

Dawsonite is sodium aluminum carbonate. His claims from a substantive point of view cannot be taken seriously because since 1920 all carbonates of sodium have been leasable and are no longer locatable. Also, if we are challenging a claim, on the date of the challenge or the date of the hearing it is determined as to whether he has a discovery. The deposits of dawsonite are between 1,600 and 2,000 feet deep and we know very well Mr. Zweifel is not going to be able to produce evidence that on the day that we challenged the claims or that we issued the withdrawal recently, he had punched a hole in each claim and drilled down to expose this aluminum that is supposed to be in the oil shale down below 1,600 or 2,000 feet. We do not take the claims seriously as mining claims. But we say that we are going to have to contest them.

The question of whether dawsonite is a locatable mineral or a leasable mineral may eventually be determined by a court, but it only has to be decided once, and when it is decided I suspect that all those who are holding claims which are dawsonite claims will have nothing, and we probably will not even bother to contest them any more than we will file contest against Mr. Zweifel for locating claims on the Outer Continental Shelf. We probably will not contest those claims either. We'll just ignore them.

However, if Mr. Zweifel goes out on the Continental Shelf and endeavors to interfere with somebody who has a lease out there, one of our lessees, or if he tries to go out in Colorado and exploit some of that land, we will, of course, take action. At the present time he has got a lot of papers filed in Rio Blanco County and he is a nuisance. I do not think that he is any real threat to the resources of the United States, and I do not think it merits some kind of a ukase ordering that Mr. Zweifel has no valid claims and therefore canceling all that he has done.

The CHAIRMAN. Mr. Barry, at that point, let me ask you—I was not here at the time Mr. Lynch testified, but I am looking at the transcript. Mr. Lynch, an attorney in Denver, suggested that one approach in connection with these claims is that the Congress might pass legislation providing for a legislative taking of the lands, provided, of course, that the applicant for the claim would have an opportunity to litigate the matter in the Court of Claims.

I want to ask you, is there a property right the moment that someone files on a claim?

Mr. BARRY. If he has made a valid location—that is, if he has got a valid claim, he has got a property right. But to prove that he has got an invalid claim requires us to give him notice and a hearing.

The CHAIRMAN. I understand.

Mr. BARRY. So in that sense a citizen who goes on public lands, and has no valid property right against the United States, is entitled to notice and a hearing and this is what is going to take the time. We would establish if we were successful in a contest against any one of the claims—we would establish that he had an invalid claim, and we would therefore order him off. If he did not leave we would have to go back for a second lawsuit because the Interior Department does not have any marshals to go out and enforce our orders. We would have him evicted in a court proceeding. That is exactly what happened in