
On his return from the Soviet Union recently, Secretary of the Interior Udall told me about a conversation that took place between one of the American group and his Russian counterpart at a large Soviet hydroelectric project. The American asked the Russian what kind of delays they experienced in condemnation of rights-of-way for the reservoir and the project area.

I chuckled at the story for, after all, everyone who thinks about it knows that in the Soviet system there is neither private property to be condemned nor procedural obstacles to the State taking what land it needs without regard to the impact on the individual occupant.

Unthinkingly, I had asked a similarly foolish question a few years ago when visiting a Swedish sawmill. I asked the manager what his workmen's compensation insurance rates were, forgetting that in his country there is universal medical care by the State.

We can't, I hope these stories show, achieve insight without an understanding of the governmental environment. A Swedish sawmill, or a Russian hydro project, may look very much like their American counterpart--operating or building them may pose entirely different challenges.

The administration of the mining laws by the Department of the Interior can be understood only with knowledge of the Department, and the relationships of the Department with the Congress, with the public, and with the courts. This is the governmental environment.

I would like to suggest the nature of this environment by the use of a metaphor. The Department of the Interior is the manager of certain lands and resources. Part of its authority derives from the President by delegation or redelegation of Executive power, but for the purposes of our metaphor, I am speaking primarily of those managerial functions committed to the Department or its head by our Board of Directors, the Congress of the United States.

The relationship of a Board of Directors to its hired general manager tends to vary. Boards can be strong or weak, sometimes changing as the stockholders, the voters in our case, shake them up. Boards can be strong in some areas and weak in others, depending on their collective interest or the personalities of their senior members, and Boards of Directors can show a minute interest as to some kinds of programs and an airy and magnanimous disinterest as to others.
The general manager's responsibilities are a resultant of many forces. He may be power-hungry or timid, or both at once. A strong manager encroaches on the policy formulating prerogatives of his board, and a weak one may exasperate his board by petty questions and general indecisiveness. Good managers willingly take responsibility, but keep the board fully informed; bad ones duck responsibility, and conceal errors. First and foremost, and above everything else, the brilliant manager understands the nature of the relationship itself—the paramountcy of law, the necessity for both deference and dash, the willingness to share successes and to shoulder failures generously.

So it is in the various mining laws which this department is called upon to manage. Our Board of Directors has time and again expressed confidence in the Department as a true and faithful servant of the interest of the stockholders, the people of the United States. It has done this by committing much of the decision-making process to the discretion of the head of the Department. Some managers have carried this too far; others have been diffident and timid. A Secretary like Carl Schurz or Harold Ickes could lecture or cow a Congress into submission or subservience on a given issue, or at a given time, but the most flamboyant of Secretaries in this custodial department's long history could never successfully arrogate to themselves the lawmaking power for very long.

When administrators take over the function of legislating, free government ends.

The metaphor invites further pursuit, but lest you think it too simple and easy, let me suggest a couple of complicating conditions. It is only very, very rarely that the Secretary of a major government department makes the action-decision which fixes, for good or ill, the impact of a law upon the individual citizen. Mostly the Department's action is taken by one of the dozen or so bureaus and offices into which the management responsibilities of the Department have been divided.

So whether a Secretary is strong or weak, grasping or retiring, noisy or quiet, does not fully tell the story of the relationship of the manager to its board. The Department is an institution, and it tends to take to itself the personality of its Secretary. But bureaus have personalities, too, and there may be wide variance among them and within each of them. The Department is not so much a manager as a management team, and sometimes the team is not very unified.

The different specialists on the management team often have to consider, each from his own viewpoint, proposed actions in furtherance of the managerial responsibilities committed to the Department. Particularly in the fields of public lands and mineral administration where responsibilities are frequently shared, it is more common than not that bureaus reporting to different assistant secretaries must act in concert.

The Solicitor as the General Counsel on the management team must measure the impact of the law upon given fact situations, and where he deems it advisable, he may expound what the Board of Directors really meant or didn't mean when it used certain language. (Occasionally these measured and assured phrases fall less than lightly on the ears of the members of the board, still around and active, who revised the language in the first place.)
The board itself has contemplated that its general instructions, the laws, shall be translated into detailed regulations, which are promulgated and published in the Code of Federal Regulations. The body of regulations assumes in certain areas truly formidable proportions—consider the regulations implementing the Mineral Leasing Act of 1920.

