involved in actually helping to draft legislation?

Rosen: Rarely. The answer is, from time to time but rarely. One thing that specifically comes to mind, we were very closely identified with the creation of Columbia River National Recreation Area. We have been asked occasionally to provide some content or experience. But that is not our long suit. Most of our public forum work consists of bringing people together, and what we regard as being helpful, offering some experience, and making things happen.

Wilmsen: How about the 1978 Omnibus Parks Bill? Phil Burton was, I guess, heavily involved in that.

Rosen: [pause] My pause is, I'm sure we had something to do with it, but I wouldn't say that we had a major role. We worked with Phil Burton very actively, but we were more candidly implementers than conceivers. So once the public policy or legal framework with communities and congressional people were established, from our standpoint, then the hard work comes: namely, taking those good ideas and making them happen, and developing the momentum so that they continue to happen. You don't say, "Okay, we did that, what do we do next time?"

There has been no shortage of great ideas in this country, and I'm not going too far away from the Omnibus Park Act: Sunnyside Gardens in New York. It's one of the most enlightened kinds of community land uses in the history of the world, where people got together, pooled their lands that were not built upon,

for larger areas of "the commons," which they all would participate. Gorgeous. Never replicated, really. I mean, we didn't need another brilliant idea. Never went anywhere. It's, "Well, we did that." It's as if there was only one university. "Oh, we got Harvard. We don't need any more universities. We got one."

So our role is more in how to do, rather than what to do.

Wilmsen: What did you think was brilliant about Sunnyside Gardens?

Rosen: It works. It's livable. People in the middle of a very dense area--Manhattan, I think it is, certainly it's greater New York--have beautifully designed houses, quite affordable, and they basically live in a park which they take care of. It's not cluttered with tiny little lots. It's not cluttered with fences and all of the limitations of community living. It has developed a kind of sense of place that everybody feels is special, and therefore, they take care of it.

As opposed to so many other subdivisions today, which are cookie-cuttered and fenced and confined and inward-looking, they manage to have a sense of that, but a larger sense of that. Now, that's my quick response to, Don't we need more Omnibus Park Acts? And the answer is, Possibly. But that's not what we are best at. We don't have a large constituency, we don't have a large sense of political purpose that Phil Burton did. He loved this. That was his passion. Now, he'd never get out on the land actually and walk it, but the conception of this elegant land pattern really was a turn-on to him, and it's something that frankly I found inexplicable, although I discussed it with him thirty or forty times. And also was never able to get him once on a single trail in his district. But he'd fight the world to create a trail.

Or when Sweeney Ridge, which we worked on with him to extend the Golden Gate National Recreation Area south of San Francisco where it was stuck (he really wants to see it go all the way to San Simeon). That was a big turn-on for him, and he loved the fact that there was something like the Trust for Public Land that would actually go out there and talk to the landowners and get it done and package it, so that the government agency could do what it does best. But they could not do the kind of things that the Trust for Public Land did.

So we were part of a venture that offered a certain discrete kind of skill, but it wasn't all things to all people.

Wilmsen: I didn't quite get the connection between the Omnibus Parks Bill and Sunnyside.

Rosen: Well, it was a great idea. Somebody had to get it done. That was our role. It was not in coming up with the next Omnibus Parks Bill, or the next 200 units of the National Park Service. Our job, within our competence, was to implement.

Wilmsen: Oh, okay. How did you get involved in the Sunnyside Gardens?

Rosen: Through our New York office people. We met the people who were active in the community. We borrowed their skills, we used their connections, their energy, to make sure that that idea was promoted. And I must say, it hasn't been. It's there, but it's kind of unique. It worked there, but to my knowledge, very few places have emulated it, even though it's a perfectly brilliant idea.

Wilmsen: Why do you think so few places have emulated it?

Rosen: It's trouble. It's difficult. The American psyche, generally speaking, prefers fences. "What's mine is mine." I buy a house in Danville, or Wildwood, I want to know where the metes and bounds are so I can put up a fence. "Good fences make good neighbors" is one of our American slogans. That's against the grain, to do what they did in Sunnyside Gardens. Very few fences. Gives me the willies, too many Americans saying, "It may have worked there, but that's New York, that's a foreign country."

Wilmsen: Were there any particular congressional actions--again going back to the seventies--that shaped TPL's actions?

Rosen: The biggest thing, I guess, was--and it's not sensational--that when there were a lot of people who doubted that it could be done, we were able to deliver land again and again, and show that it could be done. We gave, as we say, the implementation some credibility. But bear in mind, we were doing it fairly modestly. We're not the government; we're a relatively small nonprofit, then and now, and our value is, if you are interested in the kind of work we do, we can provide the evidence that supports credibility, competence, thrift, and output. And that is, we think, a very important role. It may be too modest a role. Maybe there ought to be a grander role. Maybe we ought to have more of a tower of influence. But we have always preferred to demonstrate on the ground the power of an idea in action.

The Schiff Estate: An Example of Partial Development

Wilmsen: Okay. Somewhere around in there was the first instance of implementing partial development. I believe that was on the Schiff property, is that right?

Rosen: That was one of them. That is an example of what we consider to be a relatively pioneering initiative, where we would look at a land in its entirety, and where there were legitimate opportunities for development, instead of saying, "No development anywhere, any time, any place," work with the shaping of a development so that it would be harmonious, consistent with the natural values of the land.

The Schiff Estate, which we bought from--I think it was AT&T--was an example, that we tried to evidence as a good idea on the land. I would have to say it didn't work.

Wilmsen: Why is that?

Rosen: The market shifted, and the developer with whom we did work was unable to perform as expected. He was not anything other than honorable and competent, but in a market economy, there's got to be financing, there's got to be purchasers. Bearing in mind that the strategy there was that the open space would be paid for from the proceeds of the sale of the private residential development. So instead of having the city of Mendham or the county of Mendham, or Morristown, or the state of New Jersey, buy the open space, the open space essentially would be given to a land trust by the Trust for Public Land, with the purchase price of the land that we had to buy from AT&T. So it was a different kind of an example.

Like the conservation easement; like the fee simple purchase by the National Park Service; like the Packard Foundation giving us half the down payment, it was another example of what can work. Well, it didn't work all that well, because the market just about the time we got it all together went south. The buyer of the development parcel from us went south.

What we ended up then doing was, I would say, okay. Because we did put some conservation easements on the land, which we held for quite a long time because the buyer of choice was unable to fulfill his commitment. Then we ultimately did the best we could and sold several years later to another developer whose vision was less expansive than was originally conceived. But it's an idea, like others, which may be appropriate under certain circumstances. The land already was settled. The trout stream

was protected. The properties were clustered. It took a lot longer, and there was very little incentive, for that to be replicated, because it was not a huge commercial success.

Wilmsen: What was the issue that led to the idea of partial development in the first place?

Rosen: Well, we bought an estate. It was the Schiff Estate. It had already been developed for a very wealthy Wall Street tycoon. So what we were proposing was to build on that existing development for this limited family use, add some more development which would be appropriate--I forget exactly what the acreage was, but it was considerable for that area--and just in effect in-fill the estate. Not densely, but in-fill it, to enable us to recapture enough of the land value which was embedded in the estate so that we could pay off AT&T. And it was in the millions. And contribute, without any additional public financing, the land as natural land to the community land trust that we were organizing.

It was an elegant idea. It does have application. We're working on a similar one right now in Rancho San Carlos in the Monterey County area. But all these things are risky, time-consuming, and works in progress. Our thought again and again, as you hear to wearying proportion, is, "Let's see if one of these may work here."

Wilmsen: What were the concerns of the community in the Schiff Estate?

Rosen: Density, price, traffic--

Wilmsen: They didn't want it too dense, or--

Rosen: They did not want it too dense. They did not want to pay any money. They liked the idea of being given the land by the Trust for Public Land to a land trust which they would control. I'm not saying all, because there were some people, obviously, who disproportionately did contribute, who disproportionately did work. It was just like so many other ideas: when it goes right and when it goes wrong, there are learning lessons.

There was no professional planning staff of the township of Mendham. Everything took forever. We thought we had an understanding with some of the development constraints which we observed, and then they would change their minds. One thing that comes to mind is the width of the roads for turning around a fire truck. They said we need--whatever it was--fifty feet, and then somebody came back a week or two later and said, "Oh, eighty feet." We said, "Where did that come from?" It all makes a difference when you're building on the land that is buildable on,

and you site the houses. If it's eighty feet instead of fifty feet, guess what? You've got to start all over again. So we had that several times.

Then there were some issues about the septic tank. I mean, there is just stuff that has to be done, and in good faith, we met, we felt, all of these concerns. Time went on, time went on, time went on. And guess what? The market vaporized.

Wilmsen: Was this affordable housing?

Rosen: Well, that was another thing. We felt strongly that this should not just be an enclave for the rich. That was not terribly popular with all of the--

Wilmsen: Was there that sentiment in the community also?

Rosen: Some. And our job, we felt, was to kind of build on that, and de-fang the threat that some of the others have whenever you talk about affordable: "Oh, my god, we're going to be overrun by *them*."

The Trust for Public Land Center

Wilmsen: Another thing that I guess got going in the mid-seventies was the Trust for Public Land Center.

Rosen: Let me stop you at that, if I may, because that is something we can talk about in another avenue. Frankly--I'll talk to you about that--that was a non-start. That was essentially a landing place for Huey Johnson when he came out of the Brown administration, so that we could give him a place to incubate his next idea, which resulted in the Resource Renewal Institute.

Wilmsen: Resource Renewal Institute?

Rosen: Yes, that's his new nonprofit. Which is out at Fort Mason.

Wilmsen: Well, that explains why it appeared in one of the annual reports --

Rosen: And never was seen again.

Wilmsen: --and then disappeared.

Rosen: It wasn't fake or phony; not every idea works. So we tried to get some financing, and we had--a woman who put in a couple of bucks, and she was going to put in some more and she didn't, and Huey kind of changed his mind. You know, if you're alive, you're going to have a bunch of ideas, and hopefully some of them will filter out and be more worthy and durable. That was not one of them.

However, we now are doing something similar, which I will tell you about when we next visit.

[Interview 4: November 12, 1998] ##

Wilmsen: We were just talking about the TPL Center, which was the question I ended with at our last session.

Rosen: Okay. The TPL Center was kind of a notion that, as hands-on as we were in problem-solving, we really felt it was important to be able to do some research and development, or some innovation that was not deadline-driven by transaction closings. But because we were not overly funded in those early days, it was really just that: a notion, rather than a practice or a program.

However, when Huey Johnson, our esteemed founder, left the Jerry Brown administration, it seemed to be a good time to reactivate the notion of TPL Center, which would provide a landing place for Huey, while he could then reconfigure the landscape of his next adventure. So he was a TPL fellow or scholar in residence at the TPL Center, without any responsibility for either day-to-day management or for transaction activity. It just gave him the time and place to essentially brainstorm, collect his thoughts, and invite the opinions of others about what he would do with the rest of his life.

We then did secure funding from Dorothy Lydden, who did provide about a year's funding for the center to allow us to allow Huey to basically do his brainstorming. I believe it is fair to say that from that year at the TPL Center, Huey did sketch out his next paragraph, and that was to create an organization which is now known as the Resource Renewal Institute. I think it's headquartered in Fort Mason, and is dedicated to the proposition that Huey feels very strongly about, and that is integrating private and public planning in a synergistic way to advance the community and national environmental agendas.

When he was secretary of resources, he had come up with a blueprint for posterity which was a white paper on how

businesses, governments, community organizations could work together and plan better for the integration of economic vitality and resource protection. I would say that that is primarily Huey's interest now with Resource Renewal Institute. He goes all over the world. I think he's written some articles, perhaps a small book, on the subject of integrated planning involving governments and the private sector.

We have nothing to do with that outcome. But what we did do under the center was give him the breathing room to reflect and, as I say, brainstorm.

Since the center was utilized in that fashion by Huey right after his tour with the state government, I think it's fair to say we kind of kept the idea but never either fleshed it out or expanded it, until quite recently, where a regional director of our New England region, Peter Forbes, in a similar but not identical fashion, decided he needed some breathing room to brainstorm and to write a book about humane environmentalism. Perhaps not doing the full subject a service, but it's along the lines of humanity, community, and environmental ethics. He has either taken a leave of absence from the Trust for Public Land or perhaps even separated, it's not exactly foreclosed, so that he will have the next two years to write that important book. The funding for that has come from the Cummings Foundation expressly to us, utilizing I believe the center, for the fostering of this publication. Peter will be the scholar in residence for the express purpose of writing the book.

So while we had the idea of TPL Center as a place of innovation and brainstorming and such, we have in fact utilized it quite infrequently. For example, when we started, as we did in the past couple of years, CCLR, the California Center for Land Recycling, which is to incubate a new organization under the wing of the Trust for Public Land, financed by the Irvine Foundation, the center was not the vehicle that we used. We actually set up a separate nonprofit Center for Land Recycling with the express idea of, after a brief period of incubation, it would be spun off as an independent entity. That is a parallel idea to the center, but it is going to be spun off as an independent nonprofit organization, I believe in early 1999.

But we've always had the idea that as important as it is to close transactions and to meet deadlines and so forth, we always kind of hungered for the idea of having a place where we could do more scholarly or reflective work, and that was what the center was designed to be. Although in truth, it never really became I would say a mainline commitment or enterprise of the Trust for Public Land.

Wilmsen: While Huey Johnson was serving in the Brown administration--

Rosen: He was a state employee. It's when he left public employment that he hadn't yet figured out what he wanted to do. That center was where he located while he did his brainstorming for his next commitment, which, as I say, emerged and became a separate independent nonprofit organization: Resource Renewal Institute.

Wilmsen: Right. But while he was still in the Brown administration, did you maintain close ties with him?

Rosen: I would say personally, yes. Institutionally, I'd say we had a correct relationship. We were very concerned about not being either seen or acting as if we were part of his club, or his rooting section, so I think we tried to find the right balance between helpful and not overly helpful to each other. And as a matter of fact, I think we probably did fewer projects with the state of California while Huey was secretary of resources than we've done either before or since. I'm not sure exactly the case, but I can tell you we certainly did not do more business with the state while Huey was secretary of resources, by virtue of the fact that he was then secretary, and formerly the president [of TPL]. We were very conscious of the fact that we would not be doing him a favor or ourselves a favor by being too clubby with each other.

More Thoughts on Becoming President

Wilmsen: Okay. So I think we've covered everything up until you became president, so--

Rosen: So we have Joel, right? We've talked about Joel?

Wilmsen: We've talked about Joel.

Rosen: Kuperberg, my immediate predecessor. He was going up to Vashon Island in Puget Sound to open--or I should say reopen--an office that we previously had opened and then closed in the Pacific Northwest. Joel went to Vashon Island in Puget Sound expressly for the purpose of the opening of a presence in the Pacific Northwest.

Wilmsen: Right. And we talked about the staff being less than happy with Joel in--

Rosen: I want to be careful about that. It was a difficult time for everybody. Joel's strengths were probably better served, both to himself and his family, and to the organization, in a regional setting than in a national office setting. I'm not mincing my words; he's an outstanding person. He has a certain fundamental environmental ethic and credential second to none. But we all have habits of organizational behavior, and part of it, I would say, is the difference between Florida and San Francisco that did not play to his long suit or strengths.

And he knew that. He was a good soldier, he said, "I'll do it because the organization needs me. But given my druthers, I'd really rather run a region than run the national organization." Not altogether unlike Huey Johnson, you remember, who had the chance to run The Nature Conservancy and passed it over. So it's a personal thing, not a criticism, that they were unhappy or less than happy, or he was. We were all mature adults and we were all mission-driven, and I think it was just kind of acknowledged that Joel had responded to the board's request, relocated from Florida to San Francisco, tried it, and then concluded that he would like to stay with the organization, but in a regional setting rather than in San Francisco in the national office.

Wilmsen: Okay. Then you were drafted in as the interim director--

Rosen: That's right.

Wilmsen: --until they could--

Rosen: Well, it's almost kind of worse than that. I was then chairman of the board, I think I mentioned, and I was part of the search committee looking for the next president. From an objective view, there's something to be questioned about the head of the search committee ending up the candidate. We were all conscious of that lack of rigor, or inside-the-ballpark deal, and we addressed that. We discussed it with the staff. Lo and behold, either because we didn't have any better ideas at the time, or in Huey's words, even though he was then long gone from the organization several years, he persuaded me and Douglas Ferguson, who played a key role, and other members of the board that being the president of the Trust for Public Land at that time required somebody who was quite familiar with the organization. Not necessarily a full-time employee, but quite familiar with the way the organization really works, as well as of sufficient potential, if not stature, to be the next president.

Those were difficult days, financially and otherwise, and I was persuaded that there was something to be said for that, and

that I should become the next president and leave the practice of law, which I eventually did.

Wilmsen: When you first became president, you worked part-time at TPL.

Rosen: That's correct. Being a member of a small law firm--six people or so--I candidly admitted that I was not able, ethically or professionally, to just drop the commitments I had to my clients and my partners to become the next president. That was part of my disability, or my baggage, that I would work at the Trust for Public Land, I would do the best job I knew how at being a worthy president, but I was not able, and it would probably take a year or so, to professionally and personally and ethically wind up the matters that I was involved in at the law firm, which I did. But it was not instantaneous, and I essentially, in my view, at least, I think the time sheets will show, had two full-time jobs. Until I resigned from the law firm.

Wilmsen: Did you see the presidency as a temporary arrangement?

Rosen: The truth is, and I don't mean to be falsely modest, in my heart of hearts, I felt we could do better than an inside-the-ballpark member of the board. I felt it was important to make that clear, that I was not necessarily seizing on this job as "it," and that I was being dependent on the board to keep me employed or above water, but that I would serve, and I did serve. I wasn't so much under the illusion that it was a lifetime job or a part-time job or a short-time job, but I made it very clear I really felt we should keep our eyes open, and I meant it. If a better candidate became available, or we got in a mode of recognizing we should look for a more experienced national figure or national operating organization person, I should not truthfully be a barrier because we did this thing for good old Marty, and therefore we can't let him down. I really felt it was important that we keep looking for the best person we could get, and for that reason, it was important to me that I have no contract. For a variety of reasons. We've never had contracts of any of our senior employees.

That's not true of other nonprofit organizations, by the way, or other organizations, as you know. There's no severance package, there's no perks, or even duration. I thought it was very important, and still do, that at the Trust for Public Land, all of us are what we call people who put our jobs on the line every day. That's not a bit of breast-pounding, but it's a part of the mindset which you've heard me talk about earlier, of being truly entrepreneurial. You shouldn't have to rely on--well, it's perfectly legitimate--but in the Trust for Public Land, you

should not have to rely on the formalities of a contract. Long-winded answer.

I was still of the mind we could do better than Martin Rosen.

Wilmsen: When did you change your mind that--

Rosen: Never did. Never did. We were always looking at prospects, we were always looking at board people, we were always looking at regional officers. I think that's kind of a source of vitality. This is not a sinecure. It's one of the differences between us, say, and a private corporation, as well as for government. Again and again, I refer to the attitude or the mindset, that our most important achievement is what we call "next".

Wilmsen: When you assumed the presidency, then--

Rosen: That was, what, '78 or '79, thereabouts, I believe?

Wilmsen: I think '78.

Rosen: I think I was acting president, however, during the end of '78, because I think that was when I finished up my sabbatical from the law firm, and I went to work pretty much full-time for the Trust at the end of that sabbatical period.

Tuning the TPL Organization to Fit the Times

Wilmsen: Okay. Were there any changes that you felt should be made that you implemented as the incoming president?

Rosen: I can't really say that there was anything major that I fixed and turned around, I wasn't a big turnaround guy. But I think it was true that I did bring a different--as everybody would--perspective to the job. I did feel we had some nonperformers, and on the other hand, I felt by and large that we had a powerfully talented staff, and should be expressly supported for the good things they were doing.

So I did some judicious pruning and then I also demonstrated my support for some of the key players who were having some frustrations with the organization up to that point. I did make a commitment that I was there for the long haul, either as president or as director. I was not building a resume, I wasn't filling a hole and then abandoning them, that I had been in the

trenches with the Trust as a director since the Trust started, and I certainly had a deep commitment to the values, and quite frankly, to most of the people at the Trust.

I also remember I made my first talk about what I was about at the Trust with the staff, so when they asked me what my goals were or what my objectives were, I gave them I think more of a philosophical answer than I did a business plan. And that was that I all my life was engaged in a search for value and meaning, and that I had a lot of friends, as they did, who were in jobs that were unrewarding, that they were in positions of frustration where their potential was neither expected nor acknowledged, and that what I was hoping that the Trust, for them as for me, would be part of the journey to discover more of the value and meaning of life in the workplace. That this was not a family, it wasn't a cause, it wasn't a movement that was disconnected from our fundamental ethical and personal commitments of meaning and value, and that those were more discoveries than they were baggage, and that I was looking forward to working with them as colleagues in the search for value and meaning in the work of protecting land for people and enhancing the life of our human and natural communities throughout the country.

Wilmsen: One thing I observed in the annual reports is that that year that you became president, the annual reports up to that point measured progress in terms of achieving those first four goals that were articulated at the outset. And then when you became president, the format of the annual reports changed to looking at progress in each of the program areas.

Rosen: You're very observant, and I'd say accurate. I felt that those four principles, or goals, or descriptors were useful for the startup, and without betraying them, they had to be adapted and reformatted. The things that made sense should be invested in, and the things that we found from experience were less central should be deemphasized. I expressed that in the annual report.

For example, the goal of becoming the country's first self-sufficient organization. Well, it has a terrific ring. It wasn't false. It had a terrific ring when we went to funders to get our initial funding, because it meant we were signalling that we would not be back for any additional fund-raising requests. And I think that was sincere. We fully intended to attempt to generate all of our operating funds from the closing of transactions.

In fact, with the changes in public finance and funding, and of course later accentuated by Mr. Watt and Mr. Reagan, but already previous to that, that simply was, I think, unhelpful. I

won't even say it was beyond our reach. I just think that that maxim had a ring that was no longer as helpful to us. And I don't apologize for that. It wasn't any intentionally misleading of anyone. But I think any organization has to re-address its origins, its expressions, revisit them, and then, quite frankly, breathe new life into them.

I was very gratified to hear when Peter Drucker said that if a mission statement lasts longer than five years, consider yourself either lucky or cursed. That these truths on which you found the organization, on which you guide the organization, have got to be informed by experience. That isn't to say abandon them like old shoes or underwear, but make sure that they are really as vibrant and resonate throughout the organization today as they did two or three or five years ago.

So you're right, I emphasized more--and intentionally--the programs, as we then described them, recognizing that even the programs would change, as indeed they have, over the years. But the fundamental commitment to land and people never did vary. The way we approached it, the way we financed it, the way we expressed it, the way we combined the particular energies is continuously being reexamined and reinvented.

Early Emphasis on, and Continuous Development of Training

Wilmsen: Okay. Then there was a fairly strong training program at that time, too, wasn't there?

Rosen: Well, there was before and after. Before in the sense that Huey, being a man of vision, did two things. One, he videotaped a great many interviews with some of our colleagues in the conservation world, as well as some of our more successful project managers. Then the hope was that those videotapes could be used as modules for the training, transmission of culture, to additional recruits and new hires.

Secondly, he had Phil Wallin, I believe it was, primarily prepare a huge compendium which was to be our training manual to supplement the videos and serve as our training vehicles. It was a good conception.

The difficulty is twofold. One, they're very costly to keep current and update. You have to assign man/womanpower and money, or you're always dispensing saws that aren't sharp, to turn a phrase. Secondly, the technology, the experiences of

transactions, was changing. You say, How could that be? Well, it was. The different ways of relating to the agencies, the different ways of marrying funds, the different way of using borrowed and matching and other kinds of fund-raising techniques pretty well indicated to us that those twin vehicles of video and the biblical tome manual would not do the job that we intended.

So we came up with different, and to this day, I would say, we have different forums of training, and we are still dissatisfied with all of them. But what we're now doing is more face-to-face training, more information transfer at our annual project manager workshops, at our finance workshops, at our law workshops. But I continue to be, and I hope will be, dissatisfied that we've really done enough by way of training our people to continuously upgrade their skills.

Because we really feel--I feel--we have got to be at the leading edge of what we do to achieve the twin goals of conservation and thrift. Being in conservation, we think it's very important to demonstrate that we're not "throwing money at the problem," as everybody says. "Oh, it's nice," or some people say, "but we can't afford it," or whatever the case may be. We really feel driven continuously to demonstrate that conservation and thrift are really one. That by being motivated and adequately trained and motivated and financed, that you can get, if not the win-win, the multiplier effect of an entrepreneurial organization which takes its mission seriously, has high ethical standards, and closes transactions.

Wilmsen: Was the focus then on training TPL employees?

Rosen: Largely, but also, as you, I think, earlier had some mention of the Land Trust extension, we would hold ourselves out to both train volunteers of other land trusts, as well as hold workshops in how the public agencies with whom we dealt--Park Service, Forest Service, cities and counties--could examine some of their own practices to improve their own reach, their own efficiency, their own public stature and effectiveness as conservation agencies.

That latter part has now evolved, I would say, into not only the Green Cities program, where we work with a variety of community groups and local governments, but also with a great many public agencies in conceiving, designing, fashioning, and implementing public finance campaigns. Everybody today is faced with the fact that there is a powerful Prop. 13-inspired "Let's shrink government, government is too big and too bloated, and taxes are too high, and the services are too low," which may or may not be true, depending on the particular jurisdiction. But

that we shouldn't lose our ability to finance important public land as public land. We have developed some experience and some very, I would say, helpful, useful strategies and techniques that we share with public agencies in these public finance campaigns. And I think I told you last time that on the 3rd of November, in the fifteen campaigns in which we were involved, we had those fairly dramatic results which I described.

Well, that came out of the notion of looking outside the organization as well as inside, that our knowledge has never been proprietary; that if it's a good idea, we ought to be the first ones to share it, and also learn what does and what does not work, adapt and modify and improve the quality of learning and the quality of service.

Wilmsen: Then there was something called the Kitchen Brigades?

Rosen: That's one I don't resonate to.

Wilmsen: Okay. I think that's related to training people in the local land trusts, especially the urban land trusts.

Rosen: I've got to pass on that one. We did it, as I mentioned, for all kinds of land trusts. We organized the Marin Agricultural Land Trust. We had training sessions at Green Gulch. We had training sessions throughout the country with urban groups, especially in the East. We still have what in the Western region are two outreach experiences. One is called California Releaf.

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Wilmsen: Okay.

Rosen: There are also land trusts who are all independent of the Trust for Public Land, but who are networked under the aegis of a full-time employee of the Trust for Public Land in the western region, Elizabeth Byers, who puts out a newsletter and establishes workshops and essentially keeps them up to date on what is going on, not just in the land trust movement in general, because there is the Land Trust Alliance, but also in the special subjects that are peculiar to the state of California. That's in the western region.

The Reagan/Watt Challenge, and TPL's Response

Wilmsen: Okay. Shall we move on to James Watt?

Rosen: Yes, please. James Watt.

Wilmsen: You became president in '78, and then Reagan was elected in '80, so very early on in your presidency James Watt declared his moratorium on all federal land acquisitions.

Rosen: I think that's one of the things he did. He also dissolved "hookers" [HCRS], the Heritage Conservation and Recreational Services. He made it very clear, as the designated point person for the Reagan administration, that in his view, things had gotten out of hand with the environmental crowd, and that he was in the position--and knowledgeable, having been a former employee of the Department of the Interior--to rein in those environmental extremes and excesses that had permeated the environmental community.

I would say with the appointments he made, with the budget practices that he sponsored, with the new rules and regulations that he sponsored, and the people who he either froze, demoted, or fired, he made it very clear that he, in my view, was at war with the environmental community, and he intended to take no prisoners.

I found that an easy read. I mean, there was no duplicity. He wasn't saying one thing and doing another. It didn't take a lot of analysis of his motives or his sincerity. The only real question was, What, if anything, were we going to do about it? So we spent a fair amount of time deciding where we could, with our size and resources, continue to serve the mission of land for people, and what agencies--federal, state, and local--were going to be willing buyers or sellers, as the case may be. He represented, very simply to me, just a change--a very significant change--in the marketplace in which we operated. We had a hostile purchasing agent, for want of a better word, with a lot of support from the CEO, President Reagan, who was a much more difficult person to deal with in that he enjoyed enormous popularity. He had winning ways. I think he really meant it when he said, "If you've seen one redwood, you've seen them all," but he had such a quality of affability that he--Reagan--represented, in my judgment, a much more pervasive and profound threat than Mr. Watt. Because he was likeable.

Mr. Watt, fortunately, had personal characteristics that interfered with his effectiveness and which finally led to his essentially being asked to resign, or concluding, after doing as much as he could, that he should resign. But Mr. Watt made it fairly clear, as did his lieutenants--and I forget exactly who the new head of the Park Service was, et cetera, that were hand-picked by him, and his assistant secretaries who had a lot to do

with budgeting, who had a lot to do with rule-making--that he was at war with the environment. That was no difficult read. The big question was, What are we going to do about it?

Part of it was redeploying our resources, looking for new markets. And part of it was, quite frankly, shrinking the organization, which I found personally among the most difficult things I had to do. I felt we really had come up to speed, we had some terrific people, and shrinking the organization naturally meant letting people go--layoffs.

But I think I gave you the remarks I delivered later, in 1981 (see appendix).

Wilmsen: Yes.

Rosen: I never--honest to god, I think it's kind of congenital optimism, or temperamental ignorance--I never really doubted that we had within the Trust for Public Land the resourcefulness--my favorite word--the scrappiness to deal with the James Watts and the Ronald Reagans of the world, as well as the Pete Wilsons and other people who, for reasons of their own, had decided to trim the sails, for want of a better word, of the environmental community, including the Trust for Public Land. And therefore, it was my job as the CEO, for better or for worse, to keep the ship, the good ship Trust for Public Land, afloat and on course, even though it meant we had to do some tacking, and we had to change our pace, but keep true to the course of serving all the people with the healthy lands that we need to keep civilized in our communities.

Wilmsen: There was a famous meeting in Santa Fe.

Rosen: There was. At the La Fonda Hotel. And I remember it because my good friend, Mr. [Doug] Ferguson, who is first and foremost one of the finest people I've ever met in my life, bar none: talented, basic goodness, articulate, and marvelous sense of humor. At the board meeting, when things were looking pretty dark financially, and we--I believe, I'm not sure of the time sequence--had done quite a bit of cutting of staff and all the things you do when, I concluded, you have no choice, he asked the question, "Marty, isn't it time to shut the doors and turn out the lights? We can always fight again another day, and maybe another good ship Lollipop, not the Trust for Public Land."

The truth was, the facts are always there, but the interpretation of the facts are what distinguish outcomes. I knew--and was prepared to prove, and so stated--I just knew that the Trust for Public Land would endure the crises in which it

found itself, that we needed some time; we had the right signals, we had the right people, we had the right mix of projects and funding that would enable us to weather those financial storms or crises. And the board gave me the authority to persevere, for which I've always been grateful.

But it was clearly a leap of faith. There were many, many reasons why we should have closed the doors, paid our bills, and with honor, no sense of guilt or failure, just said, "We've done the best we can." That was a memorable moment, certainly for me and most of the board, who hoped that by allowing me, as the CEO, to persevere, that we would come out of this free-fall, especially financially, and we did. Not instantaneously.

We were already shifting into different markets. We were already aware of the fact that we were doing less business with federal agencies and had started the cultivation of more state agencies. We had already put together programs for funding--

Wilmsen: You had started this before Watt?

Rosen: Oh, sure. I mean, you don't start on the day the board says, "What are you going to do about paying the bills?" But the question always is, To what effect? Is it too little, too late? That's the great curse. Well, you're doing the right things, but why didn't you do it six months ago? Why didn't you have a grander plan? Why didn't you cultivate a huge grant from a funder, corporate whatnot?

My intuitive, informed intuitive judgment, was that we were already steering away from the larger scale dependence on federal projects, building our markets and our reputation with the state and local, as well as changing the mix into more--well, just changing the mix of urban and rural, which is something we're constantly tuning, so that we would be able to stay afloat long enough to pay our bills, make our investments in new transactions, and come out of it.

Well--knock on wood--fortunately, we did all pull together. I pulled no punches, as you saw from my remarks. It wasn't a Churchillian or Roosevelt-type speech, that "We will fight on the beaches, and we have nothing to fear but fear itself," but I shared my basic conviction that the need for our services was unabated. The need for a scrappy organization was never greater, because the previous flow of funds had been reduced. And that if ever we were ready, by virtue of the years of experience, of being lean and mean and green, we'd have a chance to prove it.

And indeed, the circumstances exemplified by Watt and Reagan--and I want to stress that, as I think I mentioned, Watt was not independent. Watt was Reagan's point man. He carried out Reagan's policies. Those were not Watt's policies; those were Reagan's policies. Once we figured that out, we then devised appropriate strategies, quite frankly, to stay out of his way, because he was the head of government and we were a very small nonprofit, certainly by any measure. We had the advantages of flexibility, we had the advantages of focus, we had the advantages of maneuverability, and now we have a chance to show whether or not we had learned those lessons enough to deploy them in an ethical and timely fashion to recover our bearings, develop new friends, develop new markets, for want of a better term, and we did. That was a turnaround. That was a turnaround.

Wilmsen: How did you stay out of Reagan's way?

Rosen: Less federal projects. Less projects that required Mr. Watt or similar people in other agencies from having control of our destiny. The great example was the Everglades. We had, previously to Mr. Watt, been encouraged to buy and did buy--Joel Kuperberg being principally involved together with Ferguson and Phil Wallin--49,000 acres in the Everglades. That's land which--I've pointed out more than once--is larger than all of Manhattan and San Francisco combined. That's a lot of land. Trust for Public Land either owned or controlled it. We bought it from GenCorp, or General Tire, out of Ohio.

It was all ready to be conveyed to the National Park Service when Mr. Watt--and this is apocryphal, it's not a quote-- basically got through the message to us that he'd rather sell the national park than buy any land from us to expand it.

Wilmsen: How did he get the message to you?

Rosen: He has messengers. He has Park Service employees, he has a variety of ways. As I say, it's more apocryphal than quotable, but I got the message that he was not going to buy any of the land in which quite frankly we had invested quite a bit of time and money, however important it was to the Everglades. And it was extremely important. The sheet flow, the water quality issues were very much tied up with this 49,000 acres that General Tire bought for its missile--that would be the Aerojet Missile subsidiary. The land became surplus, and here was a chance really to do something big-time: a major restoration of the Everglades. And guess what? The one guy in charge says, "Go to hell."

Well, fortunately, through Joel Kuperberg and through others, we found another buyer. As a matter of fact, we found two buyers. One was the state of Florida, under then Governor Bob Graham, who Joel knew, and secondly, the South Florida Water Management District, under Nat Reed, who Joel also knew. So what we had to do was to reconfigure the transaction, come up with a new strategy. So instead of delivering that huge landscape to one ready-to-purchase buyer--namely the National Park Service--we had to tilt and divide it, and sell some of it to the South Florida Water Management District for water flow and water recharge, and the balance to the state of Florida.

Well, it was much more expensive, it was much more difficult, it was much more time-consuming, but especially thanks to Joel, and our then lawyer, Marshall--I've forgotten his last name right now--we were able to do just that. Well, that's one of several examples of the kind of resourcefulness, flexibility, scrappiness that we were called upon to do again and again.

But I frankly have to admit, I had every confidence in people like Joel that we would be able to do it. And we did. It's now part of, not the National Park System, but part of the state of Florida state park and part of the South Florida Water Management District.

Well, that was kind of what was behind my educated intuition or judgment that we were not just on automatic pilot, or do-gooders who thought that what we were doing was so important that we didn't have to worry about adversity or bumps in the road. The truth is, we're always faced with bumps in the road. It's when we forget that that we get into more serious trouble.

Wilmsen: Was this Nat Reed--did he go on to have a high level position in the Park Service or something?

Rosen: He was the assistant secretary of the Interior for fish, parks, and wildlife, a job that he describes as the best job in government. But I think he had already left that job under Reagan. As a matter of fact, I'm pretty sure he was not the assistant secretary under Watt, to my knowledge. I would have to look at the chronology, but I do remember meeting with Nat personally in Houston, Texas, and his describing to me how important our land was to the Everglades. We were at a bar, and he ran his hand over the surface of the barroom table and he said, "Marty, your being from California, you may not realize how water works in Florida. The land is as flat as this table. It does not flow; it oozes." That's why we have to be very mindful of these lands in places like the Everglades, because they're so fragile.

But I'm trying to remember, he previously had served as the assistant secretary of fish, parks, and wildlife, yes indeed.

Wilmsen: Yes, I thought I recognized the name.

Generating More Cash, and Getting into Fund Raising

Wilmsen: Then going back, you mentioned that you changed the mix of urban and rural. What came out of that? How did you change the mix?

Rosen: Well, we're always, as you know, marketing. So we involve ourselves in more transactions where the readiness of the take-out, as we call it, was more a short-term nature. It wasn't so much whether it was urban or rural as, quite frankly, who had cash. It was much more--it's not everybody's favorite word--opportunistic. We looked at the credit-worthiness and credit-willingness of our prospective purchasers in a much more short-term fashion. We had payroll to make. I felt that very strongly. We had bills to pay, and therefore, we placed greater emphasis on a short-term turnaround or payback of the projects which we elected to work on. We took a much more pragmatic, short-term view.

Wilmsen: You were more--

Rosen: Cash-oriented.

Wilmsen: --more inclined to get projects that would turn around quickly--

Rosen: And favorably.

Wilmsen: --and would bring some cash into the organization--

Rosen: Cash into the organization. Unapologetically, yes. We also then tried to expand our fund-raising efforts, which under our previous mantra, "We will be a self-sufficient organization," always presented certain cultural differences within the organization, especially from people who read that and said, "Wait a minute, I thought we were going to be--" and I said, "Yes, we were. But that was then and this is now." So we started gradually, but nonetheless deliberately, in building up our more traditional fund-raising capacities.

And I'd say the board was very supportive of that, especially a woman by the name of Margaret Mull, who made us a

grant to develop our credibility and our competence at what is best described as traditional fund raising.

Wilmsen: Does TPL have a development section?

Rosen: You bet, and it's growing.

Wilmsen: Did you previously to that?

Rosen: No.

Wilmsen: Because of that idea of being self-sustaining.

Rosen: Yes. That was, for want of a better word, an obstacle, cultural obstacle, to our doing that. I ruffled a few feathers, as I intended, by de-emphasizing that mantra.

Wilmsen: I see. So was that then when you established the development wing, or office, or--?

Rosen: You bet. Well, first we called it "alternative funding." We had a whole host of--what's the term?--alternative language to describe but not celebrate the fact that we were interested in transactions being still the substantial source of funding, and I hope that never changes, but that we were not exclusively reliant on the spread between what we pay for the land and what we sell the land for to fund 100 percent of our operation. I wanted to change again the mix of that and get some fund raising in there. So we went to foundations, and we went to corporations, and we went to individuals in a much more deliberate fashion. Still, I would say, modestly, both in comparison to other organizations and in comparison to what we're doing now.

As recently as the last board meeting in 1998, the board has received a report from a fund-raising consultant about what we can be doing and what we should be doing, and I fully expect that Mr. [William B. (Will)] Rogers [current TPL president] will significantly, greatly, increase the investment and the commitment of the Trust for Public Land to more serious, major fund raising from traditional philanthropic individual, foundation, and corporate sources. Bearing in mind we already have built our philanthropic base up significantly from the time I walked in the door as CEO to the time I walked out, but I'd say that's just a fraction of what the potential is for the Trust for Public Land to generate significant philanthropic dollars, as we are now doing.

Wilmsen: Yes, you mentioned the Alice Werk bequest last time.

Funding Appropriations under President Reagan

Wilmsen: As long as we're talking about funding, then Watt--or Reagan--also gutted the Land and Water Conservation Fund.

Rosen: That was the principal vehicle that we had used--kind of like the Ginny Mae or the Fanny Mae for funding other types of government activity. The Land and Water Conservation Fund around 1964 was created expressly for the purpose of acquiring significant open space resource land for the public, primarily from offshore oil leases. It was identified as a fund from that source, of offshore oil leasing funds, for a number of years, perhaps indefinitely, and pegged at \$1 billion per year for this purpose. Keeping in mind that offshore oil revenue--it varies with the price of oil--has been as large as \$11 billion a year. So \$1 billion was about 10 percent, and not extravagantly so.

The reality is that was unfunded in the scheme of things and was subject to the annual appropriation process. Therefore, the Land and Water Conservation Fund only had enough money to buy land for the year in which the Congress--House, Senate--and president appropriated it. So every year, it is a struggle; every year, it is an open question whether there will be full funding, modest funding, or, in Mr. Reagan's case, zero funding. His proposal was--to give him credit--government was too expensive, it was too lavish, taxes were too high, and here was one area that we should zero it out. So while he did not succeed, certainly he exerted great pressure to keep that sum as low as possible.

It was probably only because of the leadership of such people as Phil Burton, Sidney Yates, and largely, but not exclusively, Democrats who were in control of the House and Senate, that that fund was not zeroed out as budgeted--you know, the president comes up with the budget every year. It was not zeroed out as budgeted by the president. It always, during even the Watt years, got "some" money. I would say instead of \$1 billion a year, it was in the \$100, \$150 million category. Which, while it is significant money--\$100, \$150--when you divide it by fifty states, you're not really talking about a lot of cash flow. So that was one of his vehicles--Reagan/Watt.

The other was coming up with all kinds of rules and regulations that made it, quite frankly, damn difficult--not impossible, but damn difficult--to do business with the federal government and the various agencies.

Wilmsen: How did you help with that appropriations process?

Rosen: We developed some skills, and recognizing that whether or not TPL wanted something to happen was immaterial. What did make a difference to the legislators was whether a project that we could identify and work with and on was important to the particular legislator in which that land was located. Once we did that political reconnaissance, we then worked with the committees and the committee staff to see that at least those few projects which did have demonstrable merit and public support were funded, and that, quite frankly, Watt and Reagan were both unable to stop and, quite frankly, because it was already gutted as a program, it wasn't worth their going after the last scraps. The individual legislators were the difference between a project getting funded and not funded, and we helped the supporters of those projects understand the importance of their public support.

Wilmsen: Did TPL have a lobbyist in Washington?

Rosen: We did not have a lobbyist at that time, but we learned after that the importance of having lobbyists, registered lobbyists in Washington. Because otherwise, I use the expression, we were more often entertained in the autopsy room than in the kitchen. It was important, therefore, to have some skilled, trustworthy, knowledgeable representatives who could provide credible, timely information to both the agencies, who were looking for competent information, and to the political figures, who were beginning to hear from their constituents and who, quite frankly, were responsive if the needs were legitimate and their public supporters were articulate.

So the answer to that is, starting with Harriet Burgess, who did that kind of part-time while she was more involved in running the western region. We succeeded her by appointing a full-time registered lobbyist, Alan Front, whose exclusive work was what we called federal relations. We opened an office in Washington, D.C., currently I believe it's at 666 Pennsylvania Avenue, and I believe Alan now has two associates who are also very, very good, Leslie Kane and Cathy deCosta.

Bearing in mind that, while lobbying carries a certain opprobrium--"Oh my god, they're lobbyists"--properly understood, lobbying is citizen action. And married to the fact that we do not have a PAC, political action committee, we don't dole out a dime in any kind of campaign contribution. Our sole currency is information which is accurate and timely, that when provided, it is weighty and worthy of consideration. And that has been our style. We do not lobby across the board. We are fairly restricted to appropriations for open space acquisition.

President Reagan Guts the Land and Water Conservation Fund

[Interview 5: December 1, 1998] ##

Wilmsen: Last time we ended up talking about the beginnings of the Reagan era, when Reagan gutted the Land and Water Conservation Fund. I was asking you about how that affected TPL and TPL's operations. You started talking about getting involved in the process of actually getting Congress to appropriate money?

Rosen: That's right.

Wilmsen: But I don't think we got very far with that, so--

Rosen: If we did, you'll edit it out. I have the impression that I may have said more about that than perhaps I did, but if I did, it will be duplication. When Reagan came to office as a pleasant person, your favorite relative, with a winning way, he was underestimated by a lot of people, that he was not ideological and he slept through staff meetings, and things like that, which was baloney. He had a very sharp stick. Whether he used others to throw it or whether he did made very little difference.

I'm not unaware, for example, of in my view the injury he did to the University of California, when he was governor. He had a very strong agenda, and he attracted people and used people who were useful to his point of view. He put on a pair of jeans and saddled up his horse and pretended that he was a man of the West. Wally [Wallace] Stegner, I think, had it right. He was a fossil, and he attracted fossils to him, one of which was named James Watt, who headed up a movement called the Sagebrush Rebellion and essentially felt that the conservation programs of the United States federal government were misguided and should be gutted, if not destroyed. That was his agenda.

He put associates in place who carried out that mandate. One of the realities that we had to face was that what previously would have been a bipartisan approach to conservation--many Republicans, not just Teddy Roosevelt, but many Republicans were as effective and enlightened in conservation matters as Democrats. It was not a litmus test that you were either a Democrat or a Republican to be for or against.

Reagan changed that, in my view. He made it very clear, as I mentioned to you, that James Watt was not an aberration. He was his guy. He was very grateful to James Watt for taking the heat about matters that he felt very strongly about. When the

President's budget, for example, came up to the Congress for appropriation, the Land and Water Conservation Fund, which is the primary vehicle which the federal government uses--namely offshore oil revenues--to acquire parks and open space for both the federal and the state and local estate, was gutted, to zero!

It wasn't an oversight. It wasn't a matter of, "Well, we can't afford it." It was deliberate. End it! And then start selling off, in my view (less evidence on that), that which we have and have no business owning or operating. So the reality was our principal source of federal financing was not only under attack by the highest officials in the Reagan administration and the White House, but was pretty effectively on its way to oblivion.

Wilmsen: Did you have congresspeople who were friendly towards the environmental point of view that you went to?

Rosen: Yes, yes. Phil Burton, for one. Sidney Yates for another. I would say were the leaders. John Seiberling, he's on our advisory council, from Ohio. But it's dangerous when you're a Republican and the President is leading the attack to bury a program to stand up to him. A lot of people did not see the value of standing up to such a popular president as Ronald Reagan.

So yes, we had at that time a couple of advantages. One, the House and the Senate were not dominated by Mr. Reagan. The chairmen of the important committees were not beholden, being Democrats, to President Reagan or James Watt. The Republicans who were involved, such as Mark Hatfield (now a member of our advisory council) chose to differ with the President on these issues, as a result of which, while the monies were severely curtailed and shrunk, they were never quite eliminated, so the vestiges of the program on the federal side were maintained. On the state side, they were completely eliminated, and they have never recovered, to this date.

Wilmsen: Those are federal contributions to the states.

Rosen: Federal funds for the purchase of lands for parks and open space for the cities, counties and states of America, which is authorized under the Land and Water Conservation Fund. There are two elements: left brain and right brain. The federal estate: national parks, U.S. forests, Fish and Wildlife on the one hand; and then there was an authorization--not an appropriation after Reagan--that some of that money could be used to buy land for the city and county of San Francisco, the city of Cleveland, etc. That has never recovered, to this date.

Wilmsen: So there's no federal money.

Rosen: For the acquisition or maintenance of state and local parkland. The amount for federal came down from hundreds of millions of dollars to *de minimus*, maybe \$130, \$140 million for the entire United States of America, for federal lands only. So for selected parks, selected parcels in national forests, there was a trickle of funding.

Wilmsen: But now the Land and Water Conservation Fund, if I understand it correctly, continued to still take the money from the oil and gas operations.

Rosen: That is correct.

Wilmsen: But instead of going to land acquisition, it just went into a general fund.

Rosen: It essentially was, in my term, hijacked and was used for other purposes. Now, that's a term that's a little strong because bear in mind, the way the law is written, it is subject to the annual appropriation, so it never was what you call a true trust fund. But it *does* appear as a liability. It *does* show up in the deficit. It's an accrual because the law says you may not have to spend it, but if you don't spend it, you have to accrue it. And therefore it shows up as an accrual item.

But nobody pays any attention. Bear in mind, the multi-trillion-dollar budget of the federal government is extremely complex. Only people who really care about a specific program--whether it's the National Institutes of Health or the Bureau of Reclamation--understand the exquisite elegance of the funding vehicles. For that reason, actually, we know a lot about the Land and Water Conservation Fund.

The reality is it was gutted. You might say, well, what a consequence that had. It really meant that we were on short rations and perhaps, as we said earlier, around that time, there was a question of whether or not TPL was going to be viable. The honorable thing might well have been--and it was raised--just pay your bills, turn out the lights, shut the door.

Decision to Keep TPL Alive, 1981

Wilmsen: That was at that--

Rosen: Famous meeting at La Fonda Hotel in Santa Fe, New Mexico, at a board meeting.

Wilmsen: Why did you decide to not pay the bills and close the doors?

Rosen: You know, you could be right, you could be wrong, but when you're the CEO, you've got to intuit, you've got to have the organization breathe and listen to it. We were not having cardiac arrest. We were not suffering pneumonia. We were huffing and puffing and straining, and there's a real difference. What I felt and, happily, was not proven wrong was that there was a vitality there, that there was a fitness, there was a resilience in this organization that would enable us to adapt to steeper terrain and require our running uphill rather than on level ground. But that it was, in my view, a good shot that we had to re-position ourselves, to reduce our land acquisition for federal agencies--even though that was the last remnant, much reduced--and to assist in the developing need for the financing of state and local projects, and perhaps render an even more valuable service because, since they were deprived of all--all!--federal funding, that the need therefore became more critical.

Our "customers" would be even more open to the collaborative ways of working with a nonprofit organization than they were in the past. Was I able to prove it? Did I have a strategy? Did I have a business plan? The answer is, Of course not. But I felt in my being of being, my soul of souls, that we had the character, we had the talent, we had a window of opportunity, and that we would prevail.

Staff Layoffs to Assure TPL's Survival

Rosen: A lot of things happened. Fortunately, they had to happen. The stars were aligned. There were very painful days for me, personally. That's when we did have staff layoffs. I hate staff layoffs. I know that that is a great mark of managerial genius, how many people you can fire. I think it's stupid. I understand you shouldn't have bloated payrolls and all that other thing, but I don't think you can manage by fear. You manage by expectation and expecting the best of your people, delivering the best to your people, and therefore thriving when you have that balance between organizational provision and staff brilliance, as well as tenacity. Fortunately, we endured. But we did have some staff layoffs.

Wilmsen: How did those layoffs affect staff morale?

Rosen: Poorly. Disappointing. And I'd say it was very natural. The only thing I could be grateful for is that we didn't have to play any games. We were right out straight and clean. It was painful. We didn't try and conceal the truth. We didn't try and play any games. We didn't do any winking. Some of the decisions, whenever you have layoffs, smack of arbitrariness, whether they are or not, and I felt it was the job of the CEO to make the decisions as cleanly as I could, in the best interests of the organization as I saw them, rightly or wrongly taking the heat for being right or wrong but not ducking or hiding, but this is just what you have to do; we might as well tighten our belts and work together.

We looked at job sharing; we looked at paycheck reductions. I'm not blowing my horn, but I was the first. I was the first to take a significant pay reduction, as an indication of how strongly I felt that sacrifice was in the air. Two, [chuckling] a total of two other TPL staffers, followed my example. The rest were either unable or unwilling. That was a very sobering lesson. But we weathered it, and since then we have both stabilized and now increased our staffing.

Are we better for that? In some ways, but overall I don't think so. I think when you get a knee in the groin, I don't think it toughens you. It teaches you a lesson, and we learned some lessons.

Wilmsen: Were proportionally more people laid off from any of the three programs, public lands or land trusts or urban lands?

Rosen: Sure. I'd say proportionally more were laid off from the areas that were not tied to revenue production. If we could get, say, substitute revenue--foundation grants or donations for the land trusts and the urban emphasis--those positions would be secure. But generally speaking, those were not, as a general matter, revenue generating. We had to look at those positions in terms of affordability, as well as timing.

I mean, timing was critical. We never asked anybody to take an IOU. I feel very strongly that nongovernmental organizations have no license by virtue of their morality to take advantage of staff. And I think you take advantage of staff when you don't treat them with the respect of an honest day's pay for an honest day's work. You know, where work is so noble, we'll just have to all go onto poverty rations. No way. So it was very important, from my standpoint, that whatever we set out to do, whatever we said we were going to do, we did. And that's called, to me, basic integrity, basic honesty; the nobility of your mission never excuses taking advantage of your staff.

Frankly, not being judgmental, but I have observed in other organizations they say, "Well, because we're nonprofit we have to pay crappy wages and provide crappy working conditions." I don't buy it.

Wilmsen: At that time the federal monies were shrinking, so was it harder to get donations from private sources, compared to the time before that?

Rosen: No.

Wilmsen: Was money tight all the way around is what I'm asking.

Rosen: Money was tight all the way around. Remember, we went through kind of a recession around the same time. The fact of the matter is we were retarded in our ability to really either A) market ourselves, or develop the traditional sources of donor cultivation and development. We were always, I would say, relatively--the way we're organized--relatively effective in approaching foundations. We've always been able to make a pretty good case to intellectually as well as emotionally market ourselves to foundations.

We were absolutely puny when it came to individuals. And if you learn, which I had learned, being a lawyer, most philanthropy is dominated by high net worth giving of individuals. We have, as best described, a very, very puny program, so it took us a while. It's building. We are now, I'd say, making giant leaps toward that, and I think that Will [current president of TPL] has identified that we are on the threshold of making even more significant giant leaps with what I call high net worth individual philanthropy.

Corporations, generally speaking, across the board, give something but very modestly, certainly in comparison to either their capacity or their net worth or their income. Very, very, very modestly.

The Implications of a Tight Money Supply for Conservation

Rosen: But we used the time we had to close transactions that were otherwise in process, to quite frankly target transactions that had a relatively short time to closing, monitored them very carefully, and beefed up our marketing to foundations, to help us weather the cashflow crunch, which was quite real.

Wilmsen: Did you mean that you would only get involved in transactions that looked like they had a short time in closing?

Rosen: We emphasized the pragmatic. You look at fifteen or twenty transactions. You say, well, what do they involve? Are they bona fide? What are the probabilities of success? And how soon will they close? So instead of getting involved, say, in transactions which we wouldn't even know if they closed, say, for three, four or five years--there was a lot of complexity--we put those to one side and go after the ones that we could put our arms around and get to close within twelve to eighteen months.

Wilmsen: Oh, I see. So were there any pieces of land that you felt that were set aside as a result of those kinds of decisions that were perhaps important for conservation?

Rosen: The answer to that: truthfully, I'm sure there are, but my temperament is such, honest, that I just put those aside and I deal with what is do-able. But, you bet, there are many of them that we just had to say, "We can't handle it right now. We're talking about our survival." And to throw ourselves or bet the store has never been my way of doing it. I believed in the institution, and I believed in the people, and I felt you had to nourish the people and the institution as well as do the important work, hoping that we might have another chance later on.

But, you bet, I know we lost a lot of valuable resources because we were in a struggle for our survival. That was the question you referred to; namely, at the La Fonda, is it time to close our doors. It was not an academic question. I think that if I answered that question differently, we would have shut the doors of TPL. With honor. Not every idea succeeds in its own day.

Wilmsen: Was that basically your call?

Rosen: Yep, I'd say that's fair. I think that's accurate. You're the CEO. There are a lot of people on our board who basically were--you know, aside from sexual harassment or stealing or stuff like that, which is easy--when you have these discretionary calls, you've heard it again and again, you either back 'em or you sack 'em. And so they asked me the question. I answered it forthrightly. I set in process systems of responsibility and accounting so they wouldn't be blindsided, and they backed me.

Wilmsen: Was that something that there was a lot of discussion about?

Rosen: You bet. More than once. You bet, we sure talked about the survival of a ten-year-old institution with a lot of paychecks. You've got a lot of obligations, you've got a lot of reputation. "Are you a director of that outfit that just went into Chapter 11, how did you let that happen?" You bet. People, especially when they are fiduciaries, as directors are, have an obligation to be very careful with public funds, with temptation, with pressure, and with public perception. You bet.

Wilmsen: Backing up just a little bit again, did you ever have a chance then to go back later, with pieces of land that you didn't get a chance to preserve then for pragmatic reasons? Did you ever have a chance to go back then and make some kind of transaction?

Rosen: You mean get a second chance?

Wilmsen: Yes.

Rosen: I have no specifics, but I'm sure the answer is yes. One of my articles of faith is whatever happens, however painful it is, be sure you show up for the rematch. And there are always some kinds of opportunities, maybe in a different form, maybe a much shrunken remnant rather than the entirety that would have been a much better solution. You come back to fight another day.

One area, at least, that comes to mind, of course, is the Everglades, where we were doing that work I mentioned with General Tire, or GenCorp. We didn't go back to the Everglades as such for a decade. We were on a roll. We were building momentum. We could have done many, many things, and much more effectively, much more economically than what we're doing now or what they're talking about doing now in the Everglades. But essentially we were shut down in the Everglades.

Wilmsen: But you did acquire that one property.

Rosen: We did, and we disposed of it, but not to the federal government. We sold half--remember, I told you--

Wilmsen: That's right.

Rosen: --to the South Florida Water Management District, and the other to the State of Florida, whereas it was all ready to go into the federal estate. When you're on a roll, you use that energy, you use that synergy, and that just shut us down. The situation there has gotten maybe not hopeless, but it certainly has gotten progressively worse.

Staff Layoffs in Relation to Staff Diversity

Wilmsen: Getting back to the layoffs, then, were there proportionately more minorities laid off?

Rosen: I hope not. I don't think so. I think we tried to be aware of the fact that any conservation organization is disproportionately white and upper middle class. I don't care who you're looking at, whether it's the Sierra Club or the Defenders of Wildlife or the--you name them. That's the reality. We're trying to change that reality. We're trying to recruit. We're trying to have internship programs. We're trying to involve, on our advisory councils and on our board, whole bunches of strategies. So I hope that isn't the case.

On the other hand, once you see the organization shrinking, every person has got to decide his own economic future and say, "Gee whiz, I didn't get laid off yet, but I better be looking around." So naturally we lost a lot of people who made those decisions. I say those people; I don't mean just minorities. I mean good people of every color and persuasion. They say, "Look, things are kind of uncertain around here. I admire what they're trying to do, but hmm, I better look around."

That's when you say was their morale lost or lowered--you bet. I mean, it's a crappy outlook and people have to say, "As much as I believe in the Trust for Public Land, they can't guarantee me a job for the next six months. I better look around." And they did, and quite often--because a lot of our people are, quite frankly, unique and talented--there are job opportunities, then as well as now. That's probably the *sine qua non*, I think, of this organization in particular. Always relate to your staff, both the staff that you have and the staff that you're trying to build, because good people are thinking people, and they can sense what the truth is.

And it's a competitive world. Salary, working conditions, initiative, climate. Those are all realities that you disregard at your peril. I got a big kick today. They announced Mobil and Exxon are going to merge. Wall Street loves it because they're going to fire a couple of thousand people. Bankers Trust is going to merge with Deutschebank, and Wall Street loves it because they're going to fire all these people. I think it's asinine.

I understand. I mean, I'm not stupid. I can add and subtract. But to wear your financial prowess and power on the number of people that you can fire, to me raises the question,

"What kind of outfit were you running before?" They say, "Oh, no, no, no. When you put these two powerhouses together, you produce surplus." That's bullshit. I think, quite frankly, a lot of people understand that when you pretend that it's a numbers game and it's not a people game, you get what you deserve. You treat your people like shit, guess what? They return the compliment. That's my view.

Lobbying and Working with Congress on the Appropriations Process

Wilmsen: Did TPL always work with Congress on the appropriations process, even before Reagan, for the Land and Water Conservation Fund?

Rosen: I'd say occasionally. We never had an office there. We never really had a large, I would say, conscientious, intentional role. We had more a consultative role. We'd kind of do the projects and then we'd kind of let it be known in kind of an ad hoc way. But I'd say with Watt we became much more--we were in a war--we became much more assertive, much more strategic.

At that time, we had a woman who had some experience working for a congressperson. Harriet Burgess worked previously, I think, for Congressman Fortney [H. (Pete)] Stark and she helped us understand the process. She worked at that part-time while she continued to be our manager for what we called the western region. She had essentially two hats. That was kind of fairly typical of TPL's--

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Rosen: --dilution. We kind of had all these anomalies, and one of them was that instead of getting really serious, probably because we couldn't fully afford it, about commanding a full-time lobbyist presence, we tolerated the anomaly of having one person do both public lands work, and kind of lobby on the side. It was a personal thing.

We solved that when Ms. Burgess left the organization. We beefed up, as we should have done several years before, our Washington, D.C., presence. Made it full-time, and we now have three full-time lobbyists, as well as a decent office in Washington, D.C. that does lobbying, and also public lands work but by different people. Our lobbying crew just does lobbying.

Wilmsen: Why didn't you do it back then?

- Rosen: I'd say it was a personality matter. Ms. Burgess's view prevailed, that it was best handled in the way she had designed and shaped the job, namely as part-time.
- Wilmsen: I see. And when did she leave TPL?
- Rosen: Don't have the date.
- Wilmsen: Approximately?
- Rosen: Approximately ten years ago.
- Wilmsen: Okay, so late eighties.
- Rosen: Approximately. We can verify that date. Without dwelling on it, we'll probably edit much of this out. Her leaving is a complex matter.
- Wilmsen: What do you mean?
- Rosen: It was not a positive experience for the organization. She threatened to sue the organization, claiming that she was terminated when it was my view, as her supervisor, that her resignation was accepted. Having said that--which is, like any personnel matter, clothed in ambiguity and/or complexity--as far as the organization is concerned, it started our taking much more rational and intentional steps to strengthen the Washington presence of the Trust for Public Land on a professional and full-time basis.
- Wilmsen: How did she run the operation? Did you meet more with congresspeople, or was it more with the administration?
- Rosen: Congresspersons and staff of congresspersons. That's pretty much the drill. We also worked with the administration, although in that case, bear in mind the administration were, in the early days, people of a similar persuasion to the President and Mr. Watt. Although they were not as high profile, they had the same, identical, in my view, point of view that conservation was not an American activity.

But it's a very learnable skill. We have no PAC. We don't give any money out for any partisan purpose. We back no one's canvassing. So our kind of lobbying is different than many others, whether it's the hospitals or the doctors or the lawyers or whatnot, where there are vehicles, lawful vehicles, to reward your advocates and your sponsors.

The only currency we had was information. The only validity we had was the legitimacy of constituents who were willing to stand up and be counted with respect to a particular project's merits, so that the appropriation stood on its own merits or failed on its own merits. Our lobbying activity has been designed to present that case, which we do.

Wilmsen: Do you go, then, only for projects that you know that you're working on, or do you say, Well, we think--

Rosen: We lobby only for our own project, exactly. We point out the endangered species, if that's the case, or the number of families, or the miles of waterfront, or the threat of conversion that this particular parcel has before it, the reasonableness of the purchase price or consideration, plus the fact that if the money is appropriated, we will have spent some of our own time and money so that the project will not vaporize, which is another risk. It's a little arcane, but if Congress goes to all this trouble and appropriates the money and then the landowner--bear in mind, this is a consensual transaction--says, "Wait a minute. I've got a better idea. I'm going to sell it for a bowling alley," people wasted an awful lot of time. If it happens often enough, again, they'll say, "What are you wasting our time for?"

So we will, generally speaking, have an option or an ownership interest of that property, so that if the money is appropriated, it will come to fruition. So it has a political reality to it. It's not just a wish that, "Well, If you give us the money, we'll then go out and find the land that meets your criteria. How long do we have?" We have a mindset that in effect offers an opportunity to the federal government, state government to acquire these resources with these characteristics. Do you wish or do you not wish to exercise the opportunity to acquire. And if they say no, fine. That's the risk we take, and that's the service we provide as a nonprofit, of offering this opportunity to the funder.

We naturally try and make as persuasive a case as possible why it is in the public interest to do so. But we have no obligation or lock or anything else on the part of the acquiring persons or agencies. And that's the risk we run. Do they ever turn us down? You bet, with regularity.

Wilmsen: What happens to those properties that maybe you have an option or if you've actually purchased--

Rosen: A variety of things. You know, when you have a portfolio--and that's what we had to build up after the days of La Fonda--you either renegotiate with the landowner, who might be sympathetic

because they saw your work in progress and they say, "Well, do you think you can do better next year?" And we say, "Well, we'd like the chance." We'll increase the option price. We'll roll it over for a year, or extend it, or change the terms in some way. We do that.

