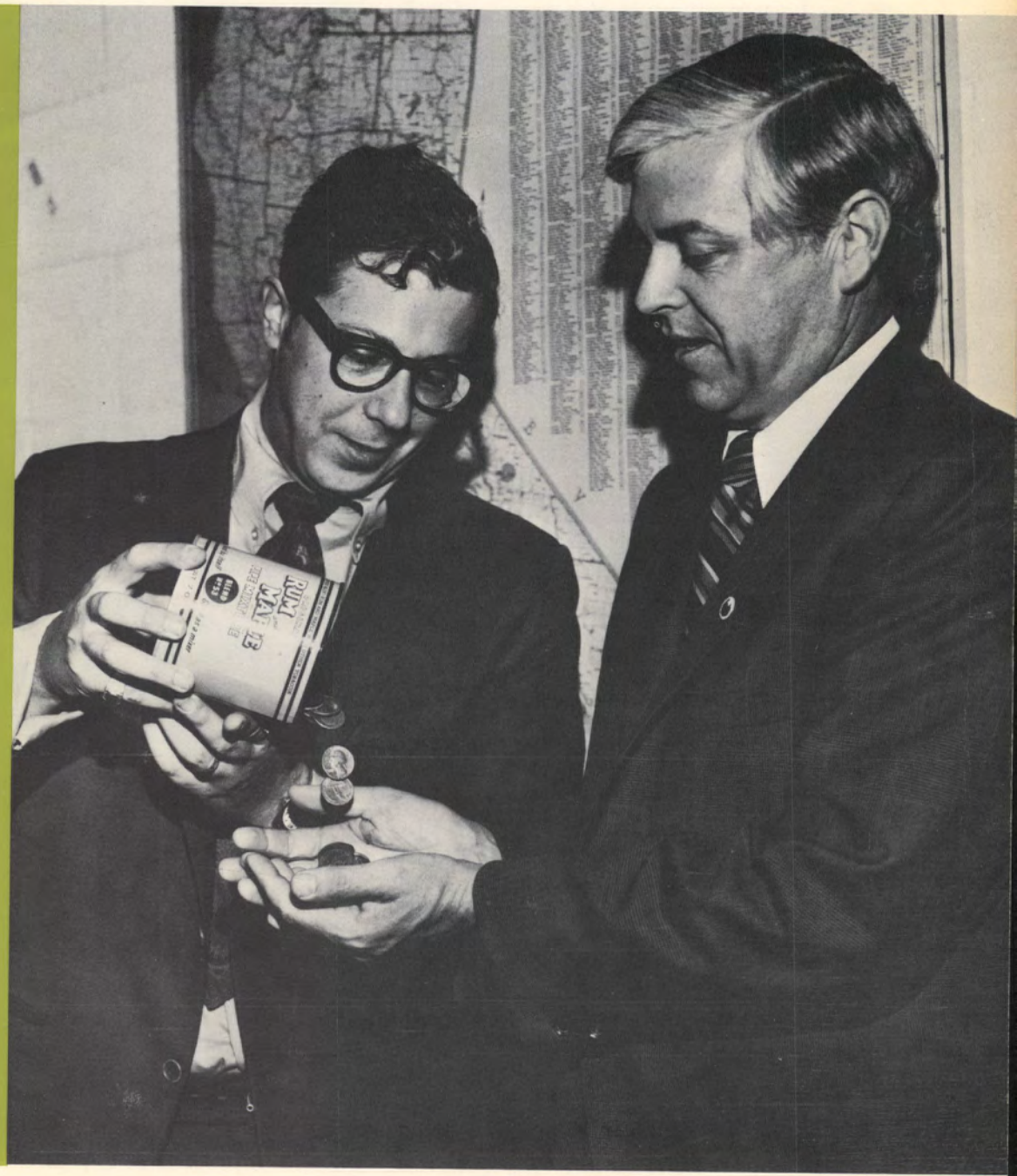
Title News

the official publication of the American Land Title Association



Creativity
In Customer
Services

October, 1971

President's Message

OCTOBER, 1971

At our recent Annual Convention in Detroit, we had the opportunity of hearing speakers from the Senate Committee on Banking, Housing and Urban Affairs; HUD; VA; and MBA, as well as from our own industry leaders.

Our members in attendance had positive answers to the question, "What is ALTA doing for me?"

It has been a year when your Association has had ample opportunity to do what it can do best, to take responsibility for its members on those matters that cannot be handled effectively by individual companies or by state associations. During the past year, ALTA has taken firm industry positions on controversial proposed federal legislation; and, through our Federal Legislative Action Committee and our effective and hard working ALTA Executive Vice President, William J. McAuliffe, Jr., your association continues to lobby actively for our industry and for the essential services we provide to our customers.

Another essential function for ALTA is to educate the public to the services provided by our members. To this end, the largest percentage of dues paid to ALTA this past year was spent on public relations. Most of you are familiar with ALTA news releases, radio spots and TV clips. Our "target audiences" are home buyers, opinion leaders and land title market control groups. During the Convention in Detroit, ALTA's Public Relations Committee presented the new film it developed which can be used by TV stations. If you didn't see it, arrange to do so in public service time slots soon. It is most effective.

This past year has been challenging. But, I believe some encouraging results were achieved, through the efforts of Bill McAuliffe and his staff, and through the efforts of a great many members serving on many committees, all carrying out the decisions and directions of our Board of Governors, Executive Committee and the resolutions passed at our General Sessions. On behalf of our entire membership, I extend sincere thanks for their efforts this past year.

Our most capable new officers face many new challenges. I know each of our members join with me in congratulating them, and in pledging to each of them our full support during the coming year.

Sincerely,

Alvin W. Long

ALVIN W. LONG

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Features

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ON THE COVER: Mark J. Cohen, left, Sonoma County (Calif.) Abstract Bureau, emphasizes that his company can save the company of Doyle Harris, subdivider, right, "five pounds of money". This creative customer service technique and others are discussed by Cohen in an article beginning on page 5.

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GARY L. GARRITY, Editor, ELLEN KAMPINSKY, Assistant Editor

A Metric America?

(Editor's note: On July 30, Secretary of Commerce Maurice H. Stans recommended to Congress that the United States engage in a coordinated, 10-year changeover to the metric system of measurement. His recommendation came after a nationwide, three-year study by the National Bureau of Standards under provisions of the Metric Study Act of 1968. ALTA participated in this study and, on October 6, 1970, presented its related statement at a Construction Industry National Metric Study Conference held at the Bureau's Gaithersburg, Md., facilities. In the statement, 1969-70 ALTA President Thomas J. Holstein reported that the Association Board of Governors on April 1, 1970 adopted a resolution stating that ALTA "sees no advantage in converting land titles to the metric system; nevertheless, the Association will cooperate in any decision made by the Congress to convert to the metric system". The recommendation of Secretary Stans is accompanied by a 188-page U.S. Metric Study Report. Selected parts of the report are published as adapted in this issue of *Title News* for the review of ALTA members. A copy of the full report may be obtained for $2.25 from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402; order by SD Catalog No. C 13.10:345.)

* * *

Many times in the last two centuries, the Congress considered the merits of adopting the metric system as America's primary language of measurement. Each time, action was postponed, often because the metric system was not then in use by our major trading partners abroad. Now, with every other major nation converted to metric or committed to conversion, this obstacle has been removed.

In the light of these and other changing circumstances, the Congress directed the Secretary of Commerce to undertake the U.S. Metric Study. Its purpose was to evaluate the impact on America of the metric trend and to consider alternatives for national policy.

The U.S. Metric Study concludes that eventually the United States will join the rest of the world in the use of the metric system as the predominant common language of measurement. Rather than drifting to metric with no national plan to help the sectors of our society and guide our relationships abroad, a carefully planned transition in which all sectors participate voluntarily is preferable. The change will not come quickly, nor will it be without difficulty; but Americans working cooperatively can resolve this question once and for all.