The board may be aware of, but it hasn't affirmatively authorized, a different kind of compendium of what the managers think its real intentions were. That is the persistent, and occasionally pernicious, adjunct of the Code of Federal Regulations, the "Manual." The Manual, any manual, as those of you who are veterans of Government service know, is a device intended for the dissemination of internal instructions and procedures. Where these procedures involve substantive matters that are more properly regulative it too frequently then becomes the device to remove common sense from the administrative process. It is internal; not designed for the public; it is revered by its authors and some of its users, because in its attempt to produce uniformity it may convert decision-making into a rote or mechanical process. Manuals try to anticipate and provide for all conceivable contingencies, and inferentially to invite total inaction if a given situation doesn't fit, at least until the manual is changed. I believe that instructions which guide Departmental decision-making ought to be public and published, not concealed in manuals.

Manuals interpret regulations; regulations interpret statutes; but, in theory at least, the facts and law are wedded in published decisions and opinions. These, taken together, form a distinct reference source for one who seeks insight into the governmental environment. Indexed, cross-referenced, and digested, they are the Departmental equivalent of precedent case law which fills out the chinks of the legislative structure.

I hope I have not inferred that the failure of the Department to be monolithic is a bad thing, by itself. On the contrary, this fractionation of responsibility serves a useful purpose. An in-built system of checks and balances has restrained or prevented many a hasty or ill-advised effort to exercise improvidently the management responsibilities committed to the Department.

Congress occasionally plays a part in this fractionation. It commits programs to specific bureaus; it created an Assistant Secretaryship for a specific program interest, although it earlier had approved a reorganization plan which left the assignment of responsibilities among lesser officials as a prerogative of the Secretary.

Congress' pronouncements for different programs within the Department sometimes seem difficult to reconcile each with the other as the different bureaus seek to carry them out.

Complexity alone, however, is neither a check nor a balance. Let me repeat: I believe that instructions which guide Departmental decision-making ought to be public and published, not concealed in manuals. And I firmly contend that stare decisis is a peculiarly inappropriate crutch to justify decisions if those decisions fly in the face of the facts and common sense.
An appellate system independent of command channels is vital to procedural due process. But an independent appellate review does not necessarily require an abdication of supervisory responsibility. Some of the Department's actions at the field level are affirmed on appeal in circumstances where a supervisory reconsideration would admittedly have resulted in a different decision or action. Furthermore, an appellate system develops a great deal of information which may never be fed back to the administrators. Constant vigilance as to the efficacy of existing law and regulations to accomplish the objectives laid down by the Congress is the duty of all. Conformance with the intricacies of regulations is a necessary requisite to the acquisition of the valuable rights which Congress has authorized the Department to dispense. But time and attention should go too to a consideration of whether the rules could be made less intricate, and the procedures more simple.

A manager who comes to a board meeting without suggestions for action by the board, is only partly doing his job. An institutional manager, like the Interior Department, needs all the information it can get as to where and how the system might be improved, both internally, and by revisions of the laws. The Department--any department--automatically and instinctively insists that things are always going perfectly until the fact that they are going highly imperfectly becomes painfully obvious to the whole world.

At some point in time, I must relate all of this metaphorical generality to the administration of the mining laws, and I suspect I can't put it off any longer.

What can I say about the administration of the mining laws in this governmental environment which isn't a justification of action or inaction, or a rationale of decisions made?

The mining law of 1872, as currently interpreted and administered, gives rather more authority to the Department in the matter of controlling the acquisition of public land for mining purposes, and control of its occupancy, than the Congress would be likely to give it in any general revision which we might suggest.

What does the Mining Act of 1872 permit us to do. Section 2319 of the Revised Statutes provides now, as it has since 1872, that certain "valuable mineral deposits in lands belonging to the United States...shall be free and open to exploration and purchase..." Section 2322 still purports to give locators exclusive and inheritable rights of possession and enjoyment of the surface, even though it was modified to provide for multiple use of the surface in 1955.

