

Mr. WEINBERG. I think the question comes back to a view of what the statute means. As I indicated, it is my recollection that the Department of Justice, at the time it issued the Cain Creek opinion, indicated this avenue was open to the Department under the law as it stands at the present time.

Senator MOSS. As I recall the opinion on Cain Creek, it said the Department might seek legislation. They interpreted the law to mean that they might seek legislation. This, the Department did, and it was turned down by the House.

Mr. WEINBERG. Yes, but as I recall it, at the same time there was advice that the classification route was also open to the Department.

Senator MOSS. Yes. I know that there was a discussion at the time that the classification route could be taken. But as I read H.R. 16—that is the number of the bill introduced by Chairman Aspinall by request, and came up from the Department—it would have provided for the comparability on value.

This is the point the House turned down flatly. This is what concerns me now and this procedure is what I think holds up new selections.

Mr. WEINBERG. While I have not been directly involved either on the legal or policy decisions, it is plain that there is a problem here and I am sure that the Department would be interested in exploring with the State whatever means of reconciliation of this problem there might be. I do know that the Department has continued to hold the view that the classification authority is available on the comparability problem.

Senator MOSS. It has always been my view, and I think it is the view of the committee, that, if there is any weighing of the equities, the balance should be toward the State. But the equities have been balanced the other way for some 80 years now. We have been denied the rights to which we are entitled—rights set forth in the Constitution for the support of the public schools of this land.

This fact does give me great concern. I would hope, Mr. Weinberg, since you have not been working directly with land selection problems, that you could turn your attention to this urgent problem as you assume your position as Solicitor. I certainly will be calling on you for help to see if we can cut this Gordian knot and see if we can get this matter settled.

It is my understanding that there is a special appropriation by the State of Arizona and the State intends to have a crash program to resolve this issue, because Arizona, too, is very far behind in land selection. I probably should seek a special appropriation for Utah since we are the two laggards that have not been able to get our lands.

The CHAIRMAN. Thank you, Senator MOSS.

The Chair wishes to state that in accordance with the rule of the committee, Mr. Weinberg has submitted a financial statement that shows evidence of a very modest estate. The Chair would say that there is nothing in his reported assets that either directly or indirectly represents anything remotely connected with a possible conflict of interest.

Senator HANSEN, do you have any questions you would like to ask Mr. Weinberg?

Senator HANSEN. I don't think I do, thank you.

The CHAIRMAN. We can take a minute if you do.