The basis for the conclusion that the U.S. will eventually be metric lies in the findings of the study that America is already metric in some respects; that we are becoming more so; and that the great majority of businessmen, educators and other informed participants in the study reported that increased use of the metric system is in the best interests of America. They also believe that it is better for the nation to move to metric by plan rather than by no plan at all.

They go beyond the question of whether or not the United States should progressively replace its present measurement language with metric. The question they ask is how and when America will choose to make the change. It is primarily a question of timing and preparation. Shall the nation do so by plan over a comparatively brief period of 10 to 15 years? Or shall it drift toward a metric status, over a much longer period of time, with some parts of the society inadequately prepared for the increasing prevalence of metric usage?

Consequently, the costs and benefits to be considered are not so much

those of changing to metric versus not changing at all. The key comparison is between changing *by plan* versus changing with *no plan*—with no framework to guide the nation.

There will be real costs and difficulties in the change, whether or not it is done by plan. The study indicates that such difficulties will in any event have to be faced as metric usage reaches substantial proportions in America. Thus, without a plan the United States would experience all the difficulties of dual inventories, dual education, dual thinking, dual sets of tools and dual production—perhaps not so soon but over a much longer period of time.

On the basis of all the factors that were considered, the study concludes that it would be best for the nation to change to metric under a coordinated program that provides for flexibility and encourages the various sectors of society to deal with their particular problems voluntarily. Within this framework, these sectors would work out their own timetables and programs, dovetailing them with those of other sectors.

Developing a national program for change would require a great deal of forethought and discussion. But the study finds that two major activities should be begun immediately, because they would be pivotal in preparing the nation for increased use of the metric system.

The first is education. Every schoolchild should have the opportunity to become as conversant with the metric system as he is with our present measurement system.

The second concerns international standards. High quality American industrial practices should be much more vigorously promoted in international negotiations that are beginning to establish "engineering standards" on a worldwide basis and will increasingly affect world trade.

While the majority of the American people are not well versed in the metric system, the study shows that those who are informed about it tend to favor it. This demonstrates a need for public education to help all citi-

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Secretary of Commerce Maurice H. Stans outlines his recommendation to Congress that the United States convert to metric measurement in a coordinated, 10-year changeover.

Secretary Stans Outlines Specific Recommendations for Conversion

In endorsing a coordinated, 10-year changeover to metric measurement in the United States, Secretary of Commerce Maurice H. Stans made these recommendations to Congress:

—That the United States change to the International Metric System deliberately and carefully

—That this be done through a coordinated national program

—That Congress assign the responsibility for guiding the change, and anticipating the kinds of special problems described in the U.S. Metric Study Report, to a central coordinating body responsive to all sectors of American society

—That within this guiding framework, detailed plans and timetables be worked out by these sectors themselves

—That early priority be given to educating every American school child and the public at large to think in metric terms

—That immediate steps be taken by Congress to foster United States participation in international standards activities

—That in order to encourage efficiency and minimize the overall costs to society, the general rule should be that any changeover costs shall "lie where they fall"

—That Congress, after deciding on a plan for the nation, establish a target date 10 years ahead, by which time the United States will have become predominantly, though not exclusively, metric

—That there be firm government commitment to this goal

zens to cope with the trend to metric and poses a challenge to the Congress to point the way for all Americans.

Perspective

In the last 20 years the metric system has become the dominant language of measurement in the world. Only a few nations have not yet adopted the metric system or decided to do so. Of these, the most notable is the United States.

What is the effect on the U.S. of the worldwide swing to metric? What does it mean to our international relations and balance of trade? How does it affect Americans in every walk of life?

Would it be desirable for the U.S. to use the metric system more widely than it does? Should this be done deliberately in some coordinated way? Or should the nation take no action to promote the use of metric weights and measures?

Or, as another possibility, should the U.S. try to persuade the rest of the world to make more use of the customary system? What can be said about the benefits and costs of deliberately changing to metric in comparison with doing nothing at all?

The Metric Study Act

These are the kinds of questions that Congress wanted answered when it passed the Metric Study Act in August of 1968. Congress directed the Secretary of Commerce to arrange for a broad inquiry and evaluation: the U.S. Metric Study. The Secretary assigned the task to the National Bureau of Standards.

On the basis of the findings and conclusions of the Study, the Secretary was asked to make "such recommendations as he considers to be appropriate and in the best interests of the United States." The Bureau's report on the study, along with the Secretary's recommendations, were to be presented to Congress in August of 1971.

A 'Technology Assessment'

The questions, at first, seemed fairly straightforward. Actually, the quest for answers proved extremely complex and challenging. Technology, economics, sociology, international relations, and many other factors are involved. So are emotions and prejudices.

The choice of a measurements system affects people in so many different ways that the questions posed by Congress cannot be reduced to a simple issue and settled to everybody's satisfaction. As with most major assessments, the answers depend largely on subjective thinking and personal preference, on balancing possible future gain against current inconvenience. There is yet no way for drawing up a reliable national balance sheet, in dollars and cents, for deciding complex social issues. Going metric is one of these.

Scope of the Study

During the course of the study, representatives of business, labor, trade associations, consumers, educators, and the professions answered thousands of questionnaires, engaged in thousands of personal interviews, and participated in a series of hearings that were widely publicized in advance. In addition, interviews with a representative sample of American households sought to determine the general public's knowledge of the metric system.

The primary goal in the planning of the study was to give every sector of society an opportunity to express its views with respect to the questions raised by the Metric Study Act. The plan provided for a series of seven public hearings, called National Metric Study Conferences, supplemented by eleven special investigations.

The public hearings alone included representatives associated with: manufacturing and nonmanufacturing industries, organized labor, small businesses, engineering and scientific disciplines, education at all levels, advertising, publishing, law, medicine, public health, agriculture, forestry, fisheries, agencies of federal, state, county, and local government, real estate, college athletics, finance, insurance, warehousing, transportation, construction, communications, retailers, wholesalers, chiefs of police, fraternal organizations, exporters and importers, home economists, consumers, and other groups that could be affected by a change in the nation's system of measurement.

This list suggests the breadth and depth of the U.S. Metric Study.

The investigations that supplemented the hearings covered the following subjects:

(1) Manufacturing industry
(2) Nonmanufacturing businesses
(3) Education
(4) Consumers
(5) International trade
(6) Engineering standards
(7) International standards
(8) Department of Defense
(9) Federal civilian agencies
(10) Commercial weights and measures
(11) History of the metric system controversy in the U.S.

Each of these investigations is the subject of a volume, published as part of the record of the U.S. Metric Study. The public hearings are summarized and anlayzed in an additional volume.

Courses of Action

In the Metric Study Act, Congress specifically requested an evaluation of "the costs and benefits of alternative courses of action which may be feasible for the United States." As the study progressed, it became clear that the U.S. is already increasing its use of the metric system, albeit slowly now, and that sooner or later the U.S. will probably become predominantly metric.

Many courses of action are conceivable, including an abrupt and mandatory conversion to metric and a program to promote more use of the customary system in the world. However, the feasible courses of action are narrowed to two main alternatives:

Course One: The United States follows no overall plan. Each firm

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Mark J. Cohen
Sonoma County Abstract Bureau

Creative Customer Services

Land title professionals are among the luckiest people in the world! Who else can solve so many problems for so many people every day?

Every time an escrow closes, a title pro has made two individuals and usually two companies happy. The buyer acquires his property, the seller receives his money, the real estate salesman earns his commission, and the lender is able to put his money to work.

One of the basic needs of a human being is to be appreciated, and title people provide a low cost service which makes all of their customers appreciate them.

By this time, it may seem that I have been smoking a lot book report (buyer and seller appreciate us for "making me pay all those closing costs" . . . real estate broker feels that title companies are parasitic in nature, etc.). But please read on.

ALTA is educating buyers, sellers, and opinion leaders about land title services through its Public Relations Program. And, characteristically, it is the job of an ALTA member to educate his own market placement influences on the benefits of his particular land title services. The importance of properly educating real estate brokers and salesmen, lenders, builders, attorneys—and others who help decide where title business is placed—is well known among title people.