A ninety-year old law ought to have achieved some precision of meaning. In law school I read Mr. Lindley's treatise, and found, as did a succession of generations of Western lawyers, a test which still seems to me to be adequate for the administrator of the public land laws:
"While it is difficult to formulate a definition sufficiently comprehensive in itself to cover all possible exigencies, we think that a conservative application of the rules governing statutory construction, heretofore enumerated in connection with the adjudicated cases and rulings of the land department, permits us to deduce the following:--

"The mineral character of the land is established when it is shown to have upon or within it such a substance as--

"(a) Is recognized as mineral, according to its chemical composition, by the standard authorities on the subject; or--

"(b) Is classified as a mineral product in trade or commerce; or--

"(c) Such a substance (other than the mere surface which may be used for agricultural purposes) as possesses economic value for use in trade, manufacture, the sciences, or in the mechanical or ornamental arts;--

"And it is demonstrated that such substance exists therein or thereon in such quantities as render the land more valuable for the purpose of removing and marketing the substance than for any other purpose, and the removing and marketing of which will yield a profit; or it is established that such substance exists in the lands in such quantities as would justify a prudent man in expending labor and capital in the effort to obtain it."

Now let us examine the rule of discovery and the so-called "marketability test" as it presently applies. In a memorandum to me, the Bureau of Land Management quite boldly states that our interpretation of the basic statute has undergone considerable change:

"The Department continually reiterates that it consistently adheres to the prudent man rule as a test for determining validity of discovery in mining claims located under the general mining laws of 1872. Nevertheless, from a review and comparison of the decisions of today as against those of yesteryear it is readily apparent that the concept of 'prudence' has undergone a radical change and is unquestionably more strict today than previously. While the rule appears unchanged, the criteria now required to show a valid discovery have become much more stringent."

In the other instance we found ourselves bound by an interpretive standard of the mining laws which constituted a separate and additional standard to the prudent man rule laid down by Judge Lindley. In it, we found the doctrine of present marketability carried to the extreme of rejecting good judgment and common sense.
The question was whether a patent could issue to certain claims for non-metallic minerals not necessarily of widespread occurrence. Two paragraphs summarize the issues:

The probabilities of success in any mining venture are never certain. Unforeseen and unknown circumstances may work to bring disaster upon the most prudent of plans. However, in this situation it appears to us, after considering all known factors, that an ordinary prudent man would be justified in further expenditure of time and effort in the reasonable expectation of developing a paying mine. This we conclude despite the fact that it has not been demonstrated that the product can be presently marketed at a profit. We base this conclusion upon the following considerations: (1) there is an existing market for the product, (2) this market, over the past 10 years, has shown considerable expansion and increase, (3) the applicant for patent is a reputable company of recognized management ability and to date had expended approximately $30,000 in the development of this deposit with the expectation of an ultimate profitable operation, (4) no other significant conflicting use exists for the land and the applicant has apparently acted in good faith and does not seek the land for nonmining purposes, (5) nonmineral surface land values are insignificant, (6) two operations mining this product now exist within the State.

Only two issues are involved: (1) the deposit is of medium quality and due to certain color variations may command a restricted market, and (2) the establishment of a profitable operation would depend upon the negotiation of a favorable freight rate. Considering these two points it appears reasonable to conclude that the applicant may have the management ability to develop or expand existing outlets or to capture a portion of the existing market. The question of freight rates is one of negotiation. The issues here are very narrow and the success or failure of the operation is largely dependent upon the business acumen and managerial ability of the applicant. In these circumstances it appears unnecessarily restrictive to require, as an absolute certainty, that there be a demonstration of present marketability of the product at profit. We are of the opinion that the prudent man concept has been met in this case and if reexamination of the rule of the decisions previously mentioned will permit, we recommend that patent issue.

The application of the present marketability rule in the case discussed above may now be reviewed in light of a new memorandum opinion which stresses two points:

"There are two points which we wish to stress. The first is that the marketability test is only one aspect of the prudent man test, albeit a very important aspect since in the absence of
marketability no prudent man would seem justified in the expenditure of time and money. The second is that each case must be judged on its own facts. The rigid application of rules mistakenly interpreted from departmental decisions could lead to incorrect decisions in the field."

For another expression of view on this subject, I refer you to the comments of Mr. Byron Mock, who traces the bootstrap odyssey of the "present marketability" test in a fine paper delivered at the Rocky Mountain Mineral Law Institute last year.

If this case, taken as an illustrative example only, were controlled by the present marketability doctrine in the manner just outlined, it would not have stood, in my view, for a desirable management objective, unless denying patent is by itself always a desirable objective. Foster V. Seaton, often cited to be judicial recognition of the present marketability test, said that the Department's application of the test to deny a mineral patent in favor of a competing and Departmentally-favored use of the land, was not unreasonable. Denial of patent in my illustration might be said to have had the virtue of saving the stockholders of the claims from the recklessness of their board and managers, who presumably would have spent further money developing the property notwithstanding a governmental conclusion that they were bound to lose. But not all cases are this simple.

