

One is that, in the discussion this morning about mining claim, it was said that it was impossible to resolve them except taking them one by one or by a group case, and that this created an interminable delay.

The inability of the various parties to go in and file mining claims over those that had been filed and to develop them for dawsonite, nacolite, or the other products that may have been locatable, if any, was stopped when the land was withdrawn from entry. Thereafter, the man who was being held up as trying to take undue advantage of the Government got a free ride, because any claims that had not been perfected at that time—it would have been subject to relocation by other diligent citizens who wished to develop a mining claim—was denied. They could not step in under this relocation approach.

The second point that I think should be in the record is that in 1955 the Congress, in its wisdom, saw fit to pass a law that segregated leaseable and locatable minerals on mining claims that were filed after that date. Therefore, if a Federal lease for oil shale were granted under the competitive system and the party had a time limit within which he had to develop that property or lose his lease, in other words, a lease would terminate under the normal provisions at the end of a fixed term or so long thereafter as production is obtained, that man would have no choice except to develop the lease in order to hold it, and in that case he would be under the burden of clearing his title as to any of those adverse claims.

This has been done so many times that it is a device that has been well used. It was omitted that a mining claim such as those that were being discussed does not carry with it any of the leasable minerals, even if patented, and on that basis I think that there was a slight misconception presented in the discussion of the legal aspects of it.

For that reason, I appreciate this opportunity to add that for the record. I think anything else that I might say at this time would be purely on the basis of any questions that the Senators may see fit to ask.

Senator Moss. Well, we appreciate your comments and especially this clarification of the legal situation.

I think the impression was left out of the colloquy this morning that the only salvation here was the final withdrawal of the area from any further filing of claims and, as I understand your point, that had it remained as it was before then, that then, if leases were granted, those people would have the burden of clearing up the unpatented mining claims that was placed on the same land; is that your point?

Mr. Mock. That is correct, sir; and if the mining claims for any purposes had been imperfect, they could have been eliminated by the active action in the courts.

Senator Moss. So the burden then would not have been on any public department, the Solicitor, or anybody else. The burden would have been on the person who was granted the lease by the Federal Government.

Mr. Mock. This burden has been assumed by private industry for many years.

The other aspect of it, I think, that focuses the entire discussion is that the whole argument was that we should not have any location rights under the mining laws. That seemed to me to be the thrust of both of the statements, both for and against, this morning. If that is