Sometimes we have to--if we can--buy it outright when the landowner says, "That's it. Either buy it by the 31st of October or--" We look into the mirror and say, "Can we?" And sometimes we do. And we have done that. The other thing is sometimes we just drop the option, lick our wounds, take our loss, and move on. But that's what the management of this enterprise is all about, trying to figure out which is the right thing to do. You hear me say it again and again, it doesn't come out of a cookie cutter. "Well, you know, you're a conservation organization just do the right thing." What the hell is that? How do you pay for it? How do you deliver it? And how do you do it without compromising your ethics and your integrity?

One of our maxims is the end never justifies the means. That's not an afterthought. The integrity of the organization is involved in every transaction, including its failures. You have to live up to those and embrace them and learn from them as much as you do celebrate your successes. And if you do it transparently, if you do it openly and people kind of know what it's about, guess what, we get better. We get better, and we attract more resources, we're more imaginative, we have options that aren't so short, so even though we think we have a good chance, say, of getting the money this year from Fish and Wildlife, it will last for two years. Or we'll get three years, or we'll have rolling options, or we'll have trades.

It's a business. And the more experience you have and the more you learn from those experiences, the more valuable your services, the more you add to the equation rather than just say, "Well, of course, you've got to do it. There's an endangered species. You've got to do it. What's the matter with you?" That doesn't buy you anything except a short interview.

Wilmsen: Right. [chuckling] Were there people in the Reagan administration who were better to work with, or were they all like James Watt clones, or were there some that were more sympathetic to conservation issues?

Rosen: There were too many. There may have been a few that were bordering acceptable, but they were terrorized, they were undermined, they were hounded. To be fair, I'm sure--I can't think of any now, honestly--there had to be some, but they had their head down or it was going to be chopped off. You heard me

say before I think the federal agencies have not yet recovered from the reaming of the Reagans and the Watts. Almost everybody who was talented and committed and dedicated was hounded from the federal service. They were either transferred to remote exile locations or, generally speaking, intimidated so that they found other things to do with their life.

We all have lives. Serving the public is one of them, but in all fairness it's not, for most of us, our entire life. And if it gets to be so full of phlegm and nausea, maybe you teach, maybe you go to another kind of an agency, but essentially you get out of the way of the hammer.

Wilmsen: Did TPL ever get involved in drafting legislation?

Rosen: Not very much. We participate in a broad-based coalition. I mentioned the Green Group previously, which are the, quote, "self-anointed, self-appointed" leading conservation organizations of national stature. But we make it very clear that, while we have sympathies with our conservation colleagues, we know who we are. Being a non-membership organization, we can't claim to represent a large membership in espousing a particular course of advocacy. Conversely, there aren't many of our colleagues who can deliver in the niche of land acquisition--identification, acquisition--as we can.

We will consult and cooperate, but we rarely participate in the advocacy, as advocates, of global warming, endangered species, etc., where, frankly, our competence is exceeded by other organizations. We pretty much stay to the area of identification of important lands with community values and the strategies to deliver them into a public benefit. Now, we do work with conservation easements, which means that the land stays in private ownership, but we're always interested in making the connection between land and people deliverable, not just written, not just videoed, but delivered. That's our long suit.

It doesn't take a lot of legislation, in our view--clean water, etc.--but it does take appropriations. And we're very, very involved in the appropriation process: state, federal and local.

The Importance of Public Access

Wilmsen: By deliverable, you mean providing public access? For example, with a conservation easement, that public access wouldn't necessarily--

Rosen: I was going to say, you're very perceptive. I happen to be a public access person. I think the idea of "look but don't touch" is troublesome. But I understand that there are many different traits of conservation easements because the easement is such a flexible instrument. It can achieve a variety of public purposes, not all of which involve public access. But I always try and approach it by saying, "Why shouldn't there be public access?"

Now, in some cases, the land is so fragile or the ownership so fragmented or the emphasis on easement so powerfully of another nature--a wetland or whatever--that public access may not be the paramount result, for good reason. But what I abhor is the idea of using these vehicles for an exclusionary result, that we certainly don't want to have people, especially from the other side of the tracks, coming onto our land.

Quite frankly, we encounter that from time to time, people who really see the potential for, in my view, abusing the green for their own self-aggrandizement. I won't say it's widespread, but I'd say that you look around, and you don't have to be terribly thoughtful to see that some people--some, happily a minority--would like to have all the tax benefits and none of the burdens that a conservation easement can provide.

You've got to be, again, competent. And you also have to be willing to walk away. And we have walked away. I can tell you, one comes to mind in the Midwest. Another organization did step in, having to do with a conservation easement drafted by a developer. It was going to be touted as a green new town or green community. The biggest gig was that the public would be kept outside the gates. Well, it was a modest amount of conservation and a hell of a lot of exclusion. More importantly, in my view, no permanence: the arrangement could essentially be modified almost at the marketing director's view of the market.

Wilmsen: Is that one of those gated community-type things?

Rosen: Part of it was gated. It was very clever, very sophisticated. It looked great in a brochure. But you'll hear me say it again and again--it ought to make you nervous--it lacked integrity. I think that--talk about the rematch--if those of us in the conservation business aren't alert and vigilant so that our cause is not subverted and undermined and abused, there will be a backlash that will set our teeth on edge, and we'll have only ourselves to blame.

We quite often have to look, quote, "a gift horse in the mouth" and turn it down if, in our judgment--not holier than

thou--but in our pragmatic judgment the public interest is subordinated or minimized. I think it's incumbent upon us, without guilt tripping the landowner, to just respectfully decline to participate. We had the luxury, with some financial success, to be much more selective. And I prize that.

Wilmsen: Where was this development in the Midwest?

Rosen: Midwest.

Wilmsen: You don't want to say?

Rosen: No. They're nice people and they, as I say, did find another conservation organization to put their seal of approval on it. That's okay. I mean, reasonable people can disagree. There isn't any church orthodoxy in this business. But, as you gathered, the management, the judgment is continuously in play, and you're only as good as your last decision. I personally got involved after our people looked at it, and it didn't pass the smell test, with me. Passed up an opportunity? You bet. Passed up some revenue support? You bet.

But that's why we are a not-for-profit. The bottom line is not the only line. As a matter of fact, as you know, I don't like the term "bottom line." I like "higher value." I like "lasting value." I think that's what great organizations are built on, not on expediency and earnings per share per quarter, although I understand we're not all alike.

Working with State and Local Governments on Bond Issues

Wilmsen: Was it then in the early eighties when all this was going on with Reagan and Watt that you started working more with states--

Rosen: And local.

Wilmsen: --and local?

Rosen: You bet.

Wilmsen: Because, looking through the annual reports, it kind of seems like that's something that just steadily increased all the way until today it seems very strong.

Rosen: I'd say you've done your homework. I'd say that's very accurate. It was very deliberate. It was very risky. It's much less

efficient because, instead of doing half a dozen projects, say, with the Fish and Wildlife Service or nine projects with the Parks Service nationally, you're now doing one with the town of Mendham [New Jersey], you're doing one with the town of Billerica [Massachusetts], you're doing one with the town of Tucson [Arizona]. So if you follow me, you've lost your economy of scale. You've dropped down to units of one rather than six, seven or eight at a time, that you don't just come in to the director of the National Parks Service and say, "Here's a portfolio of a dozen projects. Which are you most interested in?"

Secondly, the politics of small towns are very different than national. You're talking about towns of various sizes, as large as Los Angeles, with very professional, quote, "bureaucratic" staff to some towns that don't even have a full-time mayor, don't have a full-time planning staff, don't have a full-time park director. So you're talking about different skills, saying, "Huh? What are you guys doing?"

Wilmsen: Plus you can't maintain a lobbyist in every town in the U.S.

Rosen: You've got it in a nutshell.

Wilmsen: So that gets back to--

Rosen: Reinventing the Trust for Public Land, which we did. And now fast-forwarding, we probably had the best--you've got to be careful now with hyperbole--the best day financially in the history of American conservation, the 3rd of November, last month, when the Trust for Public Land--with others, always with others, never alone--participated in more than a dozen campaigns around the country to raise money for conservation purposes, not a dime of which was federal, all of which is state and local. We raised--with others, underlined--in the aggregate, for conservation purposes, \$2.76 billion.

Wilmsen: Wow.

Rosen: I don't know exactly, but if it isn't the biggest day in the history of conservation, it's certainly way out there. But what it also proves is that our view that multiple strategies, wherever they can be harmonized and made consistent, are winning strategies, that you don't just live in Dade County but you spend time there; you don't just live in the Fish and Wildlife Service but you spend a considerable amount of time understanding the dynamics, and delivering. I can tell you that that will be a green day in the history of American conservation, largely through the efforts of the Trust for Public Land and others, and

of the Trust for Public Land a particular person, Ernest Cook by name. All these players have names and numbers.

Ernest Cook, who, together with Kathy Blaha--these are seasoned people; he's been with the organization more than ten years--saw the viability of putting together the various constituencies that wanted to express the mainline conservation ethic and protection of valuable resources and express powerful needs of their community financially, and helped these communities do that. It wasn't TPL's idea, with our cookbook, but it was listening with great care, spending the time, developing the strategies, getting the numbers right. You can always ask for too much and go down in flames; you can always ask for too little and get blown away. But getting it right, November 3rd was a green day.

Wilmsen: That was election day. Were these bonds?

Rosen: They were all local bond issues. A billion in New Jersey, played on the strength of our previous relationship with Governor [Christine Todd] Whitman. Remember, she was the governor of New Jersey that went with us on the acquisition of Sterling Forest. That was the watershed in New York that Rose Harvey engineered. She's the head of our Middle Atlantic office. And bear in mind, this isn't any grandstanding. It's just the truth. None of us do this work alone, none of us. But there is a formidable team, with affection and respect and, most of all, competence, that knows how to play to strength rather than backbiting and weakness.

It was Harvey, a graduate of the Yale School of Forestry, who identified the resource, Sterling Forest, called it a forest. What it basically was was water. Twenty-five percent of the water used by the people of the state of New Jersey comes from New York. How about that? Crazy! A foreign country, like Singapore. But Christie Whitman, bless her heart, recognized that even though the land was in New York, the water flowed to New Jersey. Water doesn't read street signs.

Having learned about the competence and the abilities of an outfit such as the Trust for Public Land, when her people politically told her about the importance of the conservation, environmental issue in her state, we worked with her, on an entirely different issue: a highway and transportation and property tax, to develop a billion-dollar program for the state of New Jersey. We were happy to acknowledge her role and I will say, happily, she was very straightforward about acknowledging the indispensable role of the Trust for Public Land, and Ernest Cook in particular, in framing a billion-dollar program.

Now, the state of New Jersey. That's a pretty good slice.

Wilmsen: Yes.

Rosen: A pretty good slice. That was married to \$1.76 billion in other parts of the country. The only place we lost on November 3rd, interestingly, was the state of Georgia, which all our indicators suggested we were going to win. We'll come back, but that was a setback.

Wilmsen: Who is Ernest Cook?

Rosen: He is our director of national programs that specialize in what we call public finance. When we got our head handed to us by Mr. Watt, or his attempt to, we looked around for ways to develop financial vehicles to afford the purchase of open space. Where they were available--by bond issues here, there and the other place--there was never any coordinated, educational and systematic assemblage of the strategies and practices that enable communities to successfully go to the polls, to essentially tax themselves one way or the other: property tax, transportation tax, levies, sales tax, etc.

Ernest headed up the effort to work with others, such as Steve Thompson, and create what I would call banking facilities for open space and park and forest and garden purposes. I would say, in fairness, we are one of the leaders, with all of the organizations, that zeroes in on the how to do it. I mean, a lot of people say, "God, if only we could do it" or "if we had the muscle" or we had this, we had that. We put our arms around it and say, "Well, this is the experience that we observed in Dade County. This is the experience we observed in Boston. This is what worked in Oregon."

One size does not ever fit all, but there are lessons, there are examples, there are possibilities, there are practices that can enhance the likelihood of success. One, again and again, is level with the people. People want to be told the truth, even if it means spending their money. They want to know what they're going to get for it. They want to know what assurance they're going to have, they want to know what kind of oversight, they want to know what kind of reasonable prices so that they're not played for fools.

Having been through the process often enough, there are ways of being transparent that make you luckier than you would be otherwise. Ernest Cook gets a lot of that credit. Not alone, but he headed it with Kathy Blaha, Esther Feldman, and others, to

develop what we call the public finance platform on which open space policy and practice is being built.

Wilmsen: Did he start that back in the early eighties and slowly build it up over time?

Rosen: We publish a newsletter. You may have seen *Green Sense*? We've made speeches, we recruited the best brains, we experimented with COPs (certificates of participation). We intensely examined all of the financial instruments that might be helpful, such as Lighting District Bonds.

V INNOVATING FUNDING AND LAND PRESERVATION TECHNIQUES: THE PARK SERVICE, "BUY IT BY THE INCH," AND OTHER MECHANISMS FOR PROTECTING LAND

Battle Over Sweeney Ridge ##

Wilmsen: Were there some other--

Rosen: We didn't talk too much about Sweeney Ridge.

Wilmsen: Oh, yes. Sweeney Ridge. That was a big showdown with James Watt.

Rosen: A showdown with James Watt. And also, quite frankly, with the National Park Service. Out West, it was headed by a very fine person, who for a variety of reasons was persuaded that this was not something he wanted to do; namely, acquire Sweeney Ridge from the oil company out of Oklahoma. It's a little vague now. I remember being in their office. They're an oil company and a land developer. Part of what they bought included Sweeney Ridge.

Like anything else, there are layers and layers of complexity. Phil Burton was the congressman of the district. There was a question of whether it should be purchased at all, and then there was a big question as to price. Suffice to say that it was very controversial.

Wilmsen: What was the controversy?

Rosen: Those two elements: whether the land was of park quality, whether it should be purchased; if it was, was the purchase price accessible? It became a battleground. We felt very strongly, for a variety of reasons, that the price was reasonable and that the land was important to extend the Golden Gate National Recreation Area south of San Francisco. At this point, it had only been San Francisco and north. The vision of the Golden Gate National Recreation Area is it would not stop at San Francisco;

it would extend down the peninsula, perhaps even to Big Sur ultimately.

But if they could stop it at Sweeney Ridge--almost like San Juan Hill--it would, for Mr. Watt and company, remove the threat of this federal estate just expanding and expanding. So fortunately--again, with Republican assistance, Republican administration--a member of our advisory council, Put Livermore, excellent lawyer with exquisite Republican credentials (he was the former chairman of the Republican state central committee for the state of California), represented us and made the case that this particular transaction was one that should go forward.

He dealt with the then director of the National Park Service, Russ Dickenson, who was a Watt appointee, and with the federal apparatus. Finally, Watt was relieved by Judge William Clark, a Reagan associate of many years here in the state of California. I think Reagan appointed him to the California Supreme Court and a few other places, and named him Secretary of the Interior. Livermore worked diligently with Clark, who, while conservative, was a much more reasonable and, if I may add, decent person than Mr. Watt, and was effective in persuading Secretary Clark to accept the Sweeney Ridge transaction. It is now part of the Golden Gate National Recreation Area.

But it was a knock-down-drag-out battle, and we had to use all of our resources. And so did Mr. Livermore, who is not rare but in short supply; namely, a good Republican and a good conservationist who is not beholden either to Mr. Reagan or to Mr. Watt. As I've indicated, there have been in the history of this country, starting with Teddy Roosevelt, some marvelous Republicans and conservationists. That was not the case under the Reagan redefinition of the Republican Party priorities.

Wilmsen: What was the argument that finally convinced Mr. Clark to go ahead and accept Sweeney Ridge?

Rosen: Quite frankly, Put wisely recruited a lot of his Republican colleagues to join with him in making the case that it would be a serious error to lose the opportunity to make this part of our public lands program. I mean, that's the place where the Spanish expeditionary party traveled. You can document that before they saw San Francisco Bay, they probably camped on Sweeney Ridge, that it was contiguous to the Golden Gate National Recreation Area. It has magnificent views of both Pacific Ocean and the San Francisco Bay.

It would have been tragic to turn it into another subdivision. I think Clark, as I say, was more reasonable, less ideological and, while you would say in general, I don't think we

want to just expand, expand, expand the federal estate, that particular acquisition, that particular addition for the national park, made sense, and he approved it. But it took a good messenger, a good lawyer, and strong bipartisan/Republican support.

Bill Lane, later to become Ambassador Lane, was a good Republican who supported that acquisition. I remember very well when we did the dedication ceremony, Bill Lane was part of that dedicating team.

Wilmsen: These supporters that Put Livermore got behind--

Rosen: Recruited.

Wilmsen: Were they congresspeople?

Rosen: No, they were just ordinary Republican citizens that he knew from his work in Republican political activity in the state of California, Sweeney Ridge being obviously here, in northern California, overlooking San Francisco Airport. It's just basic precinct work. And also the local Congressman Lantos was very effective.

Wilmsen: Okay, what's next?

Establishing the Martin Luther King, Jr. National Historic Site, 1982

Rosen: MLK? I think we talked about that.

Wilmsen: Well, did we?

Rosen: We were invited, again by, I would say, people such as Sidney Yates and Phil Burton to explore the possibility of acquiring the land to breathe life into what had previously just been authorized. Remember, that's the usual dilemma: you need both authorization and appropriation to produce the land. But they were told that either A) the land was not available, or one thing or another were always good reasons why something doesn't work.

Rosen: So our job, not any brilliant policy breakthrough, was to figure out if there was the land, if we could secure and make enough of it available to create a park. The authorization was there, the funding could have been there, would be there. Who's going to do it? (Well, you have to be very careful here.) There was not universal enthusiasm for a park. There was some suspicion of the

National Park Service by the residents, primarily in the black community. There were--

Wilmsen: What were their suspicions?

Rosen: Gentrification, changing the character--Ebenezer Baptist Church is literally across the street. The Martin Luther King Center for Nonviolent Social Change is literally across the street. So who are these people to come into our community? They didn't ask us. Who's going to run it? Who's it going to serve? (You had to be very careful there, too.) Including Mayor Young, Andrew Young. Including Mrs. King. (You've got to be careful.)

So that's on the one hand, the suspicions. On the other hand (you've got to be careful here, too), there are an awful lot of people who think it's not such a great idea to have a national park dedicated to a black man. "What do we need that for? There's no natural wonder. There's no Yosemite Falls. There's no redwood trees. What the hell are we doing? Especially for a black guy."

Wilmsen: Now, who was expressing this? People in the Park Service?

Rosen: People in the Park Service. So you might say, "Well, Marty, what the hell are you guys doing? I mean, who are you serving?" You're going to get your head patted or beaten. Here are the people, they don't want you; here are other people, they don't want you. Who in hell are you, coming from San Francisco, riding into town on your white horse, Silver, saying, "We're going to create a park?"

That's exactly what we did. We found willing landowners. It's a run-down part of Atlanta real estate. We assigned two people: one black, Mustafa Abdul Aziz. Came down from New York. And Caroline Rousch [pronounced Roosh].

Wilmsen: This Mr. Aziz was a regular--

Rosen: He was a TPL employee.

Wilmsen: Okay. And who was the other person?

Rosen: Caroline Rousch. They spent a lot of time in Atlanta in poring over records and finding that some land didn't have any record of owners and went into default and foreclosure. I mean, all the grungy, gritty, grunt work that makes something happen. How do you find out the name of the landowner when it's in foreclosure or, or, or.

We did it. And bought the key parcels. Stopped the demolition permits that had been issued to literally level some of those historic houses because they had gone into disrepair. (I mentioned the real estate market was pretty much dreadful.) But the vision was to make this a historic district, to display the best of Reverend King's neighborhood when it was alive and vibrant, as a historic district, as the Park Service can do when it is so inclined. Brilliantly. They've done it in a whole bunch of places.

We stopped, literally--I mean, not figuratively--literally. The demolition ball was wheeled into the neighborhood, and we were, thanks to Mustafa and Caroline, successful in buying the property and saying, "We own the property. We don't want it demolished."

Wilmsen: Didn't Mustafa actually purchase it in his name?

Rosen: Probably, probably. Not that it was fraudulent, but we clearly, in that intense situation, had to avoid a lot of attention being directed to a nonentity called the Trust for Public Land. Who are they? Speculators? You know, it's a trust. Are they a bank? Who are these people, and what are they going to do with it, and what's going to happen to my neighborhood?

So we tried to proceed but without attracting a lot of attention, which is understandable, I think, and also sound. Some people criticize it. They would say, "You're operating under an alias" or "you're being deceptive or manipulative." I would take the point but also take the larger point that quite commonly in real estate situations, property is not taken in the name of the real party of interest so that there will not be a premature disclosure and death to a project.

But ultimately, obviously, we did. We addressed the concerns of the community, as we intended all along. We worked very conscientiously with the Ebenezer Baptist Church, and I would say if you went there today, it is one of the great sources of pride that--in cooperation with the church, the Center for Nonviolent Social Change, the city of Atlanta, the National Park Service, and the residents--a net positive addition has emerged that has had profound implications on the future of Atlanta.

I would say that people in the know would say that whenever you put on an Olympics, for example, it's a very complicated undertaking. The fact that the black community had a very prominent national, international site that they could share with people of color, many of whom vote on the Olympic Committee, was a factor--maybe not *the*--but a factor in Atlanta qualifying to become the site of the Olympic Games.

It became and is a major source of tourist interest and attraction that brings money into the community. It now has resulted in millions of dollars of rehabilitated and new housing stock, primarily for the residents and for the people who are employed and work in that park, including National Park staff.

I don't use the word "model" very often. I'm sure there are plenty of problems. But it has been a huge model, and a great source of personal pride and success that we were able A) to take the risk when, I have to tell you, I don't know that there was anybody else that would have, and pull it off.

And then we went back, when they wanted to expand it for the Olympics, and bought out a toxic site called the Scripto Pencil Factory. Remember when you were a child and you used those little graphite pencils?

Wilmsen: Yes, I remember.

Rosen: Many were made in the Atlanta plant of Scripto. And you don't think that graphite is a toxic problem. It's a *huge* toxic problem. It goes right into the water table and really screws things up terribly. It was not Superfund, but it was loaded with problems. We bought the site and cleaned it up and turned it over to the National Park Service, working with state EPA and federal EPA.

Wilmsen: How did you clean up the site?

Rosen: The hard way, removing the dirt and replacing it with clean fill. Getting it all certified. So what I'm suggesting to you is that conservation today is a fairly sophisticated business, with all kinds of ways to fail, all kinds of way to err, and all kinds of monies that have to be available to do things that involve something more than just buying a beautiful view.

You go there today, and I would say it makes you proud to be an American that the institution of the National Parks are increasingly viewed as the crucible of American democracy and *all* of our people. The educational value, for whites and African-Americans and others, of the power of the ethical, civil struggle exemplified by Reverend King is demonstrable in this place, where Reverend King grew and preached to his congregation. It's a powerful, powerful place, where conservation ethics, community, and democracy are in place.

Wilmsen: Where did the money come from to pay for the cleanup?

Rosen: A lot of places. Number one, we had to advance it. Bear in mind, when you advance your money, you're never sure you're going

to get it back. We were reimbursed when we sold the land. That's another reason why we sell--we do not give--the land. When we sold the land to the National Park Service to add to the park, they did the specification. They decided to what level of contamination-free qualities would be exhibited, and we advanced the monies to have that work done, assuming, hoping, wishing--but also knowing, having done our homework--that we could do that. But you never know until you're paid, until the check has cleared, [chuckling] not just cut.

Also we got some of it from the landowner, bearing in mind that under the laws of the state that if the contamination is caused by the landowner there is a continual responsibility for its cleanup.

Wilmsen: It was still owned by Scripto?

Rosen: It was still owned by the Japanese company that bought Scripto out of bankruptcy. And they're in Japan.

Oh, and then there's EPA, and then there's the state, and then there's some private philanthropy. So what you're saying is, "Holy Toledo! How do you guys do all that stuff?" You do it the hard way: by getting good people, giving them resources, taking reasonable risks--and delivering! Delivering, not just talking about it and advocating and lobbying, but delivering it. And in that case, the guy who gets the credit is Rand Wentworth, the head of our Atlanta office, Rand Wentworth. Working with the community, working with the foundations, working with the churches, working with the National Park Service to bring it all together.

What you're gathering again and again, from all my little examples, TPL really is a catalyst. We shape. We're not the creative geniuses. We're not the big policies wonks. We're kind of the guys who put the weights on the saddle and ride or lead the horse into the Promised Land.

Wilmsen: But if there was so much opposition to the King Memorial, why did you go ahead?

Rosen: It was the right thing to do. So "Who in the hell are you to tell *them* what the right thing to do is?" Well, that's one of the rights we have as an independent nonprofit. If we got our nose broken, it's because it was our nose, and we put our nose into it because we believed that it was the right thing to do.

Wilmsen: Was that a typical case, where someone in the community alerted you to the demolition?

Rosen: Sure.

Wilmsen: Is that where the idea came from?

Rosen: Controversy means it's not a hundred to nothing that what you're doing is stupid; it's probably more like seventy-thirty. So there are some people who encourage you, even though they're equally convinced and convincing people, such as the mayor thought it was a perfectly dumb thing to do. We have to be very careful, respectful that most of the time we are, as I've indicated, the vehicle for a community's expressing its wish--but not always.

Well, how do you know what to be when? That's what makes this a business. You have to sharpen your tools of acuity and judgment and modesty--and boldness, whatever that means--and hope occasionally you'll do it right.

Now, that was very different than when we followed that with the acquisition of the site, Monroe School, in Topeka, Kansas, which was the school where the Brown children were denied the right to go to public school.

Wilmsen: Brown versus--

Rosen: *Brown versus the Board of Education*. We bought that site, too. That wasn't nearly so controversial. There weren't people who threatened to run us out of town. That was a situation where we were invited by the Brown family foundation, which includes the widow of Reverend Brown, and the children, who have a small family foundation, who, in Topeka, would do anything and everything they could to help us acquire it, and did. We helped them get the financing, lobbied for the appropriation, and worked with Senator Robert Dole and others--the Jewish community, the African-American community, the NAACP--to bring it all together. We kind of acted as, again, a catalyst or a conductor.

Then, by the time that was done, we had the director of the National Park Service, Roger Kennedy, come out and participate at the dedication, as a great source of pride. Needless to say, when we had the dedication of Martin Luther King, there was no national figure, except me [laughing], although Mrs. Coretta King did drop by.

Wilmsen: [chuckling] How did you overcome the opposition in the Park Service to the King memorial?

Rosen: I think the truth is the project was the beneficiary of congressional determination. Congressman [John] Lewis, Congressman Burton, Congressman Yates--to my recollection--get

the credit for saying that this was the congressional will, and, whatever the private views of the individual civil servant, they expected the congressional will to be fulfilled. There were many objections, all of which were couched in legitimacy, that were overcome.

Wilmsen: What was Mrs. King's objection?

Rosen: That's a tough one. She was financially struggling. She just saw another open mouth to divert funds from the attractiveness of her facility. When Reverend King died, the big money was the easy money. Let's build a big memorial. But there was no endowment; there was no maintenance operation. Money was in short supply, and she thought, "Oh, God, we're going to have another big federal project here, and it's going to suck up all of the funding from other deserving outfits that were already struggling."

Wilmsen: What about SCLC [Southern Christian Leadership Conference]?

Rosen: No, it was hers [The Martin Luther King, Jr. Center for Nonviolent Social Change]. She just had financial preoccupations, and she didn't have any confidence the National Park Service would make her life any easier. Why would they? They're all white. They weren't enthusiastic about the park. "What do I need these guys in my neighborhood for?" It's fair. But I think she's okay now. I think so.

Dealing with Staff Concerns in the Urban Land Program

Wilmsen: Okay. Then I thought next we could talk about the Urban Land Program.

Rosen: We have been, as you may gather. "The satisfaction among people in the Urban Land Program, the black caucus of the staff meeting" [reading off interview outline]--I'm not sure what that refers to. Bear in mind, over these years we had a bunch of populations. Primarily, I would say, the questioning was by the younger members of the staff more than by the black. Maybe there were blacks as well. I'm trying to remember. I'm not trying to dodge. But I remember we had several--yes, it's coming back now--sessions with what I would say were the younger staffers about the way the joint was being run. I don't know how important this is in the overall, but you put it on your list, so I'll try to address it.

They dubbed themselves the "ME" staff. That stood for middle echelon, that they were neither the rookies, they felt, nor were they the top echelon. They felt squeezed by the ambitions and the subservience of the lower echelons, and the arrogance--I'm perhaps overstating it, but we're talking--of the top echelon, people like me who didn't give them their breathing room and their authority and their autonomy.

Part of it was that the Urban Land Program--not only that, but that, I would say, was certainly at least part of it--was getting shortchanged by the financing of the Public Lands Project and the not-financing of the Urban Land Project. That's a rough categorization. And had to do, I would say, with allocation of resources, namely "show me the money, show me the money." We were putting all this money into parks in Point Reyes, in Idaho and Utah. We're not putting money right here, where it's really needed, in downtown Oakland, San Francisco, San Jose.

But it was as much an issue of power, money--the usual things that any organization has--and credibility; namely, can we trust these people, and who elected them anyway, and who are the guys who do all the work? Familiar stuff. We honored that, I would say. We in return expected to be honored, that any organization has these kinds of issues, that if they could help us identify more resources, because the reality in my view was--we're talking about need--we didn't have enough money. We were a shell of a former organization.

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Rosen: Somebody like me had to make those calls. And because I made them, it didn't mean they were right, but it meant that I had to explain them, and it meant I had to be open with how the decisions were made and how the decisions could be changed. I don't know so much that in fairness I would call it a black caucus versus the white caucus. The reality was we've always had an issue here of under-representation of the economically disadvantaged, people of color, people who were not intellectually but educationally less advantaged. We tried, instead of "ignore that," to deal with that. And that meant we recruited people specifically, not necessarily by quota, but specifically because we wanted to have our organization reflect economic, education, color, which wasn't otherwise reflected.

And guess what: that produces lack of homogeneity, lack of consensus, more contentiousness, more divisiveness, more suspicion. No surprise. We cultivated it, frankly. Since we felt--I felt--that if we can't deal with it in our organization, where we see each other on a regular basis, at our best and our worst, how the hell are we going to do it out there, where people

are second-guessing us and wondering who are these people, what are their real motives?

We endured those things. Interestingly, I would say, for a variety of reasons, the trust was maintained, the staff level of morale improved, certain of the contentious people who otherwise might be described as, quote, "misfits," who wouldn't really accept anybody's management, including their own, drifted away. There was no policy, certainly on my part or anybody else's, to, quote, "get rid of them." They basically drifted one at a time. I can remember a few faces.

One young woman I remember. Her real fight, I felt, was with her father more than it was with me as a father figure, but I served the purpose, and then she just drifted away.

Wilmsen: What became of those people? Do you know?

Rosen: I really don't.

Wilmsen: What were the reasons that TPL actually came out improved as a result of that?

Rosen: We worked hard at being clearer, more honest--you know, these are wonderful labels--with ourselves and honoring the listening and the requirement of being listened to, so it wasn't just enduring outbursts but developing the quality of the dialogue. And investing [time]. It takes a lot of time, more time, than just giving orders.

And then, of course, there are other agendas; namely, some people really don't care for the work that the Trust for Public Land does. They really have a different agenda. If you have luck and talented people, that becomes apparent, that we won't talk about the Urban Land Program. "You've been talking thirty minutes, Carl, and you haven't mentioned the Urban Land Program. So tell me again what the beef is."

You know, if you're lucky and if you're patient, that kind of directs the result over a period of time, especially if you're lucky (I use that word a lot) to be able to afford the time and the energy that it takes. "Wait a minute. I listened to what you said. I don't think you listened to what I said. Let me tell you again what I want to say, and I'm going to listen again to what you want to say." If it goes on for days, weeks and months, people--as I say, if you make the right kinds of investments in transparency and explanation--say "Well, I want to see the money. I think the money has gone--" "Well, wait a minute." "What do you want to see? And we'll get it for you, and we show you where the money is, and we'll show you where the

money is not." I think we said basically we'll tell you anything except what individual staff members earn. We'll tell you anything. And we did.

Every staff member, for example, today gets a detailed briefing on the finances of this organization. Frankly, more than some of them want, but we think it is very important that you be competent and able to explain it to others. We think that's partly your job. That meets with mixed--it's not an accident that we just, "Oh, we ought to beef up our financial reporting system." We're improving it, but it's embedded--that's a favorite word of mine--it's embedded in the fabric and the architecture and in the construction of the organization.

Everybody has a right to know. We don't have any "Why do you need to know that" mentality. Everything around here is susceptible to inquiry. I think that has kind of served us in times of, oh, what you might say dissatisfaction or caucuses. Any organization has that. Instead of resenting it, you ought to kind of welcome it.

Clinton Gardens, New York: First "Buy it by the Inch" Campaign, 1984

- Wilmsen: Did they rise to your challenge to find other sources of funding for the Urban Land Program?
- Rosen: Eventually. It doesn't turn on a dime. But eventually, I would say, yes. That's where the Wallace [Lila Wallace Reader's Digest Fund] money came from, that's where the Surdna money came from.
- Wilmsen: The Wallace and what?
- Rosen: Wallace and Surdna.
- Wilmsen: Is that an acronym?
- Rosen: No, it's actually the name of a family spelled backwards, Andrus, S-u-r-d-n-a. And the Ford Foundation certainly participated. But you have to do what it takes, which quite often means you have to spend the time to find out what the grant proposals are, find out who Carol Guyer is, who is interested in this, cultivate her, make your presentation. You have to be trusted that you're going to do what you say you're going to do. You can't just get rid of this guy, Carl, because he's a troublemaker.

They say, "Wait a minute. If we're going to go to Carol Guyer, we need a program. We need a plan." And it's not just to get rid of you, Carl Plan, it's a plan. Who's going to do it? What are you going to do? Who's going to do the pictures? Who does she know? Who are her friends? Who does she trust? If you earn the trust of your colleagues, you get that done. Not enough. There's still a crying need. The most underserved people in America are still primarily the people who are either the rural poor or the economically disadvantaged in our urban areas--all across the country.

Which then brings us to Clinton Gardens, which is formally known as Hell's Kitchen. Actually, I like Hell's Kitchen better, but the people who live there think it has baggage, so they renamed themselves Clinton. But essentially what it was--is--is a vacant piece of ground on which a typical urban structure had been demolished and was a source of blight, trash, usual things that go on in vacant land, drug deals, etc., in the middle of a lower-income neighborhood.

They--not we, but they, the residents of Clinton--heard about us, I guess, or some of our people. It's always with the people: names and ranks and serial numbers. Lisa Cashdan and Peter Stein, her husband, who said, "Well, maybe we can acquire the land and make it a place of pride and beauty."

The first thing they did was stabilize it. That's a nice, dull word, but you can't go to all the trouble of bringing in soil and plant material and laying in walkways if some [snaps fingers] phone call later it's blown away because somebody is putting in a Toys R Us or something. So Lisa and Peter worked out the strategies with people like the Green Thumb, I believe, and the Green Guerrillas and ultimately with a member of the mayor's office. Then it was Mayor [Edward I.] Koch.

The community garden is beautiful--yes, I've been there--and it has a beautiful mural on the wall--one of many, I should say, of our community gardens in the city of New York.

We networked with people who know how to garden, and we networked with people who in the community had energy and sense of pride in their place and hoped that it actually would happen, against all previous experience, that something really worthwhile would result and not slip away, as they had been experiencing in the past.

But we had to come up with some vehicle to persuade--I'm a little vague on this now because they rush away--the city real estate department. Now, these aren't bad people; they're just very narrow people. "We're in the real estate business. You

want to buy it? Put up some property, good faith money, and then pay taxes. That's what I do. I put property back on the tax rolls." This was property that had been razed.

New York has a huge problem--unfamiliar here in the West--where people just walk away from the land, rather than pay taxes. The city takes it over, and if you walk or drive around, you see all these buildings quite frankly either burned or bricked up. You know, they're sealed. They're like coffins. It's an Eastern phenomenon, and very common. I mean, lots of property is just what they call abandoned.

Well, this was one of those. Therefore, it was owned by the city of New York, I believe--we have to check this with Lisa--and their real estate department, and they could care less about the community garden. The only thing they cared about was what real estate guys care about: moving the property, moving the property. So we had to come up with some money to acquire the land and then create the land trust that would own and operate it, and get it funded so that it had some chance.

That's where Lisa came up with the idea--and we're going to have to consult her to get the facts right, exactly--but we then came up with this idea, which we later used in Grace Marchant Garden, of coming up with what I call "pseudo-deeds" to raise money by the purchase of square inches. Something like five dollars a square foot or square inch, and you've got a deed that the Carl Wilmsen family owns land in Clinton Garden, New York City. Put it on your wall, like a picture.

But actually the land was purchased with that money and other money from, I think, the real estate department, so it was taken away from the threat of being turned into a condominium or a hardware store--all of which are fine. I mean, we're not against hardware stores. But on this land, this community wanted a garden there. They wanted a place where they could go on Saturdays and see their flowers and tend their tomatoes.

That's always another issue. "Wait a minute. I want a ball field. I want to play soccer." You can't play soccer in the middle of a tomato field or a tomato patch. So you guys work that out. "Well, I want a place to take my dog to pee." "Well, you guys work that out. We don't decide that. So when you guys have it together, you tell us what you want us to do, and that's what we'll try to do." That's how it came to pass. They finally [said]: "We want a garden. Can you help us?"

That's when we went to work on the square-inch campaign. We worked with the mayor's office, we worked with all of the--everybody in New York [chuckling] has a thousand titles and a

thousand application forms, and so today, when you go there--you can actually go, I think it's just off 48th Street and Seventh Avenue, something like that--you can see the garden.

Wilmsen: A quick question: Is it things like Prop[osition] 13 that prevent that kind of thing from happening in the West, where people would, quote, "just walk away" from a property?

Rosen: I don't think it's Prop. 13.

Wilmsen: Why do you think it's not a Western phenomenon?

Rosen: Because this place is growing, and that place is decaying. What are we? Thirty-three million going on fifty? I mean, when you and I were born, New York was a bigger state. The place is changing in a different way. We may very well have that, on a smaller scale. And then New York is just a--I call it Constantinople. I don't know if there are that many places like that anyplace in the world. But for a Westerner--I mean, in California everything is worth something. Not in New York. In New York there is negative value to owning real estate. You have taxes, you've got maintenance expense, you've got to clean it up or they bill you and garnish your bank account, that kind of thing.

Different. They're all different, but that's part of what a national organization has to understand. "Oh, yeah! We worked on that in Oregon. It's the same thing." The hell it is, the hell it is. So that's Clinton.

The Green Cities Initiative: Reinvesting in Urban Lands

Wilmsen: Can we do one more question on the Urban Land Program and then call it quits for today?

Rosen: Sure.

Wilmsen: At that time, I think beginning in the early eighties also, the Urban Land Program began expanding into the interior of the U.S. to cities like Kansas City and Louisville.

Rosen: That was part of the Wallace initiative that I alluded to, the Green Cities Initiative, when earlier you asked a question will they help you go out and find the money? Remember? And they said if they didn't like the deal, that they help you come up with a new deal. The answer is "Kind of," but it took a long

time. It took leadership, it took Ernest Cook, it took Dale Alan, it took Kathy Blaha, it took Lisa Cashdan, me and others.

But we were able to line up some significant funding, and it resulted, I would say, in my mind at least--other people, other answers--in having a focused, facilitated discussion about where we were going with the urban land emphasis.

Were we going to bag it and say we tried and God knows we tried? Or were we going to take what we call an "appropriate" leadership role in working on urban lands, especially since the financing was so much more problematical. Land and Water had been eliminated for many years. It wasn't going to come back quickly, and didn't. What are we going to do about it? If it's a challenge--and the TPL way is to take risks and rise to the challenge--what are we going to do about it?

That led to our articulating the Green Cities Initiative. I may have the sequence wrong, but I tell you we were in the throes of revisiting, examining ourselves, examining our organizational structures, to see if we couldn't be more conscientious and effective in delivering the Clinton kind of experience without necessarily replicating that. But whatever the expression was, in the urban areas, that was the point, whatever it was.

Well, somebody would say, "What if it's a carwash?" We'd say, "That's it? Just a carwash? Probably not." "But it's economic development. Aren't we for jobs?" We'd say, "Sure, we're for jobs. But churches, schools, they're different than carwashes. They just are." "Well, I don't think they're different. I think they're the same thing. You hire a watchman at a church, that's a job. You hire a guy to wash your car, that's a job. What's the difference?"

So we started looking at it. We came through largely led by Kathy Blaha, Lisa Cashdan, and Ernest Cook. A role in expression of this determination to do something more than we've done before in the urban areas, and called it the Green Cities Initiative, bearing in mind all our names are basically terrible. We suffered, we had a focus group. Green City Initiative. What the hell does that mean? "I think it sounds terrible." "I think it sounds wonderful." "Nobody understands it."

By default--like the name of the Trust for Public Land--we emerged with the name [chuckling] "Green Cities Initiative." We figured we'll get a chance to explain it later. Well, what it did mean is we would take the ideas and the lessons learned into the urban areas in a coherent, consistent fashion. And did secure significant funding, multi-year, multi-million--from Surdna and from Wallace--to do so.

That then led, as I've indicated, to the role that we had to get more involved with the financing of these projects. You just can't develop this great Clinton Garden, and you can't buy the world five bucks a square inch. You need money, big money. Urban values, even though they're less desirable, say, than the affluent areas, they're still expensive, very expensive.

That led us into the determination that we would raise the billions--did you ever raise a billion before? No-o. Do you know how to do it? No-o. Is it worth doing? Yup. Is it learnable? Yep. And that's what marshalled us into the role. And, bearing that in mind, even though we're very pleased--we're not smug--but the billions are going to do the job. The billions are hardly the downpayment. It's only twelve places. The Green Cities program is only a couple of dozen places. But what we're trying to do, on an appropriate level, for us, is to take the risks, take the knocks, learn the lessons, build some networks, and add some value, instead of more despair.

We've seen a lot of mistakes. The Model Cities program, in my opinion, was a huge disaster. Why? Top down. Not evil, not bad, just wrong. Nobody listens to the people who live there. What do they know? If they're so smart, they'd be moving out, wouldn't they? Well, I think there's a lot of wisdom. Very inefficient, very time-consuming. Weekends and nights and all that stuff that goes into community organizing and community building but which is absolutely indispensable, and you skip that at your peril, and absolutely invite disaster if you do it top down.

The first thing we did, of course, was run some learning experiences. With Ernest's leadership we went to a variety of communities. Something like three hundred were surveyed and polled and forms filled in. We identified areas where we could add value, areas where they were ready--that's what they had to be--for change, ready to commit, ready to work, ready to partner. And then we had to be able to bring the appropriate scale of resources to their leadership and to their commitment and make it a working partnership.

As I say, I think there are about three hundred that we looked at. We would have loved to have done three hundred, if we had the resources and we had the time. Guess what: We're very pragmatic. We had neither the time, nor the money, or the talent or the experience. So we started on a much more modest scale. Were criticized: "Where is your boldness." Cliché: "Show me your bold plans." Isn't that what Burham or somebody says? Or Goethe or somebody. "Don't be timid." If you're going to fail, fail brilliantly.

Well, guess what: We're not enamored with failing, so that's what led us to select the cities. They're on the Green Cities fact sheet which you have somewhere.

Wilmsen: Yes.

Rosen: They quite frankly have the power of example. Does it solve the urban crisis? Hell, no. Does it even register on the urban crisis? Hell, no. But it does have the kernels, the seeds of community commitment and change. And so, out of all those three hundred-- from Atlanta to Seattle--I think it's about twelve communities where we felt we could make a responsible contribution.

The first rule, I have always felt, is Do no harm. Don't grandstand, don't groove, don't feel good at the expense of the people who live there. This is their home. Honor their home. What that means is the one thing probably that is most fragile and vulnerable is hopefulness that it doesn't have to stay this way. It can get better.

If you go in there, however well-intended, and rob them of that one priceless faith that things can get better--they don't have to always be this bad--worse than shame on you, worse than shame on you. That's malpractice and misconduct that I think is criminal, personally. That before you get the people's hopes up and get them stirring that things can get better, you be goddamn sure you know what the hell you're doing and that you're prepared to stay the course and deliver, or stay out of our town, stay out of my neighborhood.

So we did. We narrowed it down to the areas where we thought there was readiness and resources that would ignite and perhaps make things better. And we're committed to doing it. Results? Mixed. Lessons learned? Lots. Part of the beauty of the Wallace grant was that there's a fair amount of monitoring and a fair amount of evaluating, and then there's a fair amount of learning, so that the people once or twice a year, from Boston and Providence and Oakland (San Francisco Bay Area, called here), would come together and actually: "Well, that's not the way it works here." "I mean, here we didn't get anything out of the YMCA." Or "Gee, the YMCA was terrific. Did you guys call?" "No, we never called the YMCA." "Well, how about the parks department?" "Oh, they're just a bunch of dinosaurs." "No, no, no, no, no. Maybe you didn't do it the right way."

So hopefully some of that is captured. I do know that Kathy is in charge of the learning transfer. It's a work in progress, but that's part, of course, what led to our affiliation with the Urban Land Institute [ULI], which are the developers, as you

know, the real estate people. This book¹ is now one of their all-time best sellers, where we're enlisting the best and the brightest, and the private sector, along with the government because we firmly believe, and we're capable of proving, that when you bring quality parks and gardens and so forth, guess what, the real estate value escalates.

You have to worry about gentrification, then, but that's fine. I'd rather worry about gentrification than Superfund sites. But linking the interests of people who are in the business of making money and serving and living, in a positive way is perilous, but it's possible. We do monitor this because I feel very strongly about it. You notice I'm one of the authors, along with others. That demonstrates that we're talking about value here, not bottom line but value, and there are a lot of ways to both create value and improve value. So far, like I say, to their surprise (not mine), it's one of the best sellers that ULI ever produced.

The end.

The Limited Advocacy Role of TPL

[Interview 6: December 14, 1998] ##

Wilmsen: How did TPL play an active role in shaping federal tax policy to encourage the use of conservation easements?

Rosen: Well, we did that in a variety of ways, bearing in mind that our long suit has never been pure policy, either analysis or advocacy. So having said that, we found our best use of our core competence in both testifying in congressional proceedings, particularly when invited, as well as participating with other organizations, such as the Land Trust Alliance (which is more of an advocacy group, in my opinion, although they do other things), to flesh out how these easements work out on the land.

That is our long suit. We are the interpreters, the translators, believing that no matter how well intended the policy, unless it really plays out in practice on the land, you run into the law of unintended consequences, and quite often you wish you had the opportunity to talk about these things in more

¹Garvin, Alexander, Gale Berens, and Christopher Leinberger. *Urban Parks and Open Space*. Washington, D.C.: Urban Land Institute in cooperation with the Trust for Public Land, 1997.

specific terms. So we talk about things in quite specific terms, and through our lawyers, such as Bill Hutton and our advisory council members, such as Kingsbury Brown, who are both active in our work and in the work of other land trusts, we try and be a more comprehensive source of information than a Washington-based organization. Kingsbury is a lawyer from New England, and Bill Hutton is a professor of law here in San Francisco at Hastings. And we would facilitate, make their concerned citizens testimony available, and sponsor that type of activity. We also work with the American Farmland Trust and others, as part of a larger coalition.

In addition, we have and I have actually testified in proceedings before the Internal Revenue Service, where landowners had taken deductions for conservation easements and were challenged on whether or not there was a proper deductibility. I can remember one I testified in, in Monterey County--was to do with, I think, conservation easement access primarily--where the Internal Revenue agent took a very narrow view of what the alleged public benefit was.

We put, as you will, our credibility on the line and without getting into the valuation issues and some of the technical areas where reasonable people disagree, asserted in a contested proceeding that if we were to encourage landowners to be responsive and responsible with respect to encumbering their land for a public benefit, that they not get flimflammed by the conservation people telling them what a good thing it is and, on the other hand, the revenue people saying, "Uuh, dreadful loss of revenue. Should not be encouraged."

So it takes a degree of conviction, if not courage, that you go into a situation where you're subject to cross-examination and all those other things. But, again, you have to be willing, we feel, to dip into your credibility, if you know what you're talking about, and not just say, "Oh, my God, here's a dispute. We may be tarnished or soiled." We say we don't do it willy-nilly but, you bet, we stick our neck out when we think there's a principle involved, even to the point of putting our hand up and testifying under oath that there is and should be a public benefit when a landowner restricts his property against development or provides public access, as we did in this case.

It's a larger issue than just writing a paper or publishing an article in some learned journal and waiting to see whether anybody cares. As you know, that's our fingerprint. We again and again think it's important to get involved in the policy on the land.

Wilmsen: Was that case where you testified one involving--

Rosen: A dispute, yes.

Wilmsen: --a donation to TPL?

Rosen: No. The Trust for Public Land had no financial interest in the outcome at all. It was truly a matter of principle. We were asked if we would be willing to testify as a matter of expert opinion. I indicated that yes, we were and yes, I would; and I did. There's absolutely no financial interest of the Trust for Public Land then, before or since.

Wilmsen: Who was the dispute between?

Rosen: The IRS and the investment group that took a deduction after their land was encumbered by a conservation easement, and then that deduction was challenged by the Internal Revenue Code, saying, "Hey, what's going on here?"

Wilmsen: Who did they give the easement to?

Rosen: A local entity in Monterey or Santa Cruz County. It's a little vague, as you may gather. But it never went to the Trust for Public Land. As a matter of fact, it is quite unusual for the Trust for Public Land to find itself in the position of accepting a conservation easement. We encourage that activity, based on our experience, to be generally lodged in a local group because the issues on monitoring the easement and ensuring it's bona fide, not just when created but when operated over the years, is in the hands of the group, which is probably most appropriately equipped to do that monitoring, and that's generally a local land trust or a local governmental entity.

Wilmsen: Okay. So that's one example. Is this kind of an ongoing thing?

Rosen: Again, it's related to the fact that we consider ourselves to be self-governing members of the environmental family of organizations. It is, generally speaking, our core competence that we get involved in the appropriation process and the acquisition and disposition of specific lands. But occasionally, where we think that we can actually add something to the dialogue, based on our experience, we will intervene in other lawsuits, which we do very, very infrequently.

We will testify in cases, such as I've indicated, of contested proceedings, as well as in front of the Congress of the United States. So the answer is Yes, it is ongoing, but it's done with great circumspection. I wouldn't say reluctance, but being a non-membership organization, and there being a whole bunch of other organizations that have a lot more to offer, we try to keep our competence where it is in fact, and not just

where it would look good or add our name to a petition or something like that. It's a style or a conviction that we want to avoid being all things to all people, but we want to be open to the prospect of looking over other roles that might be useful to us. But, generally speaking, it's not the role of being an advocate of a particular public policy where we are especially competent or practiced in the particulars.

Wilmsen: Is that what you meant when, a few minutes ago, you mentioned that you weren't an advocacy group?

Rosen: Yes, in general.

Wilmsen: After the manner of American Farmland Trust.

Rosen: That's correct. They would claim that they're more of a policy-oriented organization, and we would make the opposite claim. We are involved in policy issues very sparingly.

Further Reflections on the Schiff Estate

Wilmsen: I was looking over one of the transcripts from one of our earlier interviews, and I was looking at when we talked about the Schiff estate.

Rosen: The Schiff estate, yes.

Wilmsen: I found that I have a number of questions about that.

Rosen: Okay. That's fair.

Wilmsen: I was a little unclear specifically on how exactly the partial development concept worked. So in this case, the Trust for Public Land purchased--

Rosen: The entire interest of the AT&T subsidiary.

Wilmsen: You were actually the owner of the land--

Rosen: All of it.

Wilmsen: --for a short time.

Rosen: No, quite a while, unfortunately.

Wilmsen: Oh, for quite a while, okay. So then part of the deal was to have a small--

Rosen: Suitable.

Wilmsen: --development done.

Rosen: Right.

Wilmsen: What I was unclear on was, then--it sounded to me like what you were saying, but I wasn't exactly sure, is that the sale of those homes would then go towards paying off--

Rosen: The debt.

Wilmsen: --the debt that TPL had incurred.

Rosen: That's correct.

Wilmsen: How did that work then? You contracted with the developer?

Rosen: Yes, precisely.

We were encouraged by a variety of people to get involved in a land transaction in an established community, Mendham, New Jersey, which had a great deal of open space, a functioning trout stream of high quality, and some residential development already there, namely large estates. The Schiff estate was the premier property. It was a large series of homes and large, quality open space. It was then already owned by the AT&T subsidiary, which had acquired it from the Boy Scouts of America. It shows you the quality of the site. It sounds like a huge campsite, with a large estate building that they used for offices and things.

AT&T bought it from the Boy Scouts to use as a conference center for their research and executive staffs. Quite close to Basking Ridge, AT&T research laboratory, and Manhattan. In some ways, they, having bought it, were chagrined at AT&T to learn that they would not be welcome, principally, as I recall, because one of the vehicles of transportation was going to be by helicopter to La Guardia [Airport] or to Kennedy [International Airport] from the conference center and so forth.

And then the neighbors were outraged by the prospect of both traffic and noise. So we were then encouraged to see whether we could acquire it and essentially have a green-driven, limited development. By that we meant that we would take some of the existing housing stock and return it to the residential purposes; we would add a few additional housing properties; and the balance would be maintained as permanent open space and conveyed to the Mendham Land Trust, which we were in the process of organizing--a proverbial so-called "win-win," that we would have some housing in an area which already had housing (we're not talking about a

wilderness area), relatively close to New York; high-end property, which would enable us to buy the property from AT&T, which we had to do virtually for cash--very constrained terms. It was not all cash, but it was almost all cash.

Sell the development properties to a developer, recoup our purchase price, and then convey the open space, quote, "almost free" to the local land trust and demonstrate, again, an alternative to either all government acquisition or all development, but trying to see if there was that middle way. The answer is yes.

We had some preliminary conversations with some developers who were of high quality who would participate, recognizing that, unlike usual development patterns, they wouldn't pencil it out for maximum dollar gain first and then figure out what they could get along without and then convey that away as, quote, "open space," which is quite typically, as you would imagine, the way most developers feel compelled to operate; namely, get the bucks and then whatever you can afford to, quote, either "give away" or encumber, do that as a gesture or as a PR ploy.

We felt we had a, quote, "better" idea. Difficult. And it proved even more difficult because the original developer that we thought we would work with--I cannot remember his full name; I think it's McDowell, something like that--did not prove able to stay in the picture, for one reason or another, and therefore we ended up owning the property, at our risk, without a partner.

We then had to proceed. We then acted as almost our own developer in terms of laying out the development, hiring the consultants, getting into the usual issue of roads and sewers and environmental impacts, also believing that, because our proposal was so superior to the AT&T helicopter route, that we would be welcomed by the community. And indeed initially we were. But as you discover when you get into practice, either things aren't what you thought they were or things change.

For one thing, this township of Mendham had no professional planning staff, so it was very difficult to determine with any precision what it was exactly that the standard of conformity would be. For example, the width of the roads changed about half a dozen times. It's difficult. Whether or not you needed curbs and gutters changed half a dozen times. Because it was just a very fluid situation. So, needless to say, we either had to pay off AT&T or consequences would be financially severe.

We proceeded. We paid it all in cash. And then we hunted for a developer, which we eventually found. He paid us, as most developers, not cash but a small amount of cash, and the balance

when he got his, quote, "permits." Well, he ran into the problems we did. The width of the road kept looking like an accordion, and even though we were being, we felt, super environmentally correct, it went on and on and on. Finally, as you discover or already know in real estate, it's very cyclical. There was no longer a market by the time all the approvals came through. There was nobody to sell the houses to.

Wilmsen: What was the market then that the houses were directed at?

Rosen: Mostly high end, but varied. Now, there was another ethical dilemma for us, and that is some of them had to be demonstrably affordable, in a neighborhood that was not used to having affordability. Now, it wasn't that we were just self-righteous do-gooders. It was our interpretation of the law that it was required. Some members of the community--again, a township--said, "Well, you don't have to be so straightforward about it. You get some good legal advice, and you can delay or mess things around."

Our attitude was we don't want to delay or mess around. We want to make sure that not only is this project going to be environmentally a model but would also be an equitable model, that we're not going to play that game of winking and being environmental elitists. But in the fullness of time, it didn't make any much difference because the market pretty much went south. I'm trying to remember what years those were. Probably the middle eighties. Nothing was moving.

We stayed with it, we stayed with it, we stayed with it until finally, just a year or so ago, the entire project was reconfigured. The market came back stronger. We then were able to find a developer who was willing to take us out. I can just tell you that's another example of why you have to be financially strong. I can't tell you exactly the magnitude, but I can tell you we lost money on that. Which isn't bad, but it's not what we intended.

We thought we had a real good business model of having what we call a partial development where the neighborhood already is established, doing some in-fill, doing some architectural design that was consistent with the existing settlement patterns, and having that, rather than having government put up the take-out finance so that the land would go into, quote, "public use," and having the trout and the other identifiable wildlife protected by using the market vehicle.

It's a good idea, but difficult, especially in terms of timing and in terms of risk profile. I won't say we wouldn't do it again, but all of this is part of the learning experience.

That's the Schiff estate experience. It's a beautiful piece of property.

Wilmsen: Who were you going to turn the open space property over to?

Rosen: The Mendham Land Trust, which is one of our consistent themes, that the best people to be the stewards of the local land is the local community, rather than New York, which was our then closest office, or San Francisco or whatever the case may be. So what we did was we assisted in the creation of a local land trust, and they would be the ones best equipped, both in terms of resources and talent and focus, to be the stewards of the land, encumbered as open space.

Wilmsen: With the legal requirement for affordable housing, was there--

Rosen: New Jersey law.

Wilmsen: Oh, it's a state law.

Rosen: State law.

Wilmsen: Regardless of community. Because I was wondering if that meant there was a working-class portion of this community.

Rosen: There would be, more than previously. See, this is kind of like, by analogy, working in an area like Woodacre or Hillsborough. Normally, those issues don't come into play because you can't, if you're on hourly wages or working for the university, consider yourself in the market to buy what the median price is in that neighborhood, so it's not exclusionary; it's just reality. Well, guess what, the law requires that when you add housing stock--and we would be adding housing stock--as a new development, you're required to have a certain percentage be affordable. It has a doctrine. It's a court issued doctrine. I can probably find it for you. It's not part of the negotiation; it's the law.

Quite frankly, I embrace that. We didn't dispute it. Like any law, people can say, "Well, it has to be interpreted. It doesn't say you have to do it this month. You know, you can do it at the end." We felt very strongly that [hitting the tabletop for emphasis] the environmental and the equitable are concurrent concerns and they ought to go side by side.

Wilmsen: How did you assure that the development would be environmentally sound?

Rosen: How did we do it, or how did the state do it?

Wilmsen: How did you do it? Did you hire--

Rosen: We hired consultants, contractors, you bet. Yes. That's why it's expensive.

Wilmsen: TPL doesn't have--

Rosen: We have none of that on staff. We even hired local lawyers because we wouldn't have our lawyer zip over there from New York, a different state, or certainly from San Francisco. So clearly this type of initiative, this type of enterprise, this type of pioneering is costly. We thought we had the profile of the time and the expense pretty well in hand. I was there, and I thought we were doing the right thing, and we made the investment.

But, like any investment--and that's why we talk about the TPL increment or whatever it is, the spread on our transactions--sometimes you lose. You can be looking right up until the last minute and guess what, if you're always breaking even on your transaction, the next time you lose, it breaks your back.

So that's kind of one of the lessons of the Schiff estate. We try and learn from that every time we get another opportunity to co-develop with a developer or become developers or--we get those kinds of invitations all the time. The one thing we always insist on--and it has cost us in ways which I will not bore you with--the transaction has to be genuine. It cannot be a sham; it cannot be PR. The restrictions, for example, on the land must be permanent.

The real thing that we've discovered again and again is developers who we've been invited to work with said, "Well, we'll do it for a while" or "We'll see how it plays out. Let's give it a chance to mature." We thoughtfully declined those opportunities, not to disparage the developers or their invitations, but to really, from our position, take a meaningful position that either the land is going to be protected as open space or it's not, and the time to make that decision is before the first lot is approved and entitled to be developed, not afterwards, as you can guess.

Wilmsen: Is the community fairly happy now, in Mendham, New Jersey?

Rosen: I would hope so. But I think it's a lesson with mixed messages. It went on for a long time. What we thought would be a year or less turned into many years, many years of involvement. That means meetings, and that means plans and drawings and hiring lawyers and hiring contractors and hiring sewer experts and water quality experts. So this is pretty labor-intensive work. So when you say, "Are they happy?"--somewhat.

And are we happy? I'd say more than somewhat. I think we learned a lot, and I think ultimately the land has been protected better than it would have been otherwise were it not for the role of the Trust for Public Land. But it cost us far more than we ever imagined it would, both in time and money.

Establishing the Columbia River Gorge National Scenic Area

Wilmsen: One more thing that I noticed in that transcript that I was looking at was you mentioned that TPL is closely identified with the Columbia River Gorge National Scenic Area.

Rosen: Yes, we are.

Wilmsen: How did that come about?

Rosen: That came about through a variety of experiences. People always say, "Where did the transactions come from?" My answer is both ways: people approach us and we approach landowners or agencies, whatever the case may be; so it's a reciprocal or, what I would say, a healthy interactive process.

In the Columbia River Gorge case bear in mind we had both a Portland office and a San Francisco office that was involved--the Portland office primarily with the land transactions, and the San Francisco office, with the land transactions as well as the national political issues of whether there should be a unit, an entity that deals with the parcels more than individually but in a comprehensive fashion. Once you say that, the question is If so, what kind of an entity? Should it be federal? Should it be state? If federal, which agency, the Forest Service or the National Park Service? And there are a lot of opinions about that.

We went ahead basically dealing with willing sellers and putting their property then--either with a conservation easement or a fee--into an appropriate stewardship. Eventually what evolved was the recognition that some kind of a federal entity would be appropriate because you were working on both sides of the river. There is a Washington state park, and there is an Oregon state park. But the best way to preserve the ecosystem was recognizing that it needed something more.

Wilmsen: Because there were two states involved?

Rosen: Two states involved and, frankly, different kinds of patterns. Now, some of it was what I call "ooh-and-ah" looking: waterfalls

and dramatic scenery; and others was rolling farmland that, quite frankly, had a very legitimate working landscape quality to it and shouldn't just be turned into park or recreation but continue as a productive agricultural or forest landscape.

Then the question was Okay, if it is going to be something federal, should it be a park or should it be a forest? Through the leadership of Senator Mark Hatfield and Governor Dan Evans, the Forest Service formula with a recreational and a resource component, emerged. It's called the Columbia River Gorge National Scenic Area.

It was fashioned to be particularly adapted as a new kind of a federal entity for the communities that were already there; again bearing in mind, this is not Yellowstone we're talking about. These are families that have homesteaded these lands; there are half a dozen communities. Mount Hood, for one, is now probably the best windsurfing capital of the world.

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Rosen: You're not just talking about the historical qualities of Lewis and Clark or the settling of the West by the Oregon Trail. You're talking about a variety of important uses of the land--some of which should be continued commercially--of families. So we helped, with Senator Hatfield, craft appropriate legislation to put this into a context where there would be significant local control--here are governance realities of local communities--but also, as part of a national Forest Service policy. Yes, it makes for built-in tension and discussion and dispute, controversy but also, we felt, for resolution. We're pleased to say that most of that has been positive.

Wilmsen: When you say it's a scenic and resource area, resources in the traditional sense, like timber?

Rosen: Timber yes, mining probably not, farming yes, agriculture yes, using scenic easements and agricultural easements--what some people would call a hodge-podge, we would say is adaptive management. You don't just color everything green and go out and buy it all or condemn it all, but you listen to the communities and the needs as well as hopes of the people there, carefully, in a pattern, developing a philosophy and a vision to protect what is already protected, so it's not financially disadvantaged, but also that the people who do the right thing aren't punished; namely, that they're keeping their land free of development only to discover their next-door neighbor has sold out for an RV park or a trailer development.

That exactly was the situation that we experienced up there. There were some people there who had farmed the land for generation after generation and it looked terrific. And then guess what: Their next-door neighbor was going to have them provide the view for their new trailer park. And so they came to us. They kind of felt victimized. One fellow's name was Colonel Reiser. He thought it was a great idea that the neighbors would not develop their land so that he could develop all of his, and they would be the viewshed, and he would be the toll booth, collecting [chuckling] all of the revenues.

