

cates were dummies in that they had no interest whatsoever in the claim or claims.

In most cases after the East Texas oil fields were discovered in 1920, oil shale claimants abandoned their claims and failed to take any steps to produce oil from the thousands of oil shale placer mining claims.

In the early 1930's the United States through the General Land Office investigated and contested thousands of pre-1920 mining claims—perhaps covering in excess of 2 million acres. Claims were declared null and void for failure to do assessment work. And in some cases the claims were declared null and void on other charges such as abandonment, fraud in the location, non-mineral in character, and that the claims were not valid and subsisting on the date of the enactment of the Mineral Leasing Act of February 25, 1920.

As part of the contest proceedings the claims were actually physically taken by agents of the Interior Department for uses and purposes of the United States. Notices of such takings were posted on thousands of pre-1920 mining claims and where it was possible the GLO agents served the mining claimants personally or by registered mail. Thereafter the United States through the Interior Department administered the lands under various public land laws. There is adequate evidence in the West that pre-1920 claimants lost their claims, if for no other reason, by adverse possession on the part of the United States for a period in excess of 30 years.

(C) Total acreage patented under oil shale mining claims

Regardless of the obvious invalidity of pre-1920 claims, 380,000 acres of oil shale lands in Colorado, Utah, and Wyoming have been processed to patent from 1920 to July 1960 under procedures which cannot stand scrutiny. Even claims which had been declared null and void years ago were passed to patent at \$2.50 per acre.

In one known instance a half-interest in unpatented mining claims sold for as much as \$1,000 per acre as far back as 1957 and within several months the patent on such claims were secured from the United States for \$2.50 per acre.

(D) Departments fail to seek recovery

Yet for reasons not publicly developed the Departments of Justice and Interior have taken no constructive action to clean up the scandal involving past illegal disposals of oil shale lands under guise of pre-1920 mining claims. Secretary Udall and his chief subordinates have refused to press the Justice Department to initiate suits to effect recoveries for past illegal disposals of oil shale lands. Only in one case was there any effort made to secure recovery for the wrongful disposal of oil shale lands. That case was instituted in 1957 and settled in 1960 with a windfall of some \$300,000 or more to the patentee and his successors, and Standard Oil of California got to keep the land. The case involved a patent issued in 1951 on claims which had been declared null and void because of fraud in the location as far back as the early 1930's.

(E) Legislative bills and other efforts to validate claims

The magnitude of the oil shale scandal has become somewhat publicly known as the result of efforts made to validate pre-1920 oil shale mining claims. It is no secret that Senate Bill 2809 (88th Congress) and Senate Bill 1009 (89th Congress) were introduced to validate pre-1920 mining claims. These bills were designed to eliminate any basis upon which pre-1920 oil shale mining claims could be contested or patent applications be rejected on the basis that such claims had been declared null and void on charges such as abandonment, lack of discovery, and failure to do assessment work. The bills endeavored to waive the discovery requirement of the mining law in-so-far as failure to comply with that requirement could be used to declare pre-1920 mining claims null and void. The scandal is heightened by the fact that the draft bill, similar to the above massive giveaway bills, was actually drafted in the Interior Department on February 27, 1962.

The pre-1920 oil shale mining claims are a real threat to the continued public ownership because the Departments of Justice and Interior have failed to prepare adequately the defenses for the Government in the "Trillion Dollar" suits tried in July 1966 in the Federal District Court in Denver, involving the judicial review of a decision rendered on April 17, 1964 by the Department of Interior which upheld the rejection of patent applications on claims which had been declared null and void in the 1930's for failure to do annual assessment work. See the 1st, 17th, 19th, and 34th articles in my oil shale series, published