What too often escapes emphasis, however, is that title insurance is a service that also MUST BE SOLD. It is no different in this respect than any other product or service. In my home county, for example, there are seven title companies and two escrow companies. How, then, can you compete effectively when your product is similar to what all of your competitors are selling? The answer in my home area, Sonoma County, Calif., applies to many other parts of the nation as well. Improve your services, create new ones, and then get out and SELL them. Here's how.

Each day of every week, make sure the most important people in your life are the market customers who deal with you.

LISTEN to them gripe, because their problems can put money in your pocket *IF* you can offer them solutions.

In my position as the customer service representative of the Sonoma County Abstract Bureau, I talk daily with real estate brokers about their problems.

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Author Cohen, second from right, provides a customer presentation on how the facilities of Sonoma County Abstract Bureau are used for neighborhood analysis and listing systems. Pictured from left are R. Max Mairs, Realtor Caryl C. Weis, and Gale E. Chandler.

Tidelands And Land Titles

John J. Eagan
Senior Vice President
Title Insurance
And Trust Company

During the past decade many states, as well as the federal government, have evidenced an increasing interest in the ownership of tidelands and the establishment of easements for their use by the public. Public beaches and other waterfront property are becoming scarcer while the number of people wanting to use them grows. The value of land bordering the ocean or other navigable water is increasing very rapidly. More and more people are becoming interested in preserving waterfront property in its natural state or developing it for the public use, and on the other hand pressures for private commercial or residential development also grow.

These pressures have stepped up the activities in legislatures, courts and elsewhere concerning tidelands, and have created a greatly expanded problem area for title companies. At least two generalizations should be kept in mind. First, there is no uniformity among the states as to the nature and solution of the legal title problems involved. Differences in sources of title, statutes, court decisions and constitutional limitations preclude uniformity. Secondly, the courts have decided some cases in ways not anticipated a few years back. Problems have been raised which have been ignored for years. For example, in the Alamitos Steamshovel Slough area discussed herein, the decision to insure was made about 50 pears ago and there was no indication until a few years back that the insured titles would be questioned. The following discussion should be considered as a California legal phenomenon not necessarily applicable in other states and applicable only to a limited degree in other California situations. It also should be considered as a warning as to how a decision, which I believe almost any one of us would have made if presented as it was many years ago, can come back to haunt us as conditions, values and standards change over the years.

Some background seems desirable before discussing specifically the case of City of Long Beach v. Mansell, 3 Cal.3d 462 (1970). In California today there are both constitutional and statutory prohibitions against patent or conveyance of publicly owned tide or submerged lands into private ownership. The restrictions upon the transfer of these lands have developed gradually. At one time in parts of San Francisco Bay it was legal for the state to convey submerged land to a stated depth into private ownership. At times substantially all tidelands—those between high and low tide—could be purchased legally from the state by private parties. Then this was prohibited as to land within two miles of an incorporated city. Later, tideland patents were prohibited altogether except that the state has conveyed tidelands in trust to various cities, etc., primarily for purposes of harbor development.

Then there is the problem of boundaries. Suppose that between two points on an old survey there is a slough extending quite a ways inland which is large enough to permit small boats to travel in it. Does the line indicate that ownership follows the natural meanders of the shore? Or, does the meander jump from headland to headland when the slough is encountered? Does it matter whether you are dealing with a rancho or a tideland patent?

You have to consider that while the shoreline is static in some areas because of cliffs or protected areas within bays, in many other places accretion, reliction, avulsion, as well as filling, dredging and other artificial causes have resulted in a changing shoreline through the years. What are the tidelands? Are they the areas affected by the tides at or prior to the adoption of constitutional provisions? Or, are they the last natural tidelands following statehood? What if there is some natural accretion combined with some artificial change?

Some of these problems have been solved by the courts or the legislature, by agreements between land owners and the state lands commission, or the factual situation is clear enough so that a title insurer can make a reasonable guess as to ownership. In some situations you just can't tell.

There is the additional and often separate problem of the federal rights or the inherent rights of the people of the state to easements limiting the use of lands which now are or formerly were tidelands in fact. These are the so-called navigational servitudes or easements or trusts for commerce, navigation and fishery.

There are other tideland problems —leases of tidelands held in trust by cities or counties, the new series of California cases dealing with access of the public to beach areas, etc. But the above catalog includes most of the problems in Alamitos Bay.

Alamitos Bay is one of the messiest complexes of tideland problems that we have faced. There is a valid rancho patent. There are several valid tideland patents, but the old surveys leave ownership boundary questions in doubt.

The San Gabriel River, which runs through the area, has changed its course materially over the years, sometimes slowly by natural accretion; sometimes creating entirely new channels in short periods because of floods. More recently, it has been channelized by the flood control district. The Marine Stadium area, the site of the boat races in the 1932 Olympic Games, was created. Marinas have been built, many subdivisions have been approved, and thousands of homes built. In at least one area, Steamshovel Slough it is called, there never was a transfer of title by the state into private ownership, but nevertheless the area was filled, the land subdivided, and it has been recognized since the early 1920s as an area containing several hundred private ownerships. Taxes were collected, streets were maintained, etc., until the early 1960s, at which point the State of California claimed that it owned all of the land within the Steamshovel Slough area. The Supreme Court says, early in the Mansell opinion, that a combination of factors has cast a cloud on the title to such an extent that the normal procedure of an action to quiet title is of no practical value.

In 1965, a statute was approved providing that within a prescribed area settlements of boundary disputes could be entered into, in some cases the city and state could quitclaim their interests, and in some cases the state easement for commerce, navigation and fishery would be terminated. Two agreements were worked out and more are in process. In one, the Belmont Shore-Naples agreement, there is a consideration of approximately $780,000 which Long Beach will receive from title insurers.

There were doubts about the constitutionality of the statute and the city manager and city clerk in Long Beach refused to sign the agreement. Long Beach sought a writ of mandate to require execution. The California Supreme Court accepted original jurisdiction based on an agreed statement of facts and issued the writ approving the agreements which were made to carry out the statute, but the way it was done has not caused great joy among the title insurers. The holdings of the court can be reduced to a relatively few issues, and the court goes to considerable length to be sure we know it is talking about the Alamitos situation only, not other parts of the California coast.

1. The court agrees that the rancho confirmation and the tideland patents to private owners are valid, but that the boundaries are uncertain. It also says it is not clear whether the old survey lines defining the patent boundaries were fixed lines, or if meanders were intended, and, if meanders were intended, what effect later accretion, avulsion or works of man may have had.
2. A basic purpose of the 1965 legislation was to provide for a boundary settlement by agreement and quitclaim by the city and the state to the private owners. (The city gets in here because the state has conveyed the state's tidelands to the city in trust for the people.) In my opinion, certain sections of the statute, opinion, agreements and deeds fix most of the ownership boundary lines now and in the future. Some title people aren't altogether convinced that ownership lines might not be changed in favor of the state by later erosion. In other areas at least some of the owners adjoining publicly owned tidelands must consent to the agreements specifically because of separate problems relating to the boundary lines.
3. The Belmont Shore agreement deals with what we refer to as 2a lands—from the section of the statute where these lands are defined. This is where almost all the subdivisions and houses are. A legal problem the court had to resolve was whether the proposed settlements violate the provisions of the state constitution which reads: "All tidelands within two miles of any incorporated city, city and county, or town in this state and fronting on the water of any harbor, estuary, bay or inlet used for the purpose of navigation, shall be withheld from grant or sale to private persons, partnerships or corporations." The court says that the word "tidelands" used in this section are at least those seaward of the ordinary high tide line when the provision was adopted in 1879, not just those having the physical characteristics of tideland at some later date. This latter approach, the court says, would allow the patenting of land which previously was tideland in fact, but which has been filled, thus permitting easy avoidance of the constitution.
4. But, the court said, following established precedent, there is no objection to an agreement that really resolves where the boundary line was. The court says the parties must undertake genuine efforts to determine the true boundary and thereafter agree upon a line which fairly represents these efforts. This, the court finds, was done in connection with portions of the lands in both of the agreements. Thus an agreement now settling the question of where the line really was is constitutional.