Well, we got in the middle of that and tried to fashion a series--not one--but a series of solutions. At one time, I knew how many transactions we had actually done there. It's about sixty, no two of which were the same. We did buy out some industrial sites in fee. I think we bought out Colonel Reiser in fee, and in others we bought either conservation easements or right of access, and did a variety of things to keep the vitality of the community there, which was undergoing this change from a primarily mining and more forest products base to a mixed recreation, farming and some forest products base.

Wilmsen: As far as management of forest products harvesting goes, who's responsible for that? Is that the Forest Service?

Rosen: Well, the Forest Service is in charge of its forests. I mean, that's it. They have to come up with the management plans. And this is where the controversy, obviously, comes in because they're not all revenue-neutral or -equal. So some of the uses would be continued, and others would be, frankly, phased out, where the pattern of soil or the pattern of community life was such that the land manager--in this case, the Forest Service--within this area felt that the use was inappropriate, subject to the governance vehicles that were established, consisting of local residents. And the situation would get kind of heated. "Why aren't you allowing these people? We've worked in this forest for all these years, and we're doing a very good job."

And then secondly, you have to admit that the Forest Service itself doesn't have an untarnished reputation. You go to some of the lands where the Forest Service has allowed logging, and you see the clearcuts, and they're very controversial. Some of the trained foresters will say, "Oh, yeah. That's a very healthy ecosystem practice." I would say that that is no longer the case. That is what we would mostly say, that most clearcuts are the products of an obsolete view of ecosystem health and management.

Change is always with what I call jagged edges. It's never smooth and silky. It's based on experience, and there are hopes

and there are disappointments, and that's why again and again we reach for credibility. We all are capable of making huge mistakes, hopefully not irreversible. But if we continue on a pattern of learning, as well as changing, then it seems to me we have some more hope for coming to grips with some of the really important issues, many of which are shown in the Columbia River Gorge.

Land Pooling and Other Mechanisms for Protecting Land

Wilmsen: Moving on to some of the more innovative funding mechanisms that--this is kind of getting back into the Reagan-Watt era, when funds were tight--I'm not sure exactly when this was, but I heard there was a land-pooling agreement with the Bureau of Land Management?

Rosen: Yes, that's really not so innovative as it is utilizing vehicles that had not been used very extensively in the past. A pooling agreement, for example, would be one where there was an identifiable resource that was best acquired by a public agency; in this case, the Bureau of Land Management. Perhaps another land could be traded equally, happily, into the private sector for more intensive forest products, say, activity.

But how do you do it when there's no money? Quite often you just can't say, "Well, we'll trade Parcel A for Parcel B and it'll come out." The reality is there's always a disparity in value; there's always a timing issue; there's always a controversial issue. The pooling agreement dealt with the one aspect called financial: that there's no money and the timing was such that it wouldn't happen simultaneously. Then what do you do?

What we explored was if we could identify the parcels which were surplus, to go into the private sector from the public sector, that we would, having identified that, get the money from the private interest to buy the land that was declared surplus and trade that land for the land that was to be traded. In short, it's by acknowledging that just because the government doesn't have money doesn't mean that no one has money. So we would get an advance, if you would. That's what the pooling agreement allowed: the advance of the cash from the private interest into the purchase of the land so that we could then trade it later. It's a little complicated.

Secondly, there's the disparity issue that they never come out exactly right, so either you owe the government some money

for the land which you acquired from them, or they owe you some money because what they gave you is worth less than what they got in return. The difficulty with that--and we're frank to admit it now, if you'll just bear with me--is that we watched that very, very carefully so that it was never any pooling agreement more than a little bit out of balance; and I mean "a little" being just a couple of percentage points and never any serious money, like hundreds of thousands of dollars.

It takes management. I mean, you can have the best of intentions, you hear again and again, in the world, and then the question is How does it play out in the land? We pay a lot of attention to that. The reason I'm sensitive on this subject now is that there has been a recent examination of such arrangements, which were criticized in the extreme by the federal auditors because the pooling agreement went on for years, where the poolee owed the government millions of dollars. By that I mean they got value in land that far exceeded what they were prepared to offer or return to the government in return. We never allowed that. It made us much more cautious and prissy just to avoid the kind of thing which the inspector general and the auditors have identified.

But these are techniques, is what I'm trying to say. You can't and shouldn't fall in love with any of these techniques, lest they, quite frankly, can easily become loopholes. One man's innovation is another man's speculation. Especially running a nonprofit organization, I felt it extremely important that yes, there are risks; yes, there's controversy; but keep your skirts very, very clean because even your best intentions are going to be either misunderstood or mischaracterized, and if you feed your opposition the examples of insensitivity or abuse, you essentially undermine your credibility and therefore damage your mission. That is a long-winded answer. Yes, we know about pooling agreements.

The other thing we did, of course, was look to see if there were more vehicles in the state and local government. Certificates of participation are ways that local governments can finance their operation without having taxes raised or without having bonds issued. We explored those. We, as you know, have recently gone into allowable political education campaigns, where we've helped--and this goes back years--local communities identify the vehicles to achieve their conservation mission by talking about the various ways of sales taxes, of bonding, property taxes and other vehicles that other communities have used.

Now, that is a long way from where we started with this organization, where we thought we would just take options on land

and then sell it to the Park Service and to the Forest Service because there's essentially a Land and Water Conservation Fund that would, over a period of years, make this happen. With Jim Watt, essentially with Mr. Reagan--"If you've seen one tree, you've seen them all" mentality--diligently shutting down that green bank, you're right, we spent a lot of good time and quality talent--Steve Thompson especially; Ernest Cook for another--saying, "Well, what are the range of alternatives and are there any, in addition to the pooling agreements and land exchanges that we can utilize to keep this momentum, to keep this alive?"

Alan Front is another major player, that helped us come up with the fiscal shortfall alternatives. That was when we also went, as you know, into the debt profile, where we would go to foundations primarily, occasionally individuals--there are some--and we would say that we have identified some high-priority lands; we've identified some communities that are ready; we just don't have any money; we think eventually that the money will be available, but we want to borrow some money as, in effect, the advance to enable us to do what we can do, with your help. Ford Foundation, MacArthur Foundation quickly come to mind. They were forthcoming.

Then there were also private entities. Prudential Insurance Company, Metropolitan Insurance Company, I believe, and, of course, our primary lender, the Bank of America were willing on our credit-worthiness to give us the modest but significant--we're talking about millions, but on a national scale, modest--capital ability to do the down payment, to do the workup, the environmental impact statements, the metes and bounds, to do the toxic examination work--that's cash; you don't do that on vouchers--that enables us to prepare the land so that for whatever funding is available it wouldn't just be a lick and promise; it would be professionally understood and evaluated. So we did that.

Wilmsen: On the pooling agreements, then, you would purchase land that you felt the federal agency would want?

Rosen: Right. That's correct.

Wilmsen: And then trade it for--

Rosen: And then we would trade it for land which they thought was surplus. But the processes take so much time. For them to determine that land is surplus, there's a huge process because, after all, you're now dispensing a public asset. How do you know it's surplus? What do you mean by surplus? What's its value? To whom? So unless you're going to just stop, you have to say, Well, are there any vehicles properly utilized that can enable us

to keep some of this momentum going; instead of saying, Well, as long as Mr. Watt is there, shutter the windows. We were unwilling to do that.

Wilmsen: How do you answer those questions for surplus land?

Rosen: We leave that up to the agency. We make no bones about it. We're not the public. That's their job. We simply say that if there are in your determination, please so inform us and please tell us what you think it's worth, and then we'll see if we can provide the other side of the vehicle: to identify the land that you want in the same ballpark of value--that's very important; I can't stress that often enough--and then facilitate the process so that it actually comes to pass.

We're talking about, generally speaking, months or years to go through all these public processes because, quite frankly, if you're, say, living here on Mount Diablo, the agency may say, "This parcel doesn't have the qualities that it should have to be a park or a working forest; therefore, it's surplus." "Wait a minute!" the next-door neighbor says. "I think that's gorgeous land. I love it exactly as it is, undeveloped, uncut, untouched. Now, you bureaucrats may think it's surplus. I don't think it's surplus."

Well, sometimes they have a point. And sometimes they don't. So if I give you just a little flavor, it's not exactly [chuckling] what you call a swift process. Then they want to know, "Well, what's that private interest going to do with it?" One we were involved in, a land exchange, was with a sewer district in Los Angeles. As soon as the neighbors found out that there was going to be a swap of BLM land for a sewer, needless to say, they went from enthusiastic to hostile, in a hurry.

An Example of Uncareful Land Pooling

Wilmsen: Who was the entity that owed the government millions of dollars?

Rosen: That's the American Land Conservancy.

Wilmsen: Oh, so this was after Harriet Burgess left TPL.

Rosen: Oh, yes, way after. This just happened. ALC is under scrutiny. That was the continuous difficulty with her. Harriet always believed in pushing the envelope. I was hoping that she would change; she was hoping that I would change. She resigned from TPL and started the American Land Conservancy, so she wouldn't

have an old codger like me telling her that her bright ideas had some shortcomings.

When she resigned her resignation was accepted by me on the spot. Her resignation, having been tendered and accepted, was irrevocable as far as I was concerned.

She was a charismatic kind of a person. It kind of polarized things--you were either for or against her or for or against Marty, and essentially, as you may gather--my standpoint--it just distracted us from the mission. I think more organizations die of self-inflicted wounds, as I think you've heard me say, than from external threats.

A successful nonprofit organization is as intensely mission driven in its tenth or twentieth year as it was in its tenth or twentieth week of its existence. That's what I have striven for: that the sense of excitement, the sense of vitality, the sense of camaraderie--never to be taken for granted--has to characterize a successful nonprofit that has the right mission and the right culture.

Wilmsen: When Harriet Burgess left, did she take some staff with her?

Rosen: Two people: Aaron Peskin and Nancy Shanahan, who felt that she was mistreated. They felt very strongly about it. Harriet is charismatic. And it got a bit chilly for a while. They went to work for her in the American Land Conservancy. Unsurprisingly, in a few years they left her organization, and filed suit against her. I never had any involvement, so I don't know exactly what the suit said or how it was resolved. I do know that the whole episode took some time and happily is way behind us.

Wilmsen: Is the American Land Conservancy patterned after TPL?

Rosen: I'd say Harriet tried to use some of the things that she learned at the Trust for Public Land in the acquisition and disposition of public lands for a variety of purposes and had some operating similarities and a whole bunch of dissimilarities.

Wilmsen: So it's not really doing the same thing that TPL does in acquiring land for--

Rosen: It is doing land acquisition, but I would say it's doing virtually no Green Cities-type work. It's similar but quite different.

Wilmsen: How is the relationship between the two organizations now? Do you just kind of avoid each other or--

Rosen: Strained.

Wilmsen: Just strained.

Rosen: Strained.

Establishing and Operating a Land Acquisition Revolving Fund

Wilmsen: Okay. Getting back to funding again--

Rosen: Yes, sir.

Wilmsen: How did the establishment of the Land Acquisition Revolving Fund come about?

Rosen: That's really more of a nomenclature affair than it is a brand new creature or a new idea. It describes a portion of our resources as available primarily for what we call the acquisition purposes, as opposed to the operating purposes. What does that mean? What's the land going to require? Generally, some cash. Not a lot, not always the max, but something. So the Land Acquisition Fund was designed to acknowledge that those monies would never go into payroll; they would never go into opening new offices; they would be primarily dedicated--not like an endowment, however--but primarily dedicated to meeting those cash/capital requirements for land acquisition purposes.

And we would raise all of the other funds operationally--a big part of which, of course, is payroll--from other kinds of sources: transaction sources, fund-raising sources. But the emphasis would be to build this revolving fund (and that's kind of a characteristic, not an endowment, but a revolving fund) which would be at risk by putting that money out into landowners' hands, to give us the time--again and again, you've heard me say we really buy more than land; we really buy time.

We buy it to enable us to put the transactions together, to identify the take-out funding in appropriate ways, with all of the safeguards, whether it's a conservation easement, whether it's a state take-out or a federal take-out or a partial development take-out. In the meantime, the Land Acquisition Fund would enable us to make the down payment, to buy the time so that the landowner gives us the years, wherever possible, to develop the various state take-out strategies required to do it in a responsible fashion. Bearing in mind that predicting the time of the take-out is the almost impossible calculation. Sooner or

later you're going to say, How do you know that? You really don't.

Well, because it's almost impossible, you build it in, and you say, "We don't know that time. How do we deal with it?" You deal with it by providing a vehicle that gives you, quote, "as much time as you think reasonable." Generally speaking, that's about three years, from the time we ink with the Wilmsen family to the time we pay off the final dollar for the transaction.

Well, you say, "How do you know it's three years?" Well, you do a couple of hundred or a couple of thousand--it can be minutes (rare) and it can be ten years (rare). So what you kind of do is figure out, Well, what is the likelihood, and what are the scenarios, and what are the requirements for updating this information, which is terribly fragile and in need of continuous recalculation? That's what we do. That's the business we're in. We're continuously re-examining our assumptions, re-examining our assurances, re-examining what we were told by the mayor or the secretary of the Interior.

Not that they're fibbers. Most of them are not. They just don't know what the hell they're talking about. Excuse me. They make these promises; they get kind of carried away or they want to do the right thing, but they don't have any control over it either. Whether it's a meltdown in Thailand or the price of discounted bonds, but if it's our money, it's our risk, isn't it? So we're in the business of making sure that we know what the hell we're doing.

That means that a transaction will take something like three years. Well, if you use borrowed money, even if it's a project-related loan from the MacArthur Foundation, that has interest. That's 3 percent a year, 4 percent a year. Now that's, quote, "low," but it's not insignificant when you're borrowing millions. Well, that's our job. Our job is to continuously refresh the information profile and not inflict any wounds on ourself, either because we're emotional or because we're do-gooders. As you can see, it's a fairly management-risk of information process.

Wilmsen: So that revolving fund, then, was just a mechanism to ensure that there was always money available.

Rosen: That's correct. Or we could point to it and say, "Look, we can't buy the Wilmsen property, even though they're giving us this terrific deal."

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Rosen: But we could identify some individuals or organizations who say, "Well, look, I'm not interested in your overhead. I'm not interested in how you pay your people. But I am very interested in land, so if you've got something that appeals to that interest of mine, and if there's some really attractive land that you wouldn't be otherwise able to pursue, like the Wilmsen ranch, call me. See what happens."

So we would do that. We have kind of a backup list, so that when the Wilmsen ranch came onto radar--and you're being very fair and you say, "But I need something. I need taxes; I've got kids to send to school" or whatnot--I would then, ting-a-ling, call up a foundation--that's one of my jobs--or some wealthy individuals and say, "Now, I'm not talking about overhead; we're not talking about payroll, but I need money for some down payments. Our vehicle for that is the Land Acquisition Fund. Would you be willing to lend or preferably would you be willing to give us some money which would be restricted to the Land Acquisition Fund?"

Sometimes they would say yes; more often they would say no. But they said, "We'd be willing to lend it to you" at a, quote, "reasonable" interest rate: 1, 2 or 3 or 5 percent interest for a period of four or five years. That would give us some fuel to pursue some of these projects that otherwise I'd say, "Look, I don't care what the Wilmsens are willing to do. If we don't have any money, I'm not going to bet the store on A, B and C happening and keep our fingers crossed."

So the flip side is not having anything in the Land Acquisition Fund means you go back to the landowner and say, "I don't have it now, and I realize it may be lost, but I'm working on it, and if I can, I want you to know that we really do want to buy your land, and we're working on coming up with some of the Land Acquisition funds to do so." So that's the reality of saying to yourself, "We don't have it in hand. Can we possibly use that shortfall as a fund raising vehicle?" And the answer is sometimes yes.

Wilmsen: Was it the Andrew Mellon Foundation that gave you a grant to get it going.

Rosen: Yes. They liked that idea. They liked the way we did business; they understood it. Andrew W. Mellon. Bear in mind there's two Mellon foundations. There's the Mellon Foundation in New York-- that's the Andrew W. And then there's the Richard King, which is entirely separate, and they're out of Pittsburgh, I believe. We've never done anything with Richard King Mellon at all, ever.

But the Andrew W. Mellon was, frankly, intrigued by the business model, which they understood. And while it's not their main interest--their main interest is in higher education, especially in the basic sciences--they were sufficiently, I think it's fair to say, intrigued by a nonprofit organization that operates in the way we have been discussing. And they did respond to the notion of having a Land Acquisition Fund which may be technically restricted or not--I'm not even sure at this point--but it's operatingly restricted. We take that off the table when we look at operating funds.

And we replenish it. We continuously reinvest in that fund. As a matter of fact, one of our vehicles to further the interest of the Andrew W. Mellon Foundation was we said that a portion--and I can't remember exactly what it was, 10 or 15 percent, approximately--of any gain that we made on a transaction (and, as you know, we intentionally tried to have some kind of a gain) would be allocated and directed into the Land Acquisition Fund much more formally than in the past, so that if successful, not only would the organization and the land mission be served, but in particular the Land Acquisition Fund would grow.

And it did and it has, and I'm happy to say also that the Andrew W. Mellon Foundation--and Bill Robertson in particular--has proven to be one of our most, we think, forthcoming sponsors because they now continue to invest in both transactions, operationally, and in capital, and over the years have recognized that that decision of which money goes where is best left to the organization rather than trying to be eyeballed from a couple of thousand miles away.

They have grown to be confident in the organization sufficiently that they say--whatever it is, a million dollars a year or more--"You decide on the allocation. I mean, when we first got together it was the Land Acquisition Fund. We understand that. We also understand you can't do that without good people, and we have heard your plea, Marty, and that it takes good people that are at least adequately paid or almost adequately paid, and the balance or the integration of those two funding investments is best left to the Trust for Public Land."

The Benefits of Applying Venture Capital Firm Behavior to Foundations

Rosen: I frankly feel very proud of that. Too many foundations, quite frankly, have their own operating style, as we have ours, and they say, "We want it to go for *this* purpose and no other." They

feel that that is being responsible. I understand it. As you may gather from my tone, I wish there were more foundations that looked at their investments more like a venture capital firm and recognize that there is a jointness and a ventureness, and that quite often what appears to be most prudent and safest is not, that it's incumbent upon a venture capital firm, whether it's for-profit or not-for-profit (and that's what I think a foundation should be) to pick good management. If it's not good, don't invest, or improve it, but don't just make out a check and say, "I'll expect your report in six months, dotting the i's and crossing the t's, according to the grant application which you wrote."

I understand that point of view, and we'll do whatever, obviously, the funder wants, and have. But from our standpoint, our bias is pick your investments with great care and then work them and not just expect them to report orthodoxy or rigidly, according to paragraph one, two, three or four of the grant application. I understand that and it may even be controversial, but I think that's beginning to change.

There have been some articles in the *Harvard Business Review*, pointing out the shortcomings of foundation funding, which appears to be a reflection of the trust department mentality of a lot of funders, where they say, "Look, we're fiduciaries. This isn't our money. We have nothing to invest. We have dollars to place, and then we have accountability to the man." I understand that paradigm. I just think that there should be some greater degree of intellectual investment than as a trust officer of a bank.

Wilmsen: What would be the implications for conservation of that?

Rosen: I think it would leverage limited funds dramatically. The implications would be it would not be a sin for a foundation to write off an investment that went bad, any more than it is for a venture capital firm. It would be clearly of concern to not be corrupt, to not be wasteful, that it not be foolish; but it would be just, on that spectrum, more flexible than "we make the grant, and you account for it"--that it take on more of a collaborative dimension. The foundation has its contacts in the foundation world. It would invite as, venture capital firms do, others to participate. They would have a more direct role, say, in the operation of the charity, with all the risks. Right now there's kind of a fire wall.

That's the difference between a bank or a trust department of a bank and a fund. Venture capitalists sit on the board. They put their money up, and they say, "Wait a minute. We've got, not necessarily control, but we have a voice." Instead of

waiting six months to find out about failure or that an executive is distracted, they find out about it promptly, or at least they have an opportunity to. It's a much more contemporary relationship that I'm advocating than that of a trust department and the prudent-man rule.

Certainly, it's more demanding. It takes a different type of management on both sides. But, on the other hand, I think the rewards would be enormous. It wasn't that the banking community of the United States wasn't doing just fine, thank you--collecting savings, marking it up, sending it out--but it wasn't geared to innovation. I mean, that's what the venture capitalists do. They say, "What's going on out there? What's next? What are the risks?" Recognizing when they put together their investment pools, they're not all going to work, any more in capitalism than they are in life; some are going to fail, and they don't fail for all bad reasons. They could just be people are wrong.

As I say, corruption and nepotism and all the crap ought to be excluded, as it is in venture capital as well. But it's a different model. It's a much greater degree of involvement, greater understanding of where the cutting edges are and where they should be encouraged and, quite frankly, whether they ought to be curtailed--just as ruthless, as you will, in cutting off financing, just as clear in requiring accountability, but it's not the check writing and report writing relationship which--I hope I'm not being unfair to foundations--more foundations than not feel comfortable in. "We really don't know your business at the Trust for Public Land. We do understand your proposal. We think it's a well-conceived proposal. If you do that, we'll be very pleased and our board of directors will be very pleased with us." That's understandable, for which we're very grateful. But I would just say it's too limited.

Wilmsen: But how do you think other conservation organizations, besides the Trust for Public Land, would feel about having more involvement from the foundation. Because in a sense, that's giving up a little bit of autonomy.

Rosen: No question. Some would welcome it, and others would absolutely be horrified by it. But again, that's life. We're not coming out with a single monoculture. There should be situations where the foundations should be told to bug off. There are certain situations where an organization is saying, "This is the absolute antithesis of what we want." But I'm just saying that instead of that being the rule, there ought to be other paradigms; there ought to be some consideration being given to at least a portion of funding being along the lines of the venture capital model.

You've heard me say several times that one size does not fit all, and one of the joys of working in an enterprise situation--for-profit or not-for-profit--is you begin to develop some new ways of thinking, some new ways of responding, some new ways of initiating. The entrepreneurial creative juice hopefully can be encouraged to a greater degree. Responsibly, but to a greater degree than just having it confined to what I call the check writing and the report writing rule.

The Investment Lands Program: High Cost Fund Raising

Wilmsen: Then there was the Investment Lands Program?

Rosen: Again, the Investment Land Program is a label we stuck on when we looked at the possibilities of fund raising by accepting, instead of cash, property that might not have any conservation qualities whatsoever and yet, if it was of value, by disposing of it, by gift or deeply discounted bargain, the landowner could pay off his balance sheet, get a deduction, reduce the management and other responsibilities, and put an asset of some value in the hands of the charity--in this case, the Trust for Public Land.

In one case, we I think advertised in the *Wall Street Journal* and eventually acquired an obsolete steel mill in Iowa. As you discover, none of these things run themselves. There are environmental problems; there are management problems; there are security problems. You've got to assign some resources to handle that, as well as market it. And that's cost. You've got to find a buyer. You have to deal with the local officials to make sure that the intended use is consistent with theirs--not a conservation purpose; this is essentially a form of fund raising.

We did it often enough to know that at least in our particular case, while there was some gain, it was not for us a terribly efficient way to do fund raising. We even got a string of gas stations. We got a string of properties that were foreclosed on by savings and loan associations. We had a portfolio. But you have to pay taxes on them; you have to make sure, as I say, that the toxic problems are examined and contained, that your gross dollar is not the same as your net dollar.

We even staffed up with a director of investment land programs, to specialize, and, like many other good ideas, it looked better than it was. When we finally costed it out after several years, we found that it was not cost effective. So, while we will occasionally accept land, we are not as spirited in

our solicitation as we once were, to have landowners give us their properties as a charitable contribution, recognizing that our experience shows that it's an expensive way to fund raise.

Wilmsen: Do you still have a director of investment lands?

Rosen: We do not, no.

Wilmsen: So it's just something you occasionally do.

Rosen: It's now if we hear about it, if somebody says, for example--this is more typical--"Well, we had our vacation property on the Chesapeake Bay when we were in Washington, and the truth of the matter is now that we're in another part of the country, we hardly ever get there. Would you be willing to take this property as a charitable contribution?" We have done that type of relatively low intense effort. We accept it when offered, but we do not have a director whose job previously was to go out and solicit and actively market the charitable contribution of essentially improved real estate.

Shifting Emphasis to Acquiring Land for State and Local Entities

Wilmsen: You talked quite a bit, actually, about getting more involved with cities and counties and states as the result of cuts in the Land and Water Conservation program and the whole Reagan-Watt deal, so my question is how did you go about it?

Rosen: Sure. Bearing in mind that, in my view at least, nothing really happens from a single, linear thinking process. "Oh, we don't have money; therefore, let's go to the states." What we're continuously doing is examining how the mission, under these circumstances, can be advanced. As long as we had been, quite frankly, cranking with a relatively small staff with the Park Service or Fish and Wildlife, we hardly had time to develop new markets. We were cranking; we were just engaged in satisfying our existing customers--but always recognizing that was not what our needs were, if you look at open space.

Not all of it is appropriate for a federal estate. When your customer's order book declines, it's a good time to look around at some of these other thoughts that you had and say, well, how do you develop interest in these other entities, in these other qualities. And the answer is Gradually. You knock on doors; you talk to your existing colleagues, and you say, "If there were money, are there needs?" Oh, yes. Everybody can respond to that.

But not everybody. "Oh, we have more than we need now." Or "the money is really not for new land, it's to maintain"--we hear that all the time--"it's to maintain." Well, what if we had both? What if we looked at combining the maintenance of property and the interpretation and the recreational and the restorational with the acquisition? Well, it doesn't exist. How do you do that? Well, maybe if we came up with some of those answers, we would be adding more value than just responding to the calls of our existing customers at the National Park Service, we said.

We'd start making calls, and we'd start spending time with the states and local, regional officials and see that their needs and our needs could be accommodated in a responsible fashion. Maybe there was a market there. Like everything else, you never really know. And secondly, you never really know what it costs because you don't have any experience. Remember, earlier I said you never can tell the take-out of these towns: one-year, two-year, ten. There's no record. Many of them had never done an open space acquisition before in their life.

If you're on my board, Carl, and you say, "Well, Marty, how long is it going to take?" I'd say, "How in the hell do I know? They've never done it before." "Well, how long do you think it would take?" "Well, less than ten years but more than ten months." "Terrific. Thanks. Anything else?" Well, if you get enough of them, and if you are very stingy in spending your money, you then begin to get some probabilities and some serendipities working for you.

So that's kind of what we did. And we've always had some contact with the state of Florida, the state of California--up and down--but now we emphasize it to a greater degree. We started telling them that we would give them an incentive. For whatever transactions we'd close, say, in the state of Florida, a given percentage would go into a land acquisition fund for Florida-based properties. To some people that made a big difference; to others, it didn't make any difference at all. We had to find out which mattered to whom, and then you build on that experience; you share it and you publish a newsletter. It eventually became *Green Sense*. It's now going to have a new title. We speak more at the county government association, the League of Cities, rather than just speaking on the federal venues.

Gradually, you just begin to hope that this change in strategy begins to bear fruit before you run out of money. That led, as you know, most recently, to our participating in about twelve to fifteen voter education campaigns. That probably is the high-water mark of the efficacy and impact of that policy for

probably the last ten years. I mean, that is a multiple of the Land and Water Conservation Fund.

But it isn't what happened on November 3. It's what happened to what I call a mindset that is continuously asking the question, "How can we do this better? What are the choices? What are the costs? What are we lacking? What do we know we don't know? And how do we deal with that intellectual deficit? How do we train? Who do we hire? Who do we consult? How do we spend our time differently?"

We all have the same amount of time, but instead of responding to an invitation of the Fish and Wildlife Foundation, we'll say, "Wait a minute. We'll get back to you" and see whether or not we should speak to the Western Governors Association, and would they have us? You're continuously re-examining what you think are the bases of your success and what the threats are à la Mr. Watt. That's called health. That's called health.

Wilmsen: What do you think the impact of working with the states and counties and cities has been on preservation? Has it been a positive development or negative?

Rosen: I think it's hugely positive. I think it's going to become more so. It has risks and perils as well. I think there are truly situations that cry out for a national, as opposed to a provincial or a tribal solution. But right now, you know, the federal government is, quote, "in surplus." The idea of empowering local communities and having more face-to-face relationships is a powerful one. Communities are recognizing the importance of their participating, rather than just expecting the federal government to create and/or fund another program.

I hope and suspect that what we're going to see are more projects which are joint enterprises. I think we're going to see state and local joint projects. I think we're going to see funding, like we did with Sterling Forest, which involved some federal money, some philanthropic money, and some state and local money. I think we're going to see on the Chattahoochee River some federal funding, some foundation funding, some state and local funding, which is a healthy, more controversial, more complicated funding vehicle but also probably a more durable one that you won't just have the good guys and the bad guys, and you won't just point the finger at the bureaucrats. We'll discover that we're all bureaucrats, that we're all victims and that we're all beneficiaries, and it's up to us to figure out how these issues of governance and participation are more positive and less divisive.

It's very easy, it seems to me, when all the power is concentrated in one place or the other, for names to be hurled at each other, that the sides become demonized. Bureaucrats. "Oh, it's the damned Washington Beltway mentality." Or "it's those selfish little people in the community of Lakeport that are the problem. They had no vision." It's when we develop more of these working collaborative relationships that people really discover that there's a scale of power in a national model, and there's a scale of power in a locally-driven and -grounded experience.

In conservation and especially in our work, we have the opportunity to do both. May I apologize to the university: when things were best in Sacramento, the university was at the greatest risk because it really didn't have to be as interested in what the people as a whole thought of the university. So when we had, and you've heard me say this before, this Free Speech Movement, it came as a shock for the public to understand what universities were really doing. The university was unprepared for the reaction, and the public was distrustful and unwilling to give the university the benefit of the doubt, as a result of which there was, I think, an increasing polarization that was quite predictable. Now we are still in the process of recovering or reconnecting after decades; it takes that long to repair a fundamental misapprehension or distrust.

One of the exciting parts, I think, about conservation, especially the kind of work that we do--not that we're the only ones--is it's tangible, and the transactions do lend themselves to lists of virtues and lists of problems, and that people can divide labor, and people can say to each other, "I don't understand what you're saying. Could you try that on me again?" When you are not demonizing the conversation, you'll say, "Oh, I'm sorry. I was lapsing into jargon. I didn't mean to talk about ecosystems. What I really mean are healthy living spaces, such as a greenway." "Oh, okay."

And then you begin to develop the grounded connections between the scale of local power, the importance of regional enterprise and mutual dependence, and the increasing fact that--and this is the reason I think we need some national if not international intervention--a lot of the problems are not susceptible to local solution. You know, you create the pollution here and you suffer maybe a thousand miles away. Well, where's the handle? The answer is Both, understanding that what happens in this place has effects not only in this place but over yonder.

And that's the idea of a national park or the Presidio. It certainly belongs to a local community, but it's not only local.

There are certain other facilities which are exclusively or primarily local, and that it takes a quality of civic enterprise and civic trust and civic suspense in giving your neighbor the benefit of the doubt, even though the neighbor is a thousand miles away, that conservation can and has slowly been bringing about.

So I'm positive on the possibility of more state, federal and local collaboration and cooperation for one very basic reason: it's essential. I don't think there's any choice, that we can't just retreat and say, "Ah, big government is like big business. I want to have nothing to do with it. I'm going to pitch my tipi and go live on my commune."

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Rosen: These tensions between local and national governmental entities will not only continue unabated; they will accelerate. They will accelerate, as they have in every period of American history. When the people become distracted, preoccupied, solely--not exclusively--solely with their own personal, private affairs, the public catches up with them and strangles them. They say, "How did it happen? How did it happen?" The answer is it has happened before; it will happen again.

Wilmsen: Was Florida the first place where you began working with local entities? Was that with the Everglades? You just mentioned Florida a while ago.

Rosen: Again, the difficulty is that we've always done some of these, so it's a question of whether we caption them, label them Land Acquisition Fund, Green Cities Initiative. We have always been called a hybrid, so the emphasis is what is in later ascension or decline. I remember our first project was a local one, I think Bee Canyon in southern California, so that was a brand new idea. Why don't you guys do something local?

But we've never really emphasized it to the point of acknowledging that it may be a greater, as opposed to a lesser, significance. We've always been looking for critical mass, momentum, making judgments. I wouldn't say that Florida necessarily was one of the first, but it certainly was one of the bigger scales, with the Everglades.

But bear in mind that that probably is a less than perfect example because that started out as a federal project. That was a project which we did for the National Park Service, and that was the one that Watt basically stuck his spear into and it became a state and local take-out, South Florida Water Management

District and the State of Florida. So that was kind of a rescue package. Others have been done more intentionally.

I thought you were then going to say what was our experience in raising the bonding capacity of Dade County. It was a continuation of some ideas that already had been seeded but have now taken on a more substantial and acknowledged significance when we aggregate them. Like I mentioned last month we were in fifteen public education campaigns. Probably the first fifteen years of the Trust for Public Land, I don't think we were in half a dozen, so to go into more than a dozen on one day shows that, while it's still a fairly small number, when you consider how many individual elections there were that day, it does show the scope and, quite frankly, the depth of the market.

It's almost like an Internet market. It's always been there, but we didn't really have the capacity or, quite frankly, the focus on the fact that these new kinds of opportunities existed to work with communities in fashioning the vehicles to express their ethic and interest in open space and recreation and resource protection and habitat issues, because they also were looking in more, quote, "conventional" fashion, and what we're offering is some conventional and also some differences. That's why I talk about the enterprise function, which we find here to be very exciting, that we're not just taking orders.

Wilmsen: But it sounds like it is different from the beginning, with the Bee Canyons and things like that where people came to you and said, "Hey, we have X property we want to preserve."

Rosen: That's right, that's right.

Wilmsen: Where now you're saying, "Well, let's raise money so that you can preserve whatever properties might be there."

Rosen: That's almost correct. Early on, what we will do in these voter education campaigns is work with them on step one, which is taking inventory. "What do you got, and what do you need?" Now, that's grunt, grungy, blyech, warehouse work. "You mean, that's it?" Exactly. "What do you got, and what do you need?" Until you know that, you're just hip-shooting or crap-shooting. So they said that either A), "We've already got that" or "We did it ten years ago" or "Who needs that?" "We do. We need current, valid information. And we want to work with you. Probably some of it has to be paid for. But until you have that, you've got nothin' except a dart looking for a dart board."

So that's more systematic thinking. We bring some discipline; we bring some experience to try to make our thinking more systematic. But, again, as you're quite correct in saying,

Rosen: As always, as you might imagine, we use it as a case study. We still teach it. We still have it as part of our culture, that there are people out there who are ready and willing to take advantage of us, and others; and that although many, many of our transactions are time-driven, you can't become so focused, so preoccupied only on the deadline that you close your eyes to some of the possibilities, as was the case in this case with Jerry Oren, where somebody might be using that deadline. Bear in mind that deadlines are very important; the landowner has a deadline or a tax year about to close or some other external situation drives the transaction, and we like to be a can-do outfit that says, "We will do whatever the ethics and the time demands require." That gives our track record a meaningful confidence on the part of sellers throughout the country.

I remember very well. There was a deadline, and we had to decide before the option expired whether we were going to exercise it, especially when the document that he produced was this forgery: he had a willing buyer to pay more money than we had offered. You have to be relatively confident. You have to be very, very careful and cautious at the same time. Tough business.

Wilmsen: He set the deadline.

Rosen: We had an option, you bet. The situation was that this is real estate, and there is a dynamic--L.A. you know, was in a big crater till, say, '97, '98. Right now, L.A. real estate is red hot. It's happening again. And you've heard about real estate here in the Bay Area. We're getting multiple offers. That's the situation right now. If you negotiate a good transaction and you had the money available, at the right price, and the option expires, you're out. And that was the situation. He doesn't create it. I mean, that's commonly the case.

Cleveland-Cliffs comes to mind, Grand Island, where a large manufacturing concern, Cleveland-Cliffs, owned a piece of property in upstate Michigan, near Munising. At first, because we bargain hard, they wouldn't sell it to us. They gave the property to a broker. Only after having tried to unload it a couple of times with the commercial market were they willing even to talk to us. We had a little window. We had about a year that we asked for an option to buy the property, at the right price with the right public agency.

We had one year. They came right back, for example--that's just one that comes to mind; there are many--and said, "Don't come back and ask for an extension. We've now got another buyer, for more money than you're offering." Cash, better terms, etc.

Rosen: You bet. We're sympathetic to that because, from a quick snapshot view, if you don't get into the facts of a fairly complex transaction, it's a perfectly plausible scenario. It's an outfit that's buying and selling land. There must be something fishy going on, and here's an example, where one of the transactions involves a convicted felon. Now, how about that? Well, the answer is it can happen to anybody, and it's up to us, obviously, to learn from these experiences and make it very difficult, even more difficult than would otherwise be the case.

Wilmsen: You've had a lot of lessons.

Rosen: Continuous.

Wilmsen: Learning the need to maintain meticulous records, I would imagine.

Rosen: And what I call high expectations, that in organizations such as this one, where literally millions of dollars flow through our hands, our bank accounts, every year, we can never relax. It isn't something: "Well, we know how these things are done. Don't get so serious. Everybody is involved. Just do the right thing." That's baloney. A lot of the people we deal with are very unsavory. Not all, happily, are felons. But greed is a very powerful vehicle. That's frankly one of the reasons there is a Trust for Public Land. We feel, rightly or wrongly, that we cannot expect everybody to have a donative impulse. They're not all Rockefellers that will create national parks out of Jackson Hole. They're a very distinct minority.

What we have tried to do again and again is to provide a way for a reasonable outcome. Part of that involves the payment of money for value. Hopefully, if we're skillful in negotiations and if we understand needs and especially timing, we can get very good prices and save, as I've mentioned to you, the acquisition process hundreds of millions of dollars. We believe we can document that as having been saved. But it's not automatic. It's damned hard work. Happily, there's only been one Jerry Oren who has come into our situation.

But I can't pretend that that will be the last time that somebody tries to set us up. Hopefully, we'll be a little smarter, a little more careful. It's a learning process. But to abdicate the field and say, "Well, because there's risk there, we better not get involved," I think would be a greater error--that we just basically default and leave the role to the lowest common denominator; that we're unwilling to do.

Wilmsen: What impact, if any, did the Oren case have on the internal workings of TPL?

and become much more supportive and sympathetic to the work of the Trust for Public Land, but it took years.

Lessons Learned from the Oren Case

Wilmsen: Back to the Oren properties. Mr. Oren was convicted of fraud.

Rosen: Fraud, defrauding the government.

Wilmsen: Then what happened to the property?

Rosen: The property stayed in the National Park Service, to which it had previously been conveyed.

Wilmsen: Oh, you did purchase it.

Rosen: We purchased it and conveyed it so that the fraud actually had occurred. I'm trying to remember now, and I don't, whether there was any subsequent adjustment of the purchase price or not.

Bear in mind, that was a criminal matter. He was found guilty, but I don't know whether the purchase price, financial terms, were adjusted or not. Bear in mind that that's a dynamic, or dramatic, market, that unwinding it might not be a good idea, because to reacquire it might cost even more, after the passage of time. But that's not something Mr. Oren was going to get the benefit of. I mean, he set out to defraud the government. He did defraud the government, and he was convicted of defrauding the government.

Wilmsen: TPL actually, then, did buy the property.

Rosen: We bought it from him, and we conveyed it at that inflated price, and conveyed it at the inflated price to the federal government. So we were, quote, "an intermediary." We were a link in the chain. We didn't profit from the fraud, but we certainly were involved in the transaction that resulted in it becoming part of the National Park. Very sticky.

Wilmsen: Yes, I can imagine. People accusing you of inflating property values--

Rosen: For our own--

Wilmsen: --to feather your own--

Rosen: For anybody who was involved. You don't know who's responsible for what, you basically say, Well, hell, they're all guilty of something until they're proven innocent. Well, fortunately, we were able to document that we acted very properly and were very helpful, as I mentioned, to the government in prosecuting the successful conviction of that crook.

A Brief Aside on Congressman Sidney Yates

Wilmsen: Wasn't Sydney Yates involved in this somehow?

Rosen: Not so much directly in that one, I don't think, Carl. Sydney Yates, who I have great respect and admiration for, was simply--early on, not in connection with this transaction--not supportive of the Trust for Public Land, in particular. Even when I was given an audience with him--the chairman, as he'd say--by Les Aucoin, who was a member of his committee, appropriations subcommittee for conservation--

Wilmsen: What was that name?

Rosen: Les Aucoin, with whom we worked in Oregon. He knew, from our conversation and from the conversation with Mr. Yates, that there was not mutual admiration. We admired Mr. Yates; he did not admire us. He really wondered what a nonprofit was doing buying and selling land for conservation. That's what you have a National Park Service for; that's what they're supposed to be doing. And if they can't do it, then it shouldn't be done.

Well, that's an understandable point of view, but our role, we feel, is to buy the time, quite often, and do the assemblages that the larger circumstances won't allow for. So in general, I would say, it took a while for Mr. Yates to fully understand or appreciate what the Trust for Public Land was all about and that we were legit. Notwithstanding Mr. Aucoin's introduction to the chairman, saying, "Mr. Chairman, I know that there's not exactly clarity on your part about what this outfit does, but I worked with the Trust for Public Land in Oregon, and I can tell you, they do wonderful work." Mr. Yates said, "Well, I'm not convinced."

But I will say, later on, over the years, as we stayed engaged and as our transactions were accumulating, he was man enough to reconsider that perhaps some of the information he had previously received, content unknown, was not entirely either accurate or complete. And then later on he did, I would say, tip

developers, short of ready cash, so he indicated he was willing to, quote, "sell" us some of his property. We negotiated with him and successfully negotiated a purchase of this land. Lovely land, very useful land. It wasn't steep, craggy hillsides, like much of Santa Monica. It's where the families and the passive recreation users could find a place of refuge.

Based upon what was represented to us--the value of the land for commercial purposes--an appraisal was undertaken, which we facilitated and in which he supplied some of the documents which were intended to be used by the appraiser to establish the commercial value of that land. Roxboro Canyon. That's almost right, not quite.

Wilmsen: Is it Cheeseboro?

Rosen: Cheeseboro Canyon. Thank you. Cheeseboro Canyon. Roxboro is close, but you were closer. So we did facilitate the appraisal, using documents which he supplied to us, based upon which the appraisal went forward and the purchase was consummated both by us and by the National Park Service. Lo and behold, through some internal difficulties which he was having with his own staff, it came to our attention and to the National Park Service's attention that some of the documents which he supplied to us and which we in turn supplied to the National Park Service were forgeries, counterfeit documents, which were created with the sole purpose of inflating the appraised value of the land.

Part of it, I believe, was where he printed up some letterhead and submitted a, quote, "offer" to buy his land from another developer, which was evidence of value. It's not determinative or conclusive but it's some evidence. It was totally a fiction. Total fabrication. As a result of which we got involved because at the outset the National Park Service didn't know whether we were perhaps in cahoots with Mr. Jerry Oren.

Of course, it turned out we were innocent victims as much as the National Park Service. While initially, I would say, having been under a cloud of what was the TPL role in this thing, we later were asked to and did in fact testify on behalf of the government, which led to the conviction of Mr. Oren for fraud, in the United States federal district court.

Wilmsen: Because the case got kind of blown out of proportion for a while, didn't it? I mean, it kind of looked bad--

Rosen: For us.

Wilmsen: For TPL.

another freshman class of either the House or the Senate. There are always some people out there who are cheerleaders; they think what we're doing is God's work. And then there are always some other people who are saying, "Wait a minute. The federal government, state government is in need of restraint. What makes this country great is private property, private property." And here we have an organization like the Trust for Public Land and some others that say, "Wait a minute. We need to have more public property to protect the biology and recreation, and nourish the needs of our citizens."

And there's an inherent tension. I think you forget that at your peril, when you have the CBS special or the big celebration at the hotels and people tell you that you're doing wonderful things. The American public is of two minds. I think we always will be, at least of two minds.

Fraud in Land Transactions: The Case of the Oren Properties

Wilmsen: There was one case actually that I wanted to ask you about, I think happened in the Santa Monica Mountains? Oren or--

Rosen: [Jerry] Oren. That was a real learning experience. Tell me what your questions are, and I'll be happy--I do know that one personally.

Wilmsen: Can you describe what happened there?

Rosen: Yes, I can. I can't tell you the year.¹ As you know, I'm not very good at retaining the year, but we had been very active, working with the National Park people in trying to expand the Santa Monica National Recreation Area in southern California, one of the most rapidly devouring landscapes, where people seemed for a long time to be absolutely unstoppable in settling. We were negotiating with a land developer by the name of Oren to acquire some of his land. It's wasn't Ellsmere--I'll think of it in a minute--a canyon--to become part of the Santa Monica National Recreation Area.

He personally is not a lot of fun to negotiate with. He has many distasteful habits. A hard bargainer, not a park or land ethic in his bone. He was interested in only one thing--that was very clear--money, money, and more money. But he was, like many

¹TPL's work to protect the Santa Monica Mountains National Recreation area began in 1981.

Wilmsen: Okay.

Rosen: The Lujan matter, however, was similar but different. That was straight political vendetta. Quite frankly, we addressed it in a political way, as I mentioned to you, right?

Wilmsen: But this was with Harriet Burgess's outfit.

Rosen: It's still pending.

Wilmsen: So the GAO looked into that and then thought, Gee, we ought to check out the Trust for Public Land?

Rosen: Check out all. Check out everybody who does exchanges. As I say, exchanges have a certain kind of an attraction. Oh, wonderful! We have excess land that really doesn't belong in the federal estate but may be valuable for other reasons--and this happened to be in Las Vegas--like casino and commercial development. And then we get to acquire important land that we should have, biologically significant, without using any money. Isn't that wonderful? No money! It has a certain kind of appeal and, quite frankly, when properly done, can be beneficial. But it requires greater scrutiny, for the reason of the complexity, not less.

The General Accounting Office--their job is not to bless biologically significant advances but to say, "Wait a minute. We're accountants. Are we ensuring that the federal government is not getting screwed? That's our job." In that particular case, they were concerned.

Wilmsen: And how did TPL fare?

Rosen: We fared very well, I'm happy to say. That isn't to say we're arrogant or stiff-necked; we're waiting for the next adventure. But we pay a lot of attention to getting it right. That's why I have a thing, which you've heard again and again and again--it's, quote, "overhead." I don't think it's overhead to behave ethically and professionally, but it's not self-executing. You have to have systems, you have to have review, you have to have expectations, you have to have training. That's not overhead. That's blood.

Wilmsen: Now, this seems to be actually a kind of a recurring theme, so I want to get a feel for just how often there are these accusations that these land appraisals are being inflated or whatever.

Rosen: Every five years or so, it seems to be, one thing or another. Why? It's more than one presidential cycle, and it's into

commercially valuable--for some other land, which is more biologically significant. While that practice is one that is countenanced and quite frankly can be beneficial, it presents special problems; namely, value. You have to be sure that the valuation is consistent with the interests of the federal government as well as the landowner.

There was at least a question raised whether or not that was the situation, where that other nonprofit took a very aggressive attitude, you might say, in the valuation of the lands that were involved, and the General Accounting Office, reviewing the documentation, felt that the United States may have been shortchanged millions of dollars by virtue of the appraisal process being skewed.

Now, that isn't to say that this is a science, where you can precisely do these things, but when you depart greatly from, quote, "standard practice and approved technique," it is not that difficult to say, "Wait a minute. We ought to look at this a lot more closely." And that's, I think, what the General Accounting Office did. It spent months and months going into the documentation and felt that serious questions were raised about that particular transaction, and therefore the question was whether or not there was undue influence practiced.

In that particular case, one of the civil servants admitted that not only was he friendly, which is fine, with the management of that other nonprofit but admitted that favors and so forth were exchanged. Now, it may have been perfectly innocent, but it certainly called for examination and explanation, especially since, on the surface of things, it appeared that there were millions of dollars of discrepancy between what the federal government paid in land value and what it received in return.

Wilmsen: That other nonprofit was Harriet Burgess's?

Rosen: Yes.

Wilmsen: I think we talked a little bit about that before, not that particular case but just how the--

Rosen: I think we did, and I think that was a General Accounting Office examination, but, as I say, what I'd really like to do, if it develops to be important to you, is to document the actual facts, which I'm sure we can readily get--either from our federal affairs person, in whose realm this would be, as well as Bob McIntyre, who is generally very, very sound on all of these matters.

I had a couple of questions. Was that the audit or was there also a General Accounting Office audit?

Rosen: You know, I really ought to review the record. There have not been that many. But there has been more than one. The Lujan one, I believe, was the inspector general of the Department of the Interior. And the second one, I believe, was the General Accounting Office, and that affected more of the Forest Service projects. That's my best recollection. But the long and the short of them were, we feel that we operate from a position of nonprofit privilege--not paying taxes, etc. You have to conduct your affairs so that they will withstand scrutiny, which should be periodically anticipated. That isn't to say we're holier than thou, but having these kinds of issues raised does not, frankly, surprise us. As a matter of fact, I think they're quite easily foreseen. All we ask is that they be fairly presented and fairly interpreted.

Wilmsen: Was the GAO audit during Lujan's tenure?

Rosen: I think it was subsequent.

Wilmsen: Oh, after that.

Rosen: I believe so. I'm not sure of that, but I'm sure if it is important we can verify that fairly readily, either by talking to Mr. McIntyre or to Mr. Front.

Wilmsen: Okay. Do you remember the circumstances around it, how it came about? You went into some detail about the one that Lujan initiated.

Rosen: The other one--again, I've got to make sure of my facts--had to do with a series of transactions initiated by another nonprofit organization, and I think that was Harriet Burgess, who was responsible for that question being raised because of what we've indicated earlier. She has a different--for want of a better word--style about how close to the edge she can skate. Having then been questioned with some specifics, it raised the question for the General Accounting Office: Is it larger? Does it involve more than just this particular incident by this particular nonprofit? And that's how we were, I think, brought into the matter, along with others.

Wilmsen: I see. What was the particular case?

Rosen: The one that I'm thinking of is fairly recent, if that's what you're on as well; namely, it probably was twelve or eighteen months ago, where an exchange of land was initiated by her organization to trade some extremely valuable development land--

Wilmsen: In the administration?

Rosen: In the administration of George Bush. David Packard also was involved in that.

Wilmsen: And then just backing up a little bit again to when you were making the case against Lujan's argument, how did you demonstrate the benefit that the public was receiving?

Rosen: Well, one, we showed that most of these transactions were transactions which were sponsored by the agencies, themselves, particularly the Forest Service; that we really require golden trout habitat; we really require this type of forest; we really require this type of management unit. We essentially responded to that. That was the public benefit that we didn't establish; they established. So he then had to go back and say, "Well, they were mistaken. They should never have sponsored them."

Well, by then it was pretty transparent. He was creating facts to suit his conclusion that "we just don't want to have any more public acquisition by anybody, let alone helped by these damned nonprofits," such as The Nature Conservancy and the Trust for Public Land. His proposed rules and regulations would, quote, "put us out of business" as intended or certainly chastise his personnel from doing business with us--bearing in mind that he was the secretary of the Interior, which supervises the Park Service but not the Forest Service.

But in land and water conservation matters, the lead agency is the Park Service, and therefore Mr. Lujan. So all this stuff is murky and complex, but transparent if you pay attention and don't get distracted and obviously have both the goodwill and the capacity to deal with these kinds of threats that are going to be recurrent. I don't think it depends on any one personality. It's a continuous requirement of a nonprofit not to rest on its laurels, not to get so self-satisfied and smug that it doesn't need any help or that it doesn't anticipate that there will be some people out there who quite understandably feel that the work that we're sponsoring is wrong-minded. We're not necessarily perceived as being on the side of the angels, nor should we be.

A General Accounting Office Audit

[Interview 7: January 5, 1999] ##

Wilmsen: Okay, last time we finished up talking about Manuel Lujan and the inspector general's audit. We pretty much got through that. But

agreements, where there were swaps, where there were Land and Water Conservation [funds], where there were partnerships, where there were a variety of things.

And we felt, again, that he really, unfairly characterized the role of the nonprofit. And that is not to be an adversary, not to be a promoter, but to be a cooperator--independent. Now, that makes it a little different. We're not an auxiliary; we don't just wait for the phone call and then salute. But we cooperate and say, with them, "Here are the range of possibilities; here are the funding requirements; here are the things that we can do together and the things that we can't do together."

So we rebutted, we felt, very, very effectively and ultimately successfully because the end game of Mr. Lujan was to create a series of, in my view, oppressive rules and regulations that would make it hazardous to the federal agencies to work at all with nonprofits because it would be an admission that they couldn't do it themselves and therefore there was something wrong with them; they were either incompetent or lazy.

And then secondly, that where you did have an agency willing to work with us, the hoops that we would have to jump through and the time and the risks, quite frankly, made it quite intentionally almost impossible to do business. And so what we then did was, fortunately, through members of our advisory council--led largely by Putnam Livermore and a member of our board of directors, Sally Brown, from Kentucky, and [former EPA head] Bill Reilly, and David Packard helped as well--got in touch with people who worked in Washington with Mr. Lujan, went over and said, "The intention here is transparent. It's essentially to put the nonprofits, such as the Trust for Public Land, out of business, and we think that's misguided. We're not asking for a carte blanche, but we think that the design of this initiative, using the flawed material of the Inspector General, is designed to put the nonprofits out of any meaningful relationship." The two principal nonprofits being the Trust for Public Land (by far and away the larger) and The Nature Conservancy (which quite surprisingly, they've done less and less of the kind of work which we've been doing more and more of, even with the federal government).

Fortunately, enlightenment prevailed, and the proposed rules that Mr. Lujan was sponsoring were withdrawn.

Wilmsen: Put Livermore and Sally Brown and Bill Reilly and David Packard?

Rosen: They went to basically people in the higher ranks of the federal government.

Number two, he took only a few transactions. We may have had, say, sixty where not only did we have gains but we had losses, and we wanted him to look at the entire array of transaction flow and then add them up and say however long they had it--a day, a week, a year--how did they do? Where did they come out?

And then thirdly--which we think is even more important--tracking what the government paid. Whether TPL made a dollar or lost a hundred dollars is really, in our view, secondary. The question is What did the public get? Did they just buy a bunch of TPL dogs? Or did they do TPL a favor? What was the public's interest financially as well as how--I'll come back to the priority. And lo and behold, when you add it up, the transactions where the public paid an aggregate, say, of a million dollars, we can document--and we did document--that the public got *millions* of dollars in return. Not a bad deal.

As a consumer, you know, let's say if you bought (excuse me for being simple), ten coats and you received documented value three to four times what you paid for your ten coats, well, whether or not you needed ten coats, you've got a multiple. We think that's a fairer way to say Did the public get its money's worth? If it didn't, it's called corrupt. Whether or not we tried our hardest or we lost money on the transaction and so did you, is immaterial in our view. The big question ultimately is Did the public get its money's worth?

And we showed dramatically the answer was Yes. And we said it was unfair to just take these two or three transactions that, quote, "made us look bad." Then the question was, "All right, I concede that point." I don't concede it, but assuming that was true, "why do we buy any of this crap? Whose idea was it, anyway? If these bureaucrats are doing their job, why do they need you for? They'll go out and buy what they need, and the rest of it they shouldn't buy." Well, we dealt with that one, showing that the civil servant--for years, in many cases--had advocated buying these projects, these lands, and were dismissed. They were told, "No money. Don't do it."

Wilmsen: Any specific cases?

Rosen: Sure. We had a whole bunch of examples where we did not unilaterally come to, in those cases, in that period of time. "We got a great idea. What you ought to buy is the Wilmsen project. Don't you agree it's a great piece of riparian habitat?" We worked from their lists, which cuts two ways, but they were stuck. They wanted to go ahead, but they didn't have the financial vehicle. Well, in those cases we helped them--you bet--figure out where the monies were: where there were pooling

them meant that whatever the nonprofits did was essentially interfering with the federal priorities, that if you just stood back and you said, "Well, if it's worthwhile, it'll be done by the agencies," what do they need these nonprofits stirring things up for? And advocating and pushing and promoting? "Let's look into that."

So the Inspector General came out with a series of reports-- or a report--examining a series of transactions, and indeed--

Wilmsen: These were all TPL transactions?

Rosen: Primarily, primarily. Not exclusively, but certainly we were one of the larger proponents of particularly Forest Service transactions. And lo and behold, he discovered maybe three or four where not only did the Trust for Public Land make money on the transaction--namely, they bought it for less than they sold it for--but it was questionable whether the federal government got any benefit or whether they paid too much, in short, casting aspersions upon the operating practices if not the ethics of the Trust for Public Land.

If you looked at the one, two or three transactions that he highlighted, it's not an unfair inference. Here's a situation where the Trust for Public Land bought a piece of land on March 1st for, say, a thousand dollars, and they sold it on March 2nd for twenty thousand dollars. It's extortion! It's outrageous. How can you buy land on one day and hours, if not days later, at a multiple of five, ten, twenty times what you paid for it. It's rampant.

Wilmsen: Did you have some with that large of an increase?

Rosen: When we take title--as you know, the way we operate--has very little to do with how long we've been involved in the project because we normally work on options. We normally work on transactions long before they go into the title company. By the time we are of record, that's the take-out already. Years go on between the time that we talk to Carl Wilmsen and he takes a down payment and the ultimate take-out is both identified--federal, state or local--and actually funded.

So he clearly misrepresents it. Or that's too strong: did not represent accurately the time of TPL's involvement in a transaction. It shocked me. You know, if you bought some land on day one and sold it on day two for twenty times what you paid, you would say, "Now, wait a minute. Why didn't the Forest Service do that?" Or "How do they price these things? That's kind of smelly." That's number one.

VI MAINTAINING ADAPTABILITY: EXTERNAL AUDITS, INTERNAL ASSESSMENTS, RESTRUCTURING, AND LAND TRANSACTION ISSUES IN THE LATE 1980s

Manuel Lujan's Audit of Nonprofit Land Acquisition Organizations

Wilmsen: Okay, so moving along further into the 1980s, then Manuel Lujan became Interior secretary.

Rosen: Oh, nice man.

Wilmsen: [laughing]

Rosen: Nice man.

Wilmsen: What were the issues that affected TPL during his tenure?

Rosen: Manuel Lujan, former congressman from New Mexico, was persuaded by people that he paid attention to that we had enough federal land, that, quite frankly, we didn't need any more. From his standpoint, there were groups that were taking advantage of the system and generating projects and acquisitions that, in his view, were not serving any public purpose, and it was incumbent upon him to slow it down or stop it.

He, I think, came at it from the point of view of property rights. The interests of the small landowners were getting pushed around by the federal government. And also raised the question of whether the nonprofit organizations were acting in their own self-interest or in the public interest in promoting these land transactions. And so he caused an examination to be made by the Inspector General--particularly, I think, in the Forest Service area--whether or not there were either abuses or premises which were flawed.

If the federal government should be pursuing any of these transactions, they don't need the help of any nonprofits. They would do them. And the fact that they therefore were not doing

homesteading and mining extraction, were the product of an earlier policy of a government that was seeking to expand its economic base after Lewis and Clark in the 1800s, and railroads were part of that. "We've got to develop this country, and we'll err on the side of excess rather than idleness. We want to have some vigor; we want to have some commercial activity, and we'll take that risk."

Well, now, as we become more of a landed, settled community, with the disappearance of the frontier, we've had to examine what the consequence of some of these policies are. Guess what: they're uneven. Some of them worked brilliantly; and others, less brilliantly.

Wilmsen: Did you try asking this person about perhaps changing his management practices, or was that not considered?

Rosen: Sure. We had all kinds of dialogue, and there's a variety of ways. And the answer was, "I'm within my rights. If you disagree, buy me out. This is how I make my living."

Wilmsen: Because we've talked before about grazing and things like holistic resource management, so in theory, anyway, it seems like you would be amenable to have a rancher on a wildlife refuge.

Rosen: Remember, this is not forest land; it's not BLM. When it's a wildlife refuge, it has been decided by, quote, "more sensitive" biologists that this land has special qualities for fish and wildlife purposes. That would not necessarily be the case with BLM or Forest Service land, with multiple use and so forth. This was not a multiple-use situation.

It was a historic situation. His patents collided with the more enlightened but perhaps later-in-time views of the wildlife management. A mistake was made. This land should never have been subject to grazing, but it was. So how do you undo? Well, you can either undo by being authoritarian and pushing around, or asking somebody like the Trust for Public Land, "Are you willing to look at negative interests in property?" We said, "We'll look at it. We may find something there," as long as we could achieve the result of, quote, "stewardship" by buying out the right to degrade, we figured that's consistent with our mission, and we went ahead and did it.

What we did there--I'll be happy to verify this for you-- there was a wildlife refuge already identified. But because of the peculiar history of that land, a landowner had the right to graze and extract and essentially--my term, not his--degrade the property. So, while it was on a map looking very pretty as a wildlife refuge, in point of fact it had some very serious limitations and shortcomings.

The owner said, "Well, it's where I make my living. I'm not doing anything illegal. I own grazing rights; I own extraction rights; I have patents." He was right. So what we did is we bought out those, quote, "development rights" so that the Fish and Wildlife Service could pursue its managements objectives of putting the interests of the fish and wildlife and the land and the soils to the exclusive highest priority, rather than having to be compromised by the pre-existing, lawful rights of a patent held by an individual who was using it in a manner that might have been perfectly legal but if it wasn't, would take years of litigation, during which time the land would be further degraded.

So we went in there and made him an offer to buy him out, and we did, when he accepted it, then conveyed that right-- namely, the extinguishing of the development rights--to the Fish and Wildlife Service.

Wilmsen: How did you hear about that?

Rosen: That one--my best recollection is we probably heard about it from the agency people at Fish and Wildlife. They said, "We've got this problem. We'd like to do what we're charged with doing, but we've got a guy there who is sitting on these patents. Is there anything you can do about it?" Well, TPL says, "Beats us. Who knows? We'll try." It's kind of buying out a negative interest. The net result was beneficial, we think, to the land, the ecosystem, but it just took a different kind of a mindset. I mean, the land is already in government ownership, but impaired by grazing rights of an individual.

What are you buying? Well, you're buying the right to degrade. It's kind of like a pollution credit. You're buying out the right to degrade the land, and we did.

Wilmsen: This particular rancher was not practicing good management?

Rosen: He was not practicing, quote, what would appear to be good stewardship. He was overgrazing; he was misusing the land in the judgment of the stewards, not from his standpoint. He was clearly doing what he felt was in his self-interest and in accordance with law. Bearing in mind that a lot of these rights which the government granted to the private individual, in

we're not just sitting here in our office, waiting for the phone to ring. "Hello, there! My name is Bee, and I want to save Bee Canyon. You got any money?" Or "Can you help me?" We try and look at this more in a system way. What are the variables? Who are the players? What are the communities that will be served? What are the commitments?

That may sound a little more abstract, but we convert it into a very specific checklist, very quickly; and it's a very businesslike proposition. That then feeds itself into what I call readiness. Do you want to just talk about it, or do you want to accomplish it? If you just want to talk about it, good luck. But if you're ready, you show it with your commitment: how hard you're willing to work, how much money are you willing to raise, how much you're expecting from us. We know what we are expected and capable of doing, but what we don't know is what you are ready to commit, and so forth.

It takes time, but if it works, the results, as I say, can be dramatic; and that's why, for what it's worth, I'm very bullish about the future because we're seeing more and more examples where communities have been successful, that instead of just cratering into despair--even some inner city areas: Gwynn's Falls, Manhattan, San Francisco League of Urban Gardeners [SLUG]. These places are acknowledging that they may have a tougher job, but it's not an impossible job.

You know, in Hillsborough it's much easier. People there can just sit down and write checks. That's not true of a lot of our under-served areas. People have full-time jobs or they're looking for a full-time job. Those experiences are no longer anecdotal, and they can be shared with websites and Internet experiences and conferences and mobility to a far greater degree. That's why I think technology is a friend.

Retiring Grazing Permits on the Kofa National Wildlife Refuge

Wilmsen: In 1983 TPL purchased what became the Kofa National Wildlife Refuge.