Today a multitude of beneficial uses competes for a dwindling public land inheritance, compelling those who administer the public land laws (including the mining laws) to be ever more mindful of the trust reposed in them. If, in these circumstances, the mineral industry should insist upon use of the "prudent man" rule as a cure-all for the land tenure problem, it would do itself a signal disservice. Can we honestly expect a local public land administrator to decide whether or not it would be prudent to invest in the development of, say, a porphyry copper deposit, a titaniferous magnetite deposit, or a limestone deposit, lying undeveloped and far from existing markets? Corporate decisions in such cases must be based largely on economic factors not only unavailable for consideration by public land administrators, but also beyond their capacity to evaluate, even if made available to them. Local administrators cannot be expected to realistically second-guess such major corporate decisions as the erection of copper smelters, steel works, or cement plants, with only drill logs and engineer's reports before them. It thus becomes clear that when we attempt to apply the "prudent man" rule to the exploitation of major mineral resources, we find we are no longer evaluating the mineral resource itself, but rather the good faith and the corporate ability of the mining company. And if the mining company is unwilling or unable to demonstrate factually a high probability of future profit from such undeveloped mineral resources, then the public land administrator, faced as he is with the necessity of balancing so many aspects of broad public interest, can scarcely be blamed if he concludes the venture to be merely speculative and not worthy of investment of a "prudent man's" risk capital.
The matter of possession of the surface also presents a somewhat different situation, for here the courts' early pronouncements decried surface occupancy for non-mining purposes. Even so, we can find evidence of a major change in the attitude of the Department. Formerly, the sovereign reviewed non-mining surface use when it was called to its attention -- generally when other rights were challenged or other governmental use or disposition interfered with. I should mention, of course, that the 1955 act restricted the use of the surface for non-mining purposes.

Consequently, section 2322 of the Revised Statutes, which specifically provides for an inheritable possessory right to the surface where a valid mineral location is made and the laws are complied with, has been relied upon by whole communities in some mineralized areas which are built on unpatented mining claims.

But reliance on this kind of title is illusory, and this Department, seeking to make the land available for other uses, and responding to some extent to public criticism for "permitting" non-mining use of these claims, undertook to oust as squatters, some people who had remained in peaceful and undisturbed possession of an unpatented mining claim for a half century or so.

The impact of this program was so harsh, and seemed so inequitable, that the Department did what a good manager should -- it took the matter up with its board. Cooperating with the Congressman of the district most seriously involved, legislative action was recommended by the Department to permit these "equities" to be recognized. Congressman Johnson's bill has been favorably reported by the House Interior Committee, and Senator Church's similar bill has passed the Senate.

Here I do not conceive that the manager can fairly be charged with any relaxation of his stewardship of public resources. Making recommendation for legislative action in a situation where any impartial student would conclude that the rules governing were changed in mid-stream is a duty of the manager. To make recommendations which conform with a basic standard of fairness and fairplay is also indicated.

One final instance: In 1955 the Congress amended the Materials Act to withdraw deposits of common varieties of sand, stone, gravel, pumice, pumicite and cinders from locatability under the historic mining law. During legislative consideration of the bill, the Senate Interior Committee pondered whether limestone suitable for use in the manufacture of Portland cement would continue to be locatable, and that Committee concluded in its Report that it should.

A legal opinion in rather unfortunate language concluded that, as vast deposits of limestone exist throughout the United States and could be manufactured into Portland cement, limestone was not subject to location under the mining laws. Accordingly, the language in the Senate Report could not be relied upon to modify an unambiguous statute, and would have to be ignored.
This matter eventually was resolved by a clarifying amendment of our regulations, conforming to the expression of legislative intent. I discuss the case, not to criticize the opinion, but to call attention to the reason this matter engendered so much concern.

It is not always appreciated that as it is administered and interpreted in this Department, the basic 1872 act grants to the Department a power much broader than the right to deny a patent. A denial of a patent usually means that the claim is void. Its voidness, logically, relates to its very beginning, the failure to make a discovery of a valuable mineral deposit. So in recent years, the Department has uniformly accompanied a denial of patent with a cancellation of the claim.

Thus, a decision or an opinion in a particular case has significance far beyond the one claim or the one locator in question. Equal treatment of persons similarly situated as well as proper protection of the public interest demands prompt and affirmative action to void all claims in the same category. So a single decision creates a sword of Damocles suspended over the collective head of any industry whose future is dependent upon located claims of that character—or a community of third generation residential occupants. The stakes become enormously high, even when the immediate claim in controversy is of modest proportions.