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or other entity pursues its own measurement policy. A target date for the nation to become predominantly metric is not set. The government does nothing to impede or foster the change.

Course Two: The nation goes metric according to plan, under an overall national program with a target date for becoming predominantly metric. Within this framework, segments of the society work out their own specific timetables and programs, dovetailing them with the programs of other segments.

The analysis of this report focuses on these alternative courses of action.

How the U.S. Metric Study Was Planned and Carried Out

Congress authorized the U.S. Metric Study in August of 1968 by the enactment of Public Law 90-472. This act directed the Secretary of Commerce to provide for a broad inquiry and evaluation concerning the use of the metric system of measurement. Specifically, the study was to:

—Determine the impact on the U.S. of the increasing worldwide use of the metric system.
—Consider both the desirability and the practicability of increasing the use of metric weights and measures in this country.
—Study the feasibility of international use of standards based on the customary system.
—Examine the implications of the metric trend for international trade, national security, and other areas of foreign relations.
—Identify the practical difficulties that might be encountered should the metric system be used more widely in the U.S., and evaluate the costs and benefits of courses of action which the U.S. might realistically take.

On the basis of the findings and conclusions of the study, the Secretary of Commerce was asked to make "such recommendations as he considers to be appropriate and in the best interests of the United States."

National Bureau of Standards

The Secretary delegated responsibility for the conduct of the study to the National Bureau of Standards. The Bureau's report on the study along with the Secretary's recommendations were to be presented to Congress in August of 1971.

The primary goal of the planning was to give every sector of society an opportunity to respond to the questions raised by Public Law 90-472 and to consult and cooperate with other government agencies, foreign governments, and international organizations.

Advisory Panel

As one means of furthering widespread participation, the Secretary of Commerce appointed a Metric System Study Advisory Panel. It consisted of almost 50 members from organizations representing a wide spectrum of interests. The function of the panel was to participate in the planning and conduct of the study and to help ensure that an opportunity was provided for all sectors of the society to be heard.

The Plan

The blueprint for the study was worked out by the National Bureau of Standards in close cooperation with the panel and was completed in December of 1969. The plan provided for a series of hearings, called National Metric Study Conferences, supplemented by a number of special investigations. All of these were to be completed during 1970 so that the results could be evaluated and summarized early in 1971. Interim reports covering the special investigations and the results of the hearings were to be sent to the Congress. The National Bureau of Standards' comprehensive report of the entire U.S. Metric Study would lay the groundwork for the Secretary's recommendations to Congress in August of 1971.

The Hearings

Seven hearings were held during the late summer and fall of 1970—six of them in the Washington area. They were divided into separate categories as follows:

(1) Labor
(2) Consumer affairs
(3) Education
(4) Construction
(5) Engineering-oriented industry
(6) Consumer-related industry
(7) Small business, state and local government, natural resources, health, transportation, and other services.

The categories were chosen so that there would be some overlapping of interests in order to ensure that all who wanted to participate could be heard.

The U.S. Metric Study invited contributions from more than 700 major groups, including labor unions, trade associations, professional societies, educational associations, consumer-related organizations, and others. The hearings were widely publicized in advance. Thus, in addition to those specifically invited to participate, there were many contributions from groups who submitted papers or took part in discussions.

Supplementary Investigations

The investigations that supplemented the hearings covered the following subjects:

1. Manufacturing industry
2. Nonmanufacturing businesses
3. Education
4. Consumers
5. International trade
6. Engineering standards
7. International standards
8. Department of Defense
9. Federal civilian agencies
10. Commercial weights and measures
11. History of the metric system controversy in the U.S.

Going Metric: The Broad Consensus

It is perhaps surprising that any general pattern of agreement should

have emerged from the U.S. Metric Study, considering the great diversity of the participants.

Opinions came from many different cross-sections of society. On a national scale, for example, whole industries were asked for their collective views and estimates of costs and benefits. At the grass roots level, individual citizens expressed their personal thoughts in correspondence and in the public hearings. And in between, ideas were collected from large and small firms, labor unions, professional and technical societies, and other groups with special interest.

As was (previously) noted, the participants included representatives associated with: manufacturing and non-manufacturing industries; organized labor; small businesses; engineering and scientific disciplines; education at all levels; advertising; publishing; law; medicine; public health; agriculture; forestry; fisheries; agencies of federal, state, county, and local government; real estate; college athletics; finance; insurance; warehousing; transportation; construction; communications; retailers; wholesalers; chiefs of police; fraternal organizations; exporters and importers; home economists; and consumers. The wide diversity of the participants in the study required many compromises in the questions that could be asked of them. The questions had to be geared to the capabilities of the potential respondents. Moreover, the choice and wording of questions were cleared by panels of special interest groups convened by the Office of Management and Budget.

Even among industrial firms, the level of sophistication concerning measurement and engineering standards covered a wide range. Some companies, such as those that sell bulk materials by the lot or the carload, need seldom worry about precision measurements or complex systems of engineering standards. But others that deal in high-precision products—e.g., automobiles and electronics—maintain special departments that work full time on measurements, composition of materials, and other standards. One large automotive company, for instance, keeps a file of 61,000 different engineering standards that are continually augmented and revised.

Thus the U.S. Metric Study adopted several different approaches, some complex and some simple, all with the hope of letting each sector of society express itself on its own terms and on its own level of sophistication. Some people filled out questionnaires; others were interviewed in person or over the telephone; still others presented and discussed their views at the public hearings. As can be seen in the following paragraphs, there were some differences of practice, opinion, and judgment.

But on three fundamental questions there was a clear consensus:

—Is increased metric usage in the best interests of the United States?
—If so, should there be a coordinated national program to change to metric?
—Over how many years should the change be made?

Manufacturing Industry

The information for this sector came from answers to detailed questionnaires mailed to almost 4,000 firms and followed up in some cases by personal visits or telephone interviews. The companies were chosen to be a representative sample of some 300,000 U.S. firms that manufacture products, and they ranged from tiny operations employing only a handful of people to giants with payrolls of tens of thousands.

Eleven per cent of these companies reported that they make some use of the metric system. But metric measurements and standards have pervaded U.S. manufacturing much more widely than this figure would indicate. A disproportionately large number of the big and very big companies use metric in at least some of their operations; firms that said they make some use of metric actually account for nearly 30 per cent of employment in manufacturing. However, the actual extent of use is unknown.

Manufacturers who now use metric to some extent were queried about the kinds of advantages and disadvantages that they might expect in a national changeover to metric. They were asked about such factors as: the training of personnel, engineering design and drafting, inventories of parts and products, manufacturing operations, exports and imports, domestic sales and competition, communications and records. Most were unable to explain where greater use of the metric system would be, for themselves, either a help or a hindrance.

Sentiment for or against going metric varied greatly even within the same kinds of industry. Large firms tended to be more in favor than small ones, although some small businessmen were among the most outspoken advocates of a metric changeover through a national program. Companies substantially involved in international activities tended to be more favorably disposed to metric. The aluminum industry was, on the whole, pro-metric; the steel industry was not.

As to whether a unilateral increase in metric use for their products would be desirable (irrespective of what the nation may decide), manufacturers were about evenly divided. But as to whether increasing the use of metric would be good for the country as a whole, an overwhelming majority voted "Yes." About 70 per cent of those answering this question (representing 80 per cent of the total employment) said that more use of metric would be in the best interests of the U.S. Then the companies were asked, if it is found that increased metric usage is in the best interests of the U.S., what course should be followed? More than 90 per cent of those who responded preferred a coordinated national program, based on either voluntary participation or mandatory legislation. Only 7 per cent favored no national program for going metric.

Nonmanufacturing Businesses

The companies in this sector are engaged in such a variety of activities that gross figures of metric usage would mean little. Nevertheless, some

general conclusions about attitudes can be drawn.