Rosen: Yes, we did. Actually, what we bought was an interest in that. There's a huge piece of ground, so big that it kind of distorts all our pictures, all of our statistics. [Bob] McIntyre has resisted it because whenever you put in a hundred and eighty-some thousand acres, it makes us look like we're Whyew! So I always had to ask him to put it back in with an asterisk, how much land we, quote, "conserved."

talk to the people who said, "Well, gee, what if our needs change? What if we discover that the freeway means that more people are here rather than there?" we say, "Well, you've got to deal with that." But you also have to be relatively specific, or you get sucked up into this vortex of societal hostility, distrust of government.

Our experience has been very gratifying that when people are honored and not condescendingly dealt a bill of goods, they'll respond positively. And they have. There is a real hunger for living space in their community. They get it, and it's tangible. There's also a tradition that: no blank checks.

Wilmsen: Where did the whole idea of doing bond issues come from?

Rosen: Our experience. We've been at this now a long time. We developed what we call the intellectual capital. It's lodged in people such as Ernest Cook, out of our Boston office, although originally he was in our New York office. Steve Thompson, our czar, formerly headed the Southwest office, based in Santa Fe, but now participates on a national basis, although he's still based in Santa Fe, not San Francisco.

Kathy Blaha, head of our Green Cities program, has now done many, many campaigns. Bowen Blair. I mean, it's never been--as you've heard me say at the outset--a one-man band, that we sit around waiting around for the Einstein to deliver us the truth. We have been able to--and that's our secret--attract and retain extremely talented, dedicated people, who do this work as more than a living. It's a way of life.

The reward, both for the organization and for the mission of conservation, is that they apply that learning the next week in their work. And it really has been wonderful to see how that has built a learning, a technology that is not all that abstractly unique, but that has never been harnessed as powerfully as it has by the Trust for Public Land, through these people, some of whom I've just mentioned.

Wilmsen: Last time, I asked you about the directive, at that All U Conference, to have regional managers reduce their reliance on federal agencies. Part of your answer was saying that you needed more political support and more financial support and more talent and so on. I was wondering how you went about seeking more political support.

Rosen: They are more subtle than that. It wasn't that we stopped doing this and we start doing that. We just kind of re-balanced the load in the wagon. When we looked at what proportion of our energies and our revenues were, quote, "dependent" on the handful

Rosen: We did our polling, at our expense. We had meetings, where we brought representatives from the City of Austin, from the Sierra Club, from the Hispanic neighborhood associations, from the social welfare agencies, and from the probation departments, and we asked, but also proposed that a more comprehensive approach, rather than the narrow, smallest common denominator, would prove a winning combination. We couldn't prove it, but we could have reason for confidence.

And then, when we did it, we have since repeated that formula, both in Baltimore and in other places. It's kind of obvious now, but it wasn't then. These are people who had no history of working together or any particular trust or interest in working with each other. "What do they know about our issues? We've got our own priorities. We've got our own problems." Well, that's the spiraling down. There's also a way to spiral up. Nothing like a couple of successes to give people confidence that there is a winning strategy in working together that can raise the sights and the opportunities for several communities together better than one at a time.

Wilmsen: Looking at the Austin example, again, was the bond issue actually for specific sites?

Rosen: It has to be. That's the other thing we learned. It's not just the President's impeachment proceedings that showed the worst of us, whatever side you may be on. There is right now a reality of inherent distrust of government, whether you want to go back to the Vietnam days or pick another of many incidents like Iran-Contra where people just get used to the fact that it isn't just the President who lies; the whole goddamn institution is built--many people feel--on one continuous lie after lie after lie.

You can fight that or disbelieve it, but if you sense it, you don't set yourself up to put a proposition before the people that is more likely to be affected by this toxin of distrust. So in each proposal, when we participate, we offer up the experience that since that is our evaluation, a successful campaign has to be very specific. People have to say that "if we trust you with these tax dollars, we have a pretty good idea you're not going to wiggle around; you're not just going to buy any open space anywhere; you're going to identify with some pretty reasonable degree of specificity what you are going to do with this money."

Wilmsen: Right. "How can we be sure you're not going to take our money and--"

Rosen: "And put it where you feel like, after you sweet-talked us into this exercise. We've been there before. We don't want to do that anymore." So part of our experience dictates that when we

do have. What are you talking about, buying more land?" We would say, "If you had the money to both acquire and maintain, would you be interested?" Some communities said yes; it was a problem that we could work on together and solve. And others essentially were exposed for being hypocrites. They really didn't have any intention to empower, serve the disadvantaged or the disenfranchised.

But where we could show the outcome could be improved by a greater degree of funding, both philanthropic and municipal, we felt that was a way of breaking that iron collar around the green dilemma of the cities. We have done that successfully. As you've heard, last November we were in fifteen campaigns and raised almost \$3 billion of fresh cash--not alone, but by joining with others in saying, "It's unacceptable to say, 'Well, there's no money. Guess what: No cereal today, no fruit.'" It took some guts, but it also took some competence; it took some dedication; it took some time line; it took a committed board; it took a staff that understood that this was risky and who was taking the risks. But by sharing the risks within the organization, we all said that this is something we want to do, and we want to lead and not just respond to.

That changed the climate and the portfolio of the Trust for Public Land. We weren't accepting the "Well, you know, what can you do? If there's no money, there's no money." Money is always a problem, but we were determined and committed to changing the equation. There are a lot of campaigns--whether you talk about Los Angeles, working with the churches, the police departments, the probation officers, and so forth--or recognizing in a place like Austin, Texas, that if we're going to do what the conservation community wanted--namely, save Barton Springs (and we went to the ballot)--we had to bring in the Hispanic community. Their concern was not Barton Springs on the other side of town; it was the Colorado River Park in the middle of their part of town. When we formed those coalitions that had not existed before, there was success.

That was the political lesson, that divisiveness has a price, and that price is called failure. And if you can figure out what you have in common with respect to your land agendas and put both--not just endangered species or the "golden-throated gnatcatcher," but the playgrounds and the open space in the communities that were more desperate because they had little or none--on the ballot at the same time, that's a winning combination.

Wilmsen: How did you bring the Barton Springs people and the Colorado River Park people together? What was the formula?

VII FROM GREENWAYS TO BROWNFIELDS: TPL'S EVOLVING ROLE IN
FINANCING LAND ACQUISITIONS AND CREATING SPINOFF PROJECTS

Bond Acts: Creating Money for Urban Land Transactions

- Wilmsen: One more question along these lines. After the restructuring, you got kind of the public lands and urban lands "concentration areas," for lack of a better term.
- Rosen: Sure.
- Wilmsen: We talked before how oftentimes urban lands aren't revenue-generating, either.
- Rosen: Right.
- Wilmsen: Did the restructuring help smooth over the feeling that they are second-class citizens in the urban lands staff?
- Rosen: Right. And also it enabled us to break that model. We decided that we would spend time and energy and money trying to figure out how to change that so that we could make money by doing land transactions in the urban area--not by fleecing or by skimming the cream, but by going into the public finance arena and actually creating money, pots of money.
- Wilmsen: How did you do that?
- Rosen: Bond acts. Certificates of participation. Lottery funds being allocated to conservation. So instead of accepting what the political powers would tell us--"Well, that's all you're going to get"--and discovering that, guess what, that was inadequate, we would--for want of a better word--with appropriate caution politicize and monetize at the same time, so that it wasn't just accepting the status quo. But by changing the status quo and creating the financial vehicles, when we heard from the municipal authorities again and again, A) "We have no money," B) "We haven't got enough money to manage properly the lands we already

What comes closest is probably Boston, where you have Cambridge and MIT and Boston University and Harvard side by side with some of the high-tech industries and some of the really abject poor areas.

But New York has always been odd. Same thing with the theater. There's Broadway, and then there's the rest of the country. In urban conservation, there's New York and there's the rest of the country. Not for lack of trying. We've tried many times to take a lot of those lessons. And they're very difficult. It's not all success there. There's a real conflict. But there are players there. There are very passionate, motivated, focused people who are very territorial about their neighborhood. Boy, you cross them--even if you're [New York real estate developer] Donald Trump--at your peril.

But when you try to translate that, even into New Jersey or even into Maryland, it's just not the same. We've been able to work with schools in New York much more effectively. Now we have schools all over the country, in Boston and so forth, but they get it more in New York. Maybe it's because they're most desperate, or maybe it's because they're more survivor-oriented. But it's different. The philanthropy is different. We raise far more philanthropic dollars per capita in New York than any other part of the country for serving in programs that do not otherwise contribute to the financial health of the Trust for Public Land. There's just a difference in the concentration of financial and intellectual capital in New York that is demonstrable.

Wilmsen: That's interesting.

Rosen: It is, because you go there and look and say, "Well, gee, if that's the case, why isn't it the most beautiful?" They don't necessarily follow. But it is not an accident that Central Park is where Mr. [Frederick Law] Olmstead made his claim to fame, until he got fired. There has always been a tension there. But also the funding--the Friends of Central Park, the Central Park Conservancy--has been a model for supporting an urban open space park, like nowhere in the country. We're trying to imitate it here in San Francisco with great difficulty. It's just not the same. Why is that? I wish I could tell you.

Wilmsen: After your restructuring and putting all the different programs into more of a regional framework, what did that mean for individual staff? For example, someone who had previously worked entirely in land trusts, do they still work entirely in land trusts?

Rosen: No. I'd say there is no longer a job as a land trust specialist at the Trust for Public Land, by and large. There may be a few here or there. Elizabeth Byers comes to mind here in California. I mentioned we had this coordination function. She will provide that. And also she had been in land trust work, but I don't know that she would ever be replaced if she ever chose to leave the Trust for Public Land. But by and large, the work has really become more concentrated on what we would call land conservation in the urban areas, and more traditional public land work which means working with the federal agencies--U.S. Forest Service, the National Park Service, the Bureau of Land Management--whereas the urban land people generally would work with the state and the city and perhaps the regional organizations in our communities.

That's kind of the way it breaks down, it's who they're working with. The urban folks tend to work with state and local entities, and the public land or old public land people tend to work with the Forest Service and the Bureau of Land Management. Is it only? No. Some of them work on both sides of the street. I can think of many that do. We think, quite frankly, it's useful that they work in both because we like to work, as you've heard, out of the box. One of the ways you do it is not become too narrow in the communities that you're serving. "Oh, I only do rich people" or "I only do wilderness issues." We are not organized that way. We are organized around a geographical area, such as Hawaii (being our most recent). We work all over: state, local, and federal projects.

Urban Land Trusts in the Northeast: A Special Case

Wilmsen: Another question relating to land trusts--and we've touched on this a couple of times--and you mentioned earlier, actually, that in doing urban land trusts, anyway, it has always been very strong in New York. One of the issues that I ran across in regard to that All U Conference was that it was difficult to maintain land trust programs outside of the Northeast. I was wondering why that was.

Rosen: There isn't any other place like New York anywhere: neighborhood associations, blocks, a lot of information transfer, a lot of hard-edged, bright people, a lot of intellectual powerhouses.

Wilmsen: That sounds like an ongoing issue also.

Rosen: You bet.

Wilmsen: In your relationships now with land trusts, do you charge fees occasionally?

Rosen: We joint venture with them. Where we have an opportunity to work together and divide the labor, where we might provide the financial plan, where we might provide the risk capital, where we might provide the take-down identification and all of the legal-technical work, they in turn would generate the political support, the biological studies, and each of us would contribute according to our particular strengths. That seems to be a more valid way, currently, for the Trust to operate.

At the same time, there is a continuing commitment of the Trust for Public Land to participate, especially in the seminars sponsored by the Land Trust Alliance, and in their annual rally, as they call it. They've now done kind of like the All U for land trusts all over the country. Once a year they go somewhere, either to Wisconsin or to Tennessee or to upstate New York--a lovely setting, which can accommodate upwards of a thousand people from all over the country--and they get very informed, energized, and pumped up.

We typically send twenty or thirty people from the Trust for Public Land to that rally, to both let them know--the new members of the Land Trust Alliance--about the kind of work we're capable of doing, and about the work which we have done; making introductions and building the network, as well as contributing quite often to the technical training sessions that the Land Trust Alliance offers at these rallies, as they call them.

Wilmsen: Do foundations fund that kind of thing?

Rosen: They like that idea. They like that idea. Very specific, very tangible. And it's also fairly limited in that most of the participants pay a fee, yet they also have an arrangement where the less wealthy, less affluent land trusts might, for a year or two, get a scholarship to participate in that. It has become a much more specialized undertaking with full-time executive staff, led by Jean Hocker out of Washington, D.C., formerly the head of the Jackson Hole Land Trust; now serves as the coordinator and the facilitator.

Wilmsen: This is the Land Trust Alliance.

Rosen: The Land Trust Alliance. That's all they do, is provide services for land trusts, and assist in the creation of land trusts.

mind also that the performance of those services, except on fees, did not generate income for the organization. I have to be very straightforward: since we do not have an endowment or a sugar daddy, we are always trying to figure out how we support ourselves.

When we were able to get grants for our land trust program or for any of our work, the grant flaw is nobody wants to pay for, quote, "overhead." They only want to pay for tangible successes and have somebody else pay for the overhead. I don't believe in overhead. I don't think it's overhead to train your people. I don't think it's overhead to have them ethically sensitive. I don't think it's overhead to give them decent equipment and decent intellectual capital. I mean without those things, you don't have to worry about overhead; you don't have an organization. The big question is are you making the right investments, do you have the right people, are you motivating them and are you rewarding them.

The flaw is most grant-making organizations don't want to pay for that. They expect that performance. I say it's a flaw, and I've discussed it many times with foundations. Too many of them don't get it. They have their guidelines, and they're willing to do certain specific things: namely, produce a book on conservation easements. They want to know how many pages, how much it's going to cost to produce, then they want to be done. They don't want to get stuck supporting the organization as a colonial dependent.

Which I understand, but that's not the question. How do you basically empower an organization, in my view, by recognizing it as a complex investment, but as an investment in something more than a given product. It's an investment in an organization's capacity to continue to do the good work of its mission over a period of time, in which the product--the book, the conference, the land deal--is a part of it. But to get the momentum and to get the evolution and to get the expansion of that intellectual capital, it's a challenge because too many foundations feel ill-equipped.

What we're trying to do is to get them to think more like a venture capital firm, where for a while there are going to be lawsuits. For a while there are going to be intangibles. But if you have the right people and the right structure and the right mission, the results can be absolutely breathtaking. But that is not generally the case with most foundations who are disposed to fund things like land trusts. A conference? that they would fund; a text? that they would fund. But some kind of continuing capacity gives them kind of the willies.

direction of conserving land for people, especially people who would otherwise not participate in conservation.

Redefining TPL's Role in Relation to Land Trusts

Wilmsen: I read, I guess it was in an issue of *Land and People*, that there was no consensus on the nature of the commitment to land trusts.

Rosen: No consensus?

Wilmsen: Yes, within TPL. And there was a committee formed to look at the land trust issue and to try and bring the land trusts into a more visible position in the organization. I was wondering what was going on there, if you can remember.

Rosen: There is, I guess, a question of fit in the Trust for Public Land, that the rendering of land trust services--unless you get into a joint venture--is more advocacy and training of volunteers than it is real estate transactions. It is a somewhat different skill and expression than either the urban area or the public land, as we call it, transaction area. We heard, I would say with some frequency, that some people would be getting the sense that they were, quote, "second class citizens" if they were stuck in land trusts because they were regarded as dependents of the sparkling performers who brought in money and brought in fame from saving important landscapes.

There's obviously some truth in that.

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Rosen: To a degree, we tried to address that by having people become less specialized and have them do land trusts and urban and public land work so that they participated in all of those areas. But the reality is people have different interests, people have different skills, and they also work different hours. A lot of the land trusts and urban work is after business hours for people who can work in conservation after they've done their job as a truck driver or a dairy worker or an office worker, as the case may be. So their hours are more irregular. There's more weekend work and less recognition.

So it was a source of continuous tension, a source of continuing questioning of were we trying to put things together that really weren't going to fit. Part of that was true. It didn't. And that's part of the reason, I'm sure, that we eventually de-emphasized the pure land trust work. Bearing in

informing each other what the risks as well as the opportunities were. And the regional manager was responsible for having a performance profile that embraced all of those previous program elements that were really, in our view, better served with a, quote, "portfolio concept" than an urban-land land trust.

The net result of that was--and I don't think it was all that surprising, and it was not unintended, either--as the land trust movement matured, other people (as you now know, there are more than a thousand [land trusts]; when we started, there were many fewer) kind of came into the arena, such as the Land Trust Alliance, that we could work with in a different way. They [the Land Trust Alliance] emerged as the association or federation of land trusts, dealing with the technology and technical assistance that previously we were providing. That was their exclusive concern. So that became the Land Trust Program. We have felt confident that we could discontinue the organizational creation of land trusts on the one-on-one basis, such as the agricultural land trust or the land trusts of 37th Street in downtown New York, and take a more sophisticated role, without being as intimately involved.

Now, in California, we do still provide a service for the land trusts in this state, with technical assistance and newsletters and materials. But we no longer, I would say, regard ourselves as primarily measuring our performance by the number of new land trusts created. We passed that kind of work onto the Land Trust Alliance or other land trusts.

What we now seek to do--our different level--is joint venturing with some of the land trusts, where they can contribute, say, local knowledge and marshalling and advocacy work. We can then provide the more sophisticated financial guidance and advice.

Wilmsen: Why did you decide at that time to restructure all the different land programs along those lines?

Rosen: My observation: we had evolved so that we were ready to serve the mission in a different structural way. We now had more senior players, we now had more geographical locations, we had more experience, and we could serve the mission better by restructuring. I think that's the end game. Whether or not it's true, others can say. But when you do the same thing again and again, in the same way, you can get both stale and stuck. That was what was my job, our job, as the management team.

I'd say that Will, my successor, is going through that now: adding, subtracting emphasis, while being true to the ultimate

Where is the durability of this idea? Is it just another good idea and we take a final exam and we either pass or we fail? This isn't school. This is people who have limited resources, some degree of hope or equity, and I was very concerned about not letting them down.

Wilmsen: This was brought up again at the All U Conference?

Rosen: Sure. As I say, we honor it. It should be troublesome. Couldn't we do more? Shouldn't we do more? How can we do more? That took us a while, but we finally, as you say, kept our eye on that prize. Part of that--we're certainly not there yet--part of that was realized when we got some of the funding from Lila Wallace Reader's Digest Fund and we carved out a Green Cities Program, which expressed that land ethic to a greater degree in urban parks and gardens throughout the country. Bearing in mind we have always been doing it disproportionately in New York.

New York's program has always had a community garden, inner city, urban park program, for a variety of reasons. One was leadership; two is the community is organized. There's a lot of philanthropy that is in place, whereas in places like Seattle and Los Angeles, sure the needs are there, but it isn't quite as ready and the institutions aren't quite as receptive to that kind of thing.

The demands are real. The bar is always being raised. I felt good about the fact that we didn't dismiss it. That was the thing.

Restructuring TPL Programs into a "Portfolio Concept"

Wilmsen: You had some restructuring of the TPL programs that came out of that.

Rosen: Yes.

Wilmsen: I think you merged the land trust--

Rosen: Yes, the programs were reformatted, so we didn't have a land trust program that people worked in and a public lands program that people worked in. What we went through more of was a regional model, where each of these programs were embraced within what I would call a portfolio concept: that every region was expected to work with land trusts; every region was expected to work in urban areas of their choice--not exactly as they did in New York or exactly as they did in Key West, but learning and

Some of the people got that, and others, quite frankly, said, "That's not my problem. My problem is to be true to my beliefs, regardless. And if the organization can't perform according to my beliefs, then either I'm going to force it to or I'm going to leave, or I'm going to think about it some more."

The interesting thing about young people is they're trying out roles but they're not necessarily committed to seeing them realized. When they don't get their ideas realized or gratified within a time frame that they set, they either drift away--physically, no longer work here--or they kind of blend or change. I'd say, from my standpoint, we honored that dialogue, but also felt that the organization deserved to survive and that we had to balance the purity of any one particular point of view with a more pragmatic or practical aim.

You can always be criticized for selling out on the one hand or "going corporate" on the other. But when you go beyond the labels and the epithets, you still have to make payroll, you still have to close transactions, you still have to hire lawyers and get the work done. Otherwise you're either out of business or, in my view, raising expectations and hopes, only to dash them, which I regard as irresponsible, especially in communities which, as you've heard before, need hope more than anything else. If we come in there with all these great slogans that we're going to do this and we're going to do that, and betray them, we have taken more out of that community than we could ever have possibly put in, by extracting hope and replacing it with despair.

I felt, quite frankly, very strongly, that our progress might not be as rapid as it could, or would, or be hoped for, but we would never betray the people that we work with by giving them such a grandiose sales pitch that we ran the risk--and it is a matter of risk--of saying, "Well, you know, we did our best. These things happen." I regard that as, quite frankly, despicable. I think in this work, you better know what the hell you're talking about, you better be competent, you better keep your word, or get the hell out.

And that was painful because a lot of people said, "Well, think bold plans. If you're timid, of course you'll never succeed. You've got to go in there and give it your all." Well, I understand that. But I also believe in delivering. And I feel very strongly that the least we should ever do is any harm to people who take a leap of faith and trust us to do something good, and then treat them like they, for example, have been treated in the past: another shitty stick.

A long-winded answer, but that was part of the dialogue which we had with the "ME" echelon, as they called themselves.

very compelling, legitimate need for a conservation organization in concert with a parochial school, a civil rights organization, or a neighborhood association. Or in our view (just to make it extreme) conservation is either doomed or irrelevant, just kind of a toy or a hobby for the rich. We don't think it can be, let alone should be.

Concerns of the "ME" Echelon of the TPL Staff

Wilmsen: We talked before about some issues in the urban land program where some of the staff, I guess--I think you characterized it as middle-career staff versus--

Rosen: The "ME" echelon, the middle echelon.

Wilmsen: And some of the dissatisfactions they have. Were those enduring issues? Did they come up again at this conference?

Rosen: Well, there were legitimate issues: testing the strength of our commitment; questioning why we're spending money in suburbs rather than in the inner city; testing our rhetoric; questioning whether we're hypocrites saying one thing and doing another; that because all of the money and opportunity is in the Livermores of California, for example, we'd be spending more time there than we would be in the Mission in San Francisco or the Chinatowns. I applauded their interest and their sincerity and, in turn, challenged them, which is something which perhaps they were not prepared for, to put their bodies and their energies where their mouth was.

It was a true exchange. We were not just on defense. We were saying if that is true, this being our organization, what do you propose? What are you prepared to commit yourself to? To the extent that it has financial consequences, how do we measure your contribution? Are you just asking other people to stop doing what they're doing to support an organization that has no endowment and no big sugar daddies in the wings? How do you contribute to sustaining this organization?

It's not a field of dreams: well, why don't we just do it; the salvation will be there. To be responsible in paying your way and honoring your commitments, you have a variety of concerns to address simultaneously: hiring practices, a diverse workplace, training and investment in staff, and, within a time line, to support those before you go out of business, or broke.

Rosen: It would be part of a continuing conversation. In this outfit, you can imagine a lot of these questions that we address, we don't decide once and for all. We provide a learning experience that is connected very directly to our work. That leads us to new insights and new opportunities, as well as new disadvantages that we didn't quite recognize before, that now we see more clearly. And that is that good work does not sell itself.

You have to have--for years we had none--some vehicle to publicize or inform the world of your work. Otherwise, when you're invisible, you're not only not understood, you're not appreciated. That came as kind of a shock to us because, as you know, a lot of us believed in the Lone Ranger theory. We would just ride out of town at night and somebody would say, "Who was that man?" And we'd think that was a great success. We deluded ourselves for quite a while, thinking that our good work would be its own justification for our future support.

So when you all come together, these kinds of questions provide a learning opportunity that's a little different than when you're only talking to people from your own area, especially if it's lawyers talking to lawyers from all over the country at the Trust, or project managers talking to project managers only. This was bringing everybody into the TPL family. It was one of those, I think, very good ideas, but especially when we costed it out it was one we did not repeat.

Wilmsen: What I was getting at, actually, is so often you hear that conservation organizations deal with land or wilderness or something that's clearly defined as environmental, and civil rights organizations are a separate thing. It's more compartmentalized. Dealing with education issues or employment or whatever it might be, that's the job of those civil rights organizations, and the environmental organizations deal with this over here.

Rosen: We're the very antithesis. We are really committed to working out of any narrowly-defined box. That's part of our root system that quite frankly distinguishes us from The Nature Conservancy, where they have, to their credit, a very focused biological mission--biological diversity being their catchword--and all of these other, quote, "distractions," such as playgrounds and children, and schoolyard and paved playgrounds are not part of their mission. They're part of our mission, and we're very proud of it because we think it's urgent.

You saw in that video the program featured our work on a parochial school playground, all of which is paved. There are no biological diversity issues there. There's just a place for children to be safe and to enjoy the outdoors. We think that's a

that there's so much to do and we're not very effective even today in doing it. But if you stay the course and if you mind your business and if you don't liquidate yourself, you may get fortunate and advance the cause.

Wilmsen: What led you to conclude that it was even more important to address those urban needs at that time, even more so than when you first started?

Rosen: The observation or the conviction that some of us had that we were becoming a more divided society, that the wedges were being visibly driven between rich and poor, that the benefits of civilization were becoming disproportionately concentrated in the wealthier areas. The better schools, the safer places, the cleaner air were in the more affluent areas. That isn't to tear them down as a revolutionary, but to recognize that unless we somehow affected the equation, the natural result would be to make it worse: greater alienation, greater estrangement, greater separation.

While *Brown v. Board of Education* said it's no longer acceptable constitutionally to have separate but equal facilities, well, the reality is if you don't have any money, that's an empty phrase. It will be more separate and more equal if you've got money, and more unequal and separate if you don't have any money. As part of that fabric in the conservation community, we simply wanted to participate with others in making our communities, especially where the economics were adverse, more livable. And recognizing that unless we had more livable cities--we said again and again--we're going to be consuming more of the farmland and wilderness because people will find cities unfit to live in and therefore continue to migrate into the areas which are less trashed, less dangerous, and more secure. That's why.

Wilmsen: Were those the issues that you addressed in the conference? There was a special session on urban lands, I believe.

Rosen: Right, and that's where I believe Neal Peirce especially, who is a regional planning visionary and advocate, helped us see the interrelationship of the issues. It's no single solution--good schools, good transport, safe streets--it's all of those things. A part of it--not all of it--but a part of it is that every community needs its character to define itself, and part of it includes a Golden Gate Park or a Central Park or a Walden Woods or a Pershing Square or a Boston Commons. That part of it was where we felt we could make a special contribution, with others.

Wilmsen: Was it there that the question came up of whether TPL should focus on open-space issues or social issues?

The difficulties are two: One, the work is much more labor intensive. You have many more organizations and entities. Two, the real estate transactions are much more complicated. They're also more expensive. And the results are much more uncertain because the competition for land in the urban area makes the outcome a lot less likely to be for conservation. It may well be that the most powerful interests in town want to see an office center or a parking structure. To stand up to them is simply more labor intensive as well as costly and uncertain.

Finally, the prospects for funding are the bleakest in those areas. It's just a reality. If you look at where federal dollars especially--Land and Water Conservation--more of it has gone into suburban and remote areas than into the cities. The whole idea of practicing conservation in an urban area is not only relatively new, it's relatively starved for funding.

Being an organization that funds itself primarily from successful closing real estate transactions meant that we didn't just want to step up to the plate and, quote, "Give it a good try," but we want to succeed. We have enough experience to know that we had to come up with better strategies and better funding vehicles than we demonstrated up till that point.

Wilmsen: That was focused primarily on the urban lands?

Rosen: I don't know about primarily, but that's my recollection, that we affirmed that what we were doing in conserving land for people, especially where they live and work, was even more important than we thought when we started the organization years before, and that now we knew more about the specifics of the challenge. It was daunting and demanding, and therefore we had to struggle harder to come up with the winning strategies.

It took years for us to come up with the more fruitful strategies called the Green Cities Initiative and the Public Finance Initiatives in which we are now, as you know, engaged, trying to go into communities all over the country, and raising money for conservation specifically, at the state, local, and federal level. Rather than simply responding, we're trying to actually initiate the financing vehicles, creating them to buy land for conservation.

But it's evolutionary. It's not a "Eureka! Oh, my God, we should be doing this." It's part of a continuing struggle. It's part of our self-imposed demand that we try harder, that we look closer, and that we want to be receptive to the kinds of opportunities that might not otherwise--were it not important urban land--merit our attention. Whether it's Martin Luther King or the schoolhouse in Topeka--Monroe School--it just grated on us

with the idea for bringing together people from all of these campuses, of which we may have had more than a half a dozen--UCLA and Berkeley and Davis and so forth--and give them the idea that as important as the campuses are for identity and spirit and grounding, there's a greater thing called *the university*.

One of the vehicles that he used so that it wasn't strictly either alienating or competitive was to at least once a year bring together--that I know of; maybe he did it in other areas as well--the, quote, "student leaders" of each campus, so that they would develop some relationships and some insight and some understanding, and some affection for each other as members of the university family.

It struck me as a very simple idea, but a very good idea. It took preparation and planning, but it provided the vehicle to bring people from disparate geographic units into alignment. So when we commented repeatedly that we were experiencing strong units in the Trust for Public Land, ranging from Tallahassee to Seattle, from Boston to Los Angeles, based on the same geographic problem that might lend itself to an All U setting at Asilomar, to which we brought all of the staff, all of the advisory council members in all of the United States, and all of the board, as well as some alums, to essentially have an experience on the land at Asilomar.

We had talks--I remember Neal Peirce, the syndicated columnist from the *Washington Post*, as well as some of the board and staff--about the work of the Trust for Public Land to date, but more importantly, about what we should be doing in the future.

Wilmsen: What was the conclusion? You said that he had addressed the issue of what is the most valuable and useful role of a conservation organization today.

Rosen: That's right. That was Neal's challenge, I think.

Rosen: That wasn't so much revolutionary as evolutionary, because we're always--and I mean daily, as well as quarterly and annually--being an activist organization, as opposed to being academic. That isn't said disparagingly. It's said accurately that we are only as good as the results that we produce for the environment that are demonstrable. However important our thinking and our strategies and our advocacy, we're very land, tangible results oriented. We recognized that the accelerating deterioration of our urban areas simply had to be more in line with the resources of the Trust for Public Land.

Rosen: No, no. And that was not any oversight, either. We didn't even consider becoming a membership organization so that we could scoop in all of these people. Frankly, I understand it, I respect it, I appreciate it, but I don't value it as the Trust for Public Land. We work on positives. Therefore, we did not want to just have people around who were out to stop Mr. Watt or reverse Mr. Watt. We had a course of action, which is building on a land ethic, for land which is inherently valuable to critters and to people. During fair weather and foul, we were going to be true to that, and we weren't going to just be responding to the fashion of the antis or the fashion of negativity. I'm not putting anybody down, but that wasn't our role.

We are always asked, especially by new people, why don't we have members, and the answer is pretty much always the same: as you've heard before, our model is one where we move fast and we work with organizations that have memberships, and we never want to be accused of stealing their members or attracting their members for our own purposes. And that has served us very well.

So you're right. A lot of membership was swollen. And then, conversely, a lot of memberships shrunk, as you may recall, very drastically. Once the threat of the Watt mix is reduced or reversed, people say, "Well, I guess we don't have to worry about that anymore. We can now return to our game of tennis, or we can basically worry about other things." We were never part of the surge in, and we were never part of the surge out. We have just been building judiciously, in our humble but perhaps misguided judgment, on a more solid base of achieving land conservation by a transactional, incremental journey.

Affirming the Importance of Land Conservation in Urban Areas

[Interview 8: January 26, 1999] ##

Wilmsen: Last time we ended up having just started talking about the 1988 All U Conference.

Rosen: Down at Asilomar.

Wilmsen: Right. We had just a few more minutes to talk, so we didn't get very far into that.

Rosen: And I told you the origin of that is the All U Weekend that we had at the University of California. That was the brainchild of President Robert Gordon Sproul, where he and his team came up

county, state, and regional organizations. We've talked about this kind of throughout this whole interview process. It seems like something that kind of steadily gained momentum and was probably given a big boost, especially during the Reagan years. But this was 1988, when Reagan was on the way out, so I'm just curious why the directive was given at this time.

Rosen: It did not appear it was going to get any better, whether it was Democratic or Republican, in my judgment--I mean, that's what presidents do, they make decisions--and that after eight years we had to make some changes. That was by taking it upon ourselves to acknowledge the decentralization, the devolution, the local/regional sources that were available; but as long as we had the federal, were perhaps undermarketed and underutilized, and that it was my judgment that we could no longer afford the luxury of waiting and hoping that the federal situation would change.

This report, "Americans Outdoors," pretty well pointed to the fact that there was a lot of initiative, there was a lot of talent, there was a lot of raw material that frankly we were not effectively cultivating, and it was time that we faced up to that reality.

Wilmsen: So you didn't feel that if a Democratic administration came in, that things would really change significantly?

Rosen: It would probably be better, but it would be such a long way to go, under whoever took over, that for us to just wait and hold our hands and wring them was no longer a satisfactory strategy. It was my decision that we had to aggressively--aggressively--enter the markets which we had not been aggressively addressing. Not that we were ignoring them. We were still accepting what came our way. But we were not putting ourselves aggressively into the state and local arenas.

Wilmsen: Now, during the Reagan years, the membership organizations (the environmental organizations that have members, like the Sierra Club) actually found that especially during the Watt years--that their membership increased almost in reaction to administration policies.

Rosen: That's right. Not even almost. Directly in proportion. He [James Watt] was evil incarnate, and there was nothing subtle about him. Therefore he mobilized the people who were opposed to those views and actions, and they lost their reticence and joined the ranks of such organizations as the Sierra Club and so forth, to stop them.

Wilmsen: Since TPL is not a membership organization, then, you didn't reap that benefit.

First off, you have to be willing to let Carl help. That was a tendency or a trait that, frankly, was not common.

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Rosen: Discussing the ethic led to the acknowledgment that the role of volunteers and advisory councils was not any longer a luxury, it was a necessity. That to do the kind of transactions, we had to constantly ask, "Who else can I call on to help? How can I get some assistance?" That's not an admission of failure; it's an admission of professionalism. You're always looking for more leverage and more recruits.

What I started to say is that especially in an organization, which remember, has no members by design, you're already saying something, but what are you saying? You don't want any help? You don't need any help? You don't want any members? What are you saying, and what are you not saying? There's kind of a duality or a tension in reaching out to people who are not in the office next door, or even in an office a thousand miles away, people--who are they? Just a bunch of do-gooders or amateurs? I'm the professional, doing all these jobs myself.

So meetings like the All U--different forms, different manifestations over the years--were part of the building blocks to what we're doing now, with pretty major national and regional meetings.

Wilmsen: What was the necessity then of meeting, for the advisory councils?

Rosen: The change. Whereas in previous years there was the momentum from Earth Day and there was the momentum from the Environmental Protection Act and the momentum from the Rockefeller reports, with the more conservative elements becoming more effective and stalling and slowing down our work and the work of others, which is particularly designed to use momentum, we had to find other vehicles to build and sustain momentum. We needed more political support, we needed more financial support, we needed more talent than we could hire.

A Directive for Regional Managers to Expand Efforts on City, County, State, and Regional Levels

Wilmsen: One thing that I'm curious about was that a directive was given at this meeting for regional managers to reduce reliance on federal agencies and expand project relationships with city,

upgrade them and see where they are relevant and applicable to our daily work. It's not so much a philosophical orientation as a practicing work ethic: using the land as what I call a metaphor for a healthy society. If that is true, then it's something that you have to continuously adapt, re-invent, re-examine, and share. So you bet.

Phil Wallin authored several pieces of a philosophical nature. He also is a very good, skillful transaction guy. You can imagine, in a nonprofit organization, some people say, "Why are we screwing around with all these deals?" And on the other hand, you've got some people who come out in real estate, and they said, "Why are you screwing around with all this philosophy? Who cares?" So our job is to kind of, where applicable and where meaningful, to bring those skills and commitments together.

Again, you've heard me say it so many times now, Carl: they're not self-executing. You have to work at it. You have to spend the time; you have to think about what's working, and what's not working and why isn't it working, and what should we do more of and what should we do less of.

Wilmsen: Do you think there are any tangible benefits of having that special session?

Rosen: Yes, I do. I think that led to a variety of things. A lot of it is to be sure, intangible. You know, what is morale? What is trust? What is dependent independence? What can we count on our teammates doing? And then also I would say it led to a gradual awareness that we have paid staff and unpaid staff. The paid staff are the people who get paychecks every two weeks. But then we have all these other willing colleagues who may have other day jobs but love the kind of work we do and would love to be helpful. That led, I would say, to a greater commitment-- allocation of resources--to supporting regional advisory councils and other types of volunteer organizations, specifically around the nature of the work and the nature of the ethic.

Wilmsen: Discussing the ethic helps recruit more volunteers?

Rosen: More volunteers, and familiarize staff with how unpaid staff can be very effective. Bearing in mind that when you're a deal person, you're really kind of feisty. You're really kind of independent: "I'll do it. I'll take care of it. I don't need any help." That's commendable, to a degree. It's also vulnerable to a much greater degree, if you don't know how to enlist others--not just with lip service or with check writing, but to really say, "Wait a minute. How could Carl help me?"

having everybody, as I mentioned, from the receptionist to the president or the chairman of the board, was probably not the best model for a future. So we have not had that particular model, but we have had other kinds of national meetings. Yes, we have.

Wilmsen: Why wasn't that the best model?

Rosen: Frankly, there are just plain different expectations. To do something like that, you really have to spend the time to do it right. A lot of the support staff had never been to California before, and what they really wanted to do was go shopping. It was disappointing. They said, "Is there a reason we can't feel free to do what we want? That's what we really want to do." And they were right. Because we didn't really spend the time to dignify their expectations.

The other truth is, in terms of turnover, there is more turnover in the support ranks because that's where the price competition is more keen. You know, if you're typing, whether you're typing for Sears-Roebuck or the Trust for Public Land, a lot of people say--

Wilmsen: Or transcribing oral histories. [laughs]

Rosen: There you go. So we talked about it. It was kind of a threshold idea, but it was not the most effective for our purposes, so we have now broken it apart. Now the support staff, for example, is not included. There's no misunderstanding. This is strictly a different kind of occasion.

A Special Session on the Ethical Core of TPL's Work

Wilmsen: I'm curious: there were several special sessions at that conference. At one of them, I believe, Aldo Leopold's land ethic and a couple of addresses that Phil Wallin had made on building the American commons [see Appendix] were distributed.

Rosen: Right. That's what I call our spiritual nourishment session.

Wilmsen: What was the reason for having that session?

Rosen: Well, the reason is that's the ethical core of our work. It's important that it not be within the province of half a dozen people who remember that that funny-named fellow, Aldo, said this, that, and the other thing, but to take our culture and our commitment seriously, and use these occasions to both familiarize all of our colleagues with the basic materials, but also to

Rosen: The whole idea of unity and diversity and making smallness out of bigness and so forth. So I just borrowed that idea and applied it to the Trust for Public Land because at that time we did have offices all over the country, not quite as many as now, but we recognized that what you see is a function of where you put your head on the pillow at night and where you stand during the day. It was important, even though money is always in short supply at a nonprofit organization, to spend the money and create a unified vision of a national organization that was larger than the sum of its parts.

So we did get together with staff and board of directors and national advisory council, at Asilomar. We had some presentations, one of which, I remember, was by Neal Peirce: what is the most valuable and useful role of a conservation organization in these days? We had to kind of step back and look at who we were, where we came from, and where we were headed.

I think Huey Johnson also shared with us some of his original thoughts and visions. That's what that was all about.

Wilmsen: Who is Neal Peirce?

Rosen: Neal Peirce is a syndicated columnist of the *Washington Post*. I think he's a nationally syndicated columnist who specializes in urban and conservation affairs. He's on our national advisory council. Bob Cahn, a Pulitzer Prize-winning writer from the *Christian Science Monitor*, who just passed away, also spoke to us, and gave us kind of the vision and the view because, as you gather, a lot of what we do is pretty nitty-gritty, day-by-day slogging through this transaction and that lawsuit and whatnot. It was important, I felt, to take the model, quite frankly, from President Sproul to see if we couldn't use that vessel to look more carefully at our past, present, and future.

What I liked about it was every member of the Trust organization, from receptionist to president, was there. We didn't have any distinction.

Wilmsen: Was that the first national meeting of all the national officers?

Rosen: On that scale.

Wilmsen: Have you done it since then?

Rosen: We've learned--always--what works and what doesn't work. What we've now done is not exactly that but similar things. We'll have a project managers' workshop for all the project managers from all over the country. We'll have finance workshops, we'll have land trust or urban, Green City, workshops. The ideal of

asked for the basis of her claims. We felt she had no factual basis for any of the claims she made. For example, accusing the highest officials of California state parks of fraud and deception. These were serious allegations. And we were there in court.

As is often--not always--the case, the judge said, "Can't this case be settled?" We said, "Sure, drop the suit." If you are accused of wrongdoing, you defend. [The judge said,] "Well, she's just a single person. She's defending herself. My guess is if you can just put a little money in play, this suit will disappear."

Wilmsen: The judge said that.

Rosen: The judge said that. And that's exactly what happened. I forget what sum was paid by all of us and by the title company to dispose of the matter. It was less than twenty thousand dollars, and the lawsuit was dismissed. But it was only those two individuals that sued us. All the others who appeared at the various hearings expressed many points of view, which is quite understandable, but it never reached the level of accusing anybody of misconduct, deceit and so forth and so on, which this lawsuit was based on.

The All U Conference, 1988

Wilmsen: Then another thing I encountered in the archives: In 1988 there was something called the All U Conference.

Rosen: Oh, yes. That's my label.

Wilmsen: It seems like a major reassessment of TPL operations.

Rosen: One more. But the name "All U" was one that I came up with because at the University of California we had these All U weekends, where the university with many campuses--once a year or something like that when President Sproul was the president--had what he called All U weekends, when people from all the campuses would get together--typically at Berkeley, but maybe UCLA or at Davis--and talk about the university, not just the campus and not just the department and not just the students, but the university.

Wilmsen: The whole statewide system.

As I mentioned, state parks said there's no prospect of their building anything. So you weigh, as best you can. A lot of hearings in front of the Board of Supervisors. And then finally they issued a permit, with a hundred and some conditions: what would be built first, would the campground be built first or the conference center first--because there were a lot of people who really doubted the intention of the developer, Paul. They really felt he was going to go into the fat market, bring some fat people from Berkeley down there to work out on these machines and pay three hundred dollars a day to tell each other how the herbal tea was.

But the permit was issued. As usual, if you're in a dynamic market, it was now getting tough to get financing for this kind of a project. The project was not moving too swiftly. And in my opinion, two of the people who applied to be the developer and operator and who were not accepted, were the people who sued: Joey and Cattermole, husband and wife. She's a lawyer, and he is an activist. If they couldn't develop it, they didn't want anybody. In our view, they didn't want anybody to develop it.

So Joey and Cattermole sued state parks, the Trust for Public Land, and the developer to stop the development. It was kind of an ugly lawsuit, in that misconduct by state parks, the Trust for Public Land, and the developer was charged. And we were prepared to go to court, and did go to court, but it was not a group of ardent conservationists. We were not sued by the Sierra Club; we were not sued by anybody, I would say, with credentials.

Wilmsen: Was it a local conservation group?

Rosen: It was two people.

Wilmsen: Just two people? What was this Joey an activist in?

Rosen: She and Cattermole either wanted to be the developers, or nothing.

Wilmsen: I thought you said that Joey was an activist.

Rosen: I'd say that she was an activist, that she and her husband appeared at these hearings.

Wilmsen: Oh, I see, the County of San Mateo.

Rosen: They hired a public relations man. It was kind of unfriendly. And it cost us a lot of money. We had to hire a lawyer and defend. We went down to court to do so, with state parks and with the developer as the defendants. We were prepared. We

Wilmsen: A private campground was the extent of the development?

Rosen: That's correct. A private campground, with a conference center, which was named a fat farm by the opposition.

Wilmsen: A fat farm?

Rosen: Yes, because he was going to teach health and fitness. It began to be characterized as a farm for fat people to work off excess pounds, and things like that. In the proceedings in front of the County of San Mateo, which had to authorize this development, there were a lot of people who clearly A) wanted no development; they did not like the deal. They said you should never have surrendered to the governor. If you couldn't get it all, you should have let it die. We noted that, but it would have died. There would have been no park at all. None. I can assure you.

If there was going to be any development, it would be tiny, or next to none. And there were a lot of hearings in front of the Board of supervisors of the County of San Mateo as to what the development of the conference center and campground should be: how many units, how many tents, how many parking spaces; should there be RVs? A lot of people were very interested.

Wilmsen: Is that what you mean when you said you went to the community to find out what they wanted?

Rosen: Yes. And we also went to some of the organizations: the Committee for Green Foothills. And I will say there was some disagreement. They felt that any compromise was a bad compromise. We get that all the time.

Wilmsen: The Committee for Green Foothills?

Rosen: Yes. Lenny Roberts, I think, had the the legitimate point of view that the campground was too large, the conference center was too large, the employees were too numerous, etc. It ought to be left exactly as God intended it. But there was no market for that. We tried that. This thing took us about three years to get this far. It was going nowhere. So, rightly or wrongly--perhaps some people would say wrongly--I decided we would move ahead.

We'd make the best deal we could, and we'd make it the most environmentally friendly. We would have people camping on that land. They would be backpackers. There would be RVs, there would be handicapped, disabled access. That land would be accessible to people who lived in the metropolitan area, and to those people visiting Año Nuevo, where there are no overnight facilities, who wanted to spend the night or otherwise.

reality being something other than storybook--there being some private development. There had to be some jobs, there had to be some tax revenues for the county; but the bulk of it would still go to the park, as determined by the park--they would pick it.

So much was important to state parks and to us that even when it was learned by them that they left out some very important land--namely, some Indian archaeological sites--they came back to us and said, "Wait, wait, wait. We need more." We said, "Fine." We'll take it out of the private parcel, and we'll put the Ohlone Indian encampment into the public parcel. And we worked the water, and we worked out the values. We worked our heads off to make it happen. And we did. Becky Morgan persuaded the governor not to veto the second package, which he was urged to do by Assemblyman Naylor.

Now, it would be nice to say, "Well, gee, isn't this kind of imperfect?" If you're going to do this kind of work, you're not dealing with perfect-world solutions. Becky Morgan was our champion, and she was able to handle the governor. State parks wanted to continue it, and they did continue. So after we conveyed the property to state parks, which they configured--and that's very important in our work: we don't just say, "Well, hell, that's the cheap land and that's..." They decided. They're the professionals. They got first picks.

And then we took what was left over and, through a very, very public process, went out for bids. Went to the community and said, "What should the private development consist of? To whom should it be oriented?" And then, finally, "Who is willing to buy it and do these things?"

Well, part of the reason that it was important to do this was that state parks had no money to develop it, anyway. We couldn't put in a campground. We had no money for the sewerage; we had no money for the roads. Frankly, we wished we did, and then we would do it our way; but at least, instead of being ten, twenty years from now that the Wilmsen family could go down there and spend the night camping, maybe this will speed things up. Maybe a private developer will move it ahead, where we frankly have no prospect of moving ahead.

So we had an RFP, request for proposals. We had a whole bunch of things. Finally, a prospect emerged: Paul--I'll think of his last name in a minute--an individual out of Connecticut, came out and looked at the land. Fell in love with it, thought that he would become the manager, in residence, of the private campground, with low overhead because he was not a big chain. It would be a dream for him and a wonderful thing.

Año Nuevo State Park is the most heavily visited state park in the state of California, measured by the number of days that people are turned away. In other words, you want to drive down from Berkeley to see the elephant seals: that park turns away more people, like your family, than any other park. It's a very popular place to come and view wildlife up close--these huge elephant seals, which you may have already seen.

Wilmsen: Yes, I've been there.

Rosen: There's no overnight camping, there is very limited parking and, quite frankly, there's a real stress and tension on that road; people park virtually anywhere and they come into the park, and cross a state highway, etc. So we bought the property from the developers, for several million dollars. I can't remember how many thousand acres it was. We offered it to state parks, and state parks wanted it--wanted it all--because then it was Governor George Deukmejian, another conservative Republican in the Reagan tradition of slowing down, if not eliminating, parkland expansion and acquisition.

When the legislation was passed by the California state legislature, he vetoed it. He was persuaded by his minions that it was not a good idea. One of them was Assemblyman Robert Naylor from that county, who persuaded him that that was too large of a park and that the property should not be taken off the tax roles, that the County of San Mateo needed the revenue.

We then worked with state parks and said, "Well, if that's the situation, what do you suggest?" They said, "Why don't we look at it more closely and decide which are the most important areas and see if we can put together a reconsideration of a smaller park, and then have the balance of the park perhaps developed privately, but around a recreation purpose?"

So we consulted our colleagues in the community. They said it wasn't as good as our first choice--namely, the whole thing--but it's a hell of a lot better than nothing. So the design always was to go back to the legislature for a significant park, a public facility, and also some of the land that we bought to be reserved for private enterprise to create jobs, to provide recreational services, and to provide tax revenues for the County of San Mateo.

We worked with state Senator Becky Morgan, now the head of the Silicon Valley Joint Venture. She's a very able, conscientious person. She asked us many, many questions, talked to the people at state parks, talked to her own constituents, and decided that she would support the proposal as modified. The modification, as I indicated, always contemplated--political

the Board of] Coleman Industries (Coleman lantern-type thing); [Derrick] Crandall, [president of the American Recreation Coalition]; Senator Johnston.

Charles Jordan is the head of [The Department of Parks and] Recreation for the city of [Austin, Texas]. Pat[rick] Noonan; Senator [Rex] Maughan; [Senator Malcolm Wallop], the very conservative Republican from Wyoming; Barbara Vucanovich, a very conservative Republican from Nevada. This is not a bunch of Sierra Club extremists. Frankly, there was very little will or opportunity to implement these by the administration, bearing in mind it was the report to the President. Since he was so interested he tried to kill it, you can't really be surprised that he did very little to implement it, since he was more determined than anything to extinguish the prairie fire of interest that it was designed to portray.

So it's here, but it has yet to emerge as a significant document.

Conflict over Partial Development: The Case of Cascade Ranch

Wilmsen: Okay. So, moving on, sometime in there, TPL was sued by a coalition of environmental groups over partial development of Cascade Ranch.

Rosen: No, we weren't. But we certainly were sued by two nearby landowners who, for their own purposes, in my opinion, wanted to block the utilization of that property by the public. It was two individual plaintiffs, Joey something, who was a Stanford lawyer, and George Cattermole. That is a very interesting controversy.

Wilmsen: What makes it interesting?

Rosen: We were invited into that transaction to buy out the developers of a gated community and golf course. Some of the developers were offshore, and California was the promised land. They were going to turn that into a money machine, like Pebble Beach or something, for wealthy people to live behind a gate and to do their golfing and keep the public out.

We were able to put together a financial transaction to buy out the developers and hold it until the public could buy it from us--the public in this case being the State of California Parks and Recreation. This is property called Cascade Ranch because there is a cascading waterfall on the property, just off Highway 1, very close but not exactly contiguous to Año Nuevo State Park.

this censorship would have been were it not for the efforts of nonprofit organizations and legal talent to make this appear. And this report, which unfortunately has not been nearly as effectively utilized as it deserves, has a lot of really good material in it about what can be done and what should be done, both in terms of local initiative, nongovernmental conservation corps and churches and Boy Scout troops, and also in terms of what the needs are: recreation acres per thousand people, public recreation by area, who owns it, who uses it. I mean, really serious, professional work.

It kind of betrays why the administration, which was hellbent on shrinking government, even beneficial aspects of government, were misguided in their attempt to essentially censor this. It's a very, very good piece of work. And I commend Bill Reilly, who urged that the report go forward, bearing in mind that was before he joined Bush as head of the EPA.

Wilmsen: Was testifying at hearings the extent of your involvement with that commission?

Rosen: Pretty much, pretty much. It's a public policy affair. What we saw was that they were confirming a lot of the experience and value that we had already put into place. We were serving as a verifier of their other information, and we were happy to supply information on our urban program, on our rural activities, and showing how we're not just part of, quote, "big government," that we're part of "big people" that have real needs and need a partner in the federal government, and in other areas. They were giving us more than lip service, and certainly giving us more than roadblocks and impediments, which is what we were experiencing with the Reagan administration.

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Wilmsen: What recommendations in there were implemented? Were many of them?

Rosen: Senator Bennett Johnston, who was a member of the commission, ran with it, particularly its recommendation that Land and Water funding be revived up to the level of the authorized billion dollars a year. Now, he is a Democrat, but a fairly conservative Democrat from Louisiana. He--when he was in a position in the United States Senate to sponsor some of these initiatives, particularly the financial ones--tried very hard, without much success. Look at some of these names [referring to book]: [Lamar] Alexander, as I mentioned, was a presidential candidate later on; Gil[bert] Grosvenor, the National Geographic; Frank Bogert, mayor of the city of Palm Springs, a close personal friend of the president's; [Sheldon] Coleman--he was [Chairman of

creation of the Land and Water Conservation Fund, among other initiatives. And the Wilderness Act and so forth.

Therefore, the idea was to kind of update and monitor what had happened in the twenty or so years that succeeded the publication of that very important document, which looked at the entire tapestry of the American landscape. This commission was very conscientious. It had dozens of hearings. It had a very broad commission membership--Republicans and Democrats. Lamar Alexander, former political figure of the moderate Republican wing, was its chairman.

In its report, it states that the quality of the outdoor estate of the United States of America is precarious. Something should be done. And it documents what the threats are and what the range of solutions could be. They made sixty recommendations, one of which was that the full funding of Land and Water, which was created as a result of Laurence Rockefeller's study, be reinstated, bearing in mind that Reagan had effectively, in his presidential budgets, zeroed it out. That's a lot of running room for the Land and Water--the Land and Water Conservation Fund was funded at zero by the administration proposal.

Bear in mind that the Democrats controlled both the House and the Senate, so it never really was zero, but it was as close to zero as Reagan and Watt et al. could keep it. Once it became clear that these "wild men" on the commission were advocating an expanded program for conservation, during the time there was an administration dedicated to shrinking government and government funding, they said, "Wait a minute. We're not going to issue that report." And they tried to stop it.

Bill [William K.] Reilly mentions that there were, quote, "reservations" about the report, especially by certain in-holders and commercial interests. As I recall, I may have testified. I know I went to several of those hearings. And it took court action. I think it was the Sierra Club Legal Defense [Fund] that forced the government to publish it, which is kind of goofy, isn't it?

Wilmsen: Yes.

Rosen: And the Island Press then got the material and commercially published it in this form.¹ It tells you in code how serious

¹President's Commission on Americans Outdoors. *Americans Outdoors: The Legacy, the Challenge, with Case Studies: The Report of the President's Commission*. Washington, D.C.: Island Press, 1987.

selective regulations that applied only to organizations which were nonprofit.

Wilmsen: Were you able to get them to set those regulations aside?

Rosen: We got them to be de-emphasized.

Wilmsen: How did you do that?

Rosen: Politically. We had good Republicans talk to other Republicans and say, "That doesn't make sense. What we really want to do is avoid fraud. We want to avoid overreaching, and either they ought to apply to everybody or you've got to explain why there's a greater reason." And they couldn't. So they may not have wiped them off the books, but they placed less emphasis on them and they gave them interpretations that were less onerous. That quite often is the best you can get. You know, you don't get black and white solutions; you just kind of say, "Well, it's just not that important that you make out these forms in eleven copies. Just ask us something." It's not the ideal solution from a civics point of view, but it enables you to essentially get the job done well.

The President's Commission on Americans Outdoors

Wilmsen: And President Reagan established the Commission on Americans Outdoors.

Rosen: [sweetly] Yes. Isn't that wonderful?

Wilmsen: I saw your report.

Rosen: My copy? You bet. Oh, it's a terrific report. It's an action report. As a matter of fact, it's so good that Reagan enjoined its publication!

Wilmsen: Oh, really?

Rosen: Said, "It won't be published." It was Freedom of Information and a lawsuit that forced the administration to publish it. Pause. [Goes to bookshelf to get book.] Bill Reilly was a former deputy of the EPA. But previously had worked for the Rockefeller Foundation in the first of what they call ORRRC, Outdoor Recreation Resources Review Commission, ORRRC. Yes, in 1962 Laurence Rockefeller took the lead and funded it, Henry Diamond and he. That led to a publication which in turn led to the

the administration recreational users groups, conservation organizations, and Congress. Oh, I have a date here of 1987. Do you recall anything about that battle royal?

Rosen: Were those Watt years?

Wilmsen: Eighty-seven. That would have been Lujan, I think.

Rosen: There really wasn't that much difference. [chuckling] Lujan was a Reaganaut. The way they do that: you owe certain positions to certain stakeholders or constituencies. The conservation constituency "belonged" to the Joe Coors of the world, and Lujan fit that mold very well. Ike Livermore was Reagan's secretary of resources in California. But, he just got thrown away because he was too moderate.

But go ahead, you were asking me what was behind that quote.

Wilmsen: The battle royal that was shaping up. There was just a reference in there that kind of caught my attention.

Rosen: I would say nothing stridently specific. Remember, Reagan started out with zeroing the budget, so any concession started from a very low level. We were always fighting to have some appropriation. That was just part of it: the level of money, the goal of the nonprofit, the regulations, the hoops we had to jump through were continuous. I was like an infantry officer. There was just some new firefight, and the main thing I tried to bring was not complacency but an avoidance of panic. It was normal. We were just in a very hot pickle most of the time, so far as the right wing of the Republican party was concerned.

Wilmsen: What were some of the hoops? You mentioned in one of our previous interviews that Watt--

Rosen: They came up with regulations that were imposed on sellers of real estate to the federal government that applied only to nonprofits. In other words, if you were a commercial interest, you didn't have any regulations. If you were a nonprofit, you were somehow a second-class citizen, and they would take longer, there were more forms, there was more process, there was more uncertainty and ambiguity.

And we said, "Hey, hey. We don't want to screw the government any more than you want to be screwed. But if there's going to be some advantage taken, what's the difference whether the seller is a nonprofit organization or Century 21? You tell us that we're all believers in private property. We own this property. We want to be treated the same as any other owner, not as second class owners." That's part of it. They had some

Wilmsen: Did TPL try to lobby to change the law while it was being shaped?

Rosen: No. That's something we pretty much, I can say, have not done. We have participated in trying to lobby where conservation values-- [tape interruption for telephone call]

Wilmsen: You were saying that you did not lobby.

Rosen: We don't lobby abstract tax policy--those having to do with the rates, or for favoritism quite frankly. What we are very concerned with is not being discriminated against, as a nonprofit institution, if we're doing the work for which we are chartered, and which the law encourages. But otherwise, our advocacy is to, for example, allow public-spirited people to have a tax effect from a conservation easement. That's more directly related to the kind of work that we are doing. But the rates, as such, which affect all taxpayers for all purposes, we've never gotten into that.

Relations with the Federal Government During the Reagan Presidency

Wilmsen: I see. Now, around that time also, you were working with the Forest Service to get assurances that the agency would acquire all of the lands that were tied up during the recession?

Rosen: All the lands that were tied up during the recession?

Wilmsen: Yes.

Rosen: That's a big one for me. Keep struggling. We work with the Forest Service a lot because real estate is cyclical in terms of the market. The best time to buy it, obviously, is when prices are low, and that means that real estate activity is reduced. At the same time, it's when the budgets of the federal, state, and local governments are also negatively impacted, so it's a balancing act of what is our capacity versus what our intentions are.

Wilmsen: Okay. One thing--again, this may take you by surprise. I don't mean to ambush you here, but--

Rosen: No, do it.

Wilmsen: There was a reference in one of the *Land and Peoples* in one of those years, late eighties, still during the Reagan administration, that there was a battle royal shaping up between

Wilmsen: Is that what you call the investment lands?

Rosen: Investment land or trade-land, really. We did not intend to hold it for conservation purposes; we intended to trade it or sell it.

Wilmsen: After that law went into effect, then, that trade-land program was--

Rosen: That essentially put it out of business. Again, is that tragic? No, it's not tragic. It's normal. Any society is going to be changing. And if you limit yourself to what we call "it" and nothing else, guess what: you're in the buggy whip business. When people stopped making buggies, they don't need buggy whips. Well, similarly, when the tax law changes, which you think is the be-all and the end-all--you can get crushed by that kind of thinking. So we're always packed to the cautionary side, trying to make our transactions more sound and more sophisticated and more demonstrably honorable.

Conversely, we are equally concerned about the revenue side; namely, how do we attract the transactions, how do we support ourselves, how do we position ourselves with donors and with foundations to consistently justify--not just rationalize--but to validate the fact that we are adding value. And if we're not, we ought to be doing something else.

That's the culture here that I'm very proud of. We're always questioning our, quote, "success." It isn't, "Well, we've always done it that way. We always have to do it that way." No, we won't. So trade-lands basically vaporized.

Wilmsen: Did the law have any disproportionate effects, for example, on urban land as opposed to the public land program or land trusts or anything like that?

Rosen: Not really, not really. Because, remember, the way we put our portfolio together: it wasn't urban land supporting the urban land program; it wasn't rural land supporting the ranch land program. What we tried to do is to create a vehicle where all land could be acknowledged as having some value--some more commercial, some less commercial, some more ecological, some less ecological.

But in getting away from the idea that land is either a commodity or something that can only be perceived through a single lens, we're continuously trying to integrate the notion of land [emphasizing the "d" singular] as something more than just property, as something more than just dollars per square foot, and yet recognizing that in this country it has to be paid for.

organization and especially with the Trust for Public Land. What we would like to do is to present you and your accountant and your lawyer with a proposal of how you can be served on your income tax return by this transaction."

When the income tax rates were much higher, the, quote, "effect" (the gift for tax purposes) was much larger. When you're being taxed at 40, 50, and 60 percent, your gift is 40, 50, or 60 percent in effect. Well, as those rates come down, the incentive, the advantage to the donor is proportionately reduced. Therefore, we were unable to make as persuasive a case to some people, or a case at all to others.

For example, with corporations, before that so-called reform, we were able to show that if they would give us land--gas stations, plants, surplus property--there would be a very direct economic benefit. I mean a gift, not a bargain sale. We acquired a lot of gas stations and a lot of industrial sites. As the tax code changed, there was less incentive and less rationalization for the corporation to be more philanthropic. They'd say, "Previously, if we gave you a hundred thousand dollars worth of property, it was worth 'x' dollars to us after tax. Now, with the rates being reconfigured, it's not as good a deal, and therefore some of our shareholders might take a more skeptical view."

And with that trade-land--as it is called--emphasis which we had, we used to advertise in the *Wall Street Journal*, "Give us your surplus property and get a tax write-off." Now the analogy which you see a lot of is "Give us your old automobile." You hear about that all the time on the radio and in newspapers. Because that's a fairly close affair. You've got an asset that's really more a pain in the kazoo; just give it to us and you'll get a deduction.

We were doing something similar to that with shopping centers, warehouses that had no conservation value but had market value that we could either trade for conservation land, as I mentioned previously, or sell it and get the money and then buy conservation land. With the tax changes, that essentially eliminated our trade land program.

It just was not cost effective. None of these things run themselves. There are always associated costs. We looked at the costs, and we looked at the opportunities and the benefits, and quite frankly, in our case, it just didn't pencil out, as they say, anymore. We discontinued the program. We used to have people working--believe it or not--full time in trying to attract donations of industrial-commercial properties.

Rosen: Tangible good work. It is very fulfilling work, honest to God. As long as we can meet the basic needs for, in my case, two children, growing, and a wife who we decided early on would be a professional homemaker. We've had a very rewarding life, which continues to this day, really: good family, the children are proud of what their father is doing; we have good communication. As recently as this past week, over the holidays, and without blowing any horn, I'm very gratified that the opportunity and the skill and the time and the luck came together, that the stars were aligned so that--as you know, my class at law school meets every year. We have an annual reunion. And I'm sure I'm in the lower half, well-lower half of what my class of 1956 at Boalt Hall, has earned. I don't think there's anybody richer. Or happier. Or more grateful for the chance to make a contribution. As corny as that sounds.

Wilmsen: Okay, moving along.

Rosen: Yes, sir!

Continuously Adapting to Change: The Tax Reform Act of 1986

Wilmsen: We're still in the 1980s. There was the Tax Reform Act of 1986. I have several questions regarding that.

Rosen: Boy, are you thorough! I've forgotten all this. [chuckling]

Wilmsen: It seemed like an important one.

