

Interior. One of them is section 22 of title 30 of the United States Code which says simply that in 1872 the Congress of the United States said that all of the public lands of the United States or all of the lands belonging to the United States shall be free and open for anybody to go on and explore. At that time in history it was a prudent thing to do. We were trying to fill up the West, the empty land, with people. We were literally giving away our land hand over fist. People did go out. I do not know why they would want to locate a mine when they could get a desert entry, because they needed to pay only a dollar an acre for desert land claims but they paid \$2.50 and \$5 an acre for a mining claim. Apparently many were in good faith in the old days when they said they had mining claims.

Senator ALLOTT. Mr. Chairman, may I ask a question? You referred to dawsonite, Mr. Barry?

Mr. BARRY. Yes, sir.

Senator ALLOTT. Then I assume, since this is aluminum sodium carbonate, that this is subject to approach by private individuals only by way of the Mineral Leasing Act; is that your position?

Mr. BARRY. That is correct, Senator.

Senator ALLOTT. Then as applied to dawsonite or nahcolite, they would constitute a cloud only so far as they had a valid mineral lease, but not by way of a claim.

Mr. BARRY. That is correct.

Senator ALLOTT. Is that your point of view?

Mr. BARRY. That is correct. However, they are not limited by what they say in their location notice, as to what mineral they located. And at the time of the trial, they might come forward with something else. There has been some suggestion that claims were located for silver. I know they have also been located for platinum in this area. We would have a contest and we would have an argument and we would have engineers and geologists, possibly, contesting in a close case with all kinds of evidence and an extensive record and so forth, to establish that there was or was not enough silver or there was or was not enough aluminum to justify this location. We must give those people their day in court as long as the law stands as it is, because Congress has given an invitation and grants them a right if certain facts appear.

Mr. DOUGLAS. Mr. Chairman, may I make a couple of comments?

Senator MOSS (presiding). Senator Douglas, surely.

Mr. DOUGLAS. If it be true, as Solicitor Barry has said, that there is no prohibition in the law as to the number of claims that a person can file, and I think he is correct in that, and if it is also true that, by court decisions and by administrative procedure, the Government is effectively stopped from any thoroughgoing challenge of these claims, then I feel like the character in one of Shakespeare's plays when confronted with a legal ruling saying, "The law is an ass," and that is my first instinctive reaction, and I think it is a rather healthy reaction.

The second series of points that I should like to make is that if technicalities are used to tie the Government down as Gulliver was tied down when he went to Lilliput and fell asleep and woke up to find a multitude of little threads preventing him from moving, so the American public went to sleep on these claims.