Few companies saw reason to change their use of measurements unless the whole country decides to do so. But 6 per cent of those interviewed said they intended to increase their own use of metric in the near future, chiefly to enhance their prospects in world trade.

Participants in the survey were asked whether increasing use of the metric system is in the nation's best interest. Sixty-one per cent said that it is. Eighty-six per cent of the nonmanufacturing businesses were in favor of a national conversion program. In fact, a majority held this view in every industry, from agriculture to utilities.

Education

Educators are nearly unanimous in their endorsement of the metric system. A public hearing devoted to education was attended by representatives of all leading teacher and school administration societies as well as many firms in the educational field. They represented a total of 1,600,000 people.

Speaking for more than one million of these, one participant said in a prepared statement: "The National Education Association believes that a carefully planned effort to convert to the metric system is essential to the future of American industrial and technological development and to the evolution of effective world communication." He further urged that, starting with the upcoming school year, all teachers should teach metric as the primary system of weights and measures in the U.S.

Virtually all the individuals in the educational system and the firms associated with it make some use of the metric system and are in favor of a planned conversion program, a finding supported by a special survey conducted as part of the U.S. Metric Study. This survey found that about 10 per cent of the boys and girls in elementary and intermediate grades are taught something about metric units. Nevertheless, like their parents, they still think primarily in terms of inches, pounds, and degrees Fahrenheit—inevitably, since they live in a mostly non-metric environment.

Government

The Department of Defense expressed no view as to whether increasing use of the metric system is in the best interests of the nation. Nevertheless, the Department stated in its metric study report that the armed forces could make a changeover to metric without impairing their functions, assuming that industry would first convert through a coordinated national program. The Department of Defense would not take the lead by writing metric units into its specifications but would follow industrial practices.

As to whether conversion would be in the best interests of the military, the Defense report said: "Although the use of a simpler system would have no outstanding military advantage, the slight advantage expected would be amplified because of its widespread nature. The compatibility of U.S. and foreign equipment will enhance combined military operations and simplify logistic support requirements."

This conclusion is consistent with one reached by General John J. Pershing more than 50 years ago, shortly after he had commanded the U.S. Army in World War I. He wrote in a letter: "The experience of the American Expeditionary Forces in France showed that Americans were able readily to change from our existing system of weights and measures to the metric system . . . . Not the least advantage . . . is the facility which that system gives to calculations of all kinds, from the simplest to the most complex. I believe that it would be very desirable to extend the use of the metric system in the United States to the greatest possible extent; but I can readily see that there would be many practical obstacles in the attempt entirely to replace our existing system by the metric."

The views of 55 other federal government agencies were collected in a separate report. The results roughly paralleled those of the manufacturing industry survey. More than half the agencies make some use of metric—generally in medicine, electronics, physical sciences, and other fields where it is already the dominant measurement language—and one-fifth expect to use metric more extensively regardless of national policy and trends. As was mentioned earlier in this volume, one of the largest agencies, the National Aeronautics and Space Administration, last year began entirely on its own to convert to metric language. Forty of the 55 agencies estimated that long-term advantages of going metric would outweigh disadvantages, and almost all of these favored a coordinated national conversion program.

A survey was undertaken by the State-County-City Service Center, which represents such groups as the National Governors Conference and the National League of Cities. The indication was that only a coordinated national program would persuade state, county, or local governments to go metric.

Nevertheless, some government agencies at these levels are already making some use of the metric system, especially in connection with pharmaceuticals, laboratories and testing, and the purchase and repair of certain metrically designed equipment, such as foreign vehicles. In addition, the American Association of State Highway Officials has begun to publish recommended tests in both metric and customary units.

Earlier this year the Legislature of the State of Indiana passed a joint resolution urging the U.S. Congress to adopt the metric system.

Public Knowledge of Metric

In order to probe public information and attitudes, the U.S. Metric Study enlisted the help of the Survey Research Center of the University of Michigan. The staff of the Center selected a sample of 1,400 families representative of the 62 million family units in the United States and then proceeded to interview the individuals in person.

The general public, it is apparent, knows little about the metric system.

Only 40 per cent could name a single metric unit, and only half of those were familiar with relationships among metric and customary units.

The more people know about the metric system the more they favor it. Rather consistently, those with more formal education or more experience using metric units seemed the most confident that they could master it with little difficulty and believed that metric conversion was in the best interest of the U.S. For these reasons the surveyors judged that a program of public education would be essential to the success of a national conversion program.

Consensus for 10 Years

The clear consensus for the length of the changeover period was 10 years. At the end of this time the nation would be predominantly (not exclusively) metric.

Some participants in the study preferred that the change be made more quickly; a few wanted more time. Nevertheless, all could be accommodated by a 10-year transition period, because those who could move faster would do so as soon as their customers and suppliers were ready. Those who needed more time could take it, since the nation's goal in a 10-year program would be to become mostly (not entirely) metric.

Most manufacturing firms judged that the 10-year period would be close to optimum for them. Weighting manufacturers according to size (i.e., value added in manufacturing), the study found that 82 per cent thought the changeover period should be 10 years or less. The average of the periods chosen was 9.6 years.

In its study the Department of Defense concluded: "The DOD is dependent upon the National Industrial Base, and the rate of conversion within the DOD will be dependent on how well conversion is carried out by industry."

Nonmanufacturing businesses, with generally much less hardware needing conversion, were in favor of a shorter transition period. They thought that the nation as a whole might make the changeover in six to 10 years. But speaking for themselves, most were willing to complete the task in five years or less. "Immediately" was the optimum period most often cited by spokesmen for eight nonmanufacturing industries: finance, insurance, agriculture, services, real estate, forestry and fisheries, retailers, and transportation.

In the commercial weights and measures field, the adaptation to metric of devices now in use would take considerable time. The survey of this field points out that there are relatively few trained personnel who can do the work. Because of the large numbers and varieties of devices now in use, 10 years would be required to complete adaptations.

As was pointed out earlier, the National Education Association has urged that, starting this fall, all children be taught metric as the primary language of measurement. A survey conducted especially for the U.S. Metric Study suggests, however, that school systems are not ready to move that rapidly. The consensus was that for primary and secondary education a five-year transition period would be a bit tight, since two or three years would be needed for planning. But textbooks would probably present no obstacle; one major publisher of science texts assured the survey team that he could convert has entire line of books from customary to metric units in successive printings over three years.

* * *

The U.S. Metric Study has provided answers to three fundamental questions posed near the beginning of this chapter. The clear-cut consensus of the participants in the study is that:

—Increased use of the metric system is in the best interests of the United States.

—The nation should change to the metric system through a coordinated national program.

—The transition period should be 10 years, at the end of which the nation would be predominantly metric.

Recommendation and Problems Needing Early Attention

Within the broad framework of the national program, industries, the educational system, and other segments of society should work out their own specific timetables and programs, dovetailing them with the programs of other segments. This can only be done effectively after there has been a decision to go metric and after joint planning by all groups to be affected by the change. Because of the scope of such a program, the federal government would have to firmly back it.

There will have to be a central coordinating body. It could be constituted in different ways. Congress could assign the coodinating function to an existing government agency, or it might appoint a special group, such as a national commission, to perform the task. In any case, the coordinating body will have to be able to draw upon all segments of the society for information and advice. At the end of the period of transition to metric, or possibly earlier, the coordinating body will have completed its work and will then cease to function.

The coordinating body would work with all groups in the society that were formulating their own plans, so as to ensure that the plans meshed. It would help to decide how the public could best be familiarized with the metric system. It would advise government agencies, at all levels (state, local, and federal), of changes in codes and regulations that would require attention. And it would have to anticipate and deal with other special problems, such as those described later in this chapter.

Groups of industries would coordinate their efforts with the help of trade associations and agencies of federal, state and local governments. State weights and measures agencies would cooperate in making the changeover through their National Conference on Weights and Measures. Other groups, including educators, labor, standards making bodies and consumers, would be brought in at the start. A hierarchy of definitive

plans would be developed by all these participants for themselves. And each plan could provide for contingencies, such as failures to meet deadlines.

