

his claim. This may have made sense at that point but today it seems to me there ought to be a responsibility along with the rights that a mining claimant has. There ought to be some responsibility and one of the responsibilities ought to be to let the public and the country and particularly the management agency know what claims he has located and where. When claims are transferred or assigned, the fact should also be recorded in the Federal land records.

As it is, the whole thing is a complete thicket that we cannot penetrate with any exactness. If we are to move forward to be able to block up lands, to be able to lease lands, it is essential that we have a mechanism to get the facts and discover what we need to do in order to clear title or to issue patents, whichever the case may be.

I cannot see, myself, how the mining claimants could feel that there is anything onerous or unreasonable or burdensome about this procedure and I call the attention specifically to the action this committee took a few years ago on the scrip lands. There, in effect, you said all holders of scrip step forward. Let us know what scrip you have, make your claims, and this was done. I heard no claim at any time from anyone that this was inequitable or unreasonable and what we are proposing is essentially the same thing here. But I think this is really the beginning point because these legal problems we must tackle promptly to clear the way for action.

The CHAIRMAN. When you are dealing, of course, with unpatented mining claims you run into some unique legal problems. My recollection is that in many States—it is true in the State of Washington—an unpatented mining claim is, in fact, personal property and, therefore, it is involved in the filing of requirements with reference to chattel mortgages and other documents of the sort, whereas in other States a nonpatented mining claim is considered real property. So you can really get into the underbrush trying to find out where the records are, depending on the State law. Am I not correct in that regard?

Mr. UDALL. Yes.

The CHAIRMAN. I won my first law case on the question of an unpatented mining claim. That is how I remember it. The party made the mistake of filing the mortgage as a real estate mortgage and, of course, failed to comply with an affidavit of good faith on chattel mortgage. I remember that point quite well.

Now, how long do you think it is going to take to remove some of this legal underbrush? I realize it is difficult to speculate, but what additional help, if any, will you need in the Department to undertake this rather massive effort to clear title?

Mr. UDALL. Well, Senator, I think the term, the figure of speech, we have been using here of "underbrush" is a very good one. We are almost like a farmer approaching a large tract of land and he can get started if he can clear away the underbrush. Whether you are talking about blocking up lands, whether you are talking about these initial development leases, we have got to clear an area away before we begin.

Of course, the logical beginning place, where our people should concentrate their efforts at the outset, should be those places where development has the greatest promise. We want to make develop-