

Now, Solicitor Barry says we are, in effect, so tied down that we cannot move effectively against them because we must take up each one of these claims one by one. So with 20,000 of them, it means that Secretary Udall, in whom I have great confidence, will be out of office long before the first claims are passed upon, long before these other claims are adjudicated.

If technicalities are used to prevent the Government from taking effective action, I think Mr. Zweifel should be called to account on technical grounds and that the burden of proof should be shifted to him. Has he located? Did he make a legitimate location? That calls not merely for putting up markers but some time along the route he has to file on the four corners a statement that he has taken those steps. Has he put up markers on the four corners of 20,000 claims or of 2,577 claims at Rio Blanco and 338 in Garfield?

It stands to reason that he has not, and I submit that the burden of proof should be upon him, that the preponderance of evidence is against him, commonsense of mankind is against him on that score.

What about discovery? Was there a legitimate discovery on 20,000 claims, on 2,577 claims in Rio Blanco, and 330 claims in Garfield County? That is absurd, particularly in view of the location of these claims.

Now, there is a final point that I did not intend to make. I was very careful not to mention the fact that it is my understanding that Mr. Zweifel was convicted of mail fraud and sentenced, I believe, to a term of 3 years. I did not intend to make that because I disbelieve in that sort of statement being made without a man being present to defend himself. But Mr. Barry made that statement, and it is, to the best of my knowledge and belief, correct.

I would like to read, if I may, paragraph 241 of title 30 dealing specifically with oil shale, and I read starting at the bottom of page 6404 and going up to the first paragraph on page 6405:

No claimant for a lease who has been guilty of any fraud or who had knowledge or reasonable grounds to know of any fraud or who has not acted honestly and in good faith shall be entitled to any one of the benefits of this section.

Now, that does not limit the disqualification to frauds perpetrated in connection with a specific claim. It has no statute of limitations applied to it or any area in which fraud is to be considered but not considered in connection with other areas.

I read again: "No claimant for a lease who has been guilty of any fraud"—without specification as to whether it is committed on oil lands or not—"or who had knowledge or reasonable grounds to know of any fraud or has not acted honestly in good faith shall be entitled to any of the benefits of this section."

And I submit that these claims, when you come down to it, can be attacked on that ground.

Mr. BARRY. These are not leases.

Senator ALLOTT. Would the Senator yield at that point? I would like to ask Mr. Barry if his interpretation of that statute would be the same as Senator Douglas'.

Mr. BARRY. No, it would not. He was talking about leases, and this is not a lease. This is a location of a mining claim that would ripen in due course into title and not a lease.