Education and International Standards

Two areas merit immediate attention, even if a national program is not adopted: education and international standards.

It is urgent that the U.S. begin now to participate more vigorously in world standards-making. International standards will increasingly influence world trade. The great majority of these standards remain to be developed. Thus, the U.S. has the opportunity to ensure that its practices and technology are taken into account in international standards negotiations. And as the nation changed to metric, it would be changing to metric-based international standards that it helped to set. In this way the cost of hardware modifications in a U.S. change to metric could be greatly reduced.

Almost all the participants in the U.S. Metric Study stressed the importance of education in any change to metric. Citizens need to be informed of what the change would mean in their jobs and everyday lives. Metric measurement needs to be taught more vigorously in the schools. The National Education Association has urged that, as early as possible, all children be taught metric as the primary language of measurement. Timely government assistance may be needed to help develop teacher training plans and materials.

Children starting school this fall will be 35 years old at the turn of the century. To fail to train them adequately in metric will be to fail to equip them properly for the world they will inherit.

Through newspapers, magazines, radio, television, and other media, the British Metrication Board is informing people about kilograms, meters, degrees Celsius, and a few other metric units they are likely to encounter in everyday life, trusting them to pick up on their own any more technical details they may desire to know.

A U.S. national program could presumably rely on a similar approach to adult education. The American Association of Museums has volunteered to display popular exhibits on the metric system. And the Advertising Council, which helped greatly to publicize such national programs as the Peace Corps and the campaign against cancer, has offered to help in a national metric changeover.

Education, formal or informal, will be buttressed by encounters with the metric system in everyday life—hearing weather reports in degrees Celsius, buying cloth by the meter, potatoes by the kilogram, and milk by the liter. In this way metric habits of speech and ways of thinking will gain momentum.

Weights and Measures

Weights and measures in commerce would play such an important role in a metric changeover that the U.S. Metric Study conducted a special survey of this field. Manufacturers of weighing and measuring devices foresaw no problems in switching their production to metric devices. But because many scales in use are worth the cost of adapting and relatively few people are trained to work on them, adapting them would require several years.

The Post Office alone uses 240,000 scales. Most of them are the little sixteen-ounce beam scales used to weigh letters; it would probably be cheaper to replace these. But 35,000 larger and more expensive postal scales, the weights and measures survey found, would have to be modified over the course of five years. Meanwhile, each post office would display a dual set of rates and would begin charging postage by grams instead of by ounces, as soon as its scales were changed.

The commercial weighing and measuring field strongly favored a coordinated program that provided for timely amendments in weights and measures laws in order to minimize the side-by-side use of two measurement systems. The program would require goods to be labeled, at the start, in both customary and metric units. After a while, the customary units could be eliminated. This plan would not be practical, however, for marketing meat, cheese, and other commodities sold by the piece—at least not with scales that automatically wiegh the package and print out the price. State and local weights and measures laws would have to provide for a transition period during which such scales could continue to be calibrated in customary units until the day they were converted.

Consumers might be apprehensive about price increases linked to metric conversion. For instance, the price of a liter of milk would have to be greater than the price of a quart (0.946 liter). The public education program mentioned earlier would help to clarify such questions.

Small Business

Congress is already concerned—as are others, including the Small Business Administration—that small businesses are being placed at a disadvantage, even now, as the nation increases its use of the metric system. Most large companies have technical, financial, and managerial resources for planning their own metric changeover and dealing with it over a long period. Small businesses do not possess such resources. The small businessman is less likely to be in a position to decide when to go metric; large companies tend to set the pace. Moreover, the small businessman is more dependent on the ready availability of standard parts and supplies. It is for these reasons that spokesmen for small business favor a coordinated national program, in which no one would be left behind.

In a national program the government would have a special responsibility to ensure that small businesses, including self-employed craftsmen, are properly informed and their interests adequately represented. In particular, the metric system should be brought into all vocational and on-the-job training programs. These and other forms of technical assistance might warrant government support.

Engineering Standards

One of the most important prerequisites of metric conversion would be a reevaluation of engineering

standards. As a matter of fact, some of these are already under scrutiny. Early this year, quite independently of the U.S. Metric Study, the Industrial Fasteners Institute issued a report entitled: *A Study to Develop an Optimum Metric Fastener System.* It is intended to be the first step in the development of a complete range of threaded fasteners which, while eliminating many superfluous items, will satisfy stringent domestic engineering requirements.

Antitrust

An effective metric conversion program would require many efforts comparable to the study now being made by the Industrial Fasteners Institute. A principal goal in such a program would be to recoup costs, in part by reducing superfluous varieties of standard parts and materials. This would involve expanded cooperation by businesses through trade associations and standards-making bodies. To the extent that competitors worked together antitrust considerations would arise.

Although federal leadership in a national program would minimize the antitrust problem, some accommodations would have to be made to permit cost-saving coordination while avoiding illegal restraints on trade. The policy of the antitrust agencies of the federal government is that it is not the concerted form of the action which is the criterion of legality, but rather the effect of the joint action upon competition. Early in the planning for a national program to change to the metric system, antitrust questions would have to be resolved by business and industry, on the one hand, and the Department of Justice and the Federal Trade Commission on the other.

Cooperation with Canada

Canada, our major trading partner, has decided as a matter of government policy to change to the metric system. But, the Canadians have put off starting a full scale program, largely because of their uncertainty as to what the U.S. might do in this regard.

In the event that the United States decides to change to the metric system under a national program, it would be helpful for both countries to cooperate to the fullest extent possible.

Who Pays for Conversion?

The cost of going metric should be borne in such a way as to minimize the overall cost to the nation and to avoid bureaucratic waste. The British seek to attain this end by "letting the costs lie where they fall." As a result, British metrication is being coordinated by a small group at very modest cost to the taxpayer. The general rule is that everybody in the society, including government agencies, must share in the temporary costs, as they will in the continuing benefits. The same philosophy was followed by Japan in its conversion to the metric system.

This philosophy does not exclude the kinds of assistance suggested earlier in this chapter for small businesses. Nor does it exclude some help during the transition period in the form of accelerated depreciation for machinery and investment tax credits. Even under the present tax laws, metric conversion costs would be tax deductible.

Tackling the Change

Many participants in the study, as well as those who have observed metric programs in other countries, suggest that almost all machinery could be continued in use—or at least phased out only when they wore out or became obsolescent—with careful planning and an adequate transition period.

A recent U.S. Air Force study indicated that many machine tools can produce metric parts with little more than the adjustment of a dial, while others require only minor modification. The recent redefinition of the inch as exactly 2.54 centimeters makes possible the conversion of some inch-based machines to metric by using gears of 254 or 127 teeth.

Many engineering drawings, handbooks, and other costly paperwork are usually obsolete within a few years after publication; when updated in due course, it would be reasonably cheap to translate dimensions into metric units. The British have found that retraining workers is unexpectedly easy; it is most efficiently done if a man is taught on the job and told only what he needs to know to do his work.

Many participants in the U.S. Metric Study expressed confidence that they could tackle the change to metric. A representative of the trucking industry pointed out at one of the public hearings that his industry has made several drastic technical changes in recent years. He added: "No metric conversion could approach the difficulty of doing what is now being demanded of us for safety's sake." And a labor spokesman said: "Metric is here, so let's get on with it."

It is often argued that the most favorable time for a metric changeover is now, before our society gets any bigger, more complex and, therefore, harder to change. On the other hand, there are reasons to believe that some difficult changes have become easier and may become easier still.

Computers have already reduced drastically much of the drudgery that would be involved in translating one measurement language to another. Numerically controlled machine tools, which are increasingly used in manufacturing, are guided by a kind of computer program. Guidance to metric dimensions needs only a change in the program. The trend to prepackaged goods in the supermarket —already above 90 per cent—has eliminated a least some of the confusion that a metric changeover would impose on the consumer. As similar technologies emerge, other ways to facilitate the nation's change to metric can be expected.

