

Wheeler believed in this, and Bob LaFollette. I do not have to go to Karl Marx to get support for this. It is deep in the American heritage.

But faulty as the 1872 law is, I believe that under it the Zweifel claims and other claims are basically phony and fraudulent. In the first place the law of 1872 requires that the four corners of each claim should be staked out as and when it is located. If you will examine the Zweifel claims, you will find that the uniform pattern was for him to state that he had located 31 or more quarter sections in a day. He would file on about 8 square miles a day and claimed that he had located them.

Now I submit that it was a physical impossibility for any man to walk around each one of the 31 quarter sections and stake out each one of the corners.

I would like to call your attention to a section of the mining law, title 30 of the United States Code, paragraph 29, which treats this requirement. It states that:

A patent, if and when granted, must show that the boundaries of the claim or claims which shall be distinctly marked by monuments on the ground, and shall post a copy of such plat, together with a notice of such application for a patent, in a conspicuous place on the land embraced in such plat previous to the filing of the application for a patent and shall file an affidavit of at least two persons that such notice has been duly posted.

Well, I doubt whether that notice has been filed yet.

Now, it would have been impossible in that length of time to have staked out these claims on level ground in the summertime. It is even more obvious that it would be completely impossible in the heart of the Rockies or the western slope of the Rockies. No mountain goat could have done that nor could Hercules himself or Centaur, half man and half horse.

If you will look over the index of the Zweifel claims in Rio Blanco County, you will find that many of them were filed in December 1966, January, February, and March of 1967. This is skiing season in the Rockies, not springtime in the Rockies, about which the songwriters have sung, but skiing season. The snowfall is very heavy. I found that in one case he filed claims on 31 quarter sections and stated that he had located them on January 23.

I tried in Denver to get the reports of the weather bureau as to what the climatological conditions were on January 23, 1967, but I was unable to find that. I am sure the members of this committee can do so.

The absurdity of a man stating that he had staked out 31 quarter sections going around, putting stakes down at every corner on the 23d of January in the heart of the Rockies just passes human comprehension.

The second requirement of the 1872 act is that the claimant should have made a bona fide discovery of the mineral that he is claiming. It has been ruled, I believe, by the courts that the discovery should be sufficiently definite so as to assure a prudent man that he would be justified in going ahead with extracting the mineral—the principle of the prudent man, which Justice Holmes always said was the basis of the common law.

The third ultimate requirement is that a total of \$500 in labor and/or improvements must be spent on each claim within a 5-year period.