Rosen: It was. It was a big deal.

Wilmsen: How did that affect TPL activities?

Rosen: It hurt us. It hurt us in the sense that, as I mentioned, there are very few Rockefellers in the world that really have a driving ambition to be a full-time or serious philanthropist. As observed, I don't know the Rockefellers, so they may have had a whole bunch of things. But what I saw again and again was that they would make enormous philanthropic contributions. That is just not true. There are a lot of people who will make contributions, but I'm talking about on a scale.

Therefore, what we recognize is that we have to harness a combination of philanthropy and what I would call enlightened self-interest, so that we could talk to a middle-class person and say, "There are, if you want to save this land, some opportunities and some advantages of dealing with a nonprofit

blowing our horn. So how do you balance those things? And yet we feel that if we did have a more appropriate level of understanding and support, we'd be able to do even more. That's the quandary. What is that level? Who knows? Something you have to work at.

Wilmsen: Does it happen often that you hire people who then don't work out because their expectations for salary or something are not met?

Rosen: Surprisingly little. Relatively little turnover. We have a very rigorous hiring process. We really do a lot of orienting and interviewing. As I say, the circumstances don't change, but we reduce the accident rate of people saying, "Gee, I had no idea." We really have them talk a long time to a lot of people, to understand what this culture is all about. It's not just we're a bunch of hair shirt people who are into suffering, but the salaries here will generally be low-adequate. You're expected to be able to support yourself in a decent living. Bay Area housing is very expensive; New York housing is very expensive, etc.

But you're not going to be nearly as wealthy as your colleagues from the commercial sector or even, in many cases, from the government sector. So salary is always an issue; we hope to address it continuously. We have addressed it both in our 401(k) type programs and our medical benefits, so that we reduce the hazards of working for a nonprofit organization.

On the other hand, very few people make a lot of money working here. In my own case, I think I cited to you that when I became the president, I think I walked away from about two-thirds of my wage as a private lawyer. [Bob] McIntyre did the same from Ford-Philco. [Ralph] Benson did the same from a land developer in southern California. It isn't to say, "Look how heroic we are," but just to recognize that in a nonprofit world, it's a somewhat different balancing act.

But fortunately, because I think we paid some pretty good institutional commitments to the interviewing process, we don't have a lot of people discover two or three years down the road, "Holy Toledo, I can't afford to work here." Some do. The situation changes--divorce, children, health, whatever. But by and large, we are able to attract and keep an amazing number of good people. Do we lose some people? Yes. Do we lose a lot of people? No.

Wilmsen: What motivates you or what has motivated you for all those years to stay on here when you could be making two-thirds more as a private practicing lawyer?

organizations die of self-inflicted wounds than they do external fire.

Wilmsen: What changes did you make as a result of the communications audit?

Rosen: I'm trying to remember now. We upgraded the quality and experience of the people. We previously had a very fine, dedicated, helpful person who comes to mind, who felt he was a secretary and always wanted to be the editor of our publications and handle our press relations. I'd say we recognized that the job was growing larger and we had to have more professional staff. And so we hired shortly thereafter (I can't remember the years) Susan Ives, who is a graduate of the Kennedy School at Harvard University and who had had both experience in media and in the environment and conservation. So we're continuously upgrading. And I wouldn't be surprised if we upgrade again.

The difficulty is, within our culture it's very difficult to offer competitive wages for those kinds of specialists when we really have a bunch of transaction people who are also paid considerably less than they would earn, say, in the commercial real estate market. So there's an inherent kind of a stress or tension when it comes to compensation and allocation of resources and things like that. Quite frankly, to my feeling for some time--and I know that Will shares it--we've been underspending in these areas, and we really ought to discard some of our habits, and start spending up on a more appropriate level to, quite frankly, strengthen our position in the public mind.

It's still not lost on me, or on people like yourself doing this interview. Very few people have heard about the Trust for Public Land. So you tell your friends, that you're interviewing this guy, and some of them might say, "Well, I think I've heard of them." Most of them will say, "Who?"

Wilmsen: Right, yes. So you mean you're thinking of raising salaries?

Rosen: Raising salaries, raising the allocation of resource budget; namely, spending more money on development, spending more money on public affairs, public relations, publicity: those kind of ugly overhead items that give people the heebie-jeebies--you know, that we're becoming self-aggrandizing and tooting our own horn and all that kind of stuff--that people really despair of when a nonprofit organization begins to act just like a commercial enterprise and becomes too slick and too self-aggrandizing.

It's an area that is always under tension with the Trust, as it should be. Our primary mission is in saving land; it's not

what it's doing poorly, and most importantly, how can it learn and how can it improve.

The truth of the matter is now, in 1999, I can't remember whether Linda Gebroe was hired specifically as a result of the Jerry Oren situation. I wouldn't say it would be unreasonable for that to happen. But I think more to the point, we were getting to that stage in our maturity or evolution. We decided that it wasn't enough to do the transactions; we had to concern ourselves with how the transactions were perceived, how they were linked to what we had done before, and more importantly, my point, how it positions us to attract more opportunity to do land conservation.

Linda had some experience in communication, more than she had, say, in conservation, so she was able to bring a fairly fresh point of view. Made some suggestions. I will say--back to what we earlier said--we had this fairly simple communications strategy earlier: namely, we'd be like Lone Rangers. We wouldn't have any communications strategy; we would be invisible; people would not even know we were on the scene.

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Rosen: It's somewhat incomplete and certainly naive in a day and age when so much of your public is cynical and skeptical about institutions, ranging from the clergy to the government (and not just the current situation involving the President). But since Vietnam, in my time at least, when the government really set out to lie to people as a matter of public policy--and then it was carried on with the Contras and so forth and so on--I would say that people have a very reasonable skepticism. And if they haven't heard anything about these mysterious people, they wonder, Are they just a bunch of Moonies? What are they about? That occurred to me that it was time for us to re-examine that cultural icon of the Lone Ranger.

That has been in process quite a while. The Jerry Orens and Manuel Lujans and the others are simply milestones on the road, I would say, of convincing the Trust for Public Land that we have to raise our expectations of public perception of the nature of our work, as well as our internal awareness of the significance of the individual lessons and individual shortcomings. Not trying to hide them. I think the worst thing in the world is stonewalling and denial. "We couldn't be guilty of that." You know, "Our people are too smart." Baloney. We're all very vulnerable. We have to work very, very hard every day to avoid the complacency that any institution is ready to rot into. My expression, "rot into." I think, as you've heard me say, more

So we're used to the idea of what I would call pressure. It's not a stranger. It's built into the nature of the work.

But you can't be so consumed by these pressures of deadlines that you forget the basic homework. That requires that you consider the possibility that you may be setting yourself up or are being set up by a Jerry Oren type guy. So it's demanding work. You hear that again and again.

A Communications Audit, and Its Impact on TPL

Wilmsen: Now, in 1985 there was a communications audit. I encountered it in the files. It was actually in there where I saw a reference to this Santa Monica Mountains case.

Rosen: Was that where Cheeseboro--was it that long ago?

Wilmsen: Yes.

Rosen: Eighty-five?

Wilmsen: Yes. And it looked to me like you actually ordered the communications audit.

Rosen: I think that's fair. The woman's name was Linda.

Wilmsen: Yes, Linda Gebroe, I believe.

Rosen: That's she, good.

Wilmsen: I was wondering if you ordered that audit as a result of this Oren property problem or if it was just something--

Rosen: I can't remember.

Wilmsen: Why did you feel that it was necessary, is what I'm getting at.

Rosen: We're always auditing ourselves and, as I mentioned, expecting to be audited by others. That's kind of a glib statement, but it happens to be true. For example, we have just recently had a development audit commissioned, with the new presidency. Will wants to, and did, hire an outside consulting firm to talk about how we, as a philanthropy, raise money. It was a very comprehensive affair, nationwide, a hundred interviews--friends, adversaries, competitors, colleagues. I'd say that's de rigueur. Any institution or organization should be continuously examining what it's doing: what it's doing right, what it's doing well,

of federal agencies--the Forest Service, the Parks Service, Fish & Wildlife, and BLM--it was more than half of our revenues and more than half our energies.

As we saw those funds shrinking because of the Reagan-Watt-Lujan policies, we either had to shrink the organization, which we did, or, at the same time, broaden our market by dealing with new players, such as other nonprofits, state agencies, cities, etc. So while we had people who, quite frankly, had plenty of work coming their way previously from, say, the Forest Service, why should they go out and call on the City of Livermore? The word was out that this was not probably going to be just temporary in the Forest Service office in Sacramento, but it was part of a national phenomenon. As they were learning to deal with it in Florida and in New England, they better start doing the same thing in other regions as well.

What we did is we simply recognized we had to broaden. Any, quote, "business" has to do that. If your client line or your service in one area is shrinking, you either have to find another one or shrink the organization. We did both. So when you say a "directive," the way we ran the organization was not so much by proclamations, as by coaching and sharing the prospect of accountability. If each of these regional offices is recognized as a revenue and spending unit, without overhead, there had to be some balance. It doesn't have to be every minute of every day, or even every quarter of every year, or even every year.

But overall, the region was increasingly identified as being responsible for the economics of the organization. If they persisted in ignoring the other opportunities--state and local--by saying, "No, no, no. I've got this great relationship with the Forest Service, and I've always been more than handsomely rewarded," there was an accounting taken and said, "We've heard that. It's no longer acceptable. It's time for you to change or for your successor to change it for the region."

These are able people. Regional managers have very tough, very rewarding jobs. But they've got to be responsible for their people, and they have revenue responsibility. They cannot expect in the Southeast to, quote, "be carried" by the other regions indefinitely because they're doing their thing: You know, "I'm working on land trusts" or "I'm waiting for the Forest Service to turn around." If others are changing, we learn how--not whether--how to change. That's what accountability is all about.

We had that reality a couple of places with regional management, where people did not choose to change, and they were replaced. "Well, I just don't do things that way." "Fine. We are." And we did. But we never turned off the federal fund. I

want you to underline that, that we never said, "Well, it's hopeless. Mr. Reagan, Mr. Watt have carried the day. There will never be any more federal funding." We never accepted that reality. We always continued to explore and advance and advocate, even during the darkest days, when a lot of people, quite frankly, thought I was out of my mind.

The Need for a Larger Land Transaction Revolving Fund

Wilmsen: And then moving on to seeking more financial resources. There was a target set of increasing TPL's reserve of working capital in a revolving fund from \$4.7 to \$20 million. Why was such a large increase necessary?

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Rosen: Risk is inherent in our work. That's just the way it is. You come to work and you say, "Well, someone is going to pay me." That ain't the way the Trust for Public Land head trip operates. "I'm going to work my head off, and I'm going to do the mission, and I sure as hell hope that I have a job here, especially if my colleagues have the same level of stress that I do. If there is a pathway, we'll find it. If there isn't, it isn't for lack of looking."

What instead we came up with--mine, at least, with the numbers--was what constituted a reasonable air supply for this organization, while it oscillated pretty widely or wildly with its revenues, without having big hiring spurts and big layoff spurts. If you've got good people--I've been a lawyer for twenty-five years--I wouldn't trade these people for most of the clients or most of the people that I dealt with in the, quote, "private sector." They're as good or better--better--than others. A lot of people say, "My people are the best." That's not what I'm saying. I'm saying head to head, stress for stress, deal for deal: good people, bright people, tough people, performers.

My job, then, was to work out what the reasonable air supply was. I translated that into so many weeks of working capital. It was not the product of any elaborate business model in my case. It was more an intuitive sense that we needed probably ninety days' worth of working capital. If hell froze over and no money came in because of the Watt moratorium or the freeze or whatever you want to call it, we had to have independent resources to keep our doors open for at least ninety days. That was our working reserve.

Now, bear in mind, that's not a standing target because ninety days last year is not the same as ninety days this year, especially when you are faced with the reality, no matter how conscientious you are, that the static organization is a dying organization. You say, "What does that mean? Are you committed to growth?" No, we're not committed to growth, but we acknowledge the fact that expenses increase every year: the cost of medical insurance, the cost of rent, modest salary increases as our staff matures. We discovered that the better ones become more prominent, and they're recruited by others, who say, "What do you make at the Trust for Public Land?" They have a child or two or three, and they're making \$30,000. Well, "What if I paid you fifty? Would you come to work for us?"

That's not bad. It's normal. It's very normal. It happens in any organization. Therefore, we have to stay competitive. Very recently an organization was trying to come to California, a nonprofit organization, doing work similar to our work. They offered one of our project managers more than we were paying the president of the Trust for Public Land. That shows you how wide the recruiting effort was.

My conclusion was that we had to have an air supply that kept us at least ninety days every year, if the faucets all got turned off, if there was an earthquake, or if the Forest Service put a moratorium on us or whatever the case may be. And that's what led us to the conclusion that builds into our financial objectives a ready reserve, liquid assets, of at least ninety days' operating capital.

Wilmsen: What effect, if any, did that have on TPL's activities?

Rosen: Increased the stress level. Had to make more money. Had to be more accountable. Had to be more demanding, more sophisticated in making your projections. If you don't know when the transaction is going to close and if you don't know in some cases whether you're going to have anybody buy it, how do you do that? Well, through your experience, you plug that into a dynamic system of information and resolute action. You learn how not to run out of money, making excessive investments on risks that are too high. You also know when to cut your losses and run.

You just simply get more crisp in your decision making, and you have everybody understand that it isn't because Marty is turning into a martinet or a bureaucrat. It's that our financial fortunes are very directly related to our ability to project the future and do what we say we're going to do in a timely fashion. And that's--for a lot of organizations, especially those that don't have a membership or a wealthy sugar daddy or, as I say, an endowment--sobering. It's a sobering way to do business.

We don't have to worry about tenure. Nobody has tenure. Nobody has a contract. I never had a contract. Nobody has a contract. There's no job security. Zippo. Except the sense that if we do this work well, we will flourish. And so far [knocking on the table for good luck], what I call an entrepreneurial attitude--that has been more important than the endowments. Why do we have to raise all this money anyway? We're a nonprofit organization. Who gives a damn whether we have a million dollars in the bank or \$7 million? It's an air supply. It's a source of sustenance. In that sense, and in only that sense, our reserve is justified.

That's now leading to another level of demand that we're discovering: that in this economy, having the ability to put some cash in the hands of the landowner at the beginning of a transaction is becoming much more important, and that others will do it if we don't. The recession in real estate is over. There is much more of a seller's market. Whereas before we would say, "We will do this and we will do that and the result will be fine, but you have to wait until the end," now more and more sellers say, "Well, I'm not going to do that. I want to see some of your money now." So that's another pressure to raise expectations that we'll have more money available or lose the transaction. As the economy has recycled itself, it has affected our work.

But back to your question earlier, we needed these reserves for air supply because we saw tremendous oscillation during the year. We even had what one of our directors, Gene Barth, called the "canyon effect." Gene Barth said, "Every year, how do you know you're not going to go out of business? You start off with a level of funding and then the first month you lose money, the second month you lose money, the seventh month you lose money, and then, around the eighth month, you begin to have some of your projects close, and then you begin coming out. At the end, you meet your objectives. You don't meet them nicely, artistically, over the year."

Part of that is clearly the fact that we do so much of our business with the government, and that reflects their funding cycles. But if anything happens, and for the best of reasons or the worst of reasons, we don't close--BAM!--we go right into a loss, for the year. Is it a temporary loss or a permanent loss? It's very unsettling. And therefore another reason to have these reserves was that even if we did everything right but the timing just doesn't work, especially on the scale in which we operate now, we can be two, three million dollars in the hole [snapping his fingers].

For an organization without an endowment, without a sugar daddy, a couple of million dollars--it smarts. So that's another

reason we have to have reserves. I was able to both recognize that and to communicate that to my colleagues, that this was not an abstract idea that we want to be the biggest and we want to be the richest. Bear in mind, nobody has a company car. Virtually nobody has a reserved parking space--to say nothing of a jet and all this other crap and traveling first class. We are a lean, green machine for the best reason: we want to be.

It's also part of our survival: just living on short rations, if you get hammered, you've got to have some air. And that's where the ninety-day air supply came. We're talking \$10 to \$15 million of operating reserves. The budget this year, expenditure budget, will be around \$30, \$34 million, so you figure--I think it's six weeks now that we finally ratchet that up to.

But everybody knows why. Everybody knows what their piece of the action is. I think they are satisfied that it makes sense; it's not just arbitrary: Marty wants a bigger jet. But "we get it. It makes sense."

New Directions in Fund Raising

Wilmsen: How does the fact that the staff raises the money affect the relationship between the board of directors and the staff?

Rosen: It's another source of stress. Increasingly, the board is becoming more of a fund-raising board. Hopefully, it will never be exclusively a board of affluent white captains of industry. But the evolution is such that the board is taking on an increasing role in fund raising. At the last meeting of the board of directors, we are now--after an audit of our fund raising--gearing up to do more effective fund raising. We've always had a relatively small fund-raising emphasis--and we're quite proud of the fact that we have spent relatively little on fund raising.

We're now concluding that we're, quote, "leaving a lot of money on the table," that we're simply not efficient at doing fund raising. So we're going to be ramping up our fund-raising capability. Because of what I--again, almost intuitively--talked about the air supply or the reserves and the difficulty I mentioned to you about getting, quote, "nonproduct" funding, I would like to increase our "traditional" fund raising. And I think the staff and the board have now pretty much fund raised, as opposed to transactional generation of revenues. Almost 40 percent--up from 33 percent--of our revenues come from, quote,

"traditional" fund-raising sources. I'd like to continue to have more than half of our revenues dependent on and linked to transactions--that gives us, I hope, our entrepreneurial edge, or transaction edge--but at the same time, ramp up and expand our fund-raising operations.

Part of that is based on our continued experience, which informs our outlook. In what we're trying to do with the Chattahoochee River in Georgia, which runs pretty much the length of the state, through Atlanta, for example, we recognized that without quite significant revenue, other than from the transactions themselves giving us that margin, we wouldn't be able to do the work at all, and we certainly wouldn't be able to do it as wholesomely and completely. That's about a \$130 million project, probably our largest single undertaking to date. It's larger than the Columbia River gorge, larger than the Los Angeles River, larger than anything we've done on the Hudson or the Rio Grande--just on the Chattahoochee.

Because of the urban pressures in and around sprawling Atlanta, we have discovered that not only is it required that we do more effective fund raising but guess what: we're very good at it. We can raise that kind of money in a very unusual way: combination of foundations, individuals, and governments (city, federal, etc.) pooling their strengths as they never have done before. We're spearheading that through Rand Wentworth, our director of the Atlanta office, together with Chris Sawyer, chairman of our board, Roy Richards, a man who just became a director of the Trust, former head of the Georgia State Chamber of Commerce, and Greg Gregory. If you'll notice from those names, that's one staff person and three volunteers.

They know how to raise money. They can open doors. The staff could demonstrate the capacity and the competence to do the work, but there's never been that kind of a mix between politics, philanthropy, and staff delivery anywhere. But it's a much larger mass of money.

Wilmsen: Why do you need to do more fund raising there?

Rosen: Because the money is not otherwise available.

Wilmsen: Is that because there's a lot of urban land involved?

Rosen: Urban land and a fierce time line. We either do that now or it's lost. Atlanta is sprawling faster than Houston or Los Angeles ever did. It is the fastest sprawling area, and the demographics show it. That's why.

Wilmsen: So these urban lands, then, are they Resolution Trust--

Rosen: Well, when there was a Resolution Trust, we were able to make some pretty good buys. All that land is gone. There aren't any more Resolution Trust lands. You're buying in the open market, and you're buying the Chattahoochee from developers who are already ready to go. They've got the bulldozers on the land. They're not, for example, interested in offering you any kind of bargain. What they'll do is they'll do a calculation on an envelope and say, "Well, if I have to build the houses, we've got to put in the streets, and I've got sales expense and so forth, I'll save that money, and I'll give you that kind of a discount. But I'm not going to give you any other philanthropic discount."

Wilmsen: Okay.

Rosen: It's a different market. It's a seller's market. And if you don't do it, you lose it. We used to, quite frankly, stay away from those transactions because they were too big and they'd chew us up and there were no bargains. There was no margin, and it was just in effect trading dollars and taking on risk where we could not see any corresponding reward. But with philanthropic dollars--Woodruff and Coca-Cola and [Ted] Turner and the governor, then Zell Miller, and Mr. [then Congressman Newt] Gingrich--we found a whole new way, as we've done again and again, to create green capital.

Wilmsen: I see. Since you aren't getting the bargain sales, that's why you need to--

Rosen: We need to have our operating costs underwritten, and we're doing that now by a combination of state, local, and federal funding and massive philanthropy--like \$50 million-- [tape interruption for telephone call]

Rosen: This comes out of, "What the hell have you learned? What are you going to do about it?" The other part is it gives us strength. The first time we went into the Woodruff Foundation, they said, "Don't bother applying. We heard all about you. We don't want to do business with you." We--reality--have the situation that not everybody loves what we do. Some people who consider themselves, quote, "competitors" go out of their way--it's the truth; it's unfortunate, we don't advertise it--but they go out of their way to bad-mouth us.

I can cite examples. I can tie that one down very specifically. The guy said, "Don't even bother. We've heard all about you. There's no money for you." And we didn't. Rand said, "I hear you, Pete. No problem. Sorry, but no problem." We didn't approach them for years. We just did our work à la the Lone Ranger. We did it in North Carolina, we did it in Macon [Georgia], we did it on Powers Farm. We did it in the area until

finally Pete called up Rand. Forgetting what he had said earlier, he said, "Gee, you're doing a bunch of things in town. My board keeps asking me about it. How come you've never applied?"

Now, you don't say to him, "Because, you son of a gun, you told us not to apply." Rand just said, "Well, we've been very fortunate in getting other support. Frankly, there's a lot of work to do. Would you be interested?" He said, "Come on down! Come on down!" Today, that's a \$25 million grant program. And his discussion with Rand was, when he found out from the governor and from the head of DNR [Department of Natural Resources] and the mayor of Macon and so forth, that in fairness, we're very good, he wanted to be a part of the big picture.

I mean, that's his job. When you're a big foundation and you can only give in the state of Georgia, you've got to be doing the big things, and we were not even on his screen. So when he met with Rand, he said, "Now, tell me what you're doing, and what you think you should be doing. But don't answer me now. I want you to come back with something really big."

But you've got to be alive. You've got to stay around long enough. You've got to avoid liquidation. You've got to avoid all of these dead ends and what I call self-inflicted injuries. In that area at least, we've had our eyes opened by having his eyes opened as to what the potential of the organization is. We didn't get a dime from them to do the Martin Luther King Historic Project. We didn't get a dime from that foundation to do dozens of projects.

Well, in a state like Georgia, which is relatively small, people begin to ask that foundation executive, "Are you doing anything with them? And if not, why not?" He begins to say, "Hmm, I'm in that business. I'm supposed to be a major player." That has now changed. It takes a lot of time. We've been in Georgia now about eight years, maybe a little longer.

So we're doing something right. We're informing. We're not being overly arrogant or stiff-necked. Hopefully, we never bad-mouth anybody. I consider that to be malpractice and extremely unprofessional. If you're bad-mouthed, don't you have to fight back? The answer is no. It isn't a business of turning the other cheek, which I understand. We've got to know we really have important work to do, and that's a distraction. It really does not advance our mission by telling anybody what somebody else is doing that's wrong.

And that is an example, an example of, quote, a "payoff" in doing the work, doing it well, and paying attention to what

business you're in. And we're in the business of conserving land for people--not getting all the money, not by being the best and the brightest, not by having our own fleet of jets--but by conserving land for people. There is a payoff, an enormous payoff. Why? The American people, as we have indicated, get it. They really love their land, our land. But they've been bruised and abused and dysfunctionally treated.

So when somebody like us can come along and make modest promises, but exceed in what they deliver compared to those promises, not once, but again and again and again--every other day of the year somewhere a conservation transaction is benefitting the people--cumulatively it begins to sink in. And that's why the organization doesn't need a sugar daddy, doesn't need a huge endowment. It really needs a mind-set, which it has, of who we are, and what service we can provide. Corny but true.

Wilmsen: Is there anything else, any other issues that were brought up at the All U Conference that we haven't covered?

Rosen: No.

The River Network: A TPL Spinoff

Wilmsen: Somewhere around that time also, Phil Wallin left, went to Oregon and founded the River Network. How did that come about?

Rosen: Remember I mentioned recruiting. A lot of our people aspire to--naturally--having their own passion become their full-time job. In Phil's case, it's rivers. It's nice doing parks and it's nice doing mountains, but what really turns him on is rivers. He knew that, I think, when he worked as a project manager and a regional manager out of our Santa Fe office on the Rio Chama [New Mexico], which was kind of like the Chattahoochee, or the Hudson or whatnot. It was endangered. He took a leave of absence to turn over the responsibility for the region to, I think, Steve Thompson, and he worked full time--I'm not sure whether we paid him; my guess is we did--on the Rio Chama preservation effort. He became so energized by that experience, which confirmed his passion and his ability, that he let it be known that he really wanted to leave the Trust for Public Land and organize, not a competitor, but an organization that was concentrating on river protection and river preservation, calling it the River Network.

About that time [1988], I think he moved to Portland with a personal interest: a woman there, that later became his wife and the mother of his children, who supported him; she's a lawyer.

The idea: if you really believe in something, do it! So Phil did. I feel very good about it. He feels very good about it. Unlike others who are parentheses, unnamed, who left with a cloud or otherwise.

Phil left, I would say, in a very positive way. He selected his successor, Steve Thompson. He trained his successor. He spent a lot of time and energy making sure that the launch of his organization and our continuing operation was symmetrical. I can't remember precisely, but I believe we made some contributions to the River Network, as well as turning over some of our leads and contacts. Jennie Gerard went on his board of directors. It was a very, I would say, healthy recognition that his destiny was getting his own passion, and he did that for a number of years. And he just stepped down as its executive director so that he could go back to what he really loves, which is not running the organization and the administration and the fund raising and that stuff, but really river preservation.

They're roughly analogous to the Land Trust Alliance. They organize and coordinate local river protection efforts all over the country. So it's the Friends of the Merced River that will join the River Network, the Friends of the Columbia, the Friends of the Chagrin. They will then have an alliance with similar organizations of local watershed-rivershed protection areas. They learn from each other. They have each other as a resource: "Hey, we have this problem. Have you ever had this problem with the Bureau of Reclamation? Have you ever had this problem with the EPA? Have you ever had this problem with a chemical company? How do you deal with it?" etc.

That's what Phil went off to do, out of Portland, Oregon. We have done some transactions together, Cache Creek, I think, being one. But also quite independently. And Phil remains a very good friend, and I'm a contributor to the River Network.

The Late 1980s: A New Federal Administration, and New Environmental Issues

Wilmsen: Moving on. Then, 1988 was an election year, so the Bush administration came in. Also about that time, somewhere in the late eighties, early nineties, new environmental issues started coming out, especially global warming and the ozone hole and biodiversity--things like that. I was wondering how TPL engaged with those newly emerging issues.

Rosen: We'll take the first one first. Bush was not as pointed a stick as Reagan/Watt in their anti-environmental, anti-conservation agenda. I mean, they really, in my view, wanted to put us and everybody else like us out of business. Bush was less menacing, certainly, in his rhetoric, but in his selection of Manuel Lujan for his secretary of the Interior and others whose names escape me, in the Forest Service and in the agencies that were responsible for conservation, there was not any great improvement. The rhetoric was not as incendiary, as provocative, but the policies were just as crappy.

I think I stressed, to both the staff and to the board, that in my judgment we were not in friendly times. Yet that wasn't to say that all Republicans were Lujan/Bush. They weren't. So we continued to cultivate all political sources who shared our values of the environment and the open space being important to the American landscape and society--but had no illusions that we were all of a sudden no longer living with "Wattniks." In many respects, we were, because the people appointed by that administration were embedded in the Lujan/Bush administration.

Wilmsen: I think we talked a little bit about the kind of people President Reagan appointed.

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Rosen: If you propose a list of people to me, I might be able to say that there are a couple that he appointed which were, quote, "sympathetic" to the environment. But I can't think of any. Now one person who I can tell you was close to the administration of Mr. Reagan was Bill Lane, of Sunset magazine. But he was never given an environmental portfolio; he was made ambassador to Australia.

Wilmsen: Is that Bill Lane or Mel?

Rosen: Bill, William Lane. They're brothers, Bill and Mel, but Bill was appointed ambassador to Australia by Reagan. I mean, he's a card-carrying, dues-paying Republican, with excellent credentials. To the extent that he could be helpful, he would be, but nobody [chuckling] paid any attention to him. They sent him off to Australia. He did a fine job, but that's just kind of the reality. But since then, we've worked very closely--as well as before--with both the Lane brothers. They're wonderful people. But they were a very limited utility in the conservation community during the Reagan years and, for that matter, even during the Bush years.

Wilmsen: President Bush's appointments--

Rosen: Weren't any better, in my view. I would run a slight risk of error. I wouldn't say they weren't any better at all. Everybody? No. He did appoint Bill [William] Reilly. Bill Reilly of the EPA--outstanding, outstanding--but very much isolated and alone. He did give him the EPA portfolio, and Bill Reilly was an absolute godsend in the areas of clean air and clean water, and--as you're starting to talk about--global warming and so forth. But he was virtually alone in the councils of policy making. And in the area that we were primarily engaged in, quote, "land conservation," Bill was sympathetic, but that wasn't his portfolio.

Now, with respect to the other part of your question, where do we play global warming and ozone and depletion: those are issues in which we are secondarily a player. Certainly, we would be informed. We would see the impact of those issues on fuel and transportation and population. And to the extent that we could be helpful with other members of our community, we certainly would be.

But I have to say that part of our strength is we have a fairly specific focus; we're very land- and water-oriented. Our effectiveness is when the issue has to do with watershed or cleaning up the Chattahoochee from pollution and protecting these resources. Then we shine. We know what the hell we're doing, and we do it second to none. But in terms of our policy-making contributions, our thinking to the subject of global warming, that's not our long suit. It's frankly not uncovered. We will be sympathetic and helpful where we can, but our role at the table is in land-oriented conservation.

Wilmsen: How do you, for example, help clean up the Chattahoochee River?

Rosen: Conservation easements, problem solving, recruiting of policy makers, linking them up with communities of color, linking them up with the Roy Richards industrial captains, and showing ways that we can provide specific solutions to specific problems. And we can be for that reason--and have been, by some people--dismissed as just a bunch of real estate brokers. But we can be much more effective in bringing into focus parts of the jigsaw puzzle that others had not been able either to identify or actually piece together.

Wilmsen: Can you be kind of specific about how a conservation easement can contribute?

Rosen: Sure. It keeps development away from the river. A conservation easement is, in a sense, a no-development zone. It keeps the river from silting up. It keeps the river banks from collapsing. It protects the flow and the quality of the water for the fish

and the wildlife and the recreational uses, based upon intimate understanding and respect, which requires expenditure of money, the expenditure of energy and thought, as well as regulation. You would say, "Oh, that's what you guys do."

What we do is part--that's our modesty that's built in--it's always part of a solution. We can offer something fairly tangible, very well rooted, fairly well verified--overcoming some of the traditional distrust, mistrust, antagonism--by coming up with a work plan that works.

Wilmsen: The land, then, that you put the easements on in this case--the Chattahoochee River case--

Rosen: Will not be developed.

Wilmsen: So they are lands that have not had development on them?

Rosen: Or the development was put on there and taken off.

Wilmsen: I see. What about toxic inventory sites, lands that might be contaminated with something?

Rosen: We work on that, too. We know how difficult it is, but how susceptible it is to remediation. I mean, there are now sciences--it gets down to cost--where you can actually restore toxic sites to relatively safe sites. That's an area where technology and money can really make a difference. That's not our long suit. We're not land restorers of the world, but we don't shrink in horror when somebody says, "Do you realize that land is contaminated?" We say, "Yep." "What are you going to do about it?" "Well, if we can, we'll fix it. If we can't, we'll let somebody else fix it, or we'll let it fester until somebody says it's a superfund site that's got to be dealt with." But we have had some experience in hiring people, defining the limits of health and disease or toxicity, and saying, "These things can be restored." And we do it.

Wilmsen: Are there ever liability issues?

Rosen: Big liability issues, big liability issues. You touch it at your peril. That's why, wherever possible, we'll never go into the chain of title because the liability--excellent question--of anybody who is in title is total. It's as if you caused all of the pollution or toxic invasion, and therefore are liable for the complete cost of cleanup. That puts you at the risk of collecting from other people in the chain of title their, quote, "fair share," wherever you can find them, and good luck in whether you can.

You have to know the law, and you have to deal with the conflicts in the law, for example, that the regulation of the State of Georgia is quite different than the regulation of the federal government on the same land. If you satisfy the Georgia EPA, you may or may not satisfy the federal EPA, and conversely. So you can find yourself right in the middle, and you say, "What's a nice boy like me doing in a brothel like this?" The answer is If you don't know what you're doing, don't walk in the door. You may think it's a supermarket, and it turns out to be a toxic brothel, to use that tired analogy.

Well, that's our kind of long suit. We talk about global warming. We have an opinion, but we have no experience. When you talk about ozone depletion, the same. When you talk about land--cleaning it up, restoring it, conservation easements, blocking, addressing, assembling, disassembling--that's where we have a unique contribution to make. It's important that we link up our abilities so we're not just a bunch of real estate brokers, with an ethic and a mission. But we don't pretend that our opinion is as good as anybody else's, and conversely, everybody's opinion is as good as ours.

That's where our experience in dealing with some really scruffy issues makes all the difference in the world, and earns the respect of the Natural Resources Defense Council [NRDC], the EDF [Environmental Defense Fund], who do take the big, global issues--global warming being one of their issues--and welcome, where we have a legitimate role, our participation.

But it's the reality for us as well. We can't be all things to all people. We do have a core competency, and we do have a core incompetency. We're continuously trying to expand our competency and reduce our incompetency; but we hopefully don't confuse one or the other. "Oh, yeah, we can do that." "Oh, yeah, we can do that." No, we can't.

California Releaf

Wilmsen: Then, around that time, you founded the California Releaf campaign.

Rosen: California Releaf. Isabelle Wade, Ph.D., proposed that to us. That part of the neighborhood-based grassroots solution for global warming and air pollution had to do with the therapeutic effect of trees: that not only are trees beautiful, cooling, and refreshing, they also take contaminants out of the air, and they

also reduce air temperature on structures in their immediate vicinity. Shade, it's called.

Wilmsen: Right. [chuckling]

Rosen: But it's a wonderful coincidence that shade trees have a beneficial effect on reducing temperature and, of course, therefore reducing the expenditure of fossil fuels for such things as air conditioning. Isabelle saw the linkages which I just described around releaf-ing and persuaded us in the Western region to found a program around what I would call the therapeutic, beneficial, positive effect of tree planting and tree maintenance, as a demonstration of a grass-roots, community-based, community-defined conservation program. That's very attractive. People generally like trees. It's tangible. And kids like it. You can get your hands in the soil.

So within the Western region we set out to organize communities around tree planting and tree maintenance: helping them get organized, identify the funding, identify the technology--recognizing early on that, while it's a lot more fun to plant a tree than it is to care for it, they're indispensable and inextricably linked. If you plant the trees, the responsibility of a steward is to keep them alive and healthy. It isn't as dramatic. You don't get the mayor out to water a tree.

You do get the mayor out, quite often, as we did--Art Agnos came when we planted some trees here in Maiden Lane. Headline. They're right here in downtown San Francisco. We took a small lane and punched out the holes. It's very complicated. You've got to make sure you don't punch any pipes or drill any electrical currents, but there are ways to do that. And then you have trees grow, and mayors show up when you plant the trees. It's something for the six o'clock news.

Well, going out every Thursday and watering the trees-- that's not very exciting for the six o'clock news. So we developed a style, we developed some funding, we developed some networking abilities. We have a newsletter, we have quarterly meetings. Jenny Cross has now stepped into that role for California Releaf, which is a program of the Western region.

We tried to see whether other regions would adopt it, and for a variety of reasons, they never have. It took here, but other regions have not emulated the tree planting, the releaf enterprise.

Wilmsen: Why is that?

Rosen: Personalities, idiosyncracies, priorities--the usual reasons. None of these things run themselves. The president doesn't really run the organization by himself, either. Offers options and alternatives; but yes, we have a California Releaf, but we do not have a Northwest Releaf, we do not have a Southwest Releaf. We don't even have it in other parts of the Western region. We just have it California. And probably it's because people like Isabelle Wade and Jenny Cross got it, passionately. We don't slam people's passion. We encourage people's passion. Just like Phil Wallin left to do River Network, they found ways to do it within the Trust for Public Land.

California Center for Land Recycling

Rosen: Analogous but different is California Center for Land Recycling [CCLR], or See Clear, as we talked about earlier. That was incubated here and operated within the Trust for Public Land, like California Releaf, but with the funding there from the Irvine Foundation. It was contemplated ab initio, at the beginning, that within three years it would be spun off as an independent entity. Indeed, that's exactly what has happened.

CCLR has now moved out physically from the offices of the Trust for Public Land. It has its own 501(c)(3) status, like the River Network, and it is now operating as intended, on its own. Its mission, again, very narrow. Hopefully, we will find opportunities to work together, where they will be exclusively in land recycling: restoring damaged, toxic, abused sites. Different model.

Wilmsen: Do they take title to those sites?

Rosen: Not if they can help it!

Wilmsen: So they're more technicians who go in to remove contamination, then.

Rosen: More than that. You can have site control without going into title. You can, for example, have an option or a lease or--well, a lease would be a little--you can have a limited legal interest, but enough to do it in conjunction with a partner or a city or a developer, where the role is one where the face cards are up. Unless I'm wrong--and the law has always been subject to examination because it really has created a lot of problems--unless it has changed, you do not want to be in title.

Wilmsen: Where did the idea come from for CCLR?

Rosen: Combination of players. My best guess is it came from Nick Bollman of the Irvine Foundation. He then looked for an entity to carry out his insight that there should be an entity that focuses exclusively on land restoration. That is not the Trust for Public Land. We do that, but that is not our preoccupation. We're as interested in rivers and in mountains and in--land is land--all of the land, healthy and unhealthy. He wanted, I believe it is safe to say, somebody with our mix of abilities to incubate, recruit, shape, organize, and then spin off.

So we, together with him, hired the first executive director, George Brewster, of California CCLR. We helped look and find the right kind of person, who could learn how an effective nonprofit organization works and yet have the stature and strength to spin it off on its own, with all of the advantages and disadvantages.

None of these things run themselves. You [knocking on table for good luck] have to be lucky, and then you have to work like hell, to make it happen. We were honored by Nick to be requested to incubate [CCLR], with the understanding that it was not opposed or even disparate, but it was only a part of our view of how land issues can and should be treated, and we would do this on a responsible basis for a couple, three years, and then spin it off, which we have now done.

As a matter of fact, this is not the first time we've done that. One other one that comes to mind where we were asked to incubate--again, it's an honor--by the Rockefeller Fund, the Pew Charitable Trust, and the MacArthur Foundation, was the Energy Foundation. And we did that as well. That was a couple, three, four years ago. Hal Harvey was their expert. He identified that as being a very important issue: energy conservation, energy efficiency. That's part, obviously, of our interests--you mentioned global warming and so forth--but not identical. So we incubated the Energy Foundation for a couple, three years, and then spun them off. So they are now in the Presidio, independent.

Wilmsen: When you say "incubate," do you mean you provide training?

Rosen: Training, systems, management assistance, all that. And primarily, I will say, with our bias, financial integrity. As you may gather, we are absolutely ruthless on transparency. There is not any whiff of "Oh, we're too busy to balance the checkbook." Bull feathers! Nobody, nobody in a charitable institution should ever allow themselves to be so busy that "Oh, yeah, the books are a mess. But we're doing such great work." Ding!

Now, that doesn't say that any of these entities I've just mentioned would have, but they learned from being around zealots like us that those books either balance or you don't go home. Ever! Nights, weekends, Valentine's Day. Ever! Is that just a little excessive? Yes. Because it's not our money. Well, isn't that just a little excessive? Isn't that part of your overhead? No! We don't have any overhead expenses. One of them is [knocking on the table for emphasis] you count accurately and timely with every dime that ever comes into your fist.

Well, aren't you making a big deal out of it? Read today's paper about that minister who's on trial after diverting, allegedly, money that went into the rebuilding of burned-out black churches, that somehow went into wherever it went. Every day--the head of the United Way as an example--every day, there's another reason for good people to say, "They're all alike. I'm not going to support any charity. They're all a bunch of crooks."

We're going to take that excuse away, and we do every day, because we run this little store better than any listed company on the New York Stock Exchange or any privately-owned business anywhere. Whew! Big deal! You betcha. That's what charity means. Use somebody else's money. Use it wisely or get out of the way.

I mean, that kind of thing, you may gather, the same reason about not promising more when we go into these communities. It's kind of the bone structure of the organization. We enjoy what we do, but, boy, we take it seriously. You betcha. You gather that.

Wilmsen: Yes, I do.

Getting back to CCLR, what happens with the land once they've cleaned it up?

Rosen: They will turn it over either to a private developer for market uses, consistent with the general plan of the area and the zoning, or part of it may go into public uses, not merely open space. Open space would be one of a whole menu--it could be housing, it could be a factory, it could be some kind of a utility. They're not into the narrowness of our bias of open space: conserving land for people. They're more into taking the land which has already been abused--kind of like children: abused land, abused children--restoring it for positive purpose, and then selecting from a more complete menu of what those purposes could include.

Wilmsen: Is that why TPL didn't keep it on?

Rosen: Yes. That was the intention. Again, you know that dilemma or conflict: we think open space is important; it's not the only thing. We need hospitals, we need all that stuff. But that's not our long suit. We want to have a seat at the table with others, and use it beneficially and say, "Now, is that the best place to put the airport extension? Is there no other way to do it?" Well, maybe yes; maybe no. But if there is some open space component, we're pretty good at connecting that.

But we don't say, "No building anywhere anytime. We don't need any more airports. We don't need any houses. I've got a house. I'm not worried about your house." We think that's kind of hypocritical. But still--again, not pretending that we can be all things to all people--we try and have a seat at a table of beneficial, harmonious, thoughtful, mindful uses, which include open space as well as schools, hospitals, and housing. That's the truth.

Projects as Models, and Projects as Spin-offs

[Interview 9: February 1, 1999] ##

Wilmsen: We ended up last time talking about the California Releaf campaign. My next topic that I thought fit in--correct me if I'm wrong--is the Urban Forestry program.

Rosen: Yes. Urban Forestry, California Releaf is something we did talk about last time.

Wilmsen: Are those distinct programs?

Rosen: No. In California it's called California Releaf, specifically, and is related to urban forestry issues that have different nomenclatures, such as the Mountains to Sound Greenway and the programs that we're working with the U.S. Forest Service in other areas. Urban forestry in California does carry the name California Releaf. That is the name of the enterprise that the Trust for Public Land has identified as a, quote, "project area."

It is not the usual transaction mode, where, as you know, we either option or buy the land, hold it, and then sell it or place it with a public agency such as a city or state or the U.S. Forest Service. California Releaf is a fairly specific kind of institutional commitment to planting and maintaining trees throughout the fifty-eight counties of California. It is sponsored by, staffed by the Trust for Public Land--full-time professionals--to coordinate and elevate the competence of tree-

roots and grass-roots people in each county of the state of California, to express the issue of planting trees in urban cities, neighborhoods, and committing to their maintenance.

Wilmsen: Is there an urban forestry program that's an umbrella for all the ones--

Rosen: It's called California Releaf. We have members who are the counterpart organizations in Sacramento, Fresno, Los Angeles, San Diego, and Sonoma, who have a program of tree planting and tree maintenance in those communities. The umbrella organization, which is kind of like a federation--it has no power to decide anything, but it incentivizes the expression of that value by providing money, energy, and information. Off record. [tape interruption]

You're saying, well--now we go back on the record--if that's such a good idea, why are you doing it only in California? We're the champion in California. We try and show these examples to other regions, but we don't necessarily--at least while I was president--force them to adopt a particular program like this, unless they choose to. In other words, there is a fairly good degree of centralization or autonomy in the various regions, believing that every region has its own heartbeat and character, and some things work better in some places and not in all others.

Another example is the community gardening program in New York, where we have a dedicated number of TPL employees that just work on community gardens, primarily in New York State, Manhattan. That work is known throughout the Trust for Public Land regions, but I can't think of any that have dedicated resources and people to an urban garden program such as we have in the Middle Atlantic region.

Similarly, we have the California Releaf model for urban forestry. It is thriving in California, but it has not yet been imitated either by others or by others outside the Trust for Public Land. But it's--in my opinion, anyway--a very important example of how we can take the conserving lands for people message and ethic and build an institutional commitment and competence to express that.

And that's what we are doing in California because, quite frankly, we have champions. We had Isabelle Wade earlier, and now we have Jenny Cross, who take the ball and run with it. I wish, quite frankly, we had more of that.

Wilmsen: Is the organizational structure kind of like a spin-off organization, or is it--

Rosen: Could be, could be. There has not been any current plan to spin it off, but because it is non-transactional and because it does involve different kinds of skills--namely, organizing, à la land trusts (which is kind of what these things are except focused on tree planting and tree maintenance)--it's susceptible to that. But to date, at least, it has not been part of the mind-set to spin it off.

Wilmsen: I'm curious why you spin some things off, like CCLR ["See Clear"].

Rosen: That was designed. That was the original intention, to create an organization which within three years would be independent. That was the original design. The design of California Releaf was just the opposite. As you heard from my remarks, I was hoping it would take here in this region of the Trust for Public Land and be adopted by the Northwest or by adopted by the Southeast, etc. It has not happened. So any kind of change or growth is always what I call a jagged edge or an uneven line. We had just the opposite. We had hoped to emulate California Releaf into a Washington Releaf, into a New Mexico Releaf. That has not happened.

Wilmsen: But why was CCLR designed to be spun off from the beginning?

Rosen: Probably because the funding with the Irvine Foundation asked some of those questions at the outset. Most foundations do not want to be committed for longer than three years for, quote, "operations." As I mentioned, in my criticism earlier--and it doesn't necessarily apply just to the Irvine Foundation--I understand that they don't want to get stuck funding a dependent or a colony or whatever. But three years is a pretty short time.

What they, I would say, said at the beginning was that they wanted to be sure that whatever was created was independent at the end of three years, both from the Trust for Public Land and from the Irvine Foundation, so that the infrastructure that was built--the recruiting of staff--was with the intention that this would be a spin-off. That's probably as good a distinction as I can give you.

Similar to what we did with the spin-off of the Energy Foundation. Not identical. That was funded by the MacArthur [Foundation], Pew [Charitable Trusts], and the Rockefeller Foundation, and was designed to be a spin-off ab initio. Therefore its first executive director, who we did not recruit--who was, frankly, hired by the three foundations--had the expectation that sooner, rather than later, it would be spun off.

Different kind of a mind-set, different kind of decision making. There isn't any reason why one went into the spin-off and the other went into the model building within the Trust for Public Land, except that I believe that any organization that is alive and vital won't do things by formula. They don't say, "Oh, yeah, this is just like Energy," "Oh, yeah, this is just like Releaf." Quite frankly, we'll always be looking at ideas as ideas, and not preconceived ideas or preordained outcomes.

That has been the case with the Urban Forestry. I think we have a strong commitment to Urban Forestry because it fits so well with the idea of community gardens and with parks and the idea of using tangible expression to recruit people. Coming down to the neighborhood shed and checking out a shovel and selecting either a beech or a locust or an evergreen, and doing it with your child and doing it with your uncle is just such a natural way of recruiting, as opposed to presenting a position paper or lobbying. It's an educational, personal experience. It just makes a lot of sense.

Now, CCLR, on the other hand, is more cerebral. It's not something you bring your son and daughter to "let's go down and clean up the toxic site." You've got to come with a lot more technology, you've got to come with a lot more risk sensitivity. It's a different animal. Related, but it's kind of a different animal.

Another Retrenchment in the Early 1990s

- Wilmsen: Okay. Moving on. Nineteen ninety-one or '92--somewhere in there--TPL once again had a period of retrenchment.
- Rosen: Retrenchment, yes. My least favorite mode.
- Wilmsen: Yes, I know.
- Rosen: I hate it.
- Wilmsen: I was wondering how that came about at that time.
- Rosen: There are cycles in this business as there are in others. As CEO you have to kind of not only wish, but you have to examine. There was a cycle where the funding of the operation of this organization was pinched. To date we do not have a membership base that comes in during good times and bad, although memberships go up and down too, as the Sierra Club learned. Memberships do not only increase; they quite often decrease.

Secondly, we didn't have a full-bodied development program, as we are now building, and the sources of public funding for essentially identifiable reasons. Politically, when the conservative Republicans were in power--I'm not saying all the Republicans, but the conservative Republicans--they tended to regard environmental expenditures as either frills or unwise. Therefore, the funding available for such organizations as the Trust for Public Land for closing real estate transactions was diminished.

As CEO, you can't have the luxury of just looking at present experience, or looking backwards. You have to make a calculated, and hopefully [knocking on table for good luck], accurate projection. It became apparent to me that if things were difficult, as they were, they were probably going to get worse before they got better, and the time to retrench is before your choices are between bad decisions and worse decisions.

What does that mean? You want to give your people fair notice. You want to let your people know accurately what the situation is, let them plan their own lives as well as know what is in the wind with the employer, the Trust for Public Land. My view--right or wrong--was that we were facing some more protracted shortfalls. And therefore, because personnel costs were (and are) such a major portion of our operating budget, we had to retrench. And so we did.

I took the heat for that, and also the responsibility for doing it in a way that was as fair as possible, as transparent as possible, and yet, at the same time, protected the most vital interests of the Trust by retaining the more skillful people doing the most important jobs. You say, well, how do you decide what those are? That's what a CEO is ultimately responsible for doing: making sure that there is alignment between what you say and what you do.

Wilmsen: Can you put a figure on how many people, proportionally, you laid off?

Rosen: I don't really remember. But happily, the second time the retrenchment was less severe, so I would estimate, subject to review, in the area of 10 percent?

We lost some very good people.

Wilmsen: Were there transactions that you had put a lot of money into and then the funding, like from the Land and Water Conservation Fund or wherever it may have come from, didn't materialize as planned?

Rosen: I think it's fair to say--and others are probably a better judge than I--it wasn't any quote, "management," glitch or management blunder. My job, hopefully, was to balance between risk and result, and not bet the store on the one hand that we would have calamitous results if the transaction failed, or becoming so timid/conservative that we took no risk.

So in fairness, I don't think we so much failed to consummate the transactions that we were committed to--because we think it's very important in our work, as I saw it, to keep our word, and to say we're in it to either do it or die trying. But, on the other hand, it meant that we shut down the acquisition of new properties that we might not be able to consummate because of the risks and the cashflow requirements. So it essentially meant that we simply slowed down and curtailed our acquisition activity. Fewer people, fewer projects.

Wilmsen: Were you doing bond issues at that point?

Rosen: Not yet. Occasionally. One here, one there. But not anything that I would say was as deeply committed to, or embedded in, the learning that we now have, that this represents a flourishing opportunity for the creation of new sources of green funding. We had an example here, and example there, but nothing nationally coordinated, as we are doing now, where we're spending at the level we are now.

Low Expectations of President Clinton Met

Wilmsen: Then, of course, '92 was an election year, and President [William Jefferson] Clinton was elected.

Rosen: Yes, yes he was.

Wilmsen: In the course of our conversation here, you said that in 1988 you felt that a Democratic president or administration wouldn't make any difference over what the Republicans were doing at that time. And I was wondering, after having Clinton in office for a number of years now, if you feel like you were correct in that assessment.

Rosen: Whether I was correct or not or vindicated, the way I see it, Carl, is as follows: extreme or very conservative Republicans are not friends of conservation or the environment. Moderate Republicans in the Teddy Roosevelt tradition are excellent conservationists. So it isn't Republican versus non-Republican,

or Republicans are bad and Democrats are good. It's a value system.

I said, based upon my view of Mr. Clinton's--who is a Democrat--track record in Arkansas, I had fairly low expectations that his election as President would make a hell of a difference. I viewed his election with caution, that with Mr. [Al] Gore, there was at least some rhetoric that might result in increased commitments to conservation, just as importantly for conservation initiatives other than the Trust for Public Land, such as the Environmental Protection Agency, such as Clean Air and Clean Water, which are not our primary activities, although we're related to that in land conservation. But I had fairly low expectations that he would do much for land conservation qua land acquisition and the Land and Water Conservation Fund, etc.

I don't think I was disappointed. I don't think that the exuberance that greeted his election was justified. I remember very well that, upon his election--I guess that was in '92--there was a flurry of activity that the conservation community and others were encouraged to submit white papers and statements and position papers and policy initiatives that would be welcomed and embraced on their merits by the administration.

We went through the motions, along with some other people, with limited expectations, and others were much more enthusiastic. We didn't share that, and I don't think we were wrong or disappointed. We saw the improvement between a Mr. [Bruce] Babbitt as secretary of the Interior and a Mr. [Manuel] Lujan, who was the Bush secretary of Interior]. But, as Mr. Babbitt knows--and I know him personally--in my view, he gets mixed reviews. No big deal, as far as I'm concerned, from that secretary or from this administration, until recently.

For example, this is now 1999. The authorization for Land and Water Conservation Fund--you can see I'm a fairly focused, tangible, meat-and-potatoes guy--this is the first year that this president, Mr. Gore, or Mr. Babbitt has even proposed full funding at the billion dollar a year level from the Land and Water Conservation Fund. It's the first year. He was elected in 1992.

Wilmsen: Yes.

Rosen: We're not talking about taxpayers' money. You've heard this before. This is money that is being collected every day of the year, earmarked in part--but not funded--earmarked for land and water purposes. This president has never even sponsored, let alone supported it, or lifted a finger at that level. I think it's important to look at the facts and not bad-mouth people who

would be, quote, "otherwise sympathetic," but neither to fall in love with him and say, "Aw, he's going to do--aw, if only they had a chance--" Baloney.

We had meetings at the highest levels and were given sweet talk.

Wilmsen: Highest levels in?

Rosen: In the administration. You see me shrugging my shoulders. Like any politician, what they do is in their view of the interest of the public. We never saw much of that talent expressed in cashflow. We did see what they did in Yellowstone, which we commend. And that took, in my view, the initiative of a single person, the head of the President's Council on Environmental Quality. We saw what they've done with the Headwaters Forest, which I considered well intended, but squandered, if not flawed.

As I say, not to finger-point or to bad-mouth, but to be sound in the judgments you make by distinguishing rhetoric from reality. And that has characterized, I would say, our scrappy, independent, pragmatic dedication to conservation during periods of adversity as well as so-called sympathy. That scrappiness, that independence has served us well because it avoided our being sweet-talked into places of vulnerability that would not have served anybody's interests.

We kind of evaluate the rhetoric and the sweet talk and make our own independent decisions. And we've had a lot of opportunities where we've had calls to do this and that and the other thing, and, quite frankly, they've resulted in negotiations. We don't necessarily accuse anybody of bad faith. But we're interested in outcomes. That means that we're responsible, as well as the people with whom we are in dialogue, to make sure that we get more than sweet talk.

Wilmsen: What are some examples of the kind of calls you get?

Rosen: Well, we were asked if we had, for example, some money that we could make available in southern California to acquire some very important land that was going to be lost to the National Park Service if we didn't act, because there was no appropriation. There was no other funding. It wasn't big money, because we're not a big bank, but it was in the millions. We were assured by the responsible officials that as soon as the next appropriation cycle came up--because we're not a bank--that we would, quote, "be taken out" of that situation.

We had to remind them several times. They had short memories. They have other priorities. They have other things.

Wilmsen: Was it the Park Service that called you?

Rosen: It was the Department of the Interior that called us, and the Park Service. I'm not saying that it's--it's business! You just better damn well know what business you're in, and that's getting land delivered and debts paid and obligations met. If you forget the gap between good intention and good results, you have only yourself to blame. So it isn't losing our innocence or becoming distrustful. It's simply recognizing that in this world of private enterprise, government politicians and so forth, you can't leave your common sense at home. You can rely on a handshake, but you better diligently stay on top of the facts to make sure that you don't get cut out or off.

People forget, with a short memory, what it is they asked you do to and what you did in return. We're not talking about payoffs. We're simply saying that if we obligate ourselves, we expect a reciprocal amount of obligation, subject to all of the fair disclosures and practices. But in areas where there is discretion, we don't expect to have these obligations forgotten or ignored. That's our job. And that's a lesson that a conservation organization, which is a 501(c)(3), can't ignore because, after all, we're doing charitable work, of course. Our interests will be protected. Baloney. People have short memories, and agendas change.

So with Clinton's election, which we were happy about, with Mr. Babbitt's elevation, which we were happy about, it was not the second coming. It was not the Messiah. It was less than that. A lot less.

ISTEA, Greenways, and Enhancing the Transportation Experience

Wilmsen: What about ISTE[A] [pronounced "ice tea"]

Rosen: ISTE[A] is terrific.

Wilmsen: That was passed, actually, under Bush, wasn't it?

Rosen: I believe so. ISTE[A], as you know, is a transportation enhancement initiative--Interstate Surface Transportation Efficiency and Enhancement Act--recognizing that roads are something more than lanes of asphalt. They're corridors, they're opportunities for enhancing the quality and experience of travel; and therefore some of the funding for transportation ought to be allocated for what we would call enhancement of the voyage.

That gave us, then, and others the opportunity to propose that parcels of land along roadways--such as Mountains to the Sound, which is along an interstate; or such as farmland in southern California along transportation corridors--could also have wildlife corridors, could also have wildlife refuges, could also have riparian protection integrated into the transportation. We found that to be a very useful, constructive concept. As you know, its reenactment (just last year I think it was) significantly expanded the funding, which enabled us to do even more.

I would say, in fairness, that was a bipartisan effort. As you pointed out, it was initially sponsored by the Bush administration transportation people. The present administration was sympathetic, but Republicans were essential to that happening. My personal sorrow is the disproportionality. As I recall--and I could be way off, but probably not--Congressman Bud Shuster came up with a \$42 billion transportation act, and the ISTEA enhancement package was a tiny fraction of that.

When you're living on scraps, you're happy to have larger scraps rather than smaller scraps. But my own personal view is that transportation corridors are important, but the magnitude of disparity between what is spent on asphalt and concrete abutments is way out of proportion to what should be integrated in a more healthy transportation system, which includes a fuller appreciation of the need for mitigation, and the integration of natural area and natural systems with transportation requirements.

Wilmsen: Were TPL lobbyists involved?

Rosen: You bet. With others. There is a specialized group called the Surface Transportation Act Task Force, and we participated in that enterprise to ensure--with other groups, such as Rail to Trails--that to the extent that there was going to be funding, that there not be, as originally proposed, a complete elimination of the enhancement funds, or such severe limitations as to how they could be used that they could only result in more asphalt and concrete. So we participated, with others, which is our normal style.

And, if you recall, that bill passed almost unanimously because it was put together district by district. Individual congressmen would come in to Chairman Shuster, and he would say, "Okay, Carl, what do you need on the 16th District of Louisiana?"

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Rosen: Even if the bill for transportation violated the budget guidelines, because every congressman in every district was assured that his, quote, "pet projects" would be embraced, there weren't any "no" votes. Guess what. So you bet. We were part of that political parade and made sure that at least some of it resulted in an increased funding for what we call the enhancement.

Wilmsen: How did the greenway concept tie in? Does that tie in with that at all?

Rosen: Sure. That's a concept that's been around a long time. It's the counterpart of the freeway or the thruway or the interstate. It's the notion of connecting spaces with areas that are as undisturbed as possible, as natural as possible, although, quite frankly, some of them may well be lawns or mowed meadows, but they may also be absolutely undisturbed.

What we try to do, working with others, is to concentrate on making those greenways meaningful so they aren't just things you look at as you zip down the freeway at eighty-five miles an hour on the way to the McDonalds and say, "Gee, Maud, isn't it pretty." But make them have some significance for recreation, have some significance for the migration of wildlife, have some significance for the drainage or the watershed, as well as the single-minded interest of getting from Point A to Point B as fast as possible.

Not that we're against speed or against transportation, but we don't think that that ought to crowd out all other values. There ought to be a mind-set that says, "Wait a minute. Is there a way to do this A) with minimal damage to natural systems, B) with enhancing the transportation experience, and C) actually perhaps restoring either a trashed-over area or bringing some new value to an area that otherwise would be left out, and doing it by restoring a natural system or providing recreational space.

Wilmsen: How is it that greenways began to come into their own in the early 1990s? You mentioned that they were an old idea.

Rosen: Well, these things run in cycles. As I've said again and again, as certain problems become more apparent, people look for ideas on the shelf that they can bring down and say, "How about this?" Well, greenways was one of them. As with gridlock, congestion, pollution, destruction of water quality, destruction of air quality, you begin to learn that a lot of these problems are most susceptible to solution by, for want of a better word, integrated solutions: how do we reduce traffic, how do we have more fuel-efficient engines, how do we bring back the qualities of the natural systems that also serve to purify the water, and clean

the air. Tree planting, of course, is one of the obvious ones-- or tree maintenance--for keeping air clean, not only from the CO₂/carbon-sink point of view, but also by actually purifying the air by having plant life act as filters.

The same as wetlands provide filtering qualities for bodies of water, greenways were recognized as companions. If we're going to solve the transportation areas of congestion and pollution, wait a minute, shouldn't we also look at impacts? Shouldn't we also look at implications? Therefore, people said, "Gee, couldn't greenways, in harmony with or in conjunction with transportation provide some of the solution?" And the answer was if we look at it, you bet.

We can use our intelligence to achieve some of the important goals at the same time we promote transportation goals and recognize that, quite frankly, some of these problems cannot be solved by having only one value--namely, speed, or expanding the airport (being another current example)--as the only thing we consider regardless of the consequences.

It's not the favorite word of mine, tradeoff, but there's always an opportunity to examine how we might leverage the importance of one solution by harnessing it to the solution of another problem at the same time. That's where the greenway kind of came into its own. When people focused on water quality, air quality, congestion, and pollution: "Hey, can't we bring greenways into the solution?" And the answer was yes, you bet, you bet.

The Continuing Battle over the Land and Water Conservation Fund

Wilmsen: Judging by your earlier comments today, it sounds like nothing much was happening with the Land and Water Conservation Fund.

Rosen: Notwithstanding the efforts of some very fine congressman, most of whom were Democrats--Sidney Yates being the former chairman of the appropriations subcommittee--some Republicans but primarily Democrats. Congressman [Charles E.] Schumer, Congressman George Miller, etc., congressmen from all over the country--but under Democratic leadership--kept the fund from being zeroed out.

That was the Reagan formula: zero. And it was only because there were Democrats in Congress, in positions of authority, as well as the senators from Oregon and Washington that enabled these things to happen in a bipartisan fashion. But if it was left to the Reaganauts and to some extent the people who had the

operating room under the Bush administration, such as Lujan, there would have been zero. So whatever we got was a grateful result.

Wilmsen: And then, under Clinton, you were saying that it came up a little bit.

Rosen: It came up a little bit. A little bit, a little bit more. Not a hell of a lot more. A little bit. There was not a pressure to zero it out. Now, this year, as you know, in his State of the Union Address and previously, he announced that he will seek, quote, "full funding." Bearing in mind that billions of dollars is serious money, significant money. But for a country of three hundred million people and growing, for a country with rapid conversion of open space to urbanization, it's a pretty modest sum. And that number of a billion-dollar ceiling is a 1964 number. That's twenty-five years ago. That number ought to be closer to five billion dollars, just to keep pace with inflation. So, as grateful as I am to have the billion dollars being at least discussed, I don't think I'm being a special-interest zealot.

Especially earlier, when we were running at a deficit, especially very conservative Republicans would say, "Well, since we're running a deficit, we can't spend any more on conservation." They were liars! They never wanted to spend it in times of affluence. The deficit just provided a convenient fig leaf to cover the fact that they didn't want to spend any money at any time, good or other--thus the Reagan number for zeroing it out.

My answer then to them was, "We didn't create the deficit, and you're sure as hell not going to solve the deficit by doing what the act says you should do, namely taking a portion of the Land and Water Conservation Fund and buying important resources. Why? Because if you're taking something from the land--namely, nonrenewable resources: oil and gas--you ought to reinvest in that same resource, which is nonrenewable, which is called the land itself."