The most restrictive position which the Department could take with reference to the mining laws of 1872 is their administrative repeal—to retain land in Federal ownership by administration and interpretation so that acquisition of title to mining claims as a practical matter becomes impossible. A simple thing like failing to get around to the mineral examination which is necessary prior to patent can stall a claim until all but the hardiest applicants give up.

This involves a perfectly moral objective. There isn't anything sacred about the principle of free exploration and purchase of valuable deposits of minerals on the public lands of the United States. When we were asked recently to suggest legislative approaches to eliminate the non-mining use of the surface of mining claims, I suggested (unofficially) that a perfectly constitutional and supportable law could be passed making all minerals leaseable.

But a moral objective does not justify an immoral procedure. Disagreement with a law's objective does not relieve the responsibility of its enforcement. Repeal or amendment of statutes is as much the legislature's prerogative as is their enactment. This Department can interpret the words "valuable mineral deposit" until the courts or the Congress say us nay, but to use this power of administration and interpretation to repeal the law itself ought to be beyond the pale.

I have discussed with several distinguished Western lawyers, long experienced in the mining business, how it has come about that such a sweeping change could take place in the interpretation of a very simple statute.
Scholarly legal papers have been written on the anatomy of the change. Philosophically, I would guess that the root of the matter is in the word "free"--"valuable mineral deposits in lands belonging to the United States, shall be free..."--in the 1872 act. Courts have been willing to accord to the manager considerable leeway in interpreting statutes which authorize transfer of property from public to private ownership for less than full consideration. Judge Lindley could not have written his summary of the law as including the "prudent man" concept in the early part of this century had this not been the case.

And as the country has become more and more crowded, this original interpretive process has simply been extended, until the process of extension itself has achieved a measure of judicial recognition.

Of late, getting judicial review has been difficult. This is usually the case where one of the parties is the sovereign, and the sovereign is almost always an interested party now that the remaining public land is in a withdrawn status.

As to our own hearing and appellate system, I can only observe that the hearing examiners seem to a considerable extent to be prisoners of the intra-Departmental system of jurisprudence, if citation of authority is any measure.

I have said to this Association in the past that I think the Mining Laws were conceived in a Jeffersonian philosophy for handling of the public lands and settling the West with which I agree. The right to explore the public domain lands for minerals provided for in 1872 has been relatively little interfered with; certainly not so much as the concomitant right to occupy and purchase. This right to explore continues to serve a useful public purpose.

Furthermore, I defend this Department's right and duty to manage the lands and mineral resources in the light of the changed and changing conditions of the twentieth century, and I know that the Congress and the people demand that we hold to that standard.

That we have the ability to nullify the mining laws by interpretation and administration does not mean that we have done so. Quite to the contrary, it seems that not only the land speculators, unscrupulous leeches on the poor and the defenseless, but the exotic, promotional type mining operators have been able to make quite a good thing out of the mining laws, particularly placers.

Modern technology makes even present marketability a test which can be met in certain low-grade mineral values. The gold dry placering operation and the so-called black sands, alluvial deposits of magnetite, ilmenite, hematite, garnet, rutile, chromite, and the like, have accounted for probably a half million acres of recent locational activity in Arizona. Since that State's laws require a discovery hole, grazing and other permitted surface uses are being interfered with.
Misuse of the mining laws by the land speculators is a particularly virulent evil, which works its damage before the Government can do much about it.

The absence of a mining claim recordation system is an extremely hurtful administrative handicap.

But you don't get rid of bad laws by bad administration, nor do you get rid of the bad features of good laws by bad administration. Where we face administrative difficulties by reason of misuse of the mining laws, money to get more policeman to drive off the occupants is a stop gap measure, and no substitute for legislative assault upon the evil itself.

No, the answer I think lies to some extent in what I have tried to do here today—to suggest that we've pulled, twisted, and hauled on the mining laws until we've virtually paralyzed ourselves in achieving the necessary improvements.

A necessary first step toward relieving this paralysis is to lay open, before the interested public, the details of the workings of the entire organism of mining law administration—the governmental environment, I called it earlier.

Now that I've done part of this job, or tried to, I am sure I shall be charged with advocating that the Department be more liberal in its interpretations of the present mining law. This I deny, just as I deny that I advocate being more strict. All I advocate is the quite unexceptionable proposition that we ought to leave to the legislature that which is legislative, and try to do a great deal better job of administering.