Going Metric: What Would It Really Mean?

The main reason going metric has been so controversial in the past is that it was never clear what the debate was really all about. Some peo-

ple assumed that it would mean an abrupt and mandatory changeover: at some specific date in the near future the inch and the pound would be outlawed. People at the other extreme viewed it as a painless and casual drift toward the use of more metric measurements at little cost or inconvenience.

We shall certainly not go metric by an abrupt and mandatory changeover. Such a crash program would dislocate our lives in an intolerable way.

Neither can we expect that a drift to metric would be without cost or inconvenience. Our experience since Congress legalized the metric system in 1866 suggests that if the nation prefers to drift to metric, it would still be having to cope with two measurement systems at the end of this century. Since the use of the metric system in the U.S. is increasing, throughout the prolonged period of gradual change there would be substantial costs and inconveniences, primarily those associated with maintaining dual inventories, training people in both measurement systems, and printing metric and customary dimensions on documents and labels. Small businesses would have to tag along as well as they could.

Soft and Hardware

When we talk about going metric, we really have to consider two kinds of changes, "soft" and "hardware." A soft change is simply a trade of one measurement language for another. Example: the weather announcer who begins reporting the temperature in degrees Celsius instead of degrees Fahrenheit is making a soft change. Hardware changes involve altering sizes, weights, and other dimensions of physical objects. Example: if the dairy industry starts selling milk by the liter (1.05 quarts), the milk distributor has to modify his machinery to fill a slightly larger container.

A hardware change is almost always preceded by a soft change. Suppose that new cookbooks are written with recipes in metric language—i.e., convenient fractions of kilograms and liters. At first, the American housewife follows these recipes by making soft changes. If a recipe calls for 250 milliliters of oil, she looks at a conversion table for translating milliliters to liquid ounces, then measures out slightly more than eight ounces (one cup) of oil.

So far she has made only a soft change. Suppose then, she breaks her measuring cup. Since her cookbook reads in metric units, it would be foolish to buy a new cup graduated in ounces, and so she buys one marked off in milliliters. This is a hardware change. In this case, the cost of the hardware change is zero; she had to buy a new cup anyway. But if the use of the conversion table confuses her and she throws away her ounce-marked cup in frustration, the price of the new metric measure is an "extra" hardware cost of conversion.

Metric Momentum

For industrial engineers, factory workers, carpenters, surveyors, building inspectors, butchers, school teachers, and people in almost every walk of life, going metric would mean acceptance of metric as the preferred system of measurement and ultimately, thinking *primarily* in metric terms instead of *primarily* in customary terms.

The use of metric units has already made considerable headway in the U.S. In a few fields—notably the physical sciences, pharmacy and medicine—people have converted much of their thinking, talking, and writing to metric units. Electrical units are the same in metric and customary. Nevertheless, our national measurement language is still only slightly metric.

If schools were to give greater attention to metric than to customary, if a large number of industries were to convert to metric, if our traffic signs were to read in kilometers instead of miles, if a man buying a shirt were shown a 40 or 41 centimeter collar instead of a 16 inch collar, if milk were sold by the liter and meat by the kilogram, then the metric system might, in not many years, become as widely used as the customary system.

From that point on, metric habits of speech and metric ways of thinking would gain momentum. And after a couple of generations, "inch," "pound," and other customary words of measurement might sound almost as archaic as "cubit" or "league." We would then unquestionably be a predominantly metric nation.

Rapidly, Slowly, Never

People making the change to metric units would make an assortment of soft and hardware changes, as necessary either to do their jobs or to keep up with what was being said in the newspapers and on television. In even a concerted program for going metric, some things would be changed rapidly, some slowly, and some never. In most cases, things would be replaced with new metric models only when they wore out or became obsolete. This would certainly be true, for example, for existing buildings, aircraft carriers, railroad locomotives, power generating plants, and even such things as hair dryers.

In many instances industry and commerce would make metric changeovers much as the housewife did when she broke her non-metric measuring cup. A pump in a chemical factory, for example, might with careful maintenance last 10 years before it wore out and had to be replaced. But if a critical part failed after, say, five years, the user might well decide to buy a new pump of improved design and lower running cost, rather than fix the old one. And if he were going metric and metric pumps were available, the new pump would, of course, be one built to metric standards.

Somewhat analogous is the problem of rewriting real estate deeds in metric dimensions—meters instead of yards and hectares instead of acres. There would be no good reason to do this until the property changed hands and was resurveyed. As a matter of fact, some deeds in New Orleans are still written in terms of the French foot of pre-Napoleonic times, and in the far west there are still tracts that are described not in acres but in square *varas*, a holdover from the Spanish grant days.

In parts of France to this day, after almost 200 years of the metric system, some consumers still order *une livre de beurre* (one pound of butter). They get a half-kilogram package, to be sure, but the point is that no one has forced them to give up an old familiar name. And manufacturers continue to make concessions to non-metric thinking; until recent years in Germany, butter was packaged in 125-gram bars for people accustomed to buying it in quarter pounds. And many Germans call the half kilogram *ein pfund* (one pound).

The Rule of Reason

Some measurements and some dimensions would never need to be changed. It would be preposterous ever to tear up all our railroad tracks just to relate them to some round-number metric gauge. Americans would not be likely to translate into metric such sayings as "a miss is as good as a mile," or to rewrite the words to the song, *"I Love You a Bushel and a Peck."*

In sports, going metric is not likely to present much of a problem. Soccer is internationally the most popular game by a wide margin; however, there is no standard size for a soccer field. Cricket is played throughout the old British Empire, but although most of the nations that play it have either gone metric or are doing so, they will presumably cling to the traditional imperial dimensions of the cricket pitch. Similarly, it would be quite unnecessary to change the length of U.S. football fields, even if our kind of football ever became an international sport. And keeping them as they are, no sports announcer who wants to keep his audience would ever seriously say: "The Redskins have the ball; first down and 9.144 meters to go."

Some units that are not part of the International Metric System may continue to be used wherever they are believed to make communications and calculations clear and easy. Even in metric countries meteorologists still speak of "bars," one bar being roughly normal atmospheric pressure, and of the "millibar," which is one-thousandth of a bar. Astronomers prefer to talk of distance in "light years," instead of many trillions of kilometers. Such convenient units as these are not likely to be discarded.

Even if it were to be specified that only International Metric units were to have full legal standing, many other measurement terms would persist in our culture—perhaps forever.

TIDELANDS

Continued from Page 7

The holding also was applied to confirm private ownership in a portion of the rancho which apparently had been omitted inadvertently from the survey of the original rancho patent. However, this part of the holding specifically does not cover Steamshovel, which lands the court says are clearly tide or submerged lands. Of Steamshovel, more later.

5. The next question, and this really is a complex one, is whether lands which were tidelands in 1879 and later were filled can be freed from the public commerce, navigation and fishery trust by legislative action. The court decided that to a very limited extent this can be done despite the constitutional provision cited and another constitutional provision which precedes it. The public trust and the constitutional provisions against alienation both are involved here and to some extent they conflict. I think a lawyer would have to read several pages of the opinion several times to attempt to understand the boundaries of the court's position, and then it wouldn't be clear how much is dictum and how much is holding. However, the court does consider a case where a small portion of unpatented tidelands was declared no longer usable for tideland purposes, and the construction of public buildings was permitted. The court says: "Article XV, Section 3, does not forbid alienation of lands within two miles of an incorporated city which have been reclaimed 'as the result of a highly beneficial program of harbor development,' are relatively small in area, and have been freed of the public trust by legislative act." (p. 484) Applying this to other fact situations will be an interesting guessing game. The court goes over this ground several times in different words always emphasizing the narrowness of its conclusion.

6. Next, the court considers the portions of the other agreement before it, called the Macco-McGrath agreement, where an actual exchange of public tidelands for privately owned tidelands is called for. All the lands in question were filled in the course of harbor development that resulted in the construction of the Marine Stadium. Only about five acres are transferred to private ownership, and Long Beach receives in return approximately seven acres. The legislature declared in 1965 that the public lands in question no longer are necessary or useful for commerce, navigation and fishery. Also, the court said the exchange itself furthers an ongoing program of harbor development. Thus, this exchange falls within the requirements I have outlined.