There's a beautiful elegance in that sense. We're grateful for the billion, but excuse me for not being enraptured because it's still a relatively modest sum for what this country truly needs. What's my prediction? It'll go up. I think more Americans are getting smart. I think the Clinton-Gore initiative is an acknowledgement of what we described here last November, where in community after community, the local constituents voted to increase their taxes to buy important lands.

The Trust for Public Land, as you know, participated in the creation, with others, of more than two and a half billion dollars. That gets attention in Washington. And I really think that is what did it, more than the belated discovery: "Oh, my God. There's land out there that we ought to be doing." We think that the smart folks sense a stirring in the provinces, and they ought to respond to it. And I think they have begun to.

Senator Bennett Johnston: An Advocate for the Land and Water Conservation Fund

- Wilmsen: Senator Bennett Johnston has done a lot to try to get the funding for the Land and Water Conservation Fund.
- Rosen: He has. And you read the article which he wrote. We have worked with him very closely. Admittedly, his son worked here, Bennett Johnston, Jr.--an excellent member of our staff, very effective.
- Wilmsen: Here in?
- Rosen: Here in California. San Bruno Mountain, Mokulea Point in Hawaii, just to name two very complex projects. I would say that that experience enabled the senior senator to see how important A) the Land and Water Conservation Fund truly was and B) how effective a nonprofit organization, working with government agencies and other institutions, can be in advancing this agenda. Senator Johnston of Louisiana--Louisiana being an oil state--recognized that a lot of the funds were generated by the oil and gas drilling, and therefore was especially sensitive to the fact that the money was being collected, but hijacked on the way to the intended purpose.

Bearing in mind all oil and gas money does not go to Land and Water Conservation. At the high point, I think the collections were about \$10 or \$11 billion a year and no more than one b [\$1 billion] was ever authorized. No more than a fraction of that was ever appropriated. And Senator Johnston, to his credit, looked into this and, having the experience and some familiarity with the way these values were being played out in the land, said, "Wait a minute. That's not right. I'm going to do what I can."

The difficulty was that, although he was the chairman, there was not strong bipartisan support. That's really what moves in the Congress. It's got to be bipartisan or disproportionate power, such as tobacco or health or whatnot. You can see if you don't have strong bipartisan support--strong, not just token--the

best ideas essentially languish because it's a lot easier to kill something than it is to move or create something. That's the reality.

Wilmsen: He was the chairman of what committee?

Rosen: He was the chairman of the Senate authorizing committee [Committee on Energy and Natural Resources]. He was never the chairman of the appropriations committee. That was Mark Hatfield, who was helpful and positive. But he tried, and he tried well. But there was no strong bipartisan support for the expansion of the Land and Water funding, especially during the times that there was, quote, "a deficit." There were just too many people in positions of responsibility--and before there was the stirrings in the provinces, as I call it, from these local bond acts--who were willing to say, "Well, you know, it's nice to do more, but the fact is we've got the Russians to fight, we've got homeless, we've got farmers. There's just not enough money. We're sure you understand." And we took that distraction for many, many years. Finally, it looks like by having the experience in the provinces, the federal government is beginning to respond. It hasn't happened yet, either.

Wilmsen: Do you think it was because Senator Johnston's son was working here that that made the issue more salient for him?

Rosen: In fairness, I don't know. But I don't think it was so much nepotism as the fact that here was a ranking political figure who could really, in the privacy of his own home, say, "What's going on, son? Is this just a federal tit that you guys are sucking on, or is there something there that is special?" And Bennett Jr., was in a position to say, "You make your own decision, but let me tell you what we're doing and how we're doing it." There were enough examples that the senator could confirm with others. Why, he could talk to his peers: the delegation from Hawaii and Senator [Daniel] Inouye. In Alaska he could talk to his peers. He could very well have said, "I have this idealistic son, but, hell, he doesn't know what the hell he's doing. He's just become kind of a captive of the do-gooders."

But the fact was, from my biased position, he was able to verify for himself that something special was going on. It wasn't just another outfit saying, "Drop money in my hands and we'll support you." There was an outfit, in all fairness, the Trust for Public Land, who used funding as energy to expand and ignite realities to meet the need for the nation with respect to the protection of Mokulea Point, San Bruno Mountain, Wildcat Canyon--fill in the blanks. And he began therefore to have an opportunity to say, "Humph. It isn't just that my kid is a star-struck tree hugger," but he got in effect a personal experience.

Similarly, if you may recall, Senator Bennett Johnson was quite instrumental in getting the funding expanded from its former level to its present level at the Presidio. You have to remember there was a huge inter-agency dispute as to what would happen to the land and who would pay for the cleanup, which was in the tens of millions of dollars. Although you might say, "well, it's all government," it's not all government. It's agency versus agency, agenda versus agenda.

Now, that's a transaction in which the Trust for Public Land had no role. The land was already owned by the government. We're not an advocacy organization. But it was useful for him, the senator, to be able to verify some of the representations that were made, both by the Park Service and by the Department of the Army and by the governments--the city and county of San Francisco--both personally, with his son, who was a resident of San Francisco at that time, and me and others, to sort out the tangle of representations and inconsistencies.

He also checked with the Youth Conservation Corps people. I mean, he really cares about these kinds of issues. Like anybody else, you try and get the information as clear as possible by not confining yourself to a single source. It is helpful to have a member of your family, with no ax to grind, a Marty Rosen of the Trust for Public Land, with no ax to grind, to bounce off some of these ideas. And I think it's fair to say that he was not alone.

Congresswoman [Nancy] Pelosi and [Congresswoman Barbara] Boxer, but largely Congresswoman Nancy Pelosi, and Senator [Dianne] Feinstein, were very key players, along with Senator Johnston, who served on the appropriations subcommittee for the Defense Department, in getting the funding for the conversion of that military base, after it was closed down, to a functional and viable unit of the National Park Service.

Wilmsen: His son no longer works for TPL?

Rosen: Son no longer works for the Trust for Public Land. Hasn't for-- years rush by--at least five years, maybe more than that. He then ran for Congress, was unsuccessful, and then he went into private business. He is now a resident, however, still of the area, and I see him from time to time. He's a good friend of mine, the son is, as is the senator.

VIII NEW CHALLENGES, NEW OPPORTUNITIES: ENVIRONMENTAL JUSTICE,
THE GREEN CITIES INITIATIVE, AND OTHER LAND PROTECTION ISSUES

Leading in Preserving Parks and Open Space for Environmental
Justice

Wilmsen: Another issue that was becoming more visible in the early 1990s was environmental justice.

Rosen: Yes.

Wilmsen: I was wondering how TPL responded to that issue.

Rosen: We not only responded. I'm happy to say we led. It is an important issue. It is not going to be solved by making proclamations or establishing a day on the land. It is first and foremost, in my view, a commitment to the equity of having all Americans, regardless of skin color or economic fortune, having access, significant access, to our public lands and to our assets.

As far as we were concerned, it meant that some of the acquisitions that we targeted were in neighborhoods that were not characterized by either their affluence or by their rolling green hillsides, and we demonstrated that degree of interest from our first days. It's part of our Urban Land Program; it's part of our Green Cities Initiative; it's part of our actively recruiting people of color for all of our positions at the Trust for Public Land; it's part of our active recruiting of people of color for our advisory councils and board of directors; and it is a continuing taproot of the Trust for Public Land that when we say we're conserving land for people, we mean all people.

It's important, as you've heard, for us to do the Monroe School as it is for us to do Sterling Forest. Why? Because people identify with places. That isn't just Hill 106 or Forest 9. It's Sterling Forest, and it's the Monroe School; and these things resonate with communities in different ways. Therefore,

we have advocated, within the Green Group, and in our work with agencies, and in our work with donors, and in our work with our staff, to continuously keep in focus the importance of lands in communities that are especially in need because they're under-served by other parks, and to not under-appreciate the complexity of these undertakings.

The projects we're now working on are in the city of Oakland, for example, that we're committed to. They're complicated. They're much more difficult than doing a single transaction with the Forest Service to save Lindbergh Lake. You're dealing with many different community groups with different agendas, some of whom care a lot about open space and others not at all. They say, "Wait a minute,"--just like the conservative Republicans--"until we solve the job problem, until we solve the homeless problem, until we solve the health problem, don't even talk to me about volleyballs. I've got other things on my mind."

That's a fact. We want to respond to their perceived as well as expressed needs, but also to continue, quite frankly, to advocate for the importance of a society that includes places for kids to play, places where access to the Embarcadero is provided. It takes more time. Funding is much more difficult to come by. Yet we do it. We do it because it's part of our mission, and however difficult, it can never just become lip service. Neither can it become off the agenda because the community doesn't want it.

Wilmsen: Why do you think funding is more difficult to come by?

Rosen: It's politics. The urban areas have so many needs. The infrastructure is so depleted that there's less of a focused commitment to the green and the open space than there is, say, in a place like Ross, California, where it's so obvious that if we say Bald Hill, it's there to save. It's single-minded. Everybody can get behind saving Bald Hill. Everybody has trouble getting behind Union Point because for one thing, Union Point is invisible. It's at the end of a cul-de-sac. It's next to a factory. It's hidden. It's much more complicated, and yet it's probably even more important because it is so complicated.

Wilmsen: Did you mean money is harder to come by--

Rosen: Money is harder to come by--governments, foundations, political commitments--because the community doesn't speak with one voice. Remember, they say, "Okay, we'll send our program officer there," and he goes to Union Point and says, "How do you guys feel about Union Point?" And they say something between "We've got to have it now" versus "Well, nice, I guess. Never been there. But what

we really need is our lavatory in our school fixed so it doesn't run all over the floor. What we really need is teenage pregnancy counseling. What we really need is..."

So that's what makes it tougher. In the cities they have a lot of agendas, whereas in the Department of the Interior they have a more focused agenda. In the Forest Service they have a more focused agenda. We can start by talking more of a common vocabulary. To put us in the middle of a discussion between the mayor and whoever is more complicated.

On the other hand, we have had some success, and those nourish us. When the East Bay Regional Park District a couple of years back went to raise money for a bond for the acquisition of land, we were in a position to provide--by optioning some property, ready to go--land that had previously been used as a riding stable in the Oakland hills that was going to become either a subdivision (because it was gorgeous land and it would make a high-end residential tract) or be protected as a riding facility to provide a vehicle for inner-city kids to learn how to take care of horses and learn how to ride. We were working with the Black Rodeo Riders Association.

Huh? Working with the Black Rodeo Riders Association? Who says that was such a good idea? Some--not all--some of the people in the East Bay Regional Park thought that it was important not only to protect the wide-open spaces of Livermore and Concord and Walnut Creek, where you could look out and see these wonderful green meadows--but you couldn't see this riding academy because it was just stuck there, kind of on the seaward side, surrounded by other construction. Yet we, by working with community groups, were able to persuade East Bay Regional Park as a matter of equity that, along with the protection of the open space and the hills of Berkeley, along with the protection of the Livermore valley hills, there should be something for the inner-city kids in Oakland. We were able to persuade several of those East Bay Regional Park directors to include that, along with others.

Now, that's typical, I would say, of what we do--not to disparage or run down the other neighbors' love of Mt. Diablo and expanding it as appropriate, but to include in the same agenda a provision for the people who live in the areas and neighborhoods that are even more in need, because they have less comparative opportunity. I don't mean that they're more God's children than anybody else, but they have relatively less opportunity. By working with the Black Rodeo Riders Association and the difficult liability issues--

East Bay Regional Park, like any entity, said, "Well, what about the liability? What about the kids? What if they get kicked in the head by a horse? We don't want to be in that business." Our answer was, "You are in that business. Those are insurable risks." And we helped them find some of the insurance carriers, and they concluded indeed it is an insurable risk, and indeed there is a commitment by some of the local activists.

And we're very gratified to say that we had the support of Mayor Elihu Harris, who lobbied for us. He was able to say to the East Bay Regional Park people, "That district operates on both sides of the hills. Equity means [knocking on the table] there's some park land expansion on the Oakland side of the hills as well as on the Orinda and Lafayette side, the more affluent areas." That has been our role. That has been our role. It's a difficult role. It's always supposed to be, and is.

As you know, the last time they went to bond, this past November, it was defeated. Everything was defeated, because under Prop[osition] 13 it takes a sixty-six and two-thirds vote. While we got a huge majority--60 some percent--it wasn't 66 percent, and it failed. That's just a reality that when you're in this work, not that you seek to fail, but you're prepared to fail; dust yourself off, and try and come back again.

That last one apparently was complicated by the fact that some of the environmental groups could not, quote, "get their act together" and managed to cancel each other out. That's my judgment. They may disagree with it, on one part or the other. The net result was no expansion of facilities for either side of the hill was authorized. So we'll be back.

Relations with Environmental Justice Groups, and Recruiting People of Color

Wilmsen: I'm sure you will. [chuckling] What about some of the self-styled environmental justice groups, that actually say that they're focusing on--

Rosen: What about them?

Wilmsen: My question is how have you found working with them?

Rosen: A mixed bag. You've got to sort out the various agendas, and you have to sort out the long-term strategic goals and the short-term goals. We try to keep it fairly straightforward by saying what we do better than anybody in the real estate land transactions,

and that is only a small portion of their agenda, as I understand it. They're much more involved in the whole issue of siting of refineries and less desirable uses. It isn't so much, then, a question of buying out those sites and turning them into parks and fields.

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Rosen: Their agenda is only in small part related to land acquisition. I mean, that's what we basically distinguish ourselves by doing. They've got a whole series of issues, and land acquisition is a very small part. However, to the extent that we can be useful, to the extent that we can either provide advice or find parcels that fit within their long-term goals--as I mentioned, Union Point--you bet.

But when you work in partnerships and consortiums, everybody doesn't care about every issue with the same degree of either intensity or competency. I would say we're sympathetic and interested in the subject of environmental justice, but our role is a relatively confined one.

Wilmsen: What do you think accounts for some of the difficulties other so-called mainstream environmental groups have had with environmental justice?

Rosen: The fair answer is you really have to talk to them because I wouldn't pretend to be an expert on that. I don't have any special knowledge. The difficulty--I would just respond generally--is in agenda setting, funding, and also the readiness of the respective memberships to involve themselves and trust each other with the most important areas of their agenda. The mainstream organizations are still biologically/species/clean water/clean air oriented, with consequences for the populations--white, black, old, young, rich and poor--flowing from that.

Whereas the interest of the environmental justice groups starts with those constituencies and looks at all of them in response to the impact primarily--not exclusively--on the population first. That, therefore, takes working out. It's which end of the telescope are you looking at? While they're both in clear view, you rapidly discover that they're two very different views and can be harmonized in some ways. But in other areas, they're best left to work independently because they don't have to water down the agenda that each of them sees as paramount.

I would hope and will work continuously to see that, to the maximum extent possible, the chain of interaction is consistent, that the transparency and objectivity is shared, and that neither

group gives up on the other or permits, let's say, a lack of unequivocal support for a particular project or cause to be interpreted either as disloyalty or hostility. Bear in mind: in a society such as ours, which has a persistence, in my view, of racism (maybe it's better than it was in 1865), the forms and subtlety of expressing racism are more advanced today, but just, it seems to me, as deep-seated.

The other side of it is that it's reciprocal. All of the virtue is not in the black or Latino community, and all of the evils on the side of the whites. It's part of our history that we have treated each other poorly. You don't overcome that with sheer good intentions, or overnight.

Wilmsen: What would be some examples of areas that those two separate groups should keep separate?

Rosen: I don't know about separate, but I would at least keep the agendas clearer, where the environmental justice groups have got to put economics and jobs and public health paramount, if not exclusive. That means that as important as endangered species are or habitat conservation protection or protecting the owls, it should be understood that the wildlife problem in many neighborhoods the environmental justice groups are concerned about are caused by rodents and disease-bearing critters, and that that has an immediacy that transcends the long-term implications for species preservation. We shouldn't kid each other about that.

Issues of violence, issues of fairness in transportation are much more immediate in areas of economic impoverishment. To ask them to take a long-term view--those people who are in a day-to-day survival mode--I think is a setup for disappointment, if not worse. Therefore, there ought to be an acknowledgement that the degree of urgency or immediacy or intensity for the short-term, at least, or the foreseeable future, is not going to be identical.

We ought to identify those areas of immediate concern, where we can work more closely together so that the synergies of the Surface Enhancement Transportation Act and environment and affordable transportation are put into coalitions, but not suspend either belief or action because one group doesn't have the same degree of urgency about a particular issue that the other does. Reasonable expectations, but also periodic checking in to see what is changing and how there might be a great opportunity or reduced opportunity based upon current realities.

Another area, I would say is the area of housing. I would love to see--and I think it's beginning to happen--that the areas

of affordable housing are related to transportation, are related to population, are related to pollution, and that instead of having the group like the Sierra Club, for example, come up--as I view it, with dismay--and I'm not being critical of the club as I am of the way the issue is addressed. Understanding population and arithmetic is very important, but when that becomes the paramount issue so that the Sierra Club views our problems as caused by "them"--defined as outsiders or people who don't look like us or people who weren't born here--that's a setup.

I would love to see the same degree of intense interest in the affordable housing issue, by mainstream conservation groups, as I would by the Mexican American Legal Defense and Educational Fund [MALDEF] or the NAACP, because I think that is an environmental issue. It's a more conservation-minded use of existing urbanized areas, instead of sprawling and spreading out into our hinterland and converting farmland and converting open space.

There are some groups--Greenbelt Alliance and others--who recognize that linkage. But I would like to see that much more intensified as a high, high, high priority of the mainstream conservation groups, so that they could build the trust, and build the relationships, and build the expectation of coalition success. I'd like to see them then saying, "Well, we think the spotted owl is very important, but it doesn't have the same degree of urgency as our members, who are living in garages, or are living in substandard housing."

That to me is a wonderful opportunity for mainstream conservation groups, especially those in advocacy, not to just support or approve, but to really put energy and resources and commitment into success-driven actions. That I have not yet seen. It'll come, I hope--sooner rather than later.

Wilmsen: What did you think of those letters that the Southwest Organizing Project and the Gulf Coast Tenant Leadership Development Project in Louisiana sent to the Group of Ten environmental groups in the early nineties, criticizing them for not having enough people of color on their boards and for--I guess, I don't remember the exact words they used--ignoring these issues that you were just talking about, like affordable housing?

Rosen: Right. Or exemplifying racism without necessarily labeling it as such. I'd say it was welcome. I was not in the Green Group at that time. I do know that Michael Fisher was, who was then I think head of the Sierra Club, and I do know that efforts were made and are being made to address those concerns. I would say they are still largely unfulfilled. Like any social change, it takes a long-term commitment in recognizing that these things

work in waves, and you don't just send off a letter once and either get an answer or no answer and say, "Aha! That's it." There isn't any "it."

I'd say that there is certainly a continuous sympathy to those issues being reconciled and addressed, and yet no great success to show for it, yet. With some exceptions. I'd say the Sierra Club Legal Defense--although I don't know that they have any African-American or Latino/Latina lawyers--do have a special commitment to representing constituencies and neighborhoods in what I would call areas of relative impoverishment. That's part of their case selection criteria: will this benefit the populations of those neighborhoods and communities?"

Otherwise, the reality is--and we have to change reality and not just say, "Well, that's the way it is"--it is very difficult to recruit and hold people of color in mainstream environmental groups.

Wilmsen: Why is that?

Rosen: Our issue is number one, not a paramount issue for the people who choose to go into nonprofit work. If they do decide to go into nonprofit work, they do go into either more mainline--in my experience; this is all opinion--social justice or tangible employment or housing issues with a more direct delivery to those populations. We have had people of color working with the Trust for Public Land. We continue to have some, but not nearly enough--we recruit extensively.

A member of our advisory council is especially interested in redressing that imbalance in people of color representation. And she doesn't underestimate the difficulty, or our commitment. But it's not a problem at which we have been terribly successful; nor have we abandoned hope of being more successful. But it is not an area which Morningstar would give five stars to in terms of our success.

If people are interested in our kind of work--real estate transactions--they either go into affordable housing, we have found, or they go into for-profit and make as much money as they can as fast as they can, just like every other classmate of theirs. And then they say, "Well, as I become richer, I'll give money to the good causes. But in the meantime, if I got a chance to earn at the top of my pay potential, I'm going to do it." And they do.

Wilmsen: Now, Carl Anthony joined your--

Rosen: He's on our advisory council as well. He is helpful.

Wilmsen: How did it come about that he joined?

Rosen: We recruited him. I recruited him.

Wilmsen: A couple of years ago.

Rosen: We worked in the same vineyard. The difficulty with Carl: he is very good, but he's on everybody's list because there are so few Carl Anthonys. He gets invited. He went to Harvard. He is in great demand. I only wish--and so does he--that there were, if not a hundred, two dozen Carl Anthonys. There aren't.

Claudia Polley Love, on our advisory council: There should be a couple of dozen. There's one.

Wilmsen: Claudia?

Rosen: Yes. She just got married. She changed her last name. She's the head of the African-American History Association of the United States. We work very closely with her. She helps bring us some projects. We bought some of the properties in Florida where black musicians (with great names: Duke Ellington, etc.) were required to stay during Jim Crow days and are turning those into state historical structures. That's the kind of thing we're trying to do to demonstrate to ourselves, and to people of color, and to the powers that be that conservation is inclusive and not only the rolling hills of Ross and Mt. Diablo. But I can also tell you that she knows, as we do, it's going to take longer-term commitments. They're more people intensive. We do them, wherever we can.

Wilmsen: In 1994 or something, President Clinton signed the environmental justice executive order, which requires federal agencies to look at the social justice impacts of any actions that they have. Did that have any effect on TPL's activities?

Rosen: I wish I could say so, but I admit I am not aware.

Wilmsen: I think it might be too early.

Rosen: Could be.

Wilmsen: I think the agencies are still trying to figure out what exactly that means.

Rosen: Could be. It's welcome, and a step in the right direction. I applaud it. It's a courageous action. We don't underestimate the difficulty of that undertaking, because you're talking about changing people's minds and their conduct. I was alive when [President] Harry Truman issued his executive order desegregating

the army and was told it can't be done, it shouldn't be done, it would demoralize the troops. He did it anyway. Probably the result of that executive order is as far-reaching, or more, than any other executive order of my generation. But the effects were not immediately apparent because they were clouded in suspicion and hostility and racism, as well as conservatism.

But today, I would say a fair-minded person would say that, for better or for worse, the military establishment is probably more exemplary in its desegregated system of recruiting, advancement, and effectiveness than any other, including the churches. That takes a kind of courage. In that case, I salute President Clinton for taking that step. But you're right. I think it's a little too early to measure the impact. But it's certainly a step in the right direction.

But we must take many steps. I, as you know, don't think we're taking them by either dismantling affirmative action, or by passing state legislation which divides us into the haves and the have-nots, the documented and the undocumented, however well-intended the people are who see this as a population and similar fiscal issue. No complicated problem is going to be solved with simplistic waving of wands or by throwing money at it. But neither is it going to be solved by withholding money, or by raising the false issues of the bogeyman--of the immigrants and undocumented hordes overtaking the pure white folks of California, as Governor Wilson, in my judgment, sponsored.

How's that for being transparent?

Wilmsen: Pretty good.

Rosen: It's clear.

Maintaining an Open Mind to All Possible Solutions and Sources of Funding

Wilmsen: Yes. So one question I forgot to ask, actually, when we were talking about sources of funding--

Rosen: Ah! Confessional! Yes, sir.

Wilmsen: There have been amendments to the Clean Water Act, or there were a couple of years ago.

Rosen: You bet.

Wilmsen: Providing monies for acquisition of watershed properties.

Rosen: You bet. And we use that money, wherever we can, bearing in mind that land acquisition is only a component of a clean water intention. Part of it is regulation; part of it is pollution control by artificial means, such as filter plants; but our role is to also indicate both the economy and the effectiveness of watershed protection by acquisition of those lands. And, you bet, we have part of our staff filtering those issues to see where a conservation solution fits within the guidelines of those initiatives.

And, as you may gather, that is kind of what we do again and again: look for the linkages. We're not strictly a Century 21 [real estate broker] of the conservation movement. These things are inter-related; these things are continuously changing and banging into each other. We're always asking the question: How does this affect conservation? How can we add value by what we know and the skills we have to ensure a more healthy outcome?

Sometimes it's by committing both funds and talent and energy (staffing) to a particular outcome. Sometimes it's simply by advising a land trust, or sometimes it's by helping provide accurate information on the Presidio, as the case may be. We don't confine our role to the narrowest beam of light. On the other hand, it's important that we maintain a certain focus so that we don't pretend that we can be all things to all people. But neither do we want to be a narrow linear band that says, "Oh, we'll only do endangered species. To hell with the people. We're not in the people business. We're not in the housing business. We're not in the jobs business. We're not in the public education business."

Our answer is, "Oh, yes, we are." Oh, yes, we are, but in a way that builds on that linkage between experience, ethics, and outcomes that has a role--sometimes alone but more often in concert with other groups--that will benefit, and in turn will contribute to the agenda of conserving land for people--meaning their people, their constituents, their members of MALDEF, their members of a senior citizen center, or their members of a public school district.

Wilmsen: It seems like there are all different sources of funding through these various acts.

Rosen: You got it. That's a big part of what we do.

Wilmsen: Has it always been like that, or is this kind of a more recent trend?

Rosen: Has it always? My guess is: to some degree.

Wilmsen: I mean, it just seems like we've kind of emphasized--maybe it's my fault--the Land and Water Conservation Fund.

Rosen: No, it's not faulty. But it's not sufficient. We'll get funding from the Bureau of Prisons, we'll get funding from the City of Tallahassee, we'll get funding from the transportation people, we'll get funding from the Forest Legacy people. We are opening up--hopefully, all of these people with whom we work--to the possibility that we are not looking for the lowest common denominator. We're looking for the highest common values. And that means a mind-set that is not limited to previous experience or failure or rejection, but to the question of how can we do more. What are the options that we have not yet fully explored--local funding being an example that we did talk about.

But this is not a special interest group. This is a public interest. Therefore, we ought to be continuously scanning with our radar all of the sources of recruiting of people, all of the sources of public financing, and see how they can be, not hijacked, but utilized for the common purpose. We talked about the commons or the common ground. That is a shorthand for what you're just describing, that if we can assist the Department of the Army in recognizing the obligation to clean up a military post before it becomes a public park--not afterwards--and then get after the poor Park people for running a toxic facility. That's a public benefit.

It also advantages the military because it puts their feet to the fire and keeps them responsible. When you think how inequitable it was to subject soldiers to unsafe working conditions only because they're exempt from OSHA [Occupational Safety and Health Administration]--dreadful! It's a terrible way to run an Army. They got away with it because they could. I served at a military base--Castle Air Force Base--which was a toxic base. That's not a healthy way to run an Air Force: killing your own people slowly.

So what we're trying to do is to say to those people, without blaming them, obligations and opportunities are not limited to past experience. There are baselines, there are possibilities that--if you sit down, in good faith, and explore them together--pop up, enlist, bring on, create solutions. That's really what we are pretty good at: looking for the linkages between the needs of communities, the needs of particular groups who are interested in saving the mountain lion, in saving a river, in creating more livable communities or healthier school systems, and adding something drawn from the

experience which we gathered in working across the country around the issue of conserving land for people.

Not that it's the only issue, but it's quite often a very powerful way to having people get into focus. "Oh, I get it. What you're doing, then, with the Black Rodeo Riders in the hills of Oakland, well, that's just as important as what we're doing in Livermore, isn't it?" Got it. How can we work together? How can we work that we're not playing a zero-sum game: you or me, but not both? How can we have one and one make two and a half?

Yes, those possibilities have always existed. We're now spending resources, adding experience to doing a better job of that. That's why I say that we're living in--truthfully, as you may gather--one of the most exciting times in the history of the world. There are needs, but they're much more transparent. They're much more obvious. They're not simpler; they're just as complicated. There's plenty of hatred; there's plenty of misunderstanding. But there are more possibilities, more ways that people can work together.

One of the beneficial ones is, yes, planting trees, maintaining trees, walking on the land, looking at some views with your children and my children--together, rather than at the expense of each other. And from that possibility, you bet, comes healthy communities. That's the theory. And we're fairly good at ferreting out money, and that's a very welcome skill, because the question always comes up, "Where's the money? Where's the money? You got any money?" We're not a bank, but we're blessed with having experience of getting in the foyers of many banks, and we know how they operate; we know the importance of fiscal integrity; we know the importance of presentations which are accurate and audited, and projections which are based on sound information.

The Green Cities Initiative: Expanding Funding and Experience in Urban Communities, 1994

[Interview 10: February 16, 1999] ##

Wilmsen: Last time we decided to start this time talking about the Green Cities Initiative.

Rosen: Good.

Wilmsen: Where did the idea for that come from?

Rosen: Well, remember, that's kind of a label that we put on the idea of doing more work in urban areas. By that I mean we of course were already nibbling at these projects: Bee Canyon in Southern California, downtown Santa Fe, working with Urban Gardens--New York, Boston, San Francisco. SLUG, BUG, DUG are their acronyms; we just love them. But what we finally did, we reached the point that we felt it important that we dignify the effort by giving it a name, Green Cities Initiative, and by ramping up the process to deal with it more systematically. That, I think, is the best thing.

It was about that time that we were fortunate enough to have an opportunity to work with the Lila Wallace Reader's Digest Fund that in that instance I thought was very sensible. Namely, they gave us an amount of time and an amount of money to look at the entire United States, come up with some criteria, come up with some opportunities, identify structural relationships, and then apply to the foundation after we submitted our findings of our research, so that the program had definition and targeted opportunities larger than just a grant application, if you follow me.

Wilmsen: Sure.

Rosen: We prepared and submitted [pause as he moves away from microphone] several documents, one which I'm just handing you [returns to microphone], which describe the role of--

Wilmsen: You gave me that one already.

Rosen: Well, these were essentially the findings of the research that they sponsored which allowed us to spend the time and money to come up with the criteria and frankly decode a lot of the bullshit around this enterprise. So it was a fairly thoughtful piece, based on some pretty hard, detailed research in numerous cities throughout the country.

Wilmsen: Did you approach them with the idea, or did they approach you?

Rosen: We approached them, based upon our ascertaining that there was some readiness on their part to do more than what they had been doing with the arts. Lila Wallace particularly was interested in beauty and the arts. I think she has an endowment--I could be wrong--to provide fresh flowers almost daily--lovely, fresh flowers--at the reception desk at the Metropolitan Museum of Art in downtown New York. It's very important for her to have a sense of beauty and display in people's daily lives. The same reason she has underwritten a lot of regional and local theater and ballet--not just the great corps de ballet of the world but

also the regional areas, which touch people in a more where-they-live kind of system.

So there was a mutual readiness. We dealt with a fellow by the name of Peter Howell, among others. He was a young, bright fellow who understood what we were trying to do and encouraged us and supported us, and then the foundation, of course, was key because we're talking now in the right magnitude--low end, but still right magnitude: multiple millions of dollars for multiple years.

If you're going to work in urban areas, you can't do it with spit and polish. You've really got to commit, you've got to identify, you have to take your misunderstandings, you have to take your defeats, you have to take your politics, you have to take your baggage--because people have had similar ideas in the past and either squandered or betrayed or, worse, stolen from the communities--and therefore you have to be very careful about what you promise and then, as you've heard me say before, deliver what you promise.

That then gave us the courage to ramp up one level to the Green Cities Initiative. It resulted specifically from a meeting I remember that we held TPL-wide in New York City, in the law offices of one of our directors, Bill Everts, when we put everything else off of the table and just addressed the question about what our role was in the Green Cities--then, of course, unnamed. But it was evolving to the point that we wanted to make something more systematic, more specific, and with a higher emphasis.

That in turn led to Kathy Blaha working with Ernest Cook, two of our very seasoned players, who have done a lot of what I would call transactional work with the Forest Service, and the City of New York, and whatnot. That in turn led us to take ourselves more seriously in staffing up and committing to a larger order of magnitude of urban conservation--not that we're the first or the last, but identifying who the partners were. Maybe it's an Audubon Society; maybe it's a neighborhood group; maybe it's an Urban League; maybe it's a church; maybe it's a police department; whoever were the keys to really unlocking some of the energy, the talent, and the hope of a particular community.

That, then, as you know, led us also to put into our strategic plan the elements of the Green Cities, which I'm now handing you. It's very important that you go beyond wordsmithing and lip service. Therefore when we put it in writing and we give it to every employee, the same card [see copy of business card in

appendix] that I'm going to give you, we begin to say, in effect, we dare not fail.

And so right up there with working with the Forest Service, and right up there with expanding Point Reyes or whatever it is, we identified on that little card that we each carry around in our wallet that we were going to raise \$3 billion--that's with a "b"--for urban open space. Nobody in their right mind had ever done that before. That's really an original. Nobody in their right mind would write it down. Where did we get that number? We got that number by hard research, risk taking, and investing. We spent about \$1 million on making that come alive. Putting it in perspective, that is much more than the entire Land and Water Conservation Fund, as you know, for the entire country, for many years.

Wilmsen: This \$3 billion is what you're talking about with the bond initiatives?

Rosen: The public finance for the local bond campaigns, related to but not dependent on a dime of federal funding. We recognized that it wasn't enough to make do with what trickle-down there was. There had to be a systematic strategy; there had to be a series of campaigns based on readiness of the individual states or local governments to say yes--in addition to everything else: sewers and schools and hospitals and tax reduction--we're going to make a place on our public agenda for open space.

We worked with a host of other organizations. Bear in mind, Trust for Public Land never does this alone. We're not a bunch of Lone Rangers. And we basically have done it. With what we thought would take us five years, we're probably going to do in less than three, to the point that we're now thinking of raising that for the next five years to \$20 billion. Now we're talking about critical mass. Now we're talking about changing the way people think, possibly, of land as something to be paved over and soiled and degraded in the name of progress. We're now talking about taking land out of its being a commodity, and being acknowledged and embedded in the local culture as something of lasting, unique value, to which school children can relate, older people can relate, and it will be there. Forever? Who knows what forever is. None of us, except when somebody is bold enough to call it forever. But it certainly will have a greater degree of attention and protection than ever before.

It's tough work because every community has ambivalence about this. "Are we going to be giving up jobs? Are we going to be taking land off the tax roll? We can't maintain what we already have. And here you're talking about adding new land? It's going to bankrupt us." There are always a thousand good

reasons why we have to be very careful. But we're always trying to come up with a thousand and one better reasons that we ought to commit to making that kind of investment, and that's what the Green Cities is all about: that as important as it is to have wilderness--and it's very important (back to Frederick Law Olmstead)--it's even more important that we have these urban qualities of gentleness and healthfulness and beauty in our communities and in our neighborhoods. That's what the Green Cities is all about.

The three outstanding champions within the Trust for Public Land are--Kathy Blaha, Ernest Cook, and Lisa Cashdan. And that, as you know, led to our publishing that book on urban parks with the Urban Land Institute.¹ That's basically a trade association of developers who we have made aware of, quite frankly, the opportunities for investment, and the return of incorporating qualities of Green Cities in their projects and in their developments.

Thanks to our chairman, Chris Sawyer, and Jim Chaffin, who is the president of the Urban Land Institute and a developer, we have worked on taking this value system into the marketplace as well as into the public agencies of park and rec and departments of natural resources. So that's the excitement.

Wilmsen: Does some of the money for this initiative then go into maintenance?

Rosen: Yes. That's the idea. That's the idea. They shouldn't be at war with each other. Either you have money for acquisition or you have money for maintenance. You've got to do both. You've got to do both.

Wilmsen: How does it shake out in terms of--

Rosen: The community decides. The community decides. But it's no longer good enough to say, "Well, we can't afford any more land until we catch up." That day never comes. You just get further and further behind. You've got to understand concurrency. You've got to do them both. Of course, maintenance creates jobs, it creates value for the surrounding areas, it enhances the tax base, and does a whole bunch of other wonderful things. But you have to demonstrate it. You just can't academically proclaim it.

Wilmsen: Right. So this Peter Howell.

¹Alexander Garvin, et al., *Urban Parks and Open Space* (Washington, D.C.: Urban Land Institute, 1997).

- Rosen: He was in the Lila Wallace Reader's Digest Fund. He was the program officer that we related this to, under their seal of a woman by the name of Chris Devita. She is the CEO of the Lila Wallace Reader's Digest Fund, and Peter was her program officer.
- Wilmsen: I'm just curious why you went to them with this idea as opposed to somebody else.
- Rosen: Well, they weren't the only one. Ed Skloot and Hooper Brooks at the Surdna Foundation were very helpful. These things are continuing dialogues. They're not just hot flashes of bright ideas. We hear a little bit about what they're doing, they hear a little bit about what we're doing, and we say, "Can we meet?" And sometimes you succeed in going beyond the dialogue, and other times you basically just have chitchat. So this is one where, I would say, the stars were aligned. And so we were good for them, their program objectives, and they were certainly good for us. They gave us a chance to do the two things which were important: One, do the research first, extensively and in detail, and then, based on that research, craft a proposal for multiple millions and multiple years.
- Wilmsen: Now, that research was done in about a dozen cities.
- Rosen: More than that, about thirty-three or forty cities. Then we identified the best shots. The truth is, because we don't have a lot of money to operate on a national scale, which really calls out, in all fairness, for billions, you have to pick your pockets. Basically, what we do is not go to the neediest communities. We don't go to the splashiest or the most visible. We go to what we call the communities that are ready--ready for us and that we're ready to meet their needs. Then we enter into a kind of a compact, and we work with each other to make something happen.
- That isn't to say that our work has other than just begun. Quite frankly, the disturbing part for me is that the neediest communities are still not being served.
- Wilmsen: What makes a community ready for you?
- Rosen: They've got a sense of who they are, they've got a sense of who they want to become, they have some leadership, they have some energy, the infrastructure for moving ahead and breaking out is in hand. We don't have to create it. We don't have to pretend we're Saul Alinsky and go knocking on doors, as we have done in the past, saying, "Hello, there, Carl. How would you like a park?" They're ready. They get it. It may not be the only thing on their agenda--it normally isn't--but we don't have to

sell them on the idea that, "Hey, you guys ought to have a park, right?" They're beyond that. They know it.

And when we come to town and we offer some energy, some experience, a modest amount of cash, they say, "Let's form a partnership. This is what we'll do, and you can hold us to it, and this is what we expect you to do, and we're going to hold you to it." That's when we work best.

Wilmsen: I see.

Rosen: That's what I call readiness. We've done it in places like Newark, where we've identified--and we continue to work in Newark--probably some of the greatest need of communities anywhere: high unemployment, high poverty, deficient schools (I don't want to be disparaging). Previously we went and knocked on doors and knocked and said, "Hi, there. My name is Peter Stein. We specialize in urban parks. We notice you have a vacant lot across the street. How would you like a park?" Sometimes it worked, mostly it didn't, because it lacks staying power; came back in three years, and it kind of reverted. There was no institutional grip. There wasn't any sustaining quality. It was very sad.

We learned from that, to the point that we now interview each other. We tell them what we're about, what our experience is. We make it very clear that we're not the government, we're not a social welfare agency, we're not the church, but we do have some experience in working with communities.

And then we identified a dozen cities. That's a small number, but it's twelve more than there were before.

Evergreen Agenda Project: Variation on a Theme

Wilmsen: One thing I read in going over the TPL materials is that the Northwest region has what's called the Evergreen Agenda Project. It's a project for acquiring parks in cities in the Northwest.

Rosen: Yes.

Wilmsen: One of the things that's happening there is that on that particular project, administrators are working out of the TPL office drafting bills to make it easier for local communities to acquire and protect land.

Rosen: That's right.

Wilmsen: I was wondering: is that unique to the Northwest region, or is that the kind of thing that's going on in regional offices as well?

Rosen: I'd say it's going on all over the country. In that particular case--remember, these are just bumper-sticker names--we came up with a name--in concert with many other conservation organizations--for the alliance that would enable us to work together on generating statewide funds for individual communities, consistent with Green Cities. But essentially it was a campaign, a legislative, executive campaign to generate funding from the State of Washington--that was the only state, call it Evergreen--in which we participated, within the limits of our nonprofit status, in lobbying for appropriations from the State of Washington for this purpose.

Wilmsen: I see. That was, then, basically another--

Rosen: Another campaign, another example.

Wilmsen: As opposed to doing a bond initiative.

Rosen: That's correct. This came out of appropriated funds. You got it.

Wilmsen: I see.

Rosen: Craig Lee, who was then the regional director of our Northwest office, represented the Trust for Public Land and offered up our facilities. As I say, we have to be very sensitive--and are--to the limits of what a nonprofit organization can do with advocacy. It doesn't mean, as you've heard me say before, we can do no advocacy, but it means it must never become a significant or substantial part of our activity. We monitor that very, very closely, both in terms of time and, most importantly, in terms of finances. We can count, and that takes time, energy, money to set up the system to make sure that we don't violate the very severe rules for advocacy by a nonprofit organization, because our nonprofit status is very, very important to our work, and we could jeopardize it if we didn't pay a lot of attention to that.

Wilmsen: What's the rule of thumb now? Is it 10 percent?

Rosen: Don't hold me to it. I think it's 20 percent or \$1 million, whichever is less. Now that we're spending about \$30 million a year for the totality of our work, we use the million dollars, and we stay well within that. The year that I was last president, for example, I capped our expenses at about \$700,000, saying that if we did--and, you know, when you're in momentum, it's very difficult to say, "Stop the energy"--have some overlap,

we wouldn't ever go over the million. And we didn't. We didn't go over seven fifty [750,000]. We were fairly conscientious. That comes from good people and good systems. Ernest Cook, Kathy, our accounting department, had all these meetings.

That's why I hate the term "overhead." It's not overhead. It's like your air supply. Is that overhead? Good intentions can kill you if you don't have air and if you don't have systems. So you sit down with the accounting department, and you set up your computers, and you do all those things to have [snapping his fingers for emphasis] timely, accurate information so that you can guide the organization and avoid crashing into the rocks.

Familiar themes, I think you're hearing again and again. "Yes, Marty, I think I've heard that."

Wilmsen: [chuckling]

Rosen: But it's also important to know that's how we live. We don't just say, "Oh, yes, we did that. Let's do something bold and exciting." We want to do things that are bold and exciting, but we also want to do ones that are not just feasible but credible, worthwhile, honorable, make a difference, be-back-next-year-if-you-don't-get-it-all-done-this-year. None of us have a sideline agenda that we're running for governor, or we're angling for a commission, or we want to enhance our marketability in the commercial real estate business. Again, that's what makes TPL. This is it. This is the main action. This is Stratford-upon-Avon. This is as good as it gets.

Attempting to Resolve a Land Preservation Dispute in Northern New Mexico

Wilmsen: I want to change to something that's quite different, actually.

Rosen: Ah, shifting gears on me, are you?!

Wilmsen: Shift gears, change the subject here.

Rosen: All right.

Wilmsen: I think it was '95 or '96 when you were asked to act as arbitrator for that dispute in New Mexico between the Sierra Club Foundation and Ganados del Valle.

Rosen: You bet. You've got it right. I would say dispute resolver. Was there an opportunity that the Trust for Public Land could

offer its services and experience to resolve a very thorny dispute between two very worthwhile nonprofit organizations? There was a feeling enough that I and Ted Harrison decided we would attempt to resolve the dispute.

Wilmsen: Who's Ted Harrison?

Rosen: Ted Harrison is our regional manager in the Southwest, out of Santa Fe, New Mexico. It was Ganados or something like that.

Wilmsen: Ganados del Valle.

Rosen: Right. The problem was familiar: money and power. I'll spend some time on this, and then you can sort it out and edit the way you want. And it can be spun by different people in different ways. But it was money and power that led to a dispute between these two nonprofits. The history rose out of the fact that a number of years ago, a developer, whose name escapes me, gave some money to the Sierra Club Foundation to acquire some land for resource and park-type purposes. For whatever reason, years went by and that had not been accomplished. About \$100,000, as I recall. In the meantime, the developer who made this, without necessarily having any bad motives in making the gift, then went on a development program, that the Sierra Club opposed. You can understand he felt at least betrayed, if not greatly disappointed, that this group, that he had financially supported in a big way, opposed him.

I would say that feeling kind of festered, and he then came up with a strategy where if the Sierra Club was so ungrateful and had not yet spent the money, that he was going to give it, the money, to Ganados.

Wilmsen: Directly.

Rosen: Directly. And direct the Sierra Club Foundation to give the money to Ganados, saying, "Okay, you've had it, but you haven't either used it or shown any results. I want you now to give it to Ganados." I don't know a great deal of the background, so I'm speculating on some of this. Ganados, understandably, said, "Terrific, except we don't want just \$100,000 anymore. If you've had this money for a period of years, we put our people together and we think it's now worth \$1 million. We want you to give us \$1 million, approximately."

The Sierra Club Foundation, understandably, said, "This isn't right or fair. Our loyalty wasn't for sale, and we smell some underhandedness in this affair. We're not saying that Ganados is part of it, but..." So the matter did not get any better. It got worse. Ganados sued the Sierra Club Foundation

for, in effect, a constructive trust, saying that "we want to be paid this money that should now be given to us as a result of the donor's expressed intention."

They brought a couple of lawsuits: one in California, one in New Mexico. The one in California against the foundation, I believe, was dismissed. However, in New Mexico it went toward trial. It got to be testier and testier and testier, at which point I knew both of the players. I knew the foundation better, but I knew Ganados slightly. We offered to be a conduit or an intermediary to buy some land which met the purposes of the foundation for protecting it as resources and, at the same time, would make it available in such a way that it would constitute an economic development asset, with appropriate conditions for Ganados as well.

We spent a considerable amount of time in that we had to go out to New Mexico with our people and find land that could be farmed or fished or--

Wilmsen: They wanted to do sheep grazing.

Rosen: Grazing would be part of it because they already had an ongoing program, and then it came to the question of how much is appropriate. All the issues of land use and non-abuse. But, quite frankly, as we got into it--the court, by the way, was very interested in our being an agency for settling the dispute--and we thought we would be doing a useful service, for both of these fine nonprofit organizations, we discovered, in my view--judgment call--that it wasn't going to work. The sensibilities and feelings of the two groups had become so incendiary that we were not going to be able to settle it despite all of the goodness and skill and effort. Therefore I notified--or I had Ted Harrison notify--the court that we were withdrawing our offer to serve as a dispute-resolving agency. That was a disappointment to each of them, but they understood that our role was strictly one of seeing if we could--à la Kosovo--come up with a resolution. I concluded we couldn't. And therefore we withdrew our offer.

The matter then went to litigation. I think it was finally settled. During the proceedings, the Sierra Club agreed to pay, and did pay, approximately an \$800,000 settlement to Ganados.

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Rosen: And, having then paid the money to Ganados, the Sierra Club Foundation sued the developer for abuse of process. We had nothing to do with that at all, but we obviously followed it because it's a very unusual type of lawsuit and very difficult to prove because you almost have to go to state of mind. They had

to show that the developer basically cooked this up. They sued him. That was a very difficult case to win, but they had enough evidence of what his state of mind was to convince the court that he acted with malice in stirring up this controversy between Ganados and the Sierra Club Foundation. The court awarded the foundation, I think, about \$2.5 million for the malicious misconduct of the developer.

Wilmsen: And that was because of his project that the foundation had not supported.

Rosen: I believe that's what they hung it on, that it wasn't just a change of heart, choosing one philanthropy over the other. He really wanted to stick a dagger maliciously into the heart of the Sierra Club Foundation. As I said, it's still on appeal, so I don't know what the outcome is, but the fact that they even got an award, I will say, was astonishing.

Wilmsen: Right. Your decision to withdraw--

Rosen: Was based on my determination that the Trust for Public Land could not achieve a constructive outcome that would be accepted as fair by each of the parties.

Wilmsen: Was that just because of the personalities involved?

Rosen: Personalities, the positions, money and power. They have to, in my view, want to settle, and they didn't.

Wilmsen: Okay. So neither one was willing to budge.

Rosen: Not enough. I'm not going to place any blame on one party or the other, but there was no readiness (my favorite word) of the parties to say, "Let's see if we can't settle this matter by the Trust for Public Land finding some land that we, the foundation said, can be satisfied that this is going to be a protected resource, and that Ganados could say would provide the economic base for activity, whether it was grazing or fishing or timbering and that we had hoped was that we would take about that sum of money, \$700,000 and, by using our skill, maybe get \$1.5 million or \$2 million worth of land for the \$700,000. I mean, that's what we do for a living. That was our hope. But there wasn't any readiness to have that.

Wilmsen: What was the sticking point? Was it how the land was going to be used?

Rosen: Control.

Wilmsen: Who was going to control it.

Rosen: Who was going to establish the conditions, who was going to be shown as winning--all that stuff. Normal. We just tried. I think it's okay. I don't think we have to win every battle to be, as you heard me say, a successful nonprofit. Of course, that cost us money--time, money, dollars, the works. But I think, in my view, that's part of what a nonprofit does. You look for creative outcomes; you look for solutions that aren't out of the textbook or cookie cutters, I'm fond of saying. And that one didn't work.

So we withdrew our offer. Did not accept the imploring of the judge to "Please. What can I do? Stay with it longer. I'm enamored with the idea that you're really adding something unique and valuable. Please stay with it." We did for a while, and then I declared--that's what CEOs do--"We're out."

Wilmsen: It seems to me like the Sierra Club Foundation, as a conservation organization, would be very concerned about whether any land use, particularly if it was going to be grazing, would be okay on that piece of land.

Rosen: You got it. That's right.

Wilmsen: And Ganados is interested in cultural preservation, with grazing as a big part of that culture.

Rosen: You got it. What they did is say, "Show me the money and let me out of here." And that's what they did. I have no idea what Ganados did or did not do with the money. I don't know how Sierra Club Foundation reconciled this, except that it was a settlement, and when you have a settlement, you have a situation where you're abdicating certain, quote, "perceived rights." And off they went, respectively.

Wilmsen: But when you were still involved and thinking about getting some land that they could do this with, did they disagree about who the experts would be who would decide how the management should be?

Rosen: Partly. Capacity of the land, who decides? We're talking about something that is not precise. There are a lot of land wars over how much land is required to sustain grazing, and Ganados, quite understandably from their standpoint, said, "Look, we don't want you guys telling us anything. We understand land. We've been on land a lot longer than you guys have. So, excuse me, but just give us the money."

The foundation, as you alluded to, in fact, said, "We have to do more than that. If we're reconciling our differences of

opinion, we have to make sure that our charitable purposes are also acknowledged." That was not to be.

I think it's important to document some of the, quote, "failures" as well as successes, that any healthy organization just doesn't win races and get medals. The blood of the system is what I call the mind-set. You're continually saying, "What can I do? What should I do? Is there another way? Can we be of service? Kind of old-fashioned, corny. But we feel very strongly about that. That's why we call ourselves analogous to the performers at Stratford-upon-Avon. We don't have to go anywhere. We're there.

A Similar Disagreement over Sinkiyone

Wilmsen: Do you think the dispute between Ganados and the Sierra Club Foundation is typical of disputes between conservation groups and land-based economic development groups?

Rosen: It's not unfamiliar. We had a similar situation with the situation we did up here at the Sinkiyone. Remember, we bought that land from Georgia Pacific, and most of it went to the state park for expansion of the Sinkiyone Wilderness State Park. The balance that was not wilderness the State Park did not incorporate. Therefore we attempted--and successfully, in that case--to identify a local community--in this case, the tribes; I think there are seven or eight of them, and this was their first time working together to use that land, several thousand acres, for its economic activity.

I mean, face it. These people, like you and me, need some resources to make a living from. They looked very poorly on the idea of us, or anybody else--"they" being the Indians--imposing any conditions on the land. "We are a sovereign people." Understandably. But in that case, unlike the Sierra Club Foundation, we were in a position to, quite frankly, insist that these conditions be written into deed restrictions because we owned the land. We were offering to not give it, but sell it at a significant reduction, to the Indians and assisted them in getting all of the purchase price from a foundation out of Santa Fe, New Mexico, so that they got a terrific deal. I think it was about a third or half of the fair market value for these thousands of acres.

But there was a lot of acrimony over this very same issue; namely, "we know more about land than you do. We have lived on land for thousands of years and, frankly, it's insulting for you

to make this conveyance, out of your generous spirit, subject to conditions. Excuse me, but who in the hell are you to impose conditions on us," especially, in their case, when they regarded themselves as a sovereign nation. Therefore, these conditions are, if not invalid, unenforceable; and we're already on notice that they may bring suit to set them aside. We understand that.

But we said in a similar situation to the Sierra Club Foundation, "We're a charity. We exist under the laws of the State of California and the United States of America. We would be, in my opinion"--and I was the CEO--"derelict if we just said, 'oh, well, sure. You're nice people.'" Because, quite frankly, we are very concerned about them--or anybody--building a casino or coming up twenty-five, fifty or a hundred years from now with an inappropriate land use--as we defined it, as a charitable organization, conserving land for people--and being guilt-tripped out of our obligation to see that that land is protected and conserved, consistent with economic utilization of the tribe. We meticulously worked out the easement with the Pacific Forest Trust, and, I would say, quite fairly. But I would say that there is still lingering resentment and antipathy about the idea that the conveyance was subject to these deed restrictions.

So it's not a foreign notion. I'd say that it's a notion that we run into again and again.

Wilmsen: In that case, with the Sinkiyone, I assume that you got involved with the tribal leaders for this process of restrictions on the land.

Rosen: For years. Years. Negotiation, drafts, time, energy, money, accusations, etc. Not a lot of fun, but terribly worthwhile, terribly worthwhile--bearing in mind that that might not be the end. They told us, "We'll take it, for now. But because we think there is at least a question"--and their lawyers urged them on--"that being a sovereign nation, you have no right to impose any conditions on this."

Well, if you carry that to a legal conclusion, then being sovereign meant that we had no right to convey it to them at all. So maybe not only are the conditions invalid, but maybe the conveyance is invalid, in which event we get it back. So it's an interesting dilemma.

But again and again you see that this particular nonprofit is not just one that is out there patting itself on the back for saving old "Green Acre" and having wonderful photo opportunities. This is gritty, scrappy work.

Wilmsen: What were the conditions that they objected to?

Rosen: Building is restricted, subdivision is restricted, forest practices à la grazing were spelled out--a whole bunch of fairly typical easement restrictions established when you accept an easement either from a donor or make a conveyance to a tribe that operate to maintain the centrality of the land's integrity. Not say that you can't do anything; you can just look at it--you know take a picture of it, or go on it to paint. But make sure that posterity appreciates the dilemma of reasonable, balanced use, and protection and preservation. Not easy.

But, on the other hand, it's not brand new, either. We're fairly experienced, and there's a lot of easements and a lot of restrictions that have been developed and negotiated over a period of years.

Participation in the Green Group

Wilmsen: Moving on: you mentioned that you participate in the Green Group, which used to be the Group of Ten.

Rosen: Yes, that's right.

Wilmsen: I was wondering how it came about that TPL got involved with the Green Group.

Rosen: The Group of Ten was originally a self-selected coordinating body of the self-described major environmental organizations of the country. Because many of us are active or activists, it was felt early on that there ought to be a way of coordinating, at least, and avoid what I call bumping into each other because we didn't know what each other was doing, and then late in the game say, "Oh, my God, is that what the Sierra Club is up to? What are they doing that for? Don't they know that..."

So, the National Wildlife Federation, the Natural Resources Defense Council, Sierra Club, Audubon Society, and Washington-based foundations that specialize in public information, such as U.S. PIRG (Public Interest Research Group) or population groups, would meet periodically to coordinate and inform each other what we were up to, respectively.

Well, as so many others have learned, you can never completely sanitize or discount the effects of personality and turf. Quite frankly, there were some questions, if not suspicions, about what some of the groups were up to: whether there was safety and security in disclosing the funding sources; whether my membership would support it if I gave up this issue,

even though the other group maybe was more organized or had a better program. So there was a lot of jockeying for position. And some of the personalities--one in particular, Jay Hair of the National Wildlife Foundation--kind of allowed it, if not helped it, destroy itself. He thought the group superfluous and bad-mouthed it.

At that point, I began to learn what the potential of the organization was, knew some of the players from our own work: John Adams of Natural Resources Defense Council, Mike McCloskey of the Sierra Club, the head of Audubon, etc. And Mike [Michael] Fischer played a role. He was the former head of the Sierra Club and now works for the Hewlett Foundation. Bear in mind, these are very busy people. CEOs of major organizations being torn and pulled in eight or nine different directions. We just thought that--some of us--it was very important that we not allow this organization to disintegrate. And it came very close to doing just that.

We said we would get involved, and we did because it was a priority of mine. We brought in some new recruits. Dick Moe of the National Trust for Historic Preservation. Paul Pritchard was a key player in this. Paul was the head of the National Park and Conservation Association. And we just kind of refused to let it die. We kind of refocused our energies, cleaned out some of the underpinnings, got some staff so that we didn't have a CEO licking envelopes, making all the drudgery-type arrangements, and I'd say brought it back to its full potential. It is acknowledged that it's probably now in the best shape it's ever been as a coordinating group that has no power to dictate to any of its participants what they should or should not do, but that allows the best of the organization's capabilities to be shared and displayed.

Does it mean that there are never any problems? Absolutely not. There are some really major disagreements on substance and content, legislatively: Should the Endangered Species Act be reformed? And if so, how? There are some major disagreements. Who takes the lead in global warming? Environmental Defense Fund is, and so is NRDC. They are very important to their constituencies, and they're not about to be, quote, "second fiddle" or seen as playing second fiddle.

So it is an important coordinating body. It meets physically four times a year in Washington, normally, or in New York. CEOs give it a priority, and therefore it takes on a life of its own. Other people may not feel as strongly as I do, but I think it's one of the better things that have happened in the past ten years, that at least we've got the environmental groups--all of whom are independent, all of whom have terrific

histories and missions--at least playing on the same page. They may not make the same music, or they may not play the same notes, but they're at least on the same page.

When we talk to primarily federal officials--that's primarily its focus: federal affairs--like, [Senator] John Chaffee of the Senate Public Works Committee or [EPA Commissioner] Carol Browner about the administration, we have certain ground rules. Namely, we look for the highest common denominator, not the lowest common denominator. Basic rules of you don't disparage the other person's work; if you have something to say, you say it to their face; and essentially act in a responsible, adult fashion. That's what the Green Group is all about.

Is it a conspiracy? Is it a trade association? Is it a muscle? It doesn't even have a real budget. But it does have what I would call a convening force that people who feel strongly about an issue have a place to address it, with their colleagues. Also, you develop some of the personal relationships.

From that also has emerged a very specific alliance with the force of religion. Paul Gorman made a presentation from [the Cathedral of] St. John the Divine in New York for a conference of organizations that are religious and deal with the environment as a religious issue--Catholic, Protestant, Jew, Hindu, Buddhist. That came about because there was a Green Group, and it could leverage the force of all of these congregations and the national environmental groups.

Wilmsen: Were you involved before it started to fall apart, as you described it?

Rosen: I was involved as it was falling apart. I was one of several who refused to accept its falling apart. I embraced Michael Fischer's notion that it had problems, but it also had potential.

Wilmsen: How did you get involved?

Rosen: Several of these people I know from a variety of activities suggested I get involved. These are not brand-new friends or strangers. It was more a one-on-one thing. I didn't really participate in the "convention," of the Green Group. I don't even take major credit. I was just one of several people who felt that it was worth the energy. It was worth trying to see if we couldn't keep it together because, you know, it doesn't appear in our strategic plan; it doesn't appear in any of our--you know, a lot of people would say, "What are we doing this for? I don't get any credit for this." But it's like so many other things. You have to put on your socks and shoes if you're going to walk

down the road. You don't get any medals for putting on your socks and shoes, but if you don't, you're going to get your feet cut when you go over a lot of broken glass. A lot of our organizations walk over a lot of broken glass all the time. So that was why.

Wilmsen: How many groups are involved now?

Rosen: About a dozen, maybe twenty. I would say they include all of the major players except The Nature Conservancy. That's a policy on their part. They were invited, but they concluded--I don't want to put words in their mouth--that it was not consistent with their objectives.

The Future of the Environmental Movement

Wilmsen: Okay. What direction do you see the environmental movement going today?

Rosen: I think it's on the cusp of greatness as a mainline value, where it won't just be a question of the statute, or the politics, or the horrors of pollution, but where people are capable of recognizing the importance of the positives of the environment as well as the downside of degradation--bearing in mind we're not shooting fish in a barrel. Some of the issues now are much more complicated and, for that reason, the outcome much more uncertain.

When you talk about the Kyoto Convention on Global Warming, that really is a matter of evaluating scientific information. And reasonable people can disagree. Strongly. As a matter of fact, I take, as you know, the *Green Wire*. Every day there's somebody--the State of Ohio comes out and says, "Absolute rubbish! There's isn't any such thing as global warming." There's a lot of slipping and sliding. Yet my hope is that people are now sensing, almost intuitively, that these issues are not secondary. They're mainline issues, and they must be addressed, along with the big issues of employment and family life and health and education.

It's no longer, I'm saying, that we're a special-interest group, about which you can say that "they're only interested in parks." As you've heard me say, if that's what we are, we're doomed. People today, I think, are much more sophisticated. They recognize that as important as a particular issue is--lowering taxes, schools that function--they're interrelated, and you can't just say, "Well, when we solve that problem, if we have

any time or money left over, we'll then work on schools or we'll then work on clean air." I'm hopeful.

I think the hope is based on the fact that a lot of really bright people are being recruited and are committed to this type of enterprise. We have a lot of work to do, especially in what I would call the minority communities, but when we offer up jobs or opportunities, we get a lot of really dedicated, promising talent. Bear in mind, I was a lawyer for a bunch of years before I did this. I compare the crop of people who are being attracted to this kind of work with anyplace on Wall Street or the courts or government service. That's what gives me hope.

Wilmsen: So that's one of the strengths. I was going to ask you what are the strengths?

Rosen: That we're getting the message out to people, who are seeing this as not merely a hobby or something which they do with their spare time, when they can get around to it. But they're saying, "I feel so strongly, I'm prepared to commit my career and my family values to the congruence or the confluence of these values."

And we're now developing a support system and the infrastructure where we can offer employment to both volunteers and full-time professionals. That's what's different.

Wilmsen: How did that come about?

Rosen: Funding, information, focus, success--all those things. Part of it, I'm sure, is affluence. We are not Bangladesh, as you know. We're not talking about having to replace eight hundred thousand homes after a huge flooding and therefore we'll think about these issues later. But as difficult as it is, we're also learning that third-world countries, who don't have the affluence, are trying to at least inquire how they can put these values of conservation and non-pollution and non-degradation into their economic plans, into their business plans. That's new. That's new.

We're not just having colonialism. You know, extract the maximum before the war, and sending it home to the affluent colonial powers. There's a shift there. How durable? How long-lasting? It's never a sure thing. It's always at risk. And that, again, is the strength of an organization such as the Trust for Public Land. We don't say, "Oh, my God, look how risky this is! What if we lose?" We can always lose. But we're not prepared to lose, and we don't choose to lose.

We're prepared to turn the question around and say, "What's the opportunity here? What's the possibility that if we are

lucky and focused that we may be able to pull it off?" That phenomenon is increasing. Could it be destroyed, wiped away? You bet. Always.

Wilmsen: What are the major challenges facing the environmental movement today?

Rosen: Well, my cliché is we have only "two eyes," and that scares me. Indifference and ignorance should not be our only two eyes. If people say, "Well, there's nothing I can do about it. It's inevitable" or "I'll get mine because that's what everybody else is doing"--selfishness, short-term gain--we can lose big time, or bigger time. And if people don't know and don't want to know. A lot of this stuff is not easy. It's intellectually challenging. It demands hard work, and it's complicated, and the evidence is conflicting. Those are the challenges: ignorance and indifference.

Wilmsen: Now, in an oral history we have, Mike McCloskey, whom you mentioned a few minutes ago, talked a little bit about some changes that he has observed in the environmental movement. For example, Greenpeace, as he describes it, is becoming more mainstream. The radical groups are criticizing mainstream groups. Some groups are accommodating business more. I'm kind of paraphrasing him here. So I was wondering how you see those kinds of changes and what are the driving forces behind them.

Rosen: As you indicated, different views from different players. And they'll always be changing. Quite frankly, in our experience, we have not had a lot of traffic with Greenpeace.

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Rosen: It's always changing, so that's not very helpful, I agree. But it is. Twenty years ago there wasn't any Trust for Public Land. Twenty years ago, who cared about Greenpeace? The Sierra Club goes back about a hundred years. It's hard to say that the judgments we make are anything more than temporary observations. In my case, I frankly don't spend a lot of time pontificating or making these grand conclusions. We're a very operational bunch. What can we do to work something out? We don't sue; we don't sail our ships into hostile vessels. Fortunately, we haven't been bombed. So you bet, let a thousand flowers bloom; but, at the same time, our mind-set is one that says, just when you think you've figured it out is probably when you're at greatest risk because it ain't what it seems to be. That includes organizations such as you mentioned.

