

exploration and possible drilling for oil, constitutes serious jeopardy to their agricultural pursuits. Thus, the homesteader who must give up rights to the minerals on his land also is compelled to make the surface of his land available to the uses of mineral lessees who may prospect there. This could result in, at a minimum, extensive damage to crops and improvements on the land, and, in some cases, the effective loss of the entire investment of the homesteader.

With reference to the action of the Department of Interior which would be of interest to the Constitutional Rights Subcommittee, it came to my attention that the order of the Geological Survey which classified the Kenai homestead land as valuable for oil and gas was a document approved in April 1959, marked "Not for Public Inspection," and never published in any form until December 1959 when I made copies of it available to the people most concerned—the Kenai homesteaders.

I am enclosing a copy of part 2 of the hearings on S. 1670 in which is reprinted (beginning at p. 248) the correspondence which resulted in eventual publication of the memorandum to the Director of the Geological Survey from the Chief, Conservation Division, which established the Kenai area as valuable for oil and gas and which was marked "Not for Public Inspection." You will also find correspondence following this order in which I raised with the Director of the Geological Survey the issue as to why the memorandum to the Director had been marked "Not for Public Inspection." Despite the responses of the Interior Department to my inquiries, and the advice of the Department that the texts of the documents involved were belatedly available for publication, I still feel that no satisfactory explanation was obtained as to why this important publication remained available only in the files of the Geological Survey from April 22, 1957, until December 1959.

In commenting on the significance of this incident, it may be useful to supply a little detail concerning the procedures of the Bureau of Land Management in connection with the determination of rights of homesteaders to subsurface rights in their property. When homesteaders are confronted with a requirement that they waive mineral rights in their land in order to obtain a patent, the Department of the Interior offers them a choice of (1) waiving their rights and obtaining a limited patent, or (2) petitioning for reclassification of the lands as nonmineral in character, in which case the burden is on the homesteader to prove the land is nonmineral, or (3) appealing the action of the Bureau of Land Management. In view of the fact that the homesteaders had no notice of the mineral classification of their land and no information whatever on which to base a petition for reclassification of their land or an appeal of a decision by the Bureau of Land Management, it seems to me that a question arises of deprivation of property without due process of law. In my view there is no justification whatever for retention by the Department of the Interior in a status marked "Not for Public Inspection" of the most essential information required by homesteaders in order to protect their rights.

In the event I can supply you with any further information concerning this matter, please let me know. Meanwhile, I shall be grateful for the interest of the Subcommittee on Constitutional Rights in this matter.