7. Finally, the court deals specifically with the Steamshovel area, and, after a long discussion of the requirements necessary to create an equitable estoppel, finds that all the elements exist and confirms the title of the private owners as against the public bodies. The exchange and boundary line principles referred to above were rejected here by the court. However, the language of the opinion does not limit the holding to Steamshovel, but talks of it generally in relation to the 2a lands without indicating which portion, if any, of the 2a lands are affected in addition to those in the Steamshovel Slough. The court also says that "the rare combination of government conduct and extensive reliance were involved and create an extremely narrow precedent for application in future cases." (p. 500)

CUSTOMER SERVICES—Continued from Page 5

One major complaint is the limited supply of good listings available. A related complaint is the apathy of salesmen when it comes to getting listings.

The solution to this problem originally was a lesson in the use of our title plant. Every title plant has a gold mine of listings readily available to any broker who will learn to use it.

By locating out of town owners, a salesman can easily acquire listings.

This idea has been expanded into a 20-minute talk about using our title plant to obtain listings—which allows us to sell a captive audience on the value of using our facilities.

A by-product of the listing talk came when a salesman asked how to list at a fair price when a seller was asking too much for his property.

Once again, our title plant came in handy. The salesman found all of the "comparables" he needed. Now, another talk, "Pricing Your Listings", is available to real estate groups.

Our sales meetings with customers are 20 minutes in length and are planned with the following criteria in mind:

1. Teach the system.

2. Talk about real estate, not title insurance.

3. Encourage the audience to come in for help with their listing or pricing problems.

The talks contain humor, and some points are illustrated with magic tricks or stunts so the audience can be entertained while learning.

One other service we have available is a free lending library with over 50 sales and real estate books and records, to enable the brokers to plan their own sales meetings.

These services have been developed to meet the needs of our customers. How do we sell them? The answer to this question is much easier to say than do. In order to sell the services, we find it best to, first, forget the title business. The customer doesn't care about the age of the company, the title plant, or the company assets. He cares about himself, so talk about him and his interests.

Create sentences in sales talks that sell. When I sell our title plant service, I don't talk about the plant. I talk about listings or fast service. Example:

"Mr. Broker, your office could use a few more prime listings, couldn't it? The reason I ask this is because we have a way to help make every one of your salesmen an expert lister."

A five-minute sales presentation follows, selling the Sonoma County Abstract Bureau's title plant and services, without ever mentioning title insurance, escrow service, or even the title plant.

I won't belabor the details, but I have never been turned down, and I sell mostly to brokers who own stock in competitors' title companies. If you can show a broker that you can make money for him, whom will he want to deal with? You, of course.

Demonstrate your product. As mentioned earlier, I often use magic tricks or stunts. It is fun, entertaining, and it makes points.

Next time you want to sell a subdivider on using your service try this:

Fill an eight-ounce tobacco can with five pounds of coins and hand it to the subdivider to hold. "When you subdivide property, you will have about five pounds of paperwork to file with the state. This will cost you a lot of money, won't it? I'm mentioning this, Mr. Subdivider, because . . ." Don't think he won't listen.

Think of ways to present your product more dynamically. Find out how you can further serve your customers and better provide them with the service they want. Become more sales minded, and you will profit.

meeting timetable

October 24-26, 1971
Indiana Land Title Association
Indianapolis Hilton
Indianapolis, Indiana

October 27-28
Carolinas Land Title Association
Pine Needles
Southern Pines, North Carolina

October 28-30, 1971
Florida Land Title Association
Colonnades Beach Hotel
Palm Beach Shores, Singer Island, Florida

November 4-5, 1971
Dixie Land Title Association
Mobile, Alabama

November 5-6
Land Title Association of Arizona
Safari Hotel
Scottsdale, Arizona

December 1, 1971
Louisiana Title Association
Royal Orleans Hotel
New Orleans, Louisiana

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. . . with these ALTA Educational Aids

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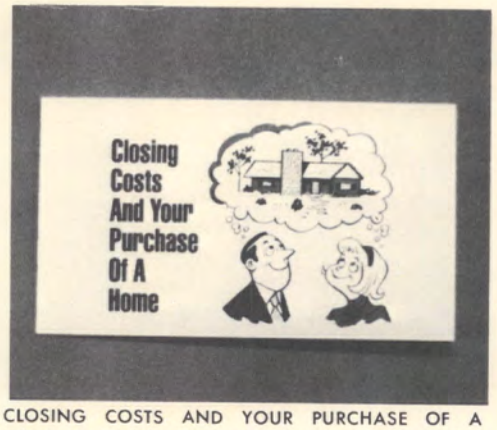
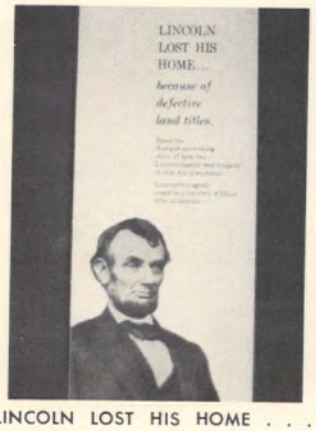
HOME BUYER: HORSE SENSE HELPS! A concisely-worded direct mail piece that quickly outlines title company services. 1-11 dozen, 65 cents per dozen; 12 or more dozen, 50 cents per dozen; designed to fit in a No. 10 envelope.



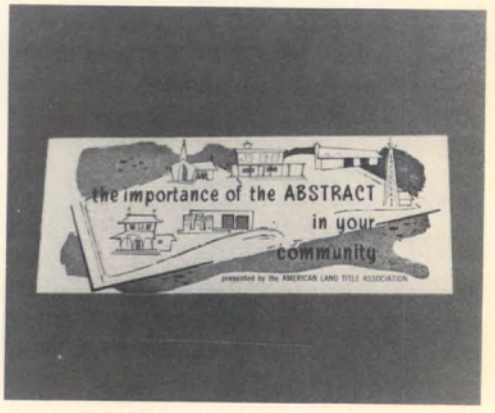
CLOSING COSTS AND YOUR PURCHASE OF A HOME. A guidebook for home buyer use in learning about local closing costs. Gives general pointers on purchasing a home and discusses typical settlement sheet items including land title services. 1-11 dozen, $2.25 per dozen; 12 or more dozen, $2.00 per dozen.

AMERICAN LAND TITLE ASSOCIATION ANSWERS SOME IMPORTANT QUESTIONS ABOUT THE TITLE TO YOUR HOME. Includes the story of the land title industry. $11.00 per 100 copies of the booklet.

HOW FHA HELPS THE HOME BUYER. This public education folder was developed in cooperation with FHA and basically explains FHA-insured mortgages and land title services. $5.50 per 100 copies.



LINCOLN LOST HIS HOME . . . BECAUSE OF DEFECTIVE LAND TITLES . . . A memorable example of the need for land title protection is described in this folder. $5.00 per 100 copies is the cost for this publication.



THE IMPORTANCE OF THE ABSTRACT IN YOUR COMMUNITY. An effectively illustrated booklet that uses art work from the award-winning ALTA film, "A Place Under The Sun", to tell about land title defects and the role of the abstract in land title protection. Room for imprinting on back cover. $12.00 per 100 copies.

(CENTER) PERSPECTIVE: AMERICA'S LAND TITLE INDUSTRY. A collection of six articles by experts that comprehensively explain the land title industry and its services. This attractive booklet is available at 35 cents per copy for 1-48 copies and 30 cents per copy for 49 or more copies. (RIGHT) THE AWARD-WINNING ALTA FILM, "A PLACE UNDER THE SUN." Eye-catching color animation and an excellent script bring the story of the land title industry and its services to life in this highly-praised 21-minute sound film. Prints may be obtained for $135.00 each.

American Land Title Association