Mining law administration must be seen in the context of the relationship of the Department to the Congress, in the context of the somewhat divided administrative responsibility within the Department, and in the philosophical context of how courts interpret laws which give administrators the right to dispense privileges or benefits.

If the Mining Act of 1872 has become a weapon of the administrator, as well as a refuge of the miner, as I think it has, then recognition of the fact may further the consideration by the Congress of what amendments are indicated.

I look at this as an exercise in the art of Government, a subject which delights me. This free Government of ours is worth all the time and attention it can get from each and all of us.

Others on this panel may see in the growing conservatism which I have described an erosion of the laws of discovery. But so long as the mining laws remain blind to the broader aspects of public land management and continue to grant supplemental benefits in land and resources unrelated to mining, the administration of those laws must inevitably demand of miners an ever stricter demonstration that a valuable mineral deposit exists upon their claims. If this gives miners a chilly feeling of exposure, it is not because the Department of the Interior is trying to pull away from them the warm blanket of the law's protection,
but because the needs and problems of the mining industry have grown too large for adequate coverage by this statute. Our mutual concern is properly a hand-in-glove effort for an improved statute which could be administered in the interests of mineral development, free from the interplay of tensions between a frustrated industry and an apprehensive public.

Like Mark Twain's reference to the weather, it is almost habitual to say that the mining laws are outmoded and demand revision. Unlike the weather, however, it is within our competence to solve this problem and to conform these laws to the needs of the current time. But talking about it doesn't get the job done.

For the better part of an hour now I have engaged in something of an intellectual strip tease—an introspective analysis of the processes which have been at work in the administration of the mining laws. Most of you are familiar, in one degree or another, with the results of this process. Some of you have been vocal in your criticism of these results. One of my purposes has been to show that there is a logical pattern of cause and effect for the situation in which we find ourselves—not as an apology, but to lay the groundwork for what I believe to be the lessons of this experience.

No devotee of self-flagellation, I have not indulged in this process as a public confession of administrative fault. Nor can I be satisfied with carping criticism aimed at those who conduct the governmental process—whether they be lawyers, geologists, economists or any other variety of land management specialists. The present state of the mining law is a complex of many influences—all of which fall under the umbrella of a changing society in a world of change. The plain, cold fact of the matter is that in 1962 we are trying to do business in a building whose cornerstone reads 1872. It has been added to, patched up and propped up—but its basic character still remains as the primary influence on our method of doing business. So long as we work in an antiquated environment, those who are charged with doing the job will be forced to devise ways of making the result compatible with the prevailing public interest, as they see it.

What I am really saying is that every incentive and motivation in the present framework of Federal mining law tends toward the kinds of tortured construction that I have cited. It is morally offensive to any person dedicated to the public interest to see hundreds of thousands of acres of a public trust siphoned off under the guise of "free and open" access for mineral development when it seems obvious that the highest and best use of this land lies in some other direction. I maintain that it is totally unrealistic to expect this attitude to change until we bring the legal framework of the mining system into conformity with the actual social and industrial environment of this decade.

Is it the obligation of the Government to assume this burden alone? I think not. If not, who else has the most direct interest and responsibility? My frank answer is that you—the organization and the people present in this room and those you represent—must make your contribution out of your own self interest as well as a decent respect to your own peculiar obligation to the public interest.
I say this, not as a way of shirking my part of the job, but out of a realistic appreciation that success can come only with your cooperation. Certainly, if the industry comes out in monolithic opposition to sensible change, we will be condemned to wallow in this morass until an aroused public demands radical reform. History teaches us that many unwise things are done in the heated atmosphere of such crusades.

I have been intentionally open and frank in my self-analysis here. It seems to me incumbent upon a responsible industry to do likewise—not in open forum, but with equal honesty in your own councils. Your industrial future is at stake and you owe it to yourselves and the Nation to take a comprehensive inventory which will permit a precise definition of the mining industry's proper stake in the public land heritage of the American people.

The objective of the Department of the Interior in this Administration is to manage the public land resources in a manner which will promote the total national welfare. This means, among other things, the intelligent development of the mineral resources to meet the needs of an expanding economy. It means full recognition of the legitimate interests of the mining industry to the end that it participates in the Nation's prosperity. I call upon you to define the metes and bounds of that interest and to join in a mutual effort to translate that definition into a public lands mining policy which the Congress can adopt as the law of a prosperous land.

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