On the other hand, goodwill is kind of non-negotiable. You really can disagree and should, I think, without being

disrespectful. I don't think you have to put up with bad-mouthing. We do not bad-mouth. It's part of what we consider to be the essential civility that we offer and therefore expect. It really starts with our own conduct and our own sense of respectful discourse. No matter how important the cause--global warming or pollution or toxic dumps--we think it's very important to be civil. Not when you can or not when you can get away with it because the other side allows you to be civil, but be civil for its own value. Just as land is important for its own sake, so do we think that civility is important for its own sake.

We hear about some of the other organizations and the kind of rap they get, either in their own publications or in the public press, and we pay attention. But we recognize that it's important to exhibit the kinds of qualities that I've just described.

Funding Conservation through Transactions, and Providing Training to the Park Service

- Wilmsen: Okay, I have a number of loose ends--some kind of miscellaneous questions. One thing I noticed in the archives here was at one point TPL gave a grant of \$250,000 to the Trinity County Resource Conservation District for erosion control and restoration of salmon populations.
- Rosen: That would be the Grass Valley transaction that we did with the paper company?
- Wilmsen: I'm not sure which one it is. It stuck out because it was a grant, and I was wondering how much giving of grants TPL does. Do you have a grants program?
- Rosen: Well, see, the answer to that is No, we don't. We're not self-described as a grant-making organization. But quite often we can generate funds in a transactional setting, and therefore we do, so that when we can buy the land--bear in mind who we are--transactionally, we buy the land at a sufficient discount that we can both deliver it to the agency--Bureau of Reclamation, Forest Service, or whatnot--at a significant price and at a significant time.

We may generate some cash that will be sufficient to enlist, quite frankly, the cooperative support of a corresponding agency or a university to participate in the transaction and provide the substance for a portion of the purchase price to be immediately reinvested in the land, as you've just described that

transaction, by making a grant to a conservation agency. That is in the larger context. We may not call it "grant." It may have a variety of appellations. It may be called a fee, it may be called a concession, but it's essentially cash equivalent that results in our passing on, as you know, a *quarter of a billion dollars* over twenty-five years of new money to do the kinds of things that we've been describing.

Sometimes it's in the form of reduction of the purchase price to the Forest Service. Sometimes it's in the form of a grant, as you've just described, to a conservation agency. Sometimes it's a payment to a county, where if the land comes off the tax rolls, they don't get any more taxes from land which is now in a park. Well, the county has a legitimate concern. They say, "It's wonderful we have a park, but we can't put a fence around it and confine the enjoyment only to residents of our county. We're out \$20,000 a year in taxes."

We have in the past done just that. We paid the taxes for five or ten years in advance. We've done that with the Sinkiyone transaction. The County of Mendocino was very cooperative. They said, "Wait a minute. When we tally up all these things, look how much money we were getting from Georgia Pacific. It wasn't a big sum, but we were getting it. Now, when it becomes a wilderness park, we're out all that revenue."

If we can buy it right and put the transaction together at the beginning, we will pay the taxes, or we will pay a sum to the County of Mendocino in lieu of taxes, what Georgia Pacific would have paid for the next five, ten, twenty years. That's understanding the dynamics of cash and, quite frankly, the flexibility, if you focus. And that's the number that I concentrate on. I think it's a real number; that this peewee organization has contributed demonstrably at least a quarter of a *billion* dollars. And in my view, it's more than that because we always take the conservative number.

That's a heady thing for a kid who grew up working for a living, to be able to say, "I've been able to act like a millionaire. I have given--helped, with my teammates--given millions of dollars to important public purposes. I like it. I like it.

That was the Grass Valley transaction, I'm pretty sure. We bought the land, I think, from Champion International, up there in Trinity County.

Wilmsen: Did that land then go to the Forest Service?

- Rosen: Park Service. Let me see. It went to a Department of the Interior agency. It could have gone either to BLM or the Park Service.
- Wilmsen: Okay. Then, speaking of the Park Service, at one point TPL had a contract with the Park Service to provide land protection training?
- Rosen: We did that, right.
- Wilmsen: What's the story there? How did that come about?
- Rosen: They had a budget for that sort of thing. That was pre-Watt, where they were actively involved in seeking out nonprofits such as the Trust for Public Land, to enable their staff to be technically trained and, conversely, for us to interact with them and give them some of the freshness that comes from being a nongovernmental organization. We must have done that for a fairly short period of time. We were excited about it because we thought it would lead to something more than it did. And, indeed, it didn't last for more than five years.
- Wilmsen: Then Watt came in?
- Rosen: Watt came in. And, of course, there are these cycles. I have my own thoughts about Mr. Watt, which you can imagine, but it's more than his personality. I think this country goes through cycles. I think this country exhibits all kinds of schizophrenic behavior in terms of public policy--not just in conservation. We're seeing it now with Social Security, we're seeing it with defense, we're seeing it with a whole host of things--the so-called surplus, the non-existent surplus. Instead of being dismayed by it, what we try to do is say, "Wait a minute. Wait a minute. That's the nature of the beast. Some days you're going to be heroes, and other days you're going to be buffoons. Just be sure you're never scoundrels."

Wallace Stegner

- Wilmsen: You've mentioned Wallace Stegner several times.
- Rosen: Yes. My guy. I love that guy.
- Wilmsen: I'm just curious how his relationship with the Trust for Public Land came about.

Rosen: Very simple. I don't remember the year, as you know. Ralph Benson read something that Wally had written. In those days, when we had public annual meetings, the Trust for Public Land would actually have a public ceremony, like a graduation ceremony, or a public event, or like a corporation would have an annual meeting. Ralph said, "Gee, I read this great article by this Wallace Stegner. Maybe I can get him to speak."

It was during the Watt days. We had a meeting at the Art Institute here in San Francisco. Ralph called him up; he always was very accessible. He answered his own phone in the afternoon. He used to write, I think, in the morning. And Ralph asked him if he would speak about conservation, and said he had just written an excellent article. He said, "Oh, no, no. I'm teaching, and I'm writing. Flattered, but I can't say yes to everything." So he turned us down.

So we sulked awhile. Happily, a couple of days later, he called back and said, "You know, I will do it." So he spoke at our annual meeting and was wonderful. When he reads his own material, you're in the presence of genius, greatness, warmth. He's a complicated guy, but a beautiful person as well as a gifted writer. He cared, like most of my heroes, about social justice, about all kinds of people--not just rich and famous and birders (as wonderful as birders are), but about all of the people.

He wrote some wonderful pieces about the Japanese during the war. The whole idea of improving race relations was central to his core. So we got to know each other. I treasure the correspondence which I had with him, personally. Little postcards, not elaborate, but, as you know, one of his great pieces of literature was a letter he wrote to Dave Pesonen about the meaning of wilderness, which is quoted again and again.

He was a very--I don't know how he did it--personable, accessible teacher. Not simple. He was not at all happy with the Free Speech Movement, for example, at Cal and the arrogance of the uneducated, as he would put it (I don't mean to paraphrase him). But again and again, we had chance to interact. I know I was always richer for it.

I remember one of the things he was asked to do, at my request, was to contribute to this book, and that's the book that Don Henley put together for Walden Woods. I think you've seen it.

Wilmsen: Yes.

Rosen: My treat on that was that when he was first asked to contribute to this book, which is *Heaven is Under Our Feet: A Book for Walden Woods*,¹ he declined--on two grounds: one, "I'm busy as hell," and secondly, when I asked him, he said, "Marty, you've got to understand: I think that Henry David Thoreau was a jerk!" [both chuckle]

"What do I want to write about that guy for?" You know, he was not pabulum. He wasn't just Mr. Say-No-Evil, See-No-Evil. I mean, he was a gritty guy. What I'm very pleased about is I was able to say to him, "Well, that's what ought to be said. This is not a funeral eulogy, where we want to pretend that he was something other than you think he was. He was obviously a great man, which you acknowledge, but not everybody's great man." He did write the final piece in this book, entitled, "A Qualified Homage to Thoreau," in which he said just that.

He pointed out that he was exhilarated and exasperated with the man, himself. [Reading]: "In one paragraph, he made something that's been waiting a thousand years to be said so well, and in the next, he's capable of saying something so outrageous that it sets my teeth on edge." He wrote the capper, for this volume about this very complicated man. I love it. That's Wally. He was special.

And if you ask me if I'm thrilled and pleased, you bet I am because in his portrait of him in the book, he's wearing his [TPL] insignia with great pride. And he wore that as a member of the Trust for Public Land advisory council, on which he served for many, many years with great pride. We still see his wife, Mary, from time to time in that same tradition. So that's one of the ways that this work has been terribly rewarding: meeting people like the Wallace Stegners who are, in my view, the personification of the greatness of this country.

More on the Benefits of Venture Capital Firm Behavior

[Interview 11: February 23, 1999] ##

Wilmsen: I don't think we have a whole lot to cover today.

Rosen: I don't want to shortchange you with all the emphasis that you did so far.

¹Don Henley and Dave Marsh, eds., *Heaven is Under Our Feet*, (Stamford, Ct: Longmeadow Press, 1991).

Wilmsen: I was looking over one of the transcripts, a previous one, and was looking at the part where you were talking about how you thought foundations ought to act more like venture capital firms?

Rosen: Did you see that in the paper today?

Wilmsen: No.

Rosen: The *Chronicle* has a story about a guy named [Bill] Somerville. His idea is a little bit different, but it's similar. It's in today's paper. His outfit is based, I think, on the Peninsula. It's geared to making small grants, fast, to educational activities, so a teacher who needs a microphone for a class play can ask for a hundred and fifty dollars or two hundred and fifty dollars by fax. Somerville's idea is it's yes or no within a week.

That is related to the idea that we shouldn't have bureaucracies performing in the name of process and accountability that are less helpful than they should be. My idea has been--as I've expressed it to you--that there ought to be much more dynamism in the foundation world than "You know our guidelines. Fill out the grant application. Let us hear from you. We process it through our program officer. Then we discuss it between the program officers. Then we put it on a docket, and eventually it goes to the board of directors, and they make the award, and then three or six weeks or a month later a check is cut." It's not a brand new idea, but it's certainly, not yet, a well-recognized or accepted practice.

It's still a fundamental relationship that I'm interesting in changing. Instead of having just grantors and grantees, we have more of a collaboration, or more of a joint venture. When the foundation identifies its priorities, it actively seeks out those institutions, or creates those institutions, to work with them in achieving the results.

They might even organize a separate nonprofit and have a seat on the board, as a venture capital does, and help recruit talent, help refine objectives, and, quite frankly, take different kinds of risks--more venturesome, more collaborative than they have been up till now, where they had a tried-and-true method of sending the guidelines out to the applicant, who is supposed to appropriately grovel and be respectful, but not really become a partner or a collaborator in the true sense. I think there are opportunities for tremendous leverage, especially the funders will bring in other funders, saying, "Okay"--like they do in venture capital--"We'll take 20 percent of this deal. Let's see how we go out and find other foundations to co-venture with us."

Has this ever been done before? Yes. I'm sure.

Wilmsen: Is that what the Tides Foundation does?

Rosen: Somewhat. It is a form of that, but it's not exactly what I'm advocating. The Tides is an administrator, primarily, of other people's money. They primarily economically dispense the charitable inclination of the funder, who gives the money to the Tides Foundation and then, quote, "advises" the foundation how it wishes its philanthropy to be expressed. For a fee, the Tides Foundation performs that service.

Wilmsen: I see.

Rosen: You're correct, it does have some of this dynamic, but it is, I believe, a relatively small part of its overall activity. But yes, it's in that frame of mind, under Drummond Pike, that they're looking for new ways of energizing and leveraging the whole idea of partnership--public-private partnership, inter-funder partnership, multiple grantee-funder. It would seem to me very, very helpful. And there are a few examples that are nibbling at this subject.

Wilmsen: What could TPL accomplish if foundations were to act more like venture capital firms that it is not now already accomplishing?

Rosen: It would change the risk profile. We have to be, and we are, very good stewards of limited funds. With a thirty-million-dollar-a-year budget, it's pretty clear that we can't ever have \$30 million bet on a single transaction. That's called betting the store, and we'd be out of business if we misjudge, or if the timing is wrong. And that's always what's so exquisitely agonizing: even if you have the best deals in the world, if the timing doesn't come together the way it should, you can get killed with interest expense and so forth.

So if we had a more understanding relationship with funders that joint-venture with us and had deeper pockets, we'd take larger risk. We would still be selective. We wouldn't be foolhardy, but we wouldn't say, "Wait a minute. That's just too disproportionately large." Remember, we started out putting down maybe a hundred dollars on a deal, it was a big deal. We're now prepared to put down hundreds of thousands, I would say, typically. Occasionally, we will even put down a couple of million.

But a lot of the major transactions require ten, fifteen, or twenty. For example, earlier this afternoon we were talking about a \$15 million payment to make a significant difference in the new Mojave National Park. It takes \$15 million. Well, we

don't have that kind of money. We're not saying that a foundation does, but we say half a dozen of them together do, and for a couple of million apiece, we can spread the risk. And more importantly, we could use the time and leverage, and allocate risk to do more of the larger, significant transactions which involve major ecosystems, which involve major watersheds.

For example, the Headwaters. We could have, and should have, put that together for a fraction of the cost, saving maybe five or more years, and giving the public all of that forest, not just seven thousand acres and an easement that expires in a few years. That is an example if we had that critical mass and the readiness. Because when these transactions come across, there isn't the time to say, "Gee, I've got a great idea. How about this? How about that?" We need the institutional structure in place such that if this, then that.

We have found to date fairly few foundations that have that mind-set. It's coming. I think it's coming.

Wilmsen: What is bringing the foundations around?

Rosen: They're learning from each other their limitations. They're attracted to the idea of leverage. They're recognizing that the old way of doing things--pre-email, pre-Internet--no longer is the ultimate way of doing business. But they're afraid that the funds will be squandered. But as we, for example, have built a track record of responsibility and accountability, we're having some preliminary conversations with some foundations who say, "Okay. If you could have a different paradigm or if you could have a different vision, how would it work?" The same kind of question you're asking.

Nobody has yet bit, but at least the conversations have begun. I'd say it's, unfortunately, years away, but I happen to think it's a very good idea. It's good for the foundation, and it's good for philanthropy in general, and it's especially good for the independent sector that we have more dynamic and accountable vehicles for dealing with issues that require larger sums than we have had access to to date.

IX MISCELLANEOUS ACTIVITIES AND PROJECTS

The Headwaters (California) Deal: A Setback

Wilmsen: You mentioned the Headwaters, which is actually on my list of projects that I was going to ask you about today, so why don't we talk about that a little bit.

Rosen: It's an interesting time because apparently statutory time limits are running. Today is a good paper for you to read. There's an ad in there by the company, Pacific Lumber Company, asking for the transaction to go through without a great many enforceable covenants, and what I would call bonding practices, if they fail to observe the restrictions against encroachment on the streams, and interference with the wildlife habitat in their logging. The transaction as it is presently constituted will put about plus or minus half a billion--that's with a b--dollars in their hand for about ten thousand acres of fee title, and the balance of the land in the form of what we call easements or restrictions against logging practices that would interfere with watershed and wildlife habitat--the so-called habitat conservation plan.

Wilmsen: The easements would cover--

Rosen: Some of the balance of the property.

Wilmsen: I see. So they would still keep some of their property and log it as--

Rosen: As they want to, comma, subject to these habitat conservation plans and easements. But the money would change hands in full in calendar 1999, and their obligations and requirements to protect the land would go on either for fifty years in some cases, or in perpetuity. Well, what do you do if they violate the covenants? Sue 'em! This is a guy--namely [Charles] Hurwitz--who has been in court all of his life. He loves being in court. He's in court now on defrauding the savings and loan administration. He's been there for years. There is no reason, in my view, not

to have enforceable, self-executing, bondable provisions guaranteeing his performance when he has had a track record which is admittedly atrocious.

He was, as you know, deprived of having--at Pacific Lumber Company--his own logging license because of one hundred and twenty-eight documented violations. That means he has to use other people to do the logging. I mean, it's just atrocious, in my opinion. But the politics are such that it appears that these matters will be tut-tutted. Money will change hands, I fear, and we'll then spend the next fifty years litigating with Mr. Hurwitz and his ilk as to how he should be held accountable. In the past he has shown no basis for having any trust or confidence that he'll keep his word.

Wilmsen: How are the easements currently set up? How are they planned to be set up?

Rosen: Paper.

Wilmsen: Where does the enforcement authority lie?

Rosen: The Department of the Interior, the California Department of Forestry, the government agencies. But there's no teeth. They can sue him. And maybe they can get an injunction, and then what do they do if he violates it? He pays money. Well, how do you make up for the destruction of a species? How do you make up for the loss of a special place? The answer is that's not what courts are very good at. You can't expect a judge in a black robe, with or without insignia [referring to the Chief Justice's gold-striped robes], to restore from the bench something that has taken thousands of years to create. It's a flawed notion.

So there are half a billion dollars--probably one of the largest, if not the largest sum of money ever to change hands with a single transaction.

Wilmsen: Where is the money coming from?

Rosen: Some of it's coming from the United States of America, and \$130-some million comes from the State of California.

Wilmsen: Is that all money that TPL leveraged?

Rosen: TPL had nothing to do with that transaction.

Wilmsen: Oh, okay.

Rosen: We were in the game early, to buy it all. But a transaction of that magnitude we thought was worth, not \$500 million but

something in the area of \$100 or \$200 million. It would take some hard bargaining. I'm not saying that Mr. Hurwitz would rush to the offer. But those were the times he was vulnerable or, I may say, more open, because he, like any other profiteer-financier, periodically runs on the shorts. For a while, for a couple of hundred million dollars, we think, we could have bought it all.

Wilmsen: So what happened?

Rosen: We weren't able to access a couple hundred million in the traditional way. The thing that I was very excited about is we had a strategy that was very viable, but on that particular occasion the politics were not appropriate. We wanted to buy the junk bonds that were issued by the present owners of Pacific Lumber to buy the issued and outstanding stock. If we could have cornered the junk bonds of Pacific Lumber, we could have--for a couple of hundred million dollars--done a very fine conservation service.

At that time, the junk bonds were held by the California Department of Insurance because the owners were bankrupt. That was Executive Life Insurance Company. And it was then in trusteeship by the Department of Insurance of the State of California. As you may gather, from your eyes glazing over, it was a very complex transaction. But the very same John Garamendi was the insurance commissioner who later--irony of ironies--became the chief negotiator for Secretary [Bruce] Babbitt in negotiating for the acquisition of the ten thousand acres--a very small fraction of the holdings of Pacific Lumber.

When we went to Mr. Garamendi years ago to buy the \$200 million worth of junk bonds of Pacific Lumber, we could not get his attention. We were rebuffed. He frankly said, by his conduct, it wasn't worth his attention. We had the money lined up--not from a foundation but from an investment banker--to buy those bonds. But, unfortunately, like a lot of these transactions which are time sensitive, we did not have the structure in place to go beyond, and, quite frankly, bring the appropriate pressure on Garamendi as an elected official for the State of California. While Pacific Lumber was the ultimate target, we had that problem plus what I would call the Garamendi problem, and the transaction never came together.

Many years later, what they are now considering is paying more than double what we were going to spend for the entire company. They're going to end up for half a billion dollars buying less than ten thousand acres. And you're right. That's a very sad story and it's left a very sour taste in my mouth because we had the right idea, in my humble opinion, but we

didn't have the capacity to push it over the goal line. If we had more capacity, we could have done the right thing for the entire redwood holdings of Pacific Lumber Company, years ago, at a much, much more attractive price to the taxpayers of both the state of California and the United States of America.

That's why you're hearing from me, "If only we had more money." But it's not just a generic "if only we had more money, we'd think of a way to spend it." We have opportunities repeatedly that are simply too big for us to handle, and it's a shame.

Wilmsen: Yes. By holding the bonds, then,--

Rosen: We would have traded the bonds for the land.

Wilmsen: Oh, I see.

Rosen: We would have then gone to the company. The bonds were either near default, or of serious concern to the company. But once we controlled a couple of hundred million dollars' worth of Pacific Lumber's bonds, we would have had an entirely different relationship than a supplicant. We'd be an economic force with which they would have to deal.

Wilmsen: I see, okay. How did you get involved in the first place? Actually, before I ask that, I remember when we first met and were talking about what we were going to cover in this oral history, you described Headwaters as a setback. Is that what you meant?

Rosen: We failed. A setback to me is when we failed. We had an opportunity, we had the right idea, we failed to secure the land. No this so-called solution is a pittance. Ten thousand acres out of two hundred and fifty thousand is not what I call a success. It's a postage stamp. Granted, it's better than nothing. You've got to have a stamp to move the mail. I hear all that. But that's a setback. It was a real shame.

Wilmsen: How did TPL get involved in the first place?

Rosen: People.

Wilmsen: Somebody who asked you?

Rosen: Yes. People were in the community. How about this? How about that? Have you looked at the junk bonds? We have not. We had Steve Thompson do some exploratory work. He's our senior vice president. We had some of the smaller foundations ask us to get involved, such as the Rose Foundation in Oakland. And, as I say,

we actually had a handshake commitment--not a firm undertaking, but usually his word is good--from a specific entrepreneur. He might not mention it, but I will never forget it. Warren Helman, here in the city, indicated that if we could secure the bonds, he would probably be able to buy them and then, in friendly hands, allow us to proceed.

There was still a lot to work out. I'm not saying it was a slam-dunk and all we had to do was to dribble down the court and drop the basketball in the hoop, but the pieces were in place. We had a really excellent opportunity to do something on a pretty grand scale. We weren't able to succeed. We did not have the money, we did not have the muscle, we didn't have the attention of the elected official--in this case, John Garamendi, the head of the Department of Insurance.

As always, there are a lot of pieces to put together. TPL is always twisting one dial, and putting on a light globe, and adding some electricity here to make a transaction come together. The pieces were in place, but we were not able to succeed. That's a setback. Sad.

Wilmsen: Were there local groups up there, in that area, or individuals who asked you to get involved?

Rosen: I'm sure there were. EPIC, the Environmental Protection Information Center, out of Garberville. Probably several individuals came down from the Headwaters area, and we discussed it with them.

Wilmsen: Do you remember who they were?

Rosen: I do not. I remember one had an early role in identifying the marbled murrelet as an endangered species. I've forgotten his name, but he's a very fine person. But there are a host of them. When you're kind of known in the community for, quote, "pulling off" this kind of work, you field an awful lot of telephone calls. In our case, as I say, because of the magnitude of this transaction being so disproportionate to the size of the Trust for Public Land, it simply was beyond our reach.

Wilmsen: Then, after it didn't work out--

Rosen: Oh, I had another chance. If we had the financial wherewithal, I would have liked to have tried a hostile tender, to buy out the whole company. That takes somewhere between half and a full billion dollars. That's what the irony is. For this half a billion, we're buying a postage stamp from Pacific Lumber. For \$500 million to a billion, one of our wishes would be to make a hostile takeover and buy the whole darn company, to set it up as

a model kind of a harvesting company. Maybe it wouldn't be the most immediately profitable, but if we did it right, it might be one of the more profitable over the long term.

A big thing in forestry is the cutting rate and how long it takes for you to selectively harvest. If we had the staying power, we could slow down the cut and look at that forest over the next two hundred to five hundred years, rather than the next twelve to eighteen months. Because, as you know, no sooner did Mr. Hurwitz get power, he doubled the cut. Doubled it.

Wilmsen: Yes.

Rosen: And I'm sure he'd love to double it again. As far as he's concerned, it's just a lumber yard.

Wilmsen: How did the Park Service and the State of California pick up the ball?

Rosen: I do not know specifically, but clearly a lot of people were very disturbed--and are to this day--about having this logging of especially the old, old trees, what they call the old growth. And the Sierra Club has had a campaign for years. There's a Religious Partnership for the Environment campaign. Earth First! has a campaign. It's not exactly going through the cracks. There are a lot of people who regard this as, if not the most important, one of the most important issues of our day. Whereas others, quite frankly, think it's the only issue of our day.

Sterling Forest, New York

Wilmsen: Okay. I have a list of projects here, so I'll just run down the list. The next one is Sterling Forest.

Rosen: Yes. Well, that's a success story.

Wilmsen: Good.

Rosen: That was a big one. I remember we had to put down about \$5 million that was provided by our partner organization the Open Space Institute. That's a pretty good-sized, non-refundable down payment for us. I think it was about \$55 million. The numbers may be a little off, but approximately a \$55 million transaction. It was owned by an offshore insurance company.

Wilmsen: In where? New York?

Rosen: In Tuxedo, New York. About an hour by bus from Grand Central Station and downtown Manhattan, which, as you may gather from our conversation, appealed to me, that you could literally go to Grand Central Station with a lunch bucket and before noon be on the trail, and be in the middle of a true wilderness, watershed experience. It went through a lot of ownerships before what I just described.

The land was technically owned by the Sterling Forest Corporation, which was a wholly-owned subsidiary of the insurance company, whose primary purpose was to act as a real estate developer. From their standpoint, giving them credit, they hired some very fine land planners and landscape architects. They were going to carve this place up and turn it into a first-class development, as they saw it.

The contrary view was that it should not be carved up at all, especially because it was a very, very important watershed. By describing and defining and documenting its value as an intact watershed, we were able to interest the two states--one, the State of New York, in which the land lay; and two, the adjoining state of New Jersey, which was extremely dependent on that water for the water supply of its citizens in New Jersey. Although the land was in New York, the water flowed into New Jersey for consumption, and it was excellent quality.

We put together a transaction involving many, many environmental groups, again who identified this as a very important resource; got the people of the State of New York to commit funds; got funds committed by the people of the State of New Jersey; and then working with Speaker [Newt] Gingrich and Secretary Babbitt, got some federal money that enabled us to come very close to the \$55 million purchase price, which we then supplemented by traditional fund raising from both individuals and corporations. And then, finally, we received the largest single donation from a new foundation, the Doris Duke Foundation, to buy the land from the Sterling Forest Corporation.

There was some talk--because we were not able to buy it all--that we'd like to finish it off and buy all of the land owned by that Sterling Forest Corporation. That may or may not happen, because you really get into money situations. But in that situation, we were able to control a \$55 million transaction with the out-of-pocket expenditure of around \$5 million, so that's a pretty good leverage ratio of ten to one.

We probably could have done even better and bought it all if we had more of the critical mass. But, again, being the size that we are, we always have to be concerned about what I call our risk profile, our exposure. And since the \$5 million was non-

refundable, that would take a real hit if we were not able to, quote, "pull it off." Bear in mind, a lot of our transactions are not done until they're done. They're not shooting fish in a barrel.

So that's the Sterling Forest. It's a magnificent resource. It then led to other successes. It made a conservation convert of Governor [Christine Todd] Whitman.

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Rosen: Governor Whitman is a fiscally conservative Republican. She saw that the acquisition of an intact water system would save literally billions of dollars of filtration and infrastructure costs if they could protect an intact ecosystem with the water recharge capability that Sterling Forest would have without any development. That wasn't our representation. She had her own accounting people and engineering people verify that buying this land for \$100 million would avoid infrastructure costs of maybe as high as \$7 billion. So she said--smart woman--"That's a good deal." She came up with, I think, \$10 or \$15 million; New York was about the same idea, \$10 or \$15 million; and then we patched together the balance and came up with \$55 million, as I've indicated.

Wilmsen: Who controls the property now?

Rosen: Let me come back to that if I may. The ultimate disposition is always of great interest. The reason I said it was a success, in my view, is it's not only that this transaction is done, but it leads to more transactions because once you show the art of the possible, more things become possible. That then led Governor Whitman this last November to sponsor a bond act of \$1.5 billion for the State of New Jersey to do that kind of transaction and others for conservation, by floating a bond issue, which she did last November. She became a convert. She said, "I get it. We're not talking about spending money. We're talking about investing money in conservation for a terrific return."

That is what conservation is all about. It's not just patty-cake where you lock it up, as people say, and drive by it but never use it. When you are able to see the profound effect that successful conservation has not only on the quality of life but on the quality of cashflow in government and private economy, it makes a very compelling case. That's what I think is a success.

Now you then ask where is the land now? Well, we always are very interested in placing it, as you know, with a responsible steward. In this case, the most responsible steward is what they call the Palisades Interstate Park. That is a unique creation.

It is a bi-state park, which is operated as a separate entity and is responsible to, and funded by, the states of New York and New Jersey. They have fee title to the property, which we presented to them.

Wilmsen: That must have taken some doing to get them to work together like that.

Rosen: It did. Brilliantly led by Rose Harvey and Alan Front, Senior Vice Presidents of the Trust. It came apart, and words were spoken, and feelings were bruised--the usual thing when you have a complicated transaction. But you cannot be really turned off or offended by it. Whenever you have something important, it is therefore by definition controversial. When people get involved, it can go any way, in any direction. Sometimes you have to bite your lip; sometimes you have to woodshed somebody, and hopefully the enterprise commands enough respect that people begin to--including us--simmer down and get the job done. This is what Sterling Forest I think represents.

Wilmsen: What was the deciding factor that finally got everything to fall into place?

Rosen: The money was in hand, the deadlines were met, the land was available, title was good, it was the opportunity of a lifetime, and nobody wanted to be responsible if it failed.

Wilmsen: I assume there was enough public support in both states to get the attention of public officials.

Rosen: Yes. Enormous. And we had a lovely reception with Governor [George] Pataki--one of the finest things he feels he's ever done as governor up to that point, in which he gets the greatest degree of satisfaction that he actually participated in the protection of an entire watershed. He was very generous in his praise for all of the players--bearing in mind it's never TPL alone. It's TPL as a managing partner, quite often, in orchestrating an outcome and dealing with all of the complicated issues--financial, legal, political, philosophical, emotional--that transactions of this nature involve.

It's a big one. It's a couple thousand acres. At a terrific price, too. We're not paying anything like they paid for Headwaters. Of course, we don't have redwoods. But water is becoming increasingly scarce. There is a tremendous recognition that as the world population approaches six billion, all over the world there is a terrific pressure on water as water--not just water as crop production material (along with fertilizer), but human beings require clean, pure water. If you don't protect it in its natural filtration system--that's why Governor Whitman

recognized that to bring it up to the same quality would have required billions of dollars' worth of filtration and transmission equipment. We avoided all that. That was true thrift, true economy. And dealing with a watershed as a watershed, and not just as a pretty amenity (I hate that word as you know) that people get to look at and say, "Ain't it pretty, George?" Or Gladys.

Wilmsen: Okay. Moving on.

Rosen: That's a bonus. But it's not inherent in the quality of the resource, that is non-negotiable. Water being one of the non-negotiable qualities. A big one.

Yes. Going on...

A Dispute with Wal-Mart in Billerica, Massachusetts

Wilmsen: You mentioned also in our first meeting that TPL had sued Wal-Mart at one point?

Rosen: Their "agents" sued TPL. We had litigation with Wal-Mart. We bought a piece of property called Briggs Farm, in a suburb of Boston, for the purpose of responding to the community's need to protect that land--urban garden--as a community-valued resource. But the community didn't quite have the money to put it all together when the landowner needed it, so we were called in to negotiate with the landowner, option the property, come up with the purchase price--not an extravagant one; we're not talking of hundreds of millions; it was plus or minus the million-dollar range--which we did. We optioned the property. We were then waiting for the city, the selectmen and so forth; time was running.

In the meantime, representatives of Wal-Mart identified this as an ideal site for a big box retailer. They took the position that they should have the right to buy it. We indicated that we had the prior right: we had the property under option. They tried to buy us out. We indicated we were not interested in selling it to become a big box. We were buying it for the purposes of the community maintaining this farm.

Wilmsen: Did Wal-Mart approach the property owner then?

Rosen: Sure.

Wilmsen: And did he indicate--

Rosen: He indicated that he had an arrangement with the Trust for Public Land. They were dissatisfied. Came to us to see if we would just unload it for a profit, as they would put it, or--hardball--they would show that our transaction was somehow flawed. That ended up in litigation. They had some technical provisions or statutes that they were relying on. We felt it was strictly hardball economics--that we were this little peewee nonprofit getting in the way of progress. The long and short of it was we ended up in court. We had our lawyers. We had considerable expense, even though we did have pro bono lawyers as well, and eventually prevailed. That land is now owned by the town, and it will be forever a community garden. Wal-Mart put their big box goodness knows where, but not there.

Now, the point there in addition is not only do you have to do the right thing, but you also have to be strong enough to stand up to the implied intimidation and threat when a major company plays hardball with you and requires that you spend time, money, and attention as litigation requires. And, as a matter of fact, the court wanted to be sure that we were not just a bunch of do-gooders that didn't have financial wherewithal to consummate the transaction.

We had to be prepared to put on the table about a million dollars, cash, to persuade the judge that we were not abusing the judicial process in making this claim, only to discover, perhaps, that gee, TPL didn't have the money anyway, so what's the point of having this huge trial, only to discover these do-gooders are just a bunch of hot air? Fortunately, we had now matured to the point where we were able to show the judge that if it was a million or so dollars, [knocking on table] "Where do you want us to deposit it?" And so we did.

Wilmsen: Did you actually deposit it?

Rosen: I'm trying to remember whether we actually did or simply had to show him a banking representation from one of our banks that we were prepared to do it. The difficulty is that once you put the money in, you lose, obviously, control of it, and you also suffer economic waste because you don't earn the interest and so forth that your other funds earn, and, of course, you can't use it for other transactions.

Billerica was the name of the town, Billerica, Massachusetts. That's where the garden now remains, under the ownership of the town.

Wilmsen: You had to have your option--

Rosen: Affirmed.

Wilmsen: --pretty well legally correct.

Rosen: That's correct. That's the other thing that we take great pride in, that we're not just a bunch of do-gooders with some passion. That's part of it, but it's not all of it. You've got to deliver. That movie says you've got to stand and deliver. You bet. We've got terrific lawyering. The best. Not just once, but again and again, because quite often our transactions are going to be challenged, and we know that. And we're not afraid of it. If anything, we might be guilty of over-lawyering, you might say. In the work that we see, when controversy erupts, it would have been to Wal-Mart's advantage, or their nominee, to say, "Well, look at this, your honor. This is a dot that they didn't put in the right place, and a "t" that they didn't cross."

That's not either unfair or foreign. It happens all the time. [knocking on table] It hasn't happened to us because we have an excellent lawyer, general counsel, Nelson Lee. Worked for many years with a major law firm here in San Francisco. And he has counterparts all over the country. We work with some excellent lawyers in Boston, for example.

Returning Land in Oregon to the Nez Perce Indian Tribe

Wilmsen: Next on my list is returning land to the Nez Perce Indian tribe, which I don't think we've mentioned.

Rosen: We haven't mentioned it yet? As I mentioned, I was fortunate enough to just be notified I'm going to be an alum[nus] of the year of my undergraduate alma mater, UCLA, from which I graduated in 1953. The question always comes up, "Out of all of the transactions, the fifteen, sixteen hundred transactions that you've done over the years, is there any transaction that's your favorite?" I always say, "Not really." It's kind of like having children. Which child is your favorite? And the answer is "all of them, each of them."

That is probably true with my answer to the question, "What's your favorite transaction?" Every one of them is a personal engagement and gratification. Everybody wants to feel useful; everybody wants to have a sense that they've done something worthwhile, larger than their own particular shovel can dig a hole. And as we've gone through this interview over the weeks, you sense that whether it's Martin Luther King or the Sinkiyone or a piece of the L.A. River or an urban garden in Manhattan--Clinton Community Garden--every one of these has a song that I love to sing.

But getting ready for my remarks at the alumni dinner, I've been thinking--I'm not sure I will; it's June 6th of this year, June 6, 1999--that I will probably answer the question a little differently. If I do, I will say that if I were to answer the question, is there any one transaction that I would most regret or miss if we hadn't done it or, conversely, is there any one transaction I feel best about--and that's strictly a feeling level--I would say that it was one we accomplished through the hard work of Bowen Blair (who was our regional manager in our Portland office and is now the head of our Northwest office, operating from Portland, but controlling both the Seattle and the Portland, Oregon, operation).

Bowen Blair was able to option some property from a willing landowner. There was a family of an airline pilot who bought several thousand acres in eastern Oregon for a personal holding--ranch and so forth--but who also recognized there was something very special about this land. I think Bowen and they worked out an arrangement where their sympathies, unlike Wal-Mart, were not for the big box or an inappropriate development. But rather to see if there wasn't a way that their vision of this land as land, being maintained in its natural state forever, could be realized, and they worked out a situation where the Nez Perce who, in the early nineteenth century owned this land as part of their tribal land, had this land, ten thousand acres, returned to them as owners.

That's not land that went to the National Park Service for the Nez Perce. It didn't go to the BLM for the Nez Perce. This was a deed from those landowners, with the Trust for Public Land, to the Nez Perce tribe.

Wilmsen: They had to buy it.

Rosen: They were the beneficiaries of our being able to come up with the purchase price, fair price, to the former landowners--we have their name somewhere--beautiful people, who were at the dedication ceremony. We also were able to work with the Northwest Power Council to have them use a federal set-aside from the Columbia River Basin projects (namely, the dams) to provide the funding to present this land to the Nez Perce tribe, free and clear. In so doing, we did a series of things that gratified me greatly.

One, exquisite land was maintained in its natural state.

Wilmsen: Are there conservation easements?

Rosen: There are not conservation easements on the land. The tribe will use that land for both ecotourism and the training, they hope, of their young people in principles of wildlife biology.

Third, it's personally an act of redemption, where we have restored land to its rightful owner, who had it stolen from them--in my reading of history--by the United States cavalry as a reward for their befriending and saving the lives of Lewis and Clark. It was a signal act of genocide and injustice that we did, this country did, to the Nez Perce, and it's well documented. And through a conservation transaction that met the criteria of this federal program for mitigating the damage done to the Columbia River by the building of these dams, so that the money was there and could be applied for this purchase, we achieved these results.

Participating at the dedication service--I'm not sure exactly when; 1997, or 1998--was probably one of the most moving experiences of my life, when we heard from the braves and, most importantly, we heard from the women how important this land was. We heard how this land was described to one of the women who spoke at the dedication by her blind grandmother, who experienced the land sightless, but knew that land as well as any tracker. And so when this land was restored to its rightful owner, it was all of these wonderful things happening that we were able to have a small role in and that would not have happened otherwise.

Wilmsen: You mentioned in the Sinkiyone case that there was some friction over the conservation easements.

Rosen: Lots of friction.

Wilmsen: Did that happen with the Nez Perce?

Rosen: No. Different tribe, different structure. Bear in mind, the Nez Perce is a tribe--they have other problems. I mentioned the tribe. In fact, there is more than one branch of the tribe, and they don't, quite frankly, get along that well. One is in Colville [Colville Reservation, Washington] and the other is in Idaho. We dealt with the Idaho branch, and there was some friction, but it never really raised its head in any form of what I would call ugliness.

Sinkiyone was different. Those are much smaller tribes. The conveyance there was to an intertribal council of maybe six or seven tribes. They had no experience of working together. They had a different agenda. They wanted to be very sure that there were no conservation easements because the whole idea of an Anglo imposing covenants on sovereign land, which they also felt they owned and were unlawfully deprived of, raised a very

specific issue: that is that we, the Trust for Public Land, who owned the land as a result of the Georgia Pacific transaction, had no right to impose any conditions; that this land which we had title to came into our hands unlawfully, and therefore our hands were soiled, and the idea of our imposing any conditions on this land, to which they would have title, was offensive, as a matter of principle.

That delayed the negotiations for a long time because of our insistence, quite frankly, that--especially out here, with the casinos spouting up and so forth, we felt, being a conservation organization, we had no real discretion. We had to be assured, notwithstanding the legitimacy of their argument, that fifty or a hundred years from now we didn't see a casino or some other inappropriate use.

They said, "You don't trust us. There's not going to be any casino here. We're not interested in having a casino here. This is tribal land. The very fact that you even raised the subject offends us--that you think that we cannot be trusted, that we're just red men, and can't be trusted. We don't like it." We listened to all of that, and we fell to our principles, which were not shared, and imposed a conservation easement as part of the transaction, which they accepted, with the understanding that they accepted it either A) under duress or B) provisionally. Because they reserve all of the rights that they could muster to seek to have the covenants removed as being improperly imposed on sovereign lands--whether it took a lawsuit or whatnot. So it was a resolution of a tortured historical experience, but it enabled us to make the conveyance subject to the easements, and with the knowledge that they were not happy and that they were not accepting in perpetuity that the easements which we imposed were legitimate.

Wilmsen: But with the history of the Nez Perce, as you mentioned, their land was taken from them as well. I don't know much about the Nez Perce, but it seems to me like they could easily make the same kind of argument.

Rosen: Absolutely.

Wilmsen: But they didn't.

Rosen: They did not. They did not. Different personalities. A single tribe--or a single branch of a tribe--rather than multiple tribes. Different but similar circumstances.

Wilmsen: Okay. Anything else about the Nez Perce?

- Rosen: We have another one lined up. We're going to do another one for them.
- Wilmsen: For them?
- Rosen: For them.
- Wilmsen: Oh, great.
- Rosen: Just heard from Bowen Blair, as a matter of fact, today, that we hope to have some more land to add to their holdings.
- Wilmsen: Terrific.
- Rosen: There is a sidebar on that. I don't know if I mentioned that to you, and that's to my knowledge not yet resolved, and that is when we have one of these ceremonies--which, actually, they have; we were invited to their ceremony, and we came from all over the country. We sometimes establish funds for various purposes because there is a terrific emotional content in a successful ritual of passage. In this case we established a small fund for some of these students that are going to study wildlife biology.

We suggested they invite members of the community from all over the area there in eastern Oregon and Idaho to attend. This may be somewhat apocryphal, but it's approximately correct. Some of the people who they invited--people came from all over--were members of the local school board, I think in Enterprise. They also participated and were, I would say, moved by the experience of this marvelous tribe--the braves and the wives and the women. The tribe came from as far away as Oklahoma. In the rain, monsoon rain. A lot of things we planned to do or they planned to do they couldn't do. Tarpaulins were put up at night so at least the rain, while it came through, was not drenching. It was just very wet. Powerful experience, I can tell you. They cooked fresh salmon/trout from the river, on sticks. Traditional ways.

And driving back to Enterprise--we learned two members of the school board had a conversation along the following lines: "Wasn't that something? It made me think that our high school team, whose nickname is the Savages, is probably beyond its day. These people aren't savages." At the next school board meeting, they got together, and one moved and the other seconded that they rename the high school athletic team something other than the Savages. Apparently, they were very persuasive, and the motion passed, and the process then was begun to come up with another name for the Enterprise athletic team than the Savages.

This is not a pretty story. That issue polarized the community terribly. It's like changing the name 49ers or

changing the name Cowboys. "Wait a minute! We've always been known as the Savages. It's no offense to the Nez Perce," said the people who were proud of the tradition of the team's being called the Savages. "We like the name, and it's a good name, and we want to keep that name."

It became a huge controversy, with hot blood boiling, for quite some time. The outcome is in doubt as to what the final resolution of that matter will be.

Wilmsen: It's still in doubt?

Rosen: I'm not current. I have not been informed, but I can tell you it went on for many, many months--letters to the editor, "How dare you arbitrarily change the name of this school, which has been here, sacredly followed for so many years, unilaterally, without a process," etc. But it's not enough just to say it's tradition versus bigotry, but I can just tell you it was a shock when we heard that a community was at best so insensitive to describing members of their community as savages and not contemplating the hurt and/or offense that that must cause every day.

It's something that, again, has its roots in a conservation transaction; had its roots in a righting of a wrong; had its roots in an educational, growing experience for all of us connected with the land, and now in the school system and the newspaper of this small town in Idaho.

I should know--and maybe I can find the current status--but I haven't heard lately. I can tell you it is going on for quite a while, and it was a shocker.

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Tomales Bay, California

Wilmsen: Okay. Tomales Bay.

Rosen: Tomales Bay, in western Marin County, is an area where we've had a number of transactions. Tomales Bay, now part of Tomales Bay State Park, now part of the Point Reyes National Seashore administrative area--the water body itself because it is such a pure body of water, even though it's in a relatively settled area, and quite close to metropolitan San Francisco and Oakland. They grow first-rate quality oysters and other shellfish. But, like any body of water, it's a fight to maintain the pure

quality. You've got ranchers, you've got runoff from roads and driveways and so forth.

So what we've been trying to do is reduce the impact of the development around this bay--not eliminate it, because there's already a lot of settlement there; there are a lot of very good dairy farmers. The first thing we did that we're fairly proud of is work with the local members of the dairy and ranching community to start an independent land trust. That's called the Marin Agricultural Land Trust (MALT), probably the first land trust dedicated to the protection of important ag land in the country-- if not *the* first, one of the first.

Its sole purpose is to protect the land values for agriculture. Well, in doing that, you inevitably, obviously, affect the bay, Tomales Bay, because it's not a little disconnect; it's a part of a functioning, working landscape. We then worked to create MALT. It is now an independent organization and, I would say, increasingly powerful, founded by the fusion of the urban interests--namely, the buyers of milk products and the producers of milk and other agricultural products--that had never worked before. They discovered how much they needed each other, and had in common in working together, so that MALT has flourished over the years.

They have been, I would say, remarkably successful, although under-funded, in protecting a large, rough and dirty thirty to forty thousand acres--is my guess; I could be way wrong--of ag land, primarily by easements but some by fee. We have worked with them, helping train them and then spinning them off on their own, although staying in touch with a lot of their leaders.

Bob Berner is their executive director. Ralph Grassi, their first president, is now the president of the American Farmland Trust. Starting, as he had from scratch--he's a working cattleman--and learning all the lessons, he's a brilliant leader. He is now operating on a national scale, based in Washington, D.C.

But it started around Tomales Bay. It started around ranchland. It started around a place, not an idea. That's kind of an important distinction--not that there's anything wrong with ideas. But ideas, when they are placed, have magic. Wendell Berry writes about it all the time: that focus means home, means hearth. Some of the most powerful ideas in the world, if they are rootless, kind of float away, but when they're rooted in place, take on a magic and a power. And Tomales Bay is one of those areas. It certainly attracts people. It is one of the areas I said led to the creation of both the state park and a national park and, at the same time, is struggling as a working

landscape to preserve its integrity, both for the land agriculture as well as the aquaculture.

The role of the Trust for Public Land has been, as recently as this year, to acquire some of the more complicated parcels in a subdivision or of a critical nature and help that bay maintain its purity, so hopefully [knocking three times on table for good luck] we won't have the kinds of pressures that a place like Chesapeake Bay faces every day. It's always a struggle for survival, on a much more intense scale than Tomales Bay. We're doing that in conjunction with others, namely, the Marin Agricultural Land Trust and other organizations throughout the bay.

Wilmsen: We did talk about the Marin Agricultural Land Trust in one of our earlier interviews, but I don't think we had made the connection to--

Rosen: Tomales Bay. I think MALT's head offices are in Point Reyes Station, which is literally a stone's throw from Tomales Bay. For all practical purposes, as close to the bay as it should be.

Downtowns: Santa Fe, New Mexico, and Austin, Texas

Wilmsen: And you mentioned two downtowns: Santa Fe and Austin.

Rosen: Okay. Santa Fe is kind of a special project. That was spearheaded by Steve Thompson, senior vice president, who you've heard a lot about before, who ferreted out that the owner of the rail yards [Catellus Development Corporation]--bearing in mind that railroads in earlier days always had downtown property: downtown Los Angeles, downtown San Francisco. Right here, we're talking about putting a campus of the University of California-San Francisco on former rail land of Catellus (it's now known as Catellus; it used to be known as Southern Pacific).

So downtown Santa Fe was the rail yard--obsolescent because the railroad no longer needed a downtown facility. As a matter of fact, it was inappropriate: too much noise, dirt, etc. So the then owners are not dumb. They did what some of the other people do: say, "Aha! We'll develop that land and turn it into if not high rises, commercial use and industrial offices and maybe even some housing."

Well, in a place like Santa Fe--I don't know if you know it.

Wilmsen: I lived there for five years, while this was going on, actually [chuckling].

Rosen: Did you? Uh-oh!

Wilmsen: I read about it in the paper.

Rosen: You probably have some idea that several times the developers would put their proposals up. They had beautiful sketches, and they always had lots of trees and wonderful rivers running through the property, and it was gorgeous. Well, if you know Santa Fe, they would have no part of it. Every time they came up with a proposal, they were shot down. They went before the planning commission, phhht; went before the city council, phhht phhht. They did that three or four times, as I recall.

The anchor tenant, Sears Roebuck, I think, was part of one plan. So the land just sat there, at which point Steve Thompson approached--this was not the first time; this was the successful time. Previously he went to, I think his name was Schwartz, Vernon Schwartz or something like that.

Wilmsen: At Catellus.

Rosen: At Catellus. Which basically was spun off then as a real estate company. Catellus is now a New York Stock Exchange company. It isn't in the railroad business. It ended up with the undeveloped real estate of the railroad, which is a lot. Its purpose is to develop it and make money.

Steve later went to Nelson Rising and said, "Would you be willing to give us an option to purchase the land?" He said, "Why should I?" He said, "The only reason in the world: it's in your interest." He said, "Well, I'll let you know." He checked us out. He found out that we have, quote, a "track record." But he also made it very clear that he knew that we had limited funds, and we operated on leveraging this money by getting public monies aggregated together and that our success would depend on our ability to marshal public support and get public funding for the project.

He said, "I'm not unsympathetic with that, but I've got to tell you, running a New York Stock Exchange company, I can't be soft. So I will give you an option at a fair price, but don't come back and ask for any extensions. Either do it, or no hard feelings." So Steve went to work. He worked with the city, which was badly divided, as perhaps you know, on many issues, including this one. But we were very fortunate, and Steve is extremely successful. He persuaded the city council, with a lot of help--this is no Lone Ranger business; but he was the managing

partner--that it was in their self-interest to acquire this land in downtown and therefore control its destiny.

Instead of just saying no, no to every development scheme and perhaps finding themselves a defendant in a condemnation suit, a constructive condemnation because they prevented the landowner from developing the property, or finding themselves facing a worse development than the last one, that they ought to step up to the plate and buy it. Now, cities--every time--are not flush with money.

They said, "Look, we need schools, we need hospitals, we need roads. We can hardly do those things. What are we doing spending \$20 million for a piece of dirt in the middle of town? Why don't they just give it to us?" Well, Nelson Rising made very clear he was not a church; he was not in a position to give the city the land, but he could sell it at a reasonable price.

We then worked with the city to come up with some financially sound strategies to reconfigure some of their bond indebtedness and free up the \$20-some million that it took to pay off Catellus. The property appraised for considerably more than that, so the city indeed got a verifiable, documented bargain, and it controls this land. I forget exactly the size (about fifty acres), but if you know the area in Santa Fe now, which they call the Plaza, this is many, many times the Plaza, so it's a very critical mass of land. The city now is taking its time in figuring out how much of it should be developed--the impact, the intensity, the quality. They're talking about incubator space for small industry; they're talking about artists' studios; they're talking about loft-type work--painting, sculpture studios. And that results from the deal that the Trust for Public Land cut. So I think it totals about fifty acres. I could be wrong. It's a pretty good-sized chunk of ground, and not less than ten acres will be public park.

We are holding out for that. There may be more than ten acres, but the deal was in a place like Santa Fe, which is quite developed, and many of the structures are truly historic and shouldn't be demolished for parks and greenways; where there is a convertible use--namely, from a rail yard (which was loaded with toxic problems, by the way, which we're just now coming out of)--that will have at least ten acres of permanent open space. And then the balance, the city--through its advisory councils and through its various departments and elected officials--decides what is the most appropriate use of that fifty acres.

There probably will be some maintenance of the scenic historic rail car which is there, as well as a host of other things. It's a very important piece of property, and the main

thing is they really don't want to screw it up. And it's theirs. They own it in fee, and they can do with it as they wish--except that there is a covenant that says that not less than ten acres will be permanent open space, cleaned up, for the public.

Wilmsen: I know they're using part of it for the farmers' market.

Rosen: That's, I think, a very wonderful kind of use. It brings vitality; it connects with the earth; it brings people downtown; it's a legitimate use. We like farmers' markets. We've done those all over the country--New York. Some of our land, even though it was paved, became a farmers' market. Boston. It's a terrific idea. But, like everything else, it has to be integrated, and the community has to embrace it; it can't just be Carl's bright idea or, "Marty, I like farmers' markets." The community has to figure out, if this, then that, and how it will come together. And it takes a long time.

Wilmsen: With the toxics issues, I know there was some talk for a while of trying to put in a community garden.

Rosen: There may be. It's difficult.

Wilmsen: But if there are toxins in the soils, then that's probably not a good idea.

Rosen: Not necessarily. The one nice thing about toxins in the soil: it can be remediated. If you dig down deeply enough--and I don't know what that is--but I can tell you it can be done. It's expensive, and it may not be a good idea. Maybe it's a better idea to grow flowers there, or maybe it's a better idea to grow grass, or maybe it's a better idea to have a ball field. But the more we get into toxins--it's not worry-free, but it's not nuclear that we're talking about. The main problems here had to do with the lubricants, the oil particularly, the solvents, the ash, mercury--all kinds of stuff--but it's not rocket science. It can be remediated. I'm not sure to what degree you'd have to clean it up--if you want to grow turnips and squash and things.

But, for example, if you had all the money in the world and you wanted to replace all that soil with, say, twenty or thirty feet of soil beyond which none of those crops I just mentioned would ever go, it might work. But there's a whole body of remediation that is happily growing and learning quite a bit. So I wouldn't just run away and say, "Oh, toxins." There are different kinds, and mainly, as I say, from a rail yard it's petrochemicals, solvents, oil, and ash--burnt coal products.

Wilmsen: Yes. Okay. How about Austin?

Rosen: Austin was series of projects--it's a college town; we have an office in Austin--that centered around several issues, two of which I'll mention. One was the protection of Barton Creek, which is kind of like the River Jordan; it's the holy water of Austin. Everybody knows about Barton Creek.

Part of it is protected. Part of it already is a public water hole, where you can go swimming. But, like everything else, the water doesn't just sit there. It comes from somewhere. The pressures of development were such, and Austin is, as you know, kind of like Silicon Valley in Texas. Dell Computer is there; IBM has a facility. Apple, Xerox--there are a lot of major high-tech firms there.

Tremendous pressure to develop, and the development pressures were encroaching on the riparian qualities of Barton Creek, up river. Our task was to, within the city limits of Austin, protect the integrity of the feeders, the tributaries, the sources, the headwaters of Barton Creek. We did that, with the city council, and the conservation groups, and so forth.

But we also--and this pleases me--showed that as important as that was, it was not the only issue in Barton Creek because, like so many other towns, there're two sides of the tracks. There're two sides of the road. Or, in this case, there're two sides of the Colorado River. The haves live on one side, and the lesser-haves, or the have-nots, many of which are people of color, live on the other side. Most of the recreational opportunities, most of the green, most of the recreation was on the have side. Not a surprise.

So what we did was when we put together the initiative--you see a theme for the Trust for Public Land?

Wilmsen: Yes. This is now the bond initiative.

Rosen: We said in order for this to work, go to the bond act. You've got to have something in it for all of the people and not just, quote, the card-carrying members of the conservation organizations. Whenever you go for money, it's always dicey. There are an awful lot of people who automatically vote no as soon as they see taxes or as soon as they see bonds. Those are built in, so there's always a question how do you expand the yeses. We proposed and showed how the contribution, especially politically, would play out: instead of just going for Barton Springs, we went for Colorado River Park on the have-not side of town and Barton Springs on the have side of town. And then, for the conservancy folks--namely, endangered species, biological diversity--they had a bond issue as well for the Balcones

properties, which were more protecting, I think, of the golden-cheeked warbler, which is wonderful.

But we say again and again this isn't a botany class or a biology class; it's a community issue that should be inclusive and not divisive. So we were all successful, I'm pleased to report. The Balcones passed, the Barton Creek passed in conjunction with the Colorado River Park. And that also involved pretty significant cleaning up of land that had been trashed, because what you see again and again is a lot of land--if it's out of sight--becomes a convenient dump. I can tell you, having been there, a lot of dumping had gone on to the land that is now part of the Colorado River Park. And I think it is one of the great new sources of pride of place for the people of Austin, Texas. Maybe.

Melrose Plantation, Mississippi

Wilmsen: Okay. Just a couple of more on my list. Melrose Plantation.

Rosen: Melrose Plantation in Natchez, Mississippi. The Melrose Plantation was recognized--brought to our attention--as a historic and complete example of antebellum, slave era architecture and place in Natchez. While there was some land, as part of the estate, what was especially compelling about this particular transaction was the house and the furnishings were virtually intact.

And therefore, if we could keep it together, keep it from getting subdivided, keep the artifacts from getting sold off, we had a gem, a true jewel. The risk always is when the ownership changes: somebody is interested in the land, or somebody is interested in the house, or somebody is interested in auctioning off these wonderful, historical treasures.

There was a time pressure. The owner who we dealt with was in the oil business. It was at that point in that cyclical industry that his fortunes were dipping, and therefore his grand notion of being the grand pooh-bah of this estate was wobbling. He was, quite frankly, interested in money. So we were able to make an offer for the entire property, as is--no selling off of the artifacts, no moving any of the elements or disturbing any of the architecture or selling off any of the land.

You say, "Well, gee, isn't that a little unusual for a conservation organization? What do guys like you know about artifacts?" Nothin'. But it's learnable. And we then found out

who could appraise it, who could evaluate it, who could curate it. It takes time and money, but if we could put our arms around the entire Melrose Plantation estate and add it to the National Park system as Natchez National Historical Park, it would be a true gem. Unique. Just like Monroe School, just like the Presidio, just like nothing else. It was unique.

Happily, the congressman from that area, Jamie Whitten, was the chairman of the full appropriations committee. He was approached by the local people for the historical significance of the Melrose Plantation. He supported the transaction, and the Congress of the United States did appropriate money for it. Many, many technical problems. How do we really certify that the artifacts were genuine antique? How do we evaluate and appraise? And how do we satisfy the Park Service? It was very cumbersome. There was an awful lot of experience we drew on. We had to be very clear and sure that all of the representations that we made were respected.

And then you run into the inevitable. The most qualified appraiser was not a person from Mississippi, and therefore was not licensed to appraise in Mississippi, and therefore we had to have a Mississippi appraiser. How do you work that out?

What you do is you work it out. It's just another damn problem. Maybe what you do is you encourage them to form a partnership so that a local person in Mississippi and the more respected authority in the field, who I believe was from Pennsylvania--in conjunction with the person who is licensed to do the appraisal--got together and satisfied the Park Service that indeed the values were as represented. And now you can see the Melrose Plantation as part of the Natchez National Historical Park.

Wilmsen: Wasn't there something about the congressman introducing a bill, or that it was the only park for his appropriation bill, or something like that?

Rosen: I think that's the only--in years--the only park that he ever sponsored. I wasn't there, but I heard that his arrival at the subcommittee for park appropriations was such an event that they adjourned the work that they were engaged in when they said [speaking in a feigned Southern accent], "Mr. Chairman, Mr. Chairman, what brings you here?" And Jamie Whitten said, "Well, fellas, I don't wanna disturb ya. I just have one thing. I wanna talk about Natchez." "We-e-ll, Mr. Chairman, if that's what you wish to talk about, that's what we wish to talk about."

And Jamie Whitten obviously was the power of the full appropriations committee. All of the billions go through that

committee: defense, veterans, HUD, State Department. The works go through Jamie Whitten. So when he just comes into this little subcommittee and asks for a teeny-weeny appropriation of a couple of million dollars for this historical jewel in Natchez, you bet, it made a big difference.

Wilmsen: [chuckling] Were there any detractors?

Rosen: No.

Wilmsen: Making a park out of a place where slavery--

Rosen: That was important, and we addressed that--that's a good question, Carl--we think in a very responsible fashion. Part of the presentation was that the Park Service would tell the truth, that they would show where the slaves were housed, where they were well housed, where they were ill housed. They would tell the story of slavery. They would tell the story of that land. They would tell the story of the various owners. They would tell the story of the role of that house and the estate during the Civil War. That it wasn't just a picture postcard that you look at and say, "Oh." That it would be part of a fabric of the civilization that was valuable because it was intact, and you could experience it by being there and having a more fundamental and complete experience by virtue of the fact that it was tangible and respected.

Santa Lucia Preserve, California

Wilmsen: Okay. I only have one more project that I wanted to ask you about, and this was the Santa Lucia Preserve. You loaned me that brochure on it.

Rosen: It's coming out of the ground as we speak.

Wilmsen: I had a few questions about it because I was curious in that I'm fairly sure it mentioned that the Santa Lucia Conservancy is an affiliate of TPL.

Rosen: Right. A misstatement.

Wilmsen: I was wondering about that.

Rosen: We don't have any affiliates. What we do have is an arrangement where, very specifically, we made it clear that we are not supporting the development, in any way, of a 22,000-acre land grant, one of the largest in central California, intact, under a

single ownership. That decision was going to be made by the County of Monterey.

Wilmsen: But that's a corporate owner, right? Because there are several people involved.

Rosen: Pacific Union. And Tom Gray in particular was the leading developer. They had some Japanese partners, which had done much of the financing during the time that the Japanese were very active in the real estate market. They bought Rockefeller Center [in New York City], etc., and Pebble Beach at, I might add, what appeared to be top of the market. But Tom Gray and Pacific Union were the developer of the property, or proposed developer, to bring on line, or market, high-end residential estates.

There's a tradeoff. If you have fewer units, they're more expensive. The pressure on the land is when you carve it up into smaller pieces and you can sell them cheaper, it's more affordable. Their vision was that they would develop the land, but only in a manner where the fewest number of houses and supporting infrastructure would be built to justify an economic return which was acceptable.

Therefore, we took no position on whether this land should be developed at all. As a matter of fact, earlier, when the property was owned by the Oppenheims--I believe, something like that--we explored whether there was any interest in either it becoming part of the adjoining national forest or a state park or a county park or a national park. This is a big piece of ground. I can tell you we were disappointed but not surprised when we were doing this a number of years ago, around the Watt time--a little earlier, or a little later--there was no interest and no money. That's a frustration of this business.

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Rosen: In that sense, you can say it isn't too bad; you're just who you are. The answer is it is too bad, and it's not too bad. We do what we can, while we can, where we can. We found no interest, zipo, in the county, the city, the state, the federal, the forest. So they bought it ("they" being Pacific Union) with Japanese money. I cannot be sure, but my guess is they paid something around \$80 million for 22,000 acres.

And then they came up with this vision of having an upper, high-end, low-density development. The mitigation factor to the community was that after they identified all of the important natural values--riparian corridors, the stream flows, the ground cover, any endangered plants, etc.--they would build around those. And they hired a guy from Audubon, a terrific guy, Jeff

Froke, to do a first-rate job, together with satellite imagery and so forth, of really determining what the important natural elements of this 22,000-acre parcel were, and taking great care to have no houses interfere.

In other words, the land really came first. It affected price, but obviously the legitimacy of the development was something that enabled us to say that if you're serious about protecting this land with a development, there is a chance that a developer doing it right could be a model for, quote, "other developers." And that if it is developed--which we're not going to support--under the authorization of the County of Monterey, we will assist in making the development that they authorized as sound and ecologically valid as possible.

That, then, means no games, no phony easements. We draft the easements. We need funding for monitoring. You don't just get your approval and then say, "See you, Charlie." We need a watchdog. We need a separate land trust that is not beholden to the landowners, or to the developers, but is beholden to the land.

And that's the Santa Lucia Conservancy, which we helped organize. They paid for it, but we helped organize it--and which they fund. And we then said to anybody, whether it's to be developed or not, is not our concern, but if it is developed, we want to be sure that these practices are in place--not proposed, in place. That's what we did. We then hired Bill Hutton, one of the best lawyers in the country, to draft the easements, to draft the articles of incorporation of the conservancy, with independent status as a 501(c)(3).

It's not a homeowners association. There's where a lot of this stuff gets sorted out. You know, wink, and guess and by golly. This is an independent conservancy that is beholden to the land. That's unique.

Wilmsen: Who's on the board of the conservancy?

