Sax Urges Control Of Land Bordering Parks

At Redwoods National Park in California, nearby activities of a private lumber company have caused erosion, stream siltation and the unsightly visual effects of widespread forest clearcutting.

In Virginia, U.S. Park Service officials and environmentalists have recently voiced concern over a proposal by a major hotel chain to build a "theme park" next to Manassas National Battlefield Park.

And in Pennsylvania not long ago, a private entrepreneur's plan to build a large tower on private land overlooking the battlefield site of Gettysburg National Military Park resulted in a bitter court controversy.

These examples illustrate the need for new federal legislation setting firm guidelines for U.S. Park Service regulation of private lands within and adjacent to federal parklands, says University of Michigan environmentalist Joseph L. Sax.

Writing in the Michigan Law Review, the U-M law professor, who takes particular issue with Park Service legal advisers who for years "concluded that the federal government may not constitutionally regulate private holdings beyond park boundaries," Sax said the issuance of wide-ranging regulations would be the likely means for the Park Service to curb nuisance activities.

At the same time, he said, "rather than attempting to deal with every possible problem by enacting a statute that gives the Secretary (of the Interior) open-ended authority to promulgate regulations, Congress ought to empower the Park Service to litigate whenever unanticipated activities may endanger a park."

In support of the view that the Park Service may regulate activities beyond park boundaries, Sax cited such court cases as United States v. Alford (1927), Camfield v. United States (1897) and Kleppe v. New Mexico (1976).

Outside the legal sphere, said the professor, the main obstacle to legislative action appears to be the long-standing tradition of local land-use control.

"Intrusion upon traditional local land-use regulation presents practical and political concerns that must be taken into consideration during the formulation of a policy for the Park Service," said Sax.

"The problem, then, is to devise a regulatory policy Congress might enact that is both responsive to the needs of the national parks and yet not unwisely incursive upon the traditions of local land-use control."

Prof. Allen Reappointed Sunderland Professor

Prof. Francis A. Allen has been reappointed as Edson R. Sunderland Professor of Law at U-M Law School.

The appointment is for a five-year term and includes an annual stipend from the Law School's Sunderland Endowment. Prof. Allen has held the Sunderland professorship since 1972.

Prof. Allen "is one of the leading figures in American legal education, especially noted for his work in the field of criminal law," said U-M law Dean Theodore J. St. Antoine.

Allen served as U-M dean from 1967-71 and also taught at Northwestern, Harvard and Chicago, as well as the U-M. From 1976-77 he served as president of the Association of American Law Schools.

Among other accomplishments, Allen from 1961-63 was chairman of the U.S. Attorney General's Commission on Poverty and the Administration of Federal Criminal Justice, which laid the groundwork for legislative reforms in the treatment of the indigent accused in federal courts.

Earlier, he served as drafting chairman for the 1961 Illinois Criminal Code and as chairman of the Advisory Committee of the Illinois Sex Offenders Commission in 1952-53. He has also been a member of the council of the American Law Institute.

In addition to many articles in law journals and other publications, he wrote "The Borderland of Criminal Justice" (1964) and "The Crimes of Politics" (1974), and edited "Standards of American Legislation" (1965).