

on June 9, Nov. 17, Dec. 1, 1966, and July 27, 1967 respectively. If the decision of December 21, 1966 rendered by Federal District Judge William Doyle is upheld in the higher courts, it is clear that thousands of pre-1920 oil shale mining claims will be revived, which cover some 2 million plus acres of oil shale land . . . claims which had been declared null and void in the 1930's for failure to do assessment work.

(F) *Inadequate charges in oil shale contests*

If the decisions which declared claims null and void for failure to do assessment work are knocked out, it becomes clear that the present oil shale contests being heard in Denver take on a more giveaway role because the Interior Department is not using all the principal charges upon which to contest pre-1920 mining claims which had not been declared null and void heretofore. Thus the contests which are regarded as precedent-making in the Department are not what they are supposed to be, as in essence the Government is waiving several principal charges which could be invoked upon which to declare the pre-1920 mining claims null and void but which charges the Department failed to state in the contest proceedings. Charges which are not being used are: Abandonment, fraud in the location, adverse possession, non-mineral in character, claims not valid and subsisting at the date of the enactment of the Mineral Leasing Act of February 25, 1920 and possibly other principal charges. Thus the present oil shale mining contests being heard in Denver by a Bureau of Land Management Hearing Examiner on the discovery issue may open the door to wholesale disposals of oil shale lands under pre-1920 oil shale mining claims should the discovery issue be found in favor of the claimants by the Department or should the Federal courts knock out any decision rendered by the Department in the precedent-making contests which might declare the claims null and void for lack of valid discoveries.

VIII. DANGER OF GIVE-AWAYS ON RECENT MINING CLAIMS

(A) *Secretary failed to issue timely withdrawal*

Secretary Udall failed to act to withdraw the public oil shale lands from location of mining claims for metalliferous minerals. His failure to act to issue the withdrawal of oil shale lands from metalliferous mining locations permitted some 4 million acres of oil shale lands to be covered by new mining claims in 1965 and 1966.

Secretary Udall failed to issue a timely withdrawal order despite the fact that Dr. John Kenneth Galbraith, former Director of the Bureau of Land Management, Charles Stoddard, and perhaps others, requested Secretary Udall as far back as mid 1966 to issue the withdrawal order to prevent the further location of mining claims used to tie up the oil shale lands under guise of metalliferous mineral filings.

(B) *Calculated delay by Executive Branch*

There is a likelihood that the necessary withdrawal order was not issued timely because those in the Executive Branch favoring disposals of oil shale lands to private interests figured that the new mining claims were a possible way with which to let powerful private interests pre-empt the oil shale lands. Although the new mining claimants are not entitled to oil shale deposits in the land covered by the new claims there is presently a great danger that Congress might be prevailed upon to give the new claimants a preference right to oil shale leases when and if oil shale leases are issued.

(C) *Possible inside collaboration*

The most questionable thing about the new claims, aside of maladministration and non-feasance to act to issue a timely withdrawal, is the fact that there is a likelihood that new claims may have been filed on the basis of inside information from the Department itself. According to an article in the Oil Shale and Offshore published August, 1967 someone in Rock Spring, Wyoming informed Mr. Merle Zweifel, who apparently located for himself and others most of the new mining claims. It is significant to note that the article mentioned the fact that a Mr. Anderson called Mr. Zweifel from Washington, D.C.

It would seem that this distinguished Committee would want to ascertain identity of the person who purportedly tipped Mr. Zweifel to the fact that oil shale lands were available for location for metalliferous minerals contained