Rosen: It's all spelled out, including the Trust for Public Land. Not a controlling position, but the seats are spoken for, and the homeowners do not dominate it, nor does the developer. It's all spelled out, in advance. And that's the important thing: it's not done after the fact. "Oh, yeah, yeah. We'll put it in the sales brochure. We'll have the pictures of the trees, and we'll have the pictures of the kids playing in the stream." This is real.

Now, it's also very controversial because, even though they got the approvals of the county, it then went to a referendum. A

lot of people felt the county made a mistake in authorizing it, and the judgment of the county was set aside. And therefore the development was stopped--as we knew--this being a big piece of property. It was not a single parcel, and under existing law, by reconfiguring the various parcels, you don't need any approvals; just like you buying a lot. They then reconfigured and went back, and they did a little this and they did a little that, and it's under construction right now.

All of that infrastructure--legal and physical--has been dealt with in advance. Is it going to work? We hope so. We think so. Guarantees? No. But if it does, there will be an example of where some developers think they can make a lot of money, and the land will have an example of responsible development use. Is there risk for the Trust for Public Land? You bet there's risk.

Wilmsen: It's 18,000 acres.

Rosen: Twenty-two thousand acres.

Wilmsen: But, I mean, the area with easements.

Rosen: The whole shmear has easements.

Placement--there's a golf course (God bless 'em, there's always a golf course)--practices (you know, what kind of this and what kind of that).

Wilmsen: Now, has TPL gotten flak from the environmental community for, quote, "being in bed with the developers" or something like that?

Rosen: Oh, sure. All the time. You bet. "What are they doing? Selling out again." Goes with the territory. You don't just want to talk to yourself if you're trying--and, of course, we could be wrong. We could fall on our face and have a lot of apologies. But we've taken a lot of care and attention getting these things done, getting them in writing--just like I said should have been done with Mr. Hurwitz--in advance.

I do have confidence that this will be a place where people will come from all over the world and say, "This is the way it can be done well." What's the flaw in the model? It's high end. How many people can afford to spend a million or two for a lot? Well, hell, you can do anything for a million or two. You know, you can make no imprint. You can just have a tent. So what kind of model is it? Well, the model is that if you apply intelligence, if you do your homework, if you use the latest technology with satellites and so forth, there isn't any reason to trash the land. Any reason. It's a home.

But it also has to make sense if you're going to do it in the private market, because they want to make a profit. But that's the human condition. It's always flawed. And we're all saints and sinners, aren't we?

Wilmsen: Yes. And then, since I know you've said that you're a big public access person, the easements must include some kind of access.

Rosen: Absolutely. And teaching. That's part of the mission of the conservancy, to bring on groups. At the same time, it's not the same kind of access that you have if it were a national park; namely, you go virtually anywhere as long as you obey the rules. This will be subject to reasonable regulation. There will be teaching, there will be classes, there will be programs. And there's a budget that will afford this. There's going to be staff there. It's not going to be, "Oh, gee, if only we had this. If only we had that."

Wilmsen: And that budget comes, again, from the developers?

Rosen: From the development. There's not a dime of public money in this. See, that's the dilemma. There's no money. Everything is great if you spend somebody else's money. But in this case, every dime is coming from the successful development on this land. You bet it's troublesome, but it's not phony.

The thing that I object to is how many other developers have phony environmental constraints: easements that don't stick, covenants that don't last, that they can change at whim. I'm thinking of one in particular, which I will not mention. It's done by a very prominent family and another prominent conservation organization. We wouldn't touch it with a ten-foot pole, because if the developer ever changes his mind and wanted to rescind the easements, he could. We call that a sham. We wouldn't have any part of it.

And we made that very clear with the developer in this case, that if we are involved, these would be genuine covenants and restrictions of an ecological nature.

Wilmsen: What was their incentive to agree to that?

Rosen: I think they wanted to. I think they wanted to do it right. They want to make money, but they wanted also a legacy. That's my own opinion. Other people can say, "Ah, baloney. Every developer says that." I think these people, especially Tom Gray, do. So we didn't have to beat them over the head. Now, we had to negotiate hard because we're talking money, and whenever you talk money you see the little twinkle in the other guy's eye. You can also see it in our eye. We wanted money for this conservancy,

because just having a paper organization--bankrupt or soon-to-become bankrupt--would be a different kind of a sham or irresponsibility. So we'll see.

Wilmsen: When are they slated to--

Rosen: This year. There will be sales. And then we'll see.

Wilmsen: Fairly soon.

Rosen: We sure will.

Wilmsen: Okay. That's pretty much it.

Rosen: Good! It's been a lot of fun for me.

Wilmsen: Yes. I've enjoyed it. Is there anything else that you want to go back to, or you feel we need to cover more, or anything I left out that we haven't covered?

Rosen: I think you've been very thorough. I have no qualms. But if I have any thoughts, and when I see whatever you're going to show me, I'll obviously know more. But I compliment you on what I think is a very well-prepared series of interviews. I was very impressed, again and again, about how engaged you were in this work, and I'm very gratified for the chance to work with you.

Wilmsen: Thank you.

Rosen: Truly.

Wilmsen: I've enjoyed it, too.

TAPE GUIDE--Martin J. Rosen

Interview 1: October 19, 1998	
Tape 1, Side A	1
Tape 1, Side B	12
Tape 2, Side A	21
Tape 2, Side B	33
Interview 2: October 27, 1998	
Tape 3, Side A	40
Tape 3, Side B	51
Tape 4, Side A	60
Tape 4, Side B	69
Interview 3: November 3, 1998	
Tape 5, Side A	79
Tape 5, Side B	89
Tape 6, Side A	98
Tape 6, Side B	108
Interview 4: November 12, 1998	
Tape 7, Side A	114
Tape 7, Side B	121
Interview 5: December 1, 1998	
Tape 8, Side A	129
Tape 8, Side B	137
Tape 9, Side A	155
Tape 9, Side B	164
Interview 6: December 14, 1998	
Tape 10, Side A	173
Tape 10, Side B	183
Tape 11, Side A	191
Tape 11, Side B	201
Interview 7: January 5, 1999	
Tape 12, Side A	210
Tape 12, Side B	221
Tape 13, Side A	231
Tape 13, Side B	241
Interview 8: January 26, 1999	
Tape 14, Side A	243
Tape 14, Side B	252
Tape 15, Side A	262
Tape 15, Side B	271

Interview 9: February 1, 1999	
Tape 16, Side A	279
Tape 16, Side B	288
Tape 17, Side A	299
Tape 17, Side B not recorded	
Interview 10: February 16, 1999	
Tape 18, Side A	307
Tape 18, Side B	317
Tape 19, Side A	327
Tape 19, Side B not recorded	
Interview 11: February 23, 1999	
Tape 20, Side A	332
Tape 20, Side B	343
Tape 21, Side A	352
Tape 21, Side B	362

APPENDIX

A	Martin J. Rosen curriculum vitae	369
B	Trust for Public Land, Annual Meeting, June 27, 1981, address by Martin J. Rosen	372
C	Trust for Public Land, Annual Meeting, June 26, 1982, address by Phillip Wallin, "Building the American Commons"	378
D	Trust for Public Land, Annual Meeting, October 8, 1984, address by Phillip Wallin, "Sources of the Mission"	382
E	"Why Land??", poem by Martin J. Rosen, October 1998	386
F	Trust for Public Land, Strategic Plan 1997-2000, and Mission Statement	387
G	Fact sheet on Trust for Public Land for government officials of the People's Republic of China, when they visited in the mid-1980s (in Chinese)	388

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EDUCATION	A.B., with Honors, Phi Beta Kappa, University of California Los Angeles	1953
	J.D., Boalt School of Law, University of California, Berkeley	1956
	Order of the Coif	1955-56
	California Law Review	1955-56
	Institute of Social Studies, The Hague, Netherlands	1956-57
	Ford Fellow, International Legal Studies	1956-57
EXPERIENCE	THE TRUST FOR PUBLIC LAND, San Francisco, CA	1978 - 1997
	President and CEO of private, nonprofit land conservation organization with budget of \$30 million and 250 employees in 25 offices around the country. It has protected over 900,000 acres of land valued at more than \$1.5 billion in 45 states and Canada.	
	SILVER, ROSEN, FISCHER, & STECHER, San Francisco, CA	1962-1978
	President and partner in legal firm specializing in transportation and regulatory law	
	PRIVATE PRACTICE, Merced, California	1960-1962
	U.S. AIR FORCE, Judge Advocate, Strategic Air Command; Captain USAF Reserve	1958-60
	UNIVERSITY OF CALIFORNIA, BERKELEY	1958
	- Coordinator, Intergroup Education, Institute of Industrial Relations	
	- Administrative Analyst to President	
BOARD OF DIRECTORS/ ADVISORY COUNCILS	The Trust for Public Land, <i>Director</i>	1972-present
	Center for Plant Conservation, <i>Trustee</i>	1990-present
	College of Natural Resources, UC Berkeley, <i>Advisory Member</i>	1990-present
	Pacific Forest Trust, <i>Director</i>	1993-present
	Lambda Alpha International, Golden Gate Chapter, <i>Director</i>	1993-present
	Committee for the National Institute of the Environment, <i>Advisory Member</i>	1994-present
	Landscape Architecture Foundation, <i>Director</i>	1996-present
	Association of State Floodplain Managers, <i>Trustee</i>	1997-present
AWARDS AND HONORS	Awards	
	Garden Club of America "Hutchinson Medal for Distinguished Service to Conservation"	1998
	Lambda Alpha International Humanitarian Award	1997
	Chevron Conservation Award	1997
	Lambda Alpha-Golden Gate Chapter, Member of the Year-Donald Turner Award	1996
	National Park Foundation, Horace Albright Medal	1992
	Landscape Architecture Foundation Award	1991
	Landscape Architecture Foundation, Alfred LaGrasse Medal	1985

Honors

Dominican College, Doctor of Humane Letters	19
Environmental Media Associates, Judge--Annual Environmental Media Awards	1996, 19
Ditchley Conferences (by invitation) in Oxfordshire, England	1994, 1996, 19
Frank Wehe Scholar in Law	1955-
Walter Perry Johnson Scholar in Law	1954-
Law School Associate Scholar in Law	1953-
<i>Los Angeles Times</i> Journalism Scholarship	1950-

Recent interviews and major speeches:

'Perspectives in Economic Renewal," Kauai, Hawaii	May 19
CBS "Sunday Morning News"	August 19
<i>Historic Preservation</i> , National Trust for Historic Preservation	August 19
National Association for African American Heritage Preservation Conference	19
Land and Water Conservation Fund Conference	19
National Park Service Rivers, Trails and Conservation Assistance Program	19
National Trust for Historic Preservation Conference	19
American Society of Landscape Architects Conference	19
ABC "Good Morning America"	19
Garden Clubs of America and City Clubs	1993-
UC-Berkeley Real Estate Alumni Association Conference	19
Commonwealth Club	19

PUBLICATIONS	"Urban Parks and Open Space," Contributing Author (Urban Land Institute and The Trust for Public Land)	19
	"Heaven is Under Our Feet," Contributing Author (The Walden Woods Project)	19

PERSONAL	Married; two grown children
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MARTIN J. ROSEN

Martin J. Rosen is past president of the Trust for Public Land (TPL). Presently, he is Director of Special Projects and a member of TPL's Board of Directors. A native of Los Angeles, he is a graduate of UCLA and the Boalt Hall School of Law at U.C. Berkeley. He has served two years as a Judge Advocate with the 93rd Bomber Wing of the Strategic Air Command. Mr. Rosen serves on the boards of the Landscape Architecture Foundation, the Center for Plant Conservation, and the Pacific Forest Trust. Past honors include awards from the National Park Foundation, the Garden Club of America, and recently a Doctor of Humane Letters from Dominican College.

ADDRESS BY MARTIN J. ROSEN

ONE OF THE QUESTIONS THAT I'M CONSTANTLY BEING ASKED LATELY IS HOW WE AT THE TRUST FOR PUBLIC LAND ARE GOING TO WITHSTAND THE CURRENT CRISIS RESULTING FROM GOVERNMENTAL CUTBACKS AND PERHAPS REDUCED INTEREST IN ENVIRONMENTAL CONCERNS. TO BE FRANK WITH YOU, OUR FRIENDS AND SUPPORTERS, THERE IS NO QUESTION THAT THE TRUST WILL EXPERIENCE SOME ORGANIZATIONAL STRESSES, SOME INCREASED COSTS, GREATER RISKS, AND UNCERTAINTIES IN THE LAND TRANSACTIONS THAT WE ARE ENGAGED IN. THAT AS YOU KNOW IS THE MAIN THRUST OF TPL'S ACTIONS TO PRESERVE OPEN SPACE FOR ALL PEOPLE.

THE SIMPLE TRUTH, HOWEVER, IS THAT THE ISSUES THAT WE FACE ON A DAY-TO-DAY BASIS ARE TOO IMPORTANT TO SUBSTITUTE HAND-WRINGING FOR MEANINGFUL ACTION, OR RHETORIC FOR RESULTS. THEREFORE, OUR SIMPLE FAITH IS THAT WE WILL HAVE TO RE-DOUBLE OUR EFFORTS TO FULFILL THE PUBLIC NEED AS WE VIEW IT AND WHICH IS EXPRESSED BY A QUADRUPLING OF THE DEMAND FOR PUBLIC PARKS AND WILDERNESS EXPERIENCE SINCE 1970. AS WE SEE IT, WE ARE ALWAYS -- IF WE'RE GOING TO BE DOING WORTHWHILE WORK -- GOING TO BE FACING ENORMOUS PROBLEMS, CONTRADICTIONS, COMPLEXITIES, DIFFICULTIES. THERE ARE ALWAYS MANY WHO WOULD MAGNIFY

THESE CONCERNS TO CRISIS LEVEL. THE ENERGY CRISIS, DOUBLE-DIGIT INFLATION, WELFARE CHEATS, SAGEBRUSH REBELLIONS, POPULATION EXPLOSIONS, NUCLEAR PROLIFERATION, VIOLENCE IN THE STREETS, TAKE YOUR CHOICE. ANY ONE OF THESE CONCERNS CAN CONSUME A LIFETIME OF WORK. NEVER AS A PEOPLE HAVE WE HAD MORE LEGITIMATE CONCERNS ABOUT LEGITIMATE PROBLEMS THAT AFFECT THE PLANET AND OUR SURVIVAL. HOWEVER, WE DON'T THINK IT IS PARTICULARLY HELPFUL TO CALL ALL OF THESE MATTERS "CRISES". FRANKLY, A RHYTHMIC RECITATION OF CRISIS AFTER CRISIS AFTER CRISIS CAN PROVIDE A VERY GLIB AND CONVENIENT EXCUSE FOR DOING NOTHING -- FOR BECOMING A MEMBER OF WHAT HAS BEEN CALLED THE "CYNICAL CHIC", THE BURN-OUTS, THE DO-NOTHING.

THE ONLY TRUE CRISIS, THEREFORE, TO ME, IS THE CRISIS OF THE SPIRIT, THAT PRODUCES NUMBNESS OR PARALYSIS IN THE FACE OF HARD CHOICES. CERTAINLY, WE CAN'T DO EVERYTHING. WE CAN'T DO EVERYTHING AT ONCE; NOR CAN WE BE ALL THINGS TO ALL PEOPLE. BUT WE CAN DO SOME THINGS, AND WE CAN DO SOME THINGS VERY WELL. WE CAN ACT ON LIFE, NOT AS A METAPHOR, BUT AS THE ULTIMATE FANTASY WHICH IS REALITY. WE CAN CHOOSE REAL-LIFE ACTION, IN WHICH THINKING MATTERS, CARING MATTERS, AND DOING MATTERS.

WE WILL, IF WE ARE TO SURVIVE -- AND I BELIEVE WE WILL -- HAVE TO OUT-THINK, OUT-PERFORM AND OUT-ACHIEVE THOSE WHO WOULD FIRST CARVE THEIR INITIALS ON OUR TREES AND THEN CLEAR-CUT THEM, FIRST EXPLORE AND THEN EXPLOIT OUR NATURAL SANCTUARIES FOR SMALL CHANGE AND SHORT-TERM GAIN, FIRST STOP THE ACQUISITION OF PARKLAND AND THEN LIQUIDATE THE REMNANTS, TURNING THEM INTO SUBDIVISIONS AND RANCHETTES.

NO, THESE ARE NOT EXACTLY BORING TIMES. RESOURCES MAY BE SCARCE, BUT RESOURCEFULNESS IS PLENTIFUL. THE GREATER THE DEMANDS ON US, THE GREATER THE SUPPLY. THAT'S WHAT WE THINK IS PERHAPS TRUE SUPPLY-SIDE ECONOMICS, IN CONTRAST TO THAT TAUGHT AT THE OFFICE OF MANAGEMENT AND BUDGET.

AT THE TRUST FOR PUBLIC LAND, WE BELIEVE WE HAVE A SPECIFIC OBJECTIVE, AND WE CONTINUE TO FULFILL IT DURING THE GOOD TIMES AND THE BAD TIMES, FOR WE ARE NOT IN THE FASHION BUSINESS. ENVIRONMENTAL CONCERNS AND ACHIEVEMENTS ARE NOT AMENITIES THAT ARE TO BE WORN AND DISCARDED LIKE DESIGNER JEANS. WE INTEND TO BE HERE, YEAR AFTER YEAR, ACQUIRING AND PRESERVING OPEN SPACE LANDS, SHARING OUR KNOWLEDGE OF LAND ACQUISITION SKILLS AND ADDRESSING LAND ISSUES IN A COST-

EFFECTIVE AND ETHICAL WAY.

FOR ME ESPECIALLY, THE VALUE AND EXCITEMENT OF WORKING WITH THE TRUST FOR PUBLIC LAND IS A WEDDING -- THE WEDDING OF THE UNIVERSAL WITH THE SPECIFIC, ACADEMIC WITH PRAGMATIC, DIVERSITY WITH UNITY, DEALING WITH LAND ISSUES AND LAND ACQUISITION MATTERS, AND RELATING THEM TO PEOPLE WHO LIVE IN URBAN CENTERS AS WELL AS IN OUR RURAL AREAS.

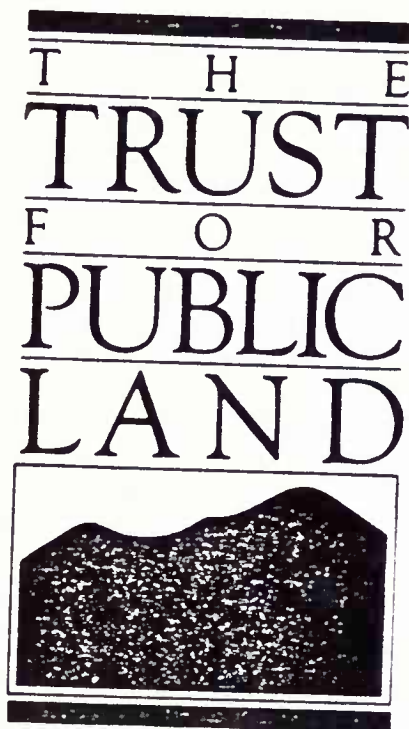
AS YOU'LL SEE IN THE FEW SLIDES WHICH WE WOULD LIKE TO SHARE WITH YOU, MANY LANDSCAPES ARE TRULY MAGNIFICENT. THEY MAY CONTRAST SHARPLY, AND HARSHLY, WITH REMNANTS OF INNER CITIES. BUT EACH OF THESE PARTICULAR PROJECTS HAS A UNIQUE VALUE FOR US, AND FOR OUR FELLOW AMERICANS. EACH OF US IS TOUCHED, IN DIFFERENT WAYS, BY OUR LAND INHERITANCE, AND THE BENEFITS THAT FLOW FROM THE LIVING POWERS OF RE-AFFIRMATION THAT THESE LANDS SPECIFICALLY, AND YET MAGICALLY, OFFER. IN THESE SLIDES ARE PORTRAYED JUST A FEW OF THE MANY PROJECTS THAT TPL IS CURRENTLY WORKING ON. LITERALLY, AT THE PRESENT TIME, WE'RE WORKING ON APPROXIMATELY 125 PROJECTS, ALL OVER THIS COUNTRY, FROM OUR OFFICES THAT ARE LOCATED IN TALLAHASSEE, FLORIDA; NEW YORK CITY; CLEVELAND, OHIO; SANTA FE, NEW MEXICO; SEATTLE, WASHINGTON;

AND THE SAN FRANCISCO BAY AREA.

WHAT YOU'RE GOING TO BE SEEING ARE NOT NECESSARILY COMPLETED PROJECTS. THESE ARE WHAT WE CALL WORK-IN-PROGRESS. SOME MAY FAIL, IN WHOLE OR IN PART, IF WE LACK THE WILL OR THE SKILL TO MAKE THEM SUCCEED. BUT THAT'S PART OF THE INHERENT RISK OF OUR WORK. WE DON'T SEEK ONLY THE "SURE THINGS" AND THE SAFE HARBORS. WHILE WE DON'T SEEK FAILURE, WE CERTAINLY DON'T CRINGE AT THE POSSIBILITY. BUT WE RELY ON THE FACT THAT WE HAVE BEEN AT THIS FOR A NUMBER OF YEARS NOW. WE HAVE A FAIRLY DECENT RECORD OF MORE THAN 130 SUCCESSFUL TRANSACTIONS, ADDING THOUSANDS OF ACRES TO OUR NATIONAL PARK AND FOREST LANDS AND INNER CITY GARDENS AND OUR RURAL LANDSCAPE IN MORE THAN A DOZEN STATES. THE PROJECTS RANGE IN SIZE FROM A SINGLE LOT IN DOWNTOWN OAKLAND OR ATLANTA, TO MANY THOUSANDS OF ACRES, FOR EXAMPLE, IN THE POINT REYES NATIONAL SEASHORE. THERE IS A TREMENDOUS DIVERSITY PORTRAYED AS WE SKIP BACK AND FORTH ACROSS THE COUNTRY. THESE SLIDES, THEN, CAN BE TIED TOGETHER, AS DIVERSE AS THEY ARE, AS BEING ILLUSTRATIVE OF THE RANGE OF OUR EFFORTS AND THE VERSATILITY OF A STAFF THAT IS DEDICATED AND SKILLFUL, INVOLVING

MANY KINDS OF LAND ACQUISITION PROBLEMS, TIMING PROBLEMS,
TAX PROBLEMS, RESTRICTION PROBLEMS, EASEMENT PROBLEMS ___
THAT INVOLVE LANDOWNERS WHO MAY BE LARGE CORPORATIONS,
INDIVIDUALS, FAMILIES, SINGLE PARENTS, RANCHERS, DAIRYMEN,
AND DEVELOPERS.

MAY WE SHARE THIS WITH YOU NOW.



BUILDING THE AMERICAN COMMONS

Address by Phillip Wallin

Annual Meeting of

The Trust for Public Land

June 26, 1982

There are so many of us here today, at this 10th Annual Meeting of The Trust for Public Land (TPL). When I think back to the early days of TPL, I remember that in those days we didn't try to describe exactly what we were trying to do. The important thing was just to do it. We were experimental and adaptable.

Now that we have ten years under our belt and seven offices and some sixty employees, it seems more important to understand the basic goals and values of the organization. What is it that binds together TPL's three programs -- the Urban Program, and the Land Trust Program, and the Public Land Program? Each program has its own voice, but is there a harmony among the voices?

It seems to me that there is. I believe that over the past ten years, each one of us at TPL, and each of the separate programs, has been helping to create an American commons.

The commons, of course, is that land that serves the community in general. It is the land that no one owns because everyone owns it. It is the village common in New England, the National Forest in Montana, the community garden in the Bronx.

The commons is an idea that is older than private property itself. Where cultures have grown out of a certain place -- as in China, Western Europe, Africa -- the idea of the commons is strong. People recognize, with the wisdom that comes from a long heritage, that the land is the source of their culture and prosperity; that in some sense they and their culture belong to the land, not the other way around.

America was very different. American culture -- or rather the several American cultures -- were already formed when they came to this shore. They hearkened back to an origin in other lands, on other continents. The American land was not the source of our traditions, the home of our ancestors. Instead, it was a vast storehouse of resources, grist for our commercial mill. And as settlements skipped across the continent, American policy was to eliminate the public domain, to bring as much of it as possible within private ownership, so that people and corporations could bend the land to their will, and use it to create wealth. With the Homestead Act, the grants to the railroads, and the Mining Law of 1872, and so on -- a "cowboy economy" was built on the theory that land was so plentiful, there was no need to protect it for the future. We could strip it of its wealth and move on to the next valley, the next mountain range.

But at the same time, those who came to America brought along with them the tradition of the commons. They brought the idea of a common space belonging to the community which is protected by the community because it is the ultimate source of our common prosperity.

Other peoples in North America maintained the idea of the commons. To native Americans, all the land was a commons -- we come from the earth, we return to the earth, we are of the earth. "How can anyone own the earth," Chief Seattle was to ask.

And in the Spanish Southwest, the groups of families that came to settle, in this land that seemed so much like the south of Spain, took possession of lands granted to them by their patron, the King. They settled on a stream, and divided the land on the stream into family plots, to be farmed. But the surrounding lands -- many thousands of acres -- were the *ejido*, granted by the King to the community in general as a commons, for grazing and hunting and gathering of wood.

As the nation grew and matured, the idea of the commons grew with it. At the prompting of pioneers like John Muir and Gifford Pinchot, the President and Congress began to set aside certain areas of the public domain as a national commons for the American people. National forests, for the protection of watersheds and timber resources; wilderness areas and national parks, like Yosemite, as places where Americans could go to renew their spirit; national wildlife refuges for the survival of other species. And as the settlement of the nation drew to a close, and the frontier disappeared, we stopped parcelling out the federal lands for private uses, and we paid more attention to the commons. In the countryside, and in our cities, we set aside more and more green areas for the public -- a commons for a nation that was growing more urban, and more crowded.

Today, TPL is working to build and improve the American commons, the nationwide network of parks and forests and refuges and green spaces that belong to the people. These areas belong, not only to us, but to those who have died and those who are yet to be born. They are a link among the generations. They are the matrix for the web of life. They are the point of contact between us and the powerful, nearly forgotten spirits of the earth. They are the commons, where people can meet on equal terms -- to work, to play, to talk, or just to be, and to share the precious experience of leaving something alone.

The people in our Urban Land Program are building the commons in our cities, in community gardens and busy parks and quiet green open spaces. They are doing it directly, by securing donations of land for the public in New York, Oakland, Atlanta and elsewhere. Even more important, they are teaching city people to make their own commons. They have helped them create over 70 land trusts nationwide which own 110 parcels of land. They have provided valuable training to 400 community organizations in 40 cities, teaching them to set up land trusts, acquire land, and develop parks and gardens.

Our Land Trust Program is doing similar work in the farming and ranching communities of the West. They are helping to set up local land trusts for

the purpose of dedicating prime farmland to agriculture. This is another part of the American commons, the productive farmlands that we cannot afford to lose, whether by subdivision, severing of water rights, or loss of topsoil. Our children, even more than we, have an interest in protecting these lands from short-term economic pressures, and saving them for the long term when land will be more precious than trailer parks. When a land trust acquires an easement to protect a hay meadow, or an orchard, that easement becomes part of the commons that serves us all.

In the Public Land Program, we are working to set aside lands for the future, in our country's forests and parks and scenic rivers and wildlife refuges. Since Yellowstone National Park was established in 1872 as the world's first wilderness park, Americans have striven to create a spacious national commons, guaranteeing access to our heritage as a practical right of all citizens. Not only has this concept been adopted by other nations, it has spread to the state and local levels as well. Wherever the public is working to preserve a tangible part of its heritage the Public Land Program is prepared to help, by acquiring lands in advance of the public.

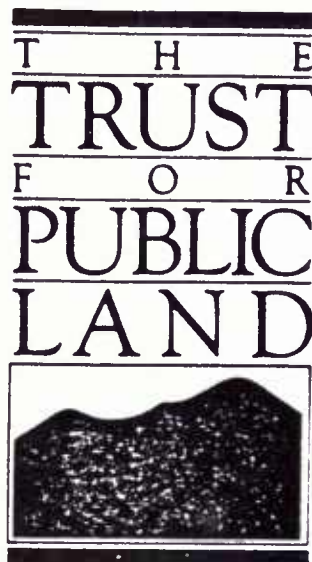
Our national forests and wildlife refuges, no less than our parks, are part of the national commons. This great system of national resources is the "survival cushion" for a technological and profit-oriented society. When the Public Land Program acquires land for addition to a national forest or refuge, in some slight degree it is extending the life-expectancy for American society.

The commons is not something we do only for ourselves. We do it for all the generations, for our parents and our children, for all species in the web of life on earth. The commons is a place where we celebrate those connections between our momentary ego and the great unseen order of the cosmos. It is a place to overcome isolation and narrowness.

This is something America needs, and we are proud to dedicate ourselves to it. It is not a need recognized by the present administration, which seems dedicated to "privatizing" the commons, and placing as much of it as possible at the disposal of special interests, for short-term profit. All the more need for us to stand up as an advocate for the commons, for the broader view that sees the future and the past as well as the moment.

We do this best in our daily work, when we buy a park, or incorporate a land trust, or counsel a landowner.

In this spirit, I join with all of you in thanking those who founded The Trust for Public Land. And together with the staff and Board of Directors, I thank all of those who help us in our daily task of building a commons for the American people.



SOURCES OF THE MISSION
Address by Phillip Wallin

Annual Meeting
of
The Trust for Public Land
Asilomar Conference Center
Pacific Grove, California
8 October 1984



I am going to speak today about where the Trust for Public Land came from, historically, on the theory that where we came from has a lot to do with where we are and where we are headed. My talk goes back to 1972, when TPL was born, to describe the forces that brought TPL into being and shaped its mission and character.

In 1972, I was a law student at the University of Chicago, studying the futility of human life at Wrigley Field, where the Cubs were making one of their periodic runs at the National League pennant. I was recruited to write the training manual for a brand new organization called the Trust for Public Land.

1972 was a vintage year for the environmental movement. The landscape was awash with organizations devoted to whales and forests, clean air and sea otters. Everyone was trying to save something from something else. It seemed as if the last thing we needed was another organization, with another Board of Directors and another annual meeting, another forest cut down somewhere to feed paper into another copy machine.

So why TPL? What was so urgent in 1972 to justify burdening the earth with yet another corporate structure? For that matter, what remains so important today?

Among a few environmentalists of that day, there was a feeling that the movement was off the mark. Too much of the rhetoric reflected the ancient prejudice that cities are evil and the country is good, and that human beings are a blight on the earth.

The people who founded TPL, many of them in this room today, were city people by and large. They saw America becoming more urbanized. They appreciated the values that come from the diversity and the interactive energies of the big city—art, philosophy, technology, the many and varied institutions that embody human values. They recognized that city and country are indivisible: that people and land, far from being adversaries, are in fact shaped and often enhanced each by the other. Above all, they realized that reapportionment had rewritten the rules of the political game. They knew that the big decisions on natural resources, from clean air to Alaska, would be made by voters and legislators who came from the cities, people like Phil Burton, Henry Waxman, Sidney Yates, Paul Tsongas and Pat Moynihan.

The founders of TPL felt that a true environmental awakening would have to happen in the cities. For environmental values to take root in America, they would have to be planted in the city streets, and they would have to make sense in terms of urban life.

In my view, the foremost reason for TPL's coming-to-be was to make "land as a living resource" available to city residents. As Aldo Leopold said, "Weeds in a city lot convey the same lessons as the redwoods." In that spirit, TPL was founded to bring the best professional skills to bear on the task of creating green spaces in and near our cities. This is not all that we have done nor all that we do. We work in the national parks and wildlife refuges; indeed, wherever our help is needed. But the heart of the mission still lies in bringing together people and land.

Another of TPL's missions was to provide a means by which American business could participate in the environmental movement. A founding faith was that no sector in American life is an environmental villain *per se*, and no sector is an environmental hero *per se*. We are all part of the problem and we are all part of the solution. TPL set out to work in cooperation with American business to protect America's special places. We appealed to corporations who owned land to work through us to protect that land. We recruited retired executives to serve as volunteer "land counselors." And we adopted the best techniques of American business for our own operations and management.

A third major mission for TPL was to be creative in acquiring parkland. In the early seventies it seemed as if there was unlimited funding for parks and open space. We saw that parks money could be spent foolishly, without substantial public benefit and with little or no public involvement. In particular, we saw the cities pushed to the end of the line when it came to open space funding. In the eighties, we have seen the picture change dramatically. These funding sources—particularly the Land and Water Conservation Fund (L&WCF)—have dried up to a great degree. Now we are *all* at the end of the line.

In a way, though, the picture has not changed at all. The fact is, money has never been the primary factor in saving open space and creating parks for people. The most important factor has always been the human spirit. A park that springs from the caring and creative energy of local citizens will mean more than a park which occurs simply because money has been appropriated by Congress. In the tight times of the 1980s, as much as the flush days of the 1970s, the mission of TPL is to bring the human factor into a park project, to breathe life into it. We do this through the creativity of our staff, who coax successful land conservation transactions into being with the help of caring people and enlightened institutions. The more we substitute creativity and commitment for money in a project, the more likely it is that the park will be born with a constituency behind it which will nurture and protect it for the long term.

The wonderful thing about the Trust for Public Land is that we seem to be at our best in the lean times, when money is scarce. That is when our skill, our ability to make connections among corporations and banks and foundations and professors and citizen groups, is most needed and most welcome. That is why we are thriving in the 80s. If the job were easy, someone else would do it.

A fourth mission that TPL set out to accomplish was to create and train citizen land-saving organizations. Many decades ago, a Frenchman named de Tocqueville looked at America with fresh eyes. He saw that our genius, our hope, lay in our fondness for volunteer associations. When we saw that a ditch needed digging, someone would organize the East Orange Ditch Association and have at it. That spirit enabled us to subdue the continent.

The founders of TPL believed that small, locally-based citizen associations were the best hope for saving the special places in our landscape. They felt that TPL could help to create and encourage volunteer associations as a permanent presence in the community, to speak out on behalf of the environment, to go to the mat on behalf of an island or a neighborhood park or a stream. They felt that we could train community groups in the practical aspects of dealing with land, including the real estate skills that have traditionally been used to destroy neighborhoods. This has been the mission and achievement of both our Land Trust Program and our Urban Land Program.

It might be that the seeds we plant with community groups will count for more in the long run than our yearly harvest of parks and wildlife refuges. The great environmental awakening of the early seventies may have run its course as a media event. But the values and the causes live on because they have been embodied in institutions, voluntary associations that are close to the problems. These are the vehicle by which individuals who care get involved and take encouragement from the efforts of others.

So then, to answer the question, 'Why are we here today?' We are here because this organization is worth the effort. We are here to make land as a resource available to all people, and particularly to people in and near our cities. We are here to bring the best techniques of American business to bear on the unique problems of conserving open space and to involve

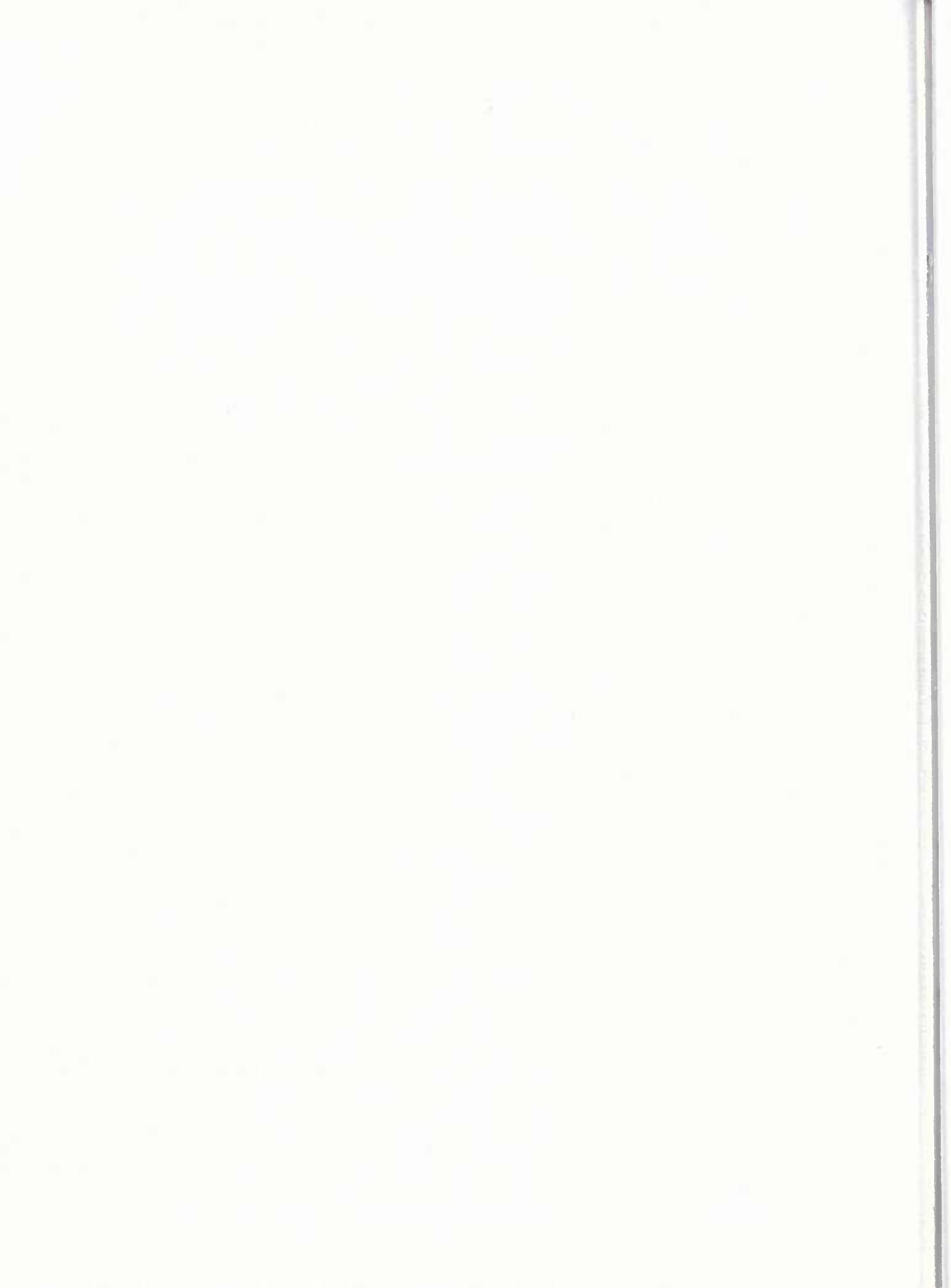
corporations and professionals in the environmental movement. We are here to lend creativity, excitement and citizen involvement to the process of creating parks; to keep these humanizing efforts from lapsing into mere bureaucratic exercises. And we are here to help create and train volunteer associations that will carry on our work unto the next generation.

The Trust for Public Land has come to a turning point. We have opened new regional offices, and they are reaching out to communities in which we have never worked before. We need your help. We need access to the *doers*—the corporations, foundations, activists, opinion leaders, lawyers—who can make a park or a community garden or land trust happen. That access is TPL's lifeline. We have no membership to carry the load or open the door. We rely on our supporters and friends, and we need your active help.

WHY LAND??

Our lands define us
Just as our blood and our rivers
Sustain us.
Land is our living space
Not merely to be used
Or consumed, or
Broken or subdivided
Without paying a lasting,
Fearful price.
Our land is our home,
Our children, our ghosts
And our hopes.
It is our music and our health.
Into this land we sink
Our roots, or bury our
Scattered rubble.

Martin J. Rosen
October, 1998





*The Trust for Public Land
Strategic Plan 1997 - 2000*


Goals

- Lead in conserving land for people
- Expand our Green Cities Initiative into 30 cities
- Lead in raising \$3 billion for parks

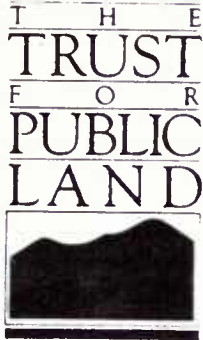
Supporting Strategies

- Expand the leadership role of TPL's board and national and local advisory councils
- Build public awareness
- Increase fundraised revenue
- Celebrate diversity
- Invest in staff development

Mission Statement

The Trust for Public Land conserves land for people to improve the quality of life in our communities and to protect our natural and historic resources for future generations. 





Fact sheet on Trust for Public Land for government officials of the People's Republic of China, when they visited in the mid-1980s.

公地信託公司簡介

公地信託公司，它的英文名稱是 THE TRUST FOR PUBLIC LAND，簡稱為 TPL。它是一間非牟利的民間組織。它的目的主要是通過公地的信託買賣，以保留合理的土地，為廣大公眾建造園林提供土地的需要，藉以達到自然環境的保護。本公司的日常工作，主要是從兩個方面進行的：

- ①向私人業主買進適當的土地，然後轉予聯邦有關園林或山林等管理部門，或各州所屬及一些城市的郊區之有關公園管理機構。
- ②指導城市與郊區的任何社區團體，進行買進與管理信託土地。

本公司自 1973 年成立以來，成績相當可觀。現已在全國十四個州中，信託買入超過三萬四千畝的空地，并轉予供作建立公園，或公眾娛樂的場地之用了。單在佛羅里達州就已建立了四千畝的海岸自然保護區，在北加州則有四千四百畝土地用作建立了聯邦所屬的金門旅遊地帶及利市半島國家自然海岸。

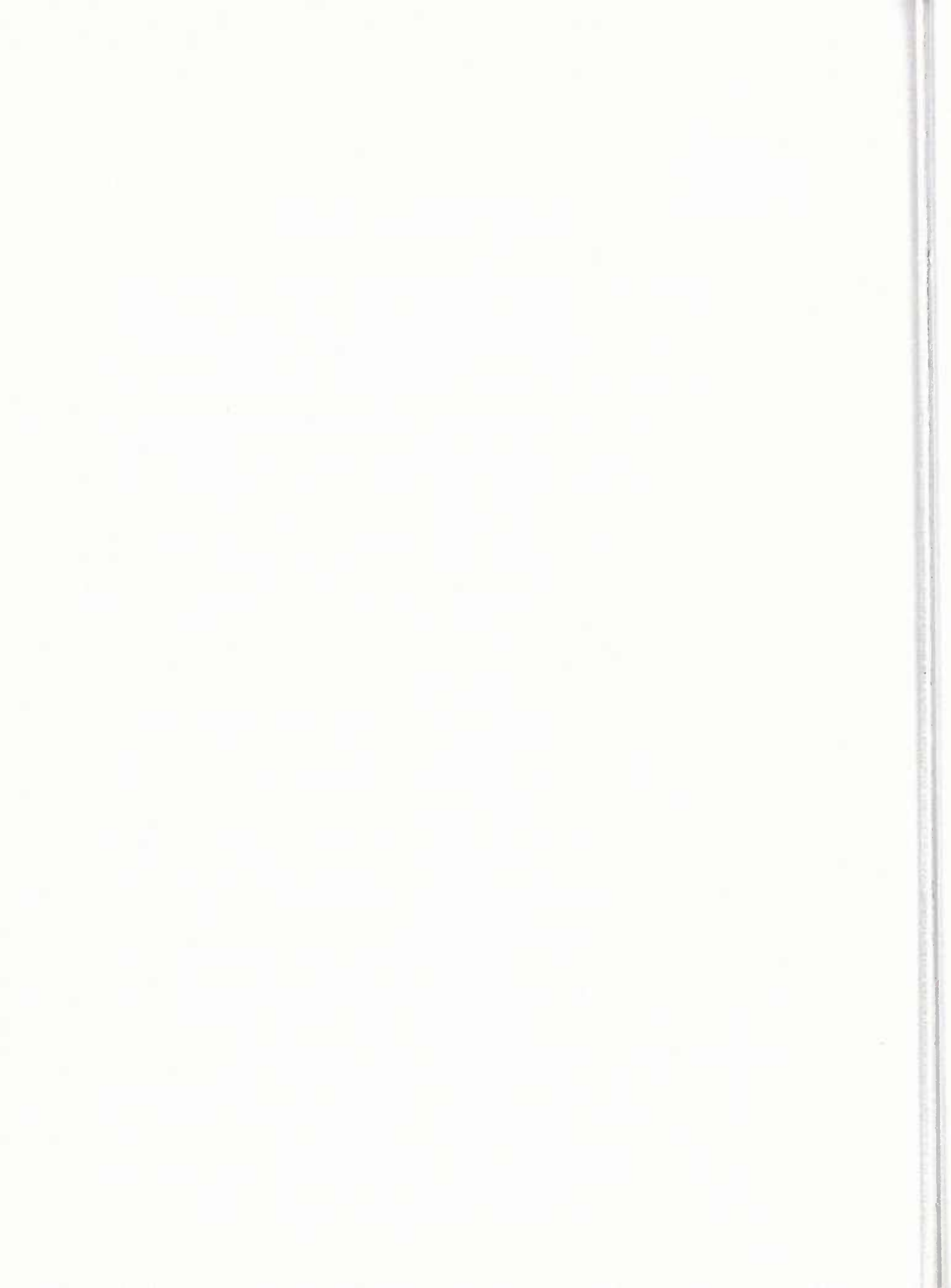
到今天為止，本公司已購進五千萬元土地，并已轉予作公眾之用，為有關公私或企業等單位節省了一千二百萬元。本會既為買方設想，也為賣方謀劃，藉以使土地的信託買賣能為公眾服務。多年來，我們就按此原則，曾為美國廣播公司，波音公司，南太平洋鐵路公司以及大眾輪吹公司買進了不少的空地而轉予有關機構的。

本公司作為一間非牟利的機構，它既接受了一些業主的空地贈予，也能以最低之價格購進。本公司派出富有經驗的專業人員為業主謀劃，既能為其節約了大量的時間和找到最適當的買賣時機，也能為其帶來相當大量免稅額的好處，且絕對保守信託秘密。

於 1975 年，本公司又在加州屋崙市實行了城市空地利用的計劃，并且得到了三十二塊小空地，供作建立街坊小公園或遊樂場之用。在這個成績與經驗的基礎上，本公司現已在全國四十個以上的城市中，展開着同樣的計劃與工作，并指導有關機構進行土地信託買賣。

此外，在市郊及農牧業地區，我們又協助和指導農牧業者把土地轉成信託土地，以保持繼續經營與生產，同時，在城市中，通過市區農產計劃，在許多城市，還推行設立了不少坊的公共菜園。

本公司是一個全國性的組織，總辦事處設在三藩市。在紐約他拉唸士，西雅圖，屋崙，企李夫倫及山打非等地，都設有辦事處。



INDEX--Martin J. Rosen

- Adams, John, 323
 Agnos, Art, 275
 Air Force, United States, 23-24, 42-44
 Alan, Dale, 170
 Alexander, Lamar, 230-231
 American Farmland Trust, 95, 174, 176, 353
 American Land Conservancy, 188-190, 211-213
 American Telephone and Telegraph (AT&T), 113-115, 176-177
 Ames, Ned, 70
 Andrew W. Mellon, 192-193
 Andrew Norman Foundation, 35, 70
 Año Nuevo State Park, 233, 235
 Anthony, Carl, 302-303
 Archbald, Greg, 57, 65, 70, 75
 Aucoin, Les, 216
 Austin, Texas, 258-259, 357-359
 Aziz, Mustafa Abdul, 158-159
- Babbitt, Bruce, 285, 338, 342
 Bank of America, 70-73, 187
 Barnes, John, 96
 Barth, Gene, 264
 Bee Canyon, 64, 77, 201
 Benson, Ralph, 223, 331
 Berner, Bob, 353
 Billerica, Massachusetts, 345-347
 Bishop Pine Preserve, 36, 44-45
 Black Panthers, 83, 85-88, 90, 153
 Blaha, Kathy, 93, 170, 172, 260, 309, 311, 315
 Blair, Bowen, 260, 348, 351
 Bogert, Frank, 231
 Bollman, Nick, 277
 Boxer, Barbara, 294
 Breiner, Dick, 31, 36
 Brennan, William, 60
 Brewster, George, 277
 Brooks, Hooper, 312
- Brown versus Board of Education, 162-163, 246
 Brown, Edmund G. "Jerry," 24
 Brown, Kingsbury, 174
 Brown, Reeves, 98
 Brown, Sally, 209
 Browner, Carol, 324
 Bureau of Land Management, United States (BLM), 108, 185, 255, 261
 Burgess, Harriet, 134, 144-145, 188-190, 211-213
 Burton, Phil, 110-111, 133, 136, 157, 162
 Bush, George, 271-272
 Byers, Elizabeth, 125, 255
- Cahn, Bob, 238
 California Center for Land Recycling (CCLR), 117, 276-279, 281-282
 California Department of Parks and Recreation, 232-237
 California Department of Forestry and Fire Protection, 337
 Carlin, Bill, 47
 Cascade Ranch, 232-237
 Cashdan, Lisa, 93, 167-168, 170, 311
 Catellus Corporation, 354-356
 Cattermole, Joe, 232, 236-237
 Chafee, John, 324
 Chaffin, Jim, 311
 Chattahoochee River, Georgia, 266-267, 272-273
 Clark, William, 156-157
 Cleveland-Cliffs, Munising, Michigan, 219-220
 Clinton Garden, New York, New York, 166-169
 Clinton, William Jefferson, 284-287, 291, 303-304
 Coast Dairies, 49

- Coleman, Sheldon, 231
 Columbia River Gorge National
 Scenic Area, 110, 182-185
 Committee for a Green Foothills,
 235
 Congress, United States, 48, 107,
 162-163, 175, 213-214, 288-289,
 292-293, 360
 Conn, Bob, 31, 36
 conservation easements, 107-109,
 148-150, 173-176, 183, 272-273,
 364-365
 Cook, Ernest, 46, 93, 152-153,
 170-171, 187, 260, 309, 311,
 315
 Costa, Steve, 86
 Crandall, Derrick, 232
 Cross, Jenny, 275-276, 280
- deCosta, Cathy, 134
 Department of the Interior, United
 States, 287, 337
 Depression, The Great, 5
 Deukmejian, George, 233-234
 Devita, Chris, 312
 Diamond, Henry, 229
 Dickenson, Russ, 156
 Dole, Senator Robert, 162
 Doris Duke Foundation, the, 342
- Earth First!, 341
 East Bay Regional Parks District,
 297-298
 Energy Foundation, the, 277, 281
 Enterprise, Idaho, 351-352
 Environmental Defense Fund (EDF),
 274, 323
 Environmental Protection Agency,
 United States, 160
 environmental movement, the, 63-
 64, 299-304, 325-328
 ethics, 7, 28-29, 66-67
 Evans, Dan, 183
 Everglades, the, 129-130, 142,
 201-202
 Everts, Bill, 309
- Faber, Phyllis, 94-96
 Feldman, Esther, 153
 Feinstein, Dianne, 294
 Ferguson, Douglas, 35, 38-39, 56,
 119, 127, 129
 Fischer, Michael, 323-324
 Fish and Wildlife Service, United
 States, 204-205, 261
 Foote, Si, 38, 65
 Forbes, Peter, 117
 Ford Foundation, 35, 70, 187
 Ford, Gordon Onslow, 36, 44-45
 Forest Service, United States,
 108, 183-184, 210-211, 255, 261
 Froke, Jeff, 362-363
 Front, Alan, 134, 187, 344
 Frouge, Tom, 32-33, 54-55
- Ganados del Valle, 315-320
 Garamandi, John, 338-340
 Gay, Bill, 96
 Gebroe, Linda, 220-221
 General Accounting Office, 210-
 214
 General Tire Corporation, 129-
 130, 142
 Gerard, Jennie, 93-94, 96, 270
 Gerbode Preserve, 32-33
 Gingrich, Newt, 267, 342
 Golden Gate National Recreation
 Area (GGNRA), 77-78, 111, 155-
 157, 294
 Gnau, Maggie, 35
 Gore, Al, 285
 Gorman, Paul, 324
 Graham, Bob, 130
 Grassi, Ralph, 95, 353
 Gray, Tom, 362, 365
 grazing, 98, 203-205
 Green Group, the, 148, 296, 301,
 322-325
 Greenbelt Alliance, 301
 Greenpeace, 327
 greenways, 289-290
 Gregory, Greg, 266
 Grosvenor, Gilbert, 231
 Group of Ten. See Green Group
 Guenther, Adeline, 15

- Gulf Oil Corporation, 32-34, 54-55
- Gwynn Falls neighborhood,
Baltimore, Maryland, 86-87
- Hair, Jay, 323
- Hardin, Mitch, 83
- Harris, Elihu, 298
- Harrison, Ted, 316-317
- Harvey, Hal, 277
- Harvey, Rose, 152, 344
- Hatfield, Mark, 136, 183, 293
- Headwaters Forest, California,
335-341, 344
- Heller, Alf, 38, 56, 65
- Helman, Warren, 340
- Henley, Don, 57, 331-332
- Hickel, Walter, 61
- Hocker, Jean, 92, 254
- Holistic Resource Management, 98
- Howell, Peter, 309, 311-312
- Hurwitz, Charles, 99, 336-341,
364
- Hutton, Bill, 174
- Internal Revenue Service, United
States, 174-175
- Irvine Foundation, 117, 276-277
- Intermodal Surface Transportation
Efficiency Act (ISTEA), 59,
287-289, 300
- Ives, Susan, 222
- Johnson, Huey
founding TPL, 37-38, 75, 79
leaving TPL, 38-39, 56-58
Marincello, 33-34, 54
TPL finances, and, 70-71
TPL national conference, and,
238
TPL training program, and, 123
Trust for Public Land Center,
and, 115-119
- Johnston, Bennett, 231-232, 292-
294
- Johnston, Bennett, Jr., 292-294
- Jordan, Charles, 232
- Kane, Leslie, 134
- Kennedy, Roger, 162
- Kerr, Clark, 25
- King, Coretta Scott, 158, 162-163
- Koch, Edward I., 167
- Kofa National Wildlife Refuge,
203-205
- Kuperberg, Joel, 38-40, 56, 79,
118-119, 129-130
- Ladonin, Michael, 4-5
- Land and Water Conservation Fund,
60, 133-137, 170, 187, 230-231,
245, 285, 290-293
- Land Trust Alliance, 92-93, 125,
173, 251, 254
- Lane, Bill, 157, 271
- Lane, Mel, 271
- Lantos, Tom, 157
- Lee, Craig, 314
- Lee, Nelson, 347
- Leopold, Aldo, 66, 239
- Lewis, Congressman John, 162
- Lieberman, Senator Joseph, 48
- Lila Wallace Reader's Digest Fund,
87, 166, 169-170, 172, 250,
308-309, 312
- Livermore, Putnam, 38, 56, 65,
156-157, 209
- Los Angeles, California, 3-7, 10-
12, 82-83. See also Bee Canyon
- Love, Claudia Polley, 303
- Lujan, Manuel, 209-211, 213, 261,
271, 285, 291
- Lundborg, Louis, 70-71
- Lydden, Dorothy, 116
- Marin Agricultural Land Trust
(MALT), 94-96, 353-354
- Marin, California, County of, 31-
32
- Marincello development,
California, 31-35, 54-55

- Martin Luther King Jr. National
 Historic Site, 157-163
 Maughan, Rex, 232
 May, John, 70
 McArthur Foundation, 187, 277,
 281
 McCloskey, Michael, 323, 327
 McIntyre, Bob, 203, 223
 Mendham, New Jersey, Township of,
 114-115, 178-179
 Metropolitan Insurance Company,
 187
 Meyersieck, Mr. and Mrs., 19
 Miller, George, 290
 Miller, Zell, 267
 Moe, Dick, 323
 Morgan, Becky, 233-234
 Morris, Steve, 53
 Morton, Thurston B., 61
 Muir Woods National Monument, 11
 Mull, Margaret, 131-132
- Natchez National Historical Park,
 Mississippi, 359-361
 Nathan Cummings Foundation, the,
 117
 National Park Service, United
 States, 47-48, 78, 108-110,
 113, 155-163, 210, 215-218,
 255, 261, 286, 330, 360-361
 Natural Resources Defense Council
 (NRDC), 274, 323
 Nature Conservancy, The, 33-38,
 44-45, 49-54, 57, 75, 247, 325
 Naylor, Robert, 233-234
 Nelson, David and Stuart, 19
 New York, New York, 82, 255-256.
See also Clinton Gardens;
 Sunnyside Gardens
 Nez Perce Indian tribe, 347-352
 Nixon, Richard, M., 61
 Noonan, Patrick, 52-53, 232
- Oakland, California, 83, 102-103
 Olmstead, Frederick Law, 86-87,
 256, 311
 Omnibus Parks Act, 110-112
- open space, 11-12, 60-65
 Open Space Institute, 341
 Oren, Jerry Y., 214-220
 Outdoor Recreation Resources
 Review Commission (ORRRC),
 229-232
- Pacific Lumber Company, 336-341
 Pacific Union, 362-366
 Packard Foundation, 49, 113, 209
 Palisades Interstate Park, 341-
 345
 Panel of Americans, 20
 Pataki, George, 344
 Pelosi, Nancy, 294
 Peskin, Aaron, 189
 Pesonen, David, 331
 Pew Charitable Trusts, 277, 281
 Pierce, Neal, 238, 244, 246
 Pike, Drummond, 334
 Pitkin County Land Trusts, 96-97
 Point Reyes, California, 36, 44-
 45, 352
 Praetzel, Robert, 32-35
 President's Commission on
 Americans Outdoors, report of
 the, 229-232, 242
 Pritchard, Paul, 323
 Project India, 14-17
 Prosser, William, 21
 Prudential Insurance Company, 187
- Reagan, Ronald
 attitude toward government,
 231
 environmental policy, 126-129,
 156, 229-232, 271
 government personnel, and,
 147-148, 156
 impact on TPL, 187, 227-229,
 242-243, 261-262
 impact on the University of
 California, 24
 land acquisitions, and, 88,
 156
 Land and Water Conservation
 Fund, and, 133-136, 290-291

- Reed, Nat, 130-131
 Reilly, William K. "Bill," 60,
 209, 229-231, 272
 Reiser, Colonel, 184
 Religious Partnership for the
 Environment, 341
 Richards, Roy, 266
 Richards, Tom, 52
 Riesenfeld, Stefan, 21
 Rising, Nelson, 355-356
 River Network, the, 269-270
 Robert, George, 13
 Roberts, Lenny, 235
 Robertson, Bill, 193
 Robinson, James W., 15
 Rockefeller Foundation, the, 60,
 277, 281
 Rockefeller, Laurence, 229-230
 Rogers, William B., 57, 132, 222,
 251
 Rose Foundation, 339
 Rosen, Brant (nephew), 8
 Rosen, David (nephew), 8
 Rosen, Dirk David (son), 24, 29
 Rosen, Ian (nephew), 8
 Rosen, Irving L. (father), 3-11,
 19
 Rosen, Joan (née Meyersieck,
 wife), 8, 14, 16-20, 26-28, 55
 Rosen, Lawrence M. "Larry"
 (brother), 4-5, 8, 10-11
 Rosen, Mrs. Lawrence (sister-in-
 law), 8
 Rosen, Marika Brione (daughter),
 26-29, 55
 Rosen, Sylvia (mother), 4-6, 9-
 11, 19
 Ross, Arthur, 21
 Rousch, Caroline, 158-159
- San Francisco Foundation, 35, 70
 San Francisco, California,
 Presidio, 294
 San Mateo, California, County of,
 233, 235
 Sanderson, _____, 13-14
 Santa Fe, New Mexico, 354-357
- Santa Lucia Preserve, California,
 361-366
 Santa Monica Mountains National
 Recreation Area, 214-220
 Savad, Bessie, 9
 Savory, Allan, 98
 Sawyer, Chris, 266, 311
 Schiff Estate, 113-115, 176-182
 Schmoke, Kurt, 86
 Schultz, Vera, 34
 Schumer, Charles E., 290
 Shuster, Bud, 288-289
 Schwartz, Vernon, 355
 Shanahan, Nancy, 189
 Sierra Club, the, 301, 327, 341
 Sierra Club Foundation, 315-320
 Sierra Club Legal Defense Fund,
 230, 302
 Silver, Bertram, 26-27
 Sinkiyone, California, intertribal
 project, 320-322, 329, 349-350
 Skloot, Ed, 312
 Somerville, Bill, 333-334
 Spanish Speaking Unity Council,
 Oakland, California, 102
 Sproul, Robert Gordon, 22, 24,
 40, 237-238, 243-244
 Stark, Fortney H. "Pete," 144
 Stegner, Wallace, 25, 60, 135,
 330-332
 Stein, Peter, 93, 167
 Steinhart, Jesse, 18-19
 Sterling Forest Corporation, 342
 Sterling Forest, New York, 341-
 345
 Strauss, Ellen, 94-96
 Strong, Edward, 25
 Sunnyside Gardens, New York, New
 York, 110-112
 Surdna Foundation, 166, 170, 312
 Sweeney Ridge, California, 111,
 155-157
- Thompson, Steve, 153, 187, 260,
 269-270, 339, 354
 Tides Foundation, the, 334
 Tomales Bay, California, 352-354

- Trust for Public Land
 Board of Directors, 265
 California Releaf, 274-276,
 279-282
 charitable contributions, 328-
 329, 351
 collaboration with government,
 199-203, 241-243, 260-261
 entrepreneurial attitude, 72-
 74, 105, 120
 ethics, 66-67, 239-241, 243
 finances, 68-74, 76, 80, 88-
 89, 104-105, 140-142, 253,
 262-265, 277-278, 282-284
 fund raising, 131-132, 140,
 190-197, 265-269, 304-307,
 332-335
 Green Cities Initiative, 169-
 173, 245, 250, 295, 307-315
 initial goals, 75-77, 122-123
 land management, approach to,
 98-99, 202-205
 land transactions, 100-101,
 123-124, 146, 185-188, 190-
 193, 209-220, 224-227, 343
 Land Trust Program, 79-81, 92-
 103, 173, 251-255
 lobbying, 134, 144-146, 227,
 313-315
 organizational structure, 94,
 250-252, 257
 people of color, and, 81-88,
 157-165, 295-304
 Public Finance Initiatives,
 150-154, 197-203, 245, 257-
 262, 310
 Public Lands Program, 104-106
 public relations, 220-223
 salaries, 222-224, 263
 social justice, approach to,
 246-248
 staff, 121-122, 138-140, 143-
 144, 163-166, 238-239, 248-
 250, 252, 265, 283
 toxic waste sites, and, 160-
 161, 273-274, 306, 356-357
 training programs, 123-125,
 330
- Trust for Public Land (cont'd.)
 Trust for Public Land Center,
 115-118
 Urban Land Program, 81-92,
 102-103, 164-173, 243-250,
 295-298
 Traynor, Madeleine, 21
- United States Government
 funding for land acquisitions,
 88-92, 229-232, 245
 land exchanges, 210-214
 mistrust of, 221, 259
 Nez Perce Indians, and, 349
 nonprofit organizations, and,
 209-211, 228-229
- University of California, All U
 Conferences, 237-238, 243-244
 University of California, Berkeley
 Boalt Hall, 20-23
 faculty, 2-3
 Free Speech Movement, 25, 200
 loyalty oath, 18-19
 master plan, 24, 40-42
 McCarthy era, 22-23
 public relations, 200
 state support of, 24-25
- University of California, Los
 Angeles, 12-14, 42
 Urban Land Institute, 172-173
 Urban Parks and Recreation Program
 (UPAR), 88
- Vaughan, A.T., 13
 Vucanovich, Barbara, 232
- Wade, Isabelle, 274, 276, 280
 Wadsworth, Homer, 76
 Wallin, Phil, 123-129, 239, 269-
 270
 Wallop, Malcolm, 232
 Wal-Mart, 345-347

- Watt, James
attitude toward government,
110
environmental policy, 125-130,
155-156, 271
government personnel, and,
147-148
impact on TPL, 125-130, 144,
153, 187-188, 228-230, 242-
243, 261-262, 330
land acquisitions, and, 155-
156, 201, 363
Land and Water Conservation
Fund, and, 134-136, 187
Weir, J. Alden, 46-47, 57
Wentworth, Rand, 161, 266-268
Werk, Alice, 96
Wheelwright, George, 35
Whitman, Christine Todd, 89, 152,
343-344
Whitten, Jamie, 360-361
wilderness, 11
Wilderness Act, the, 230
Wilkins Ranch, 77-78
Woodruff Foundation, 267-268
World War I, 3
World War II, 6-7, 10, 331
- Yates, Sidney, 133, 136, 157,
162, 216-217, 290
Young, Andrew, 158

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