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IN STORAGE

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

ORGAN PIPE CACTUS NATIONAL MONUMENT
AJO, ARIZONA

A REPORT OF MINING ACTIVITIES AT ORGAN PIPE CACTUS NATIONAL MONUMENT

By

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Photographs

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June 1961

ON MICROFILM

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DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
Organ Pipe Cactus National Monument
P.O. Box 38, Ajo, Arizona 85321

IN REPLY REFER TO:

L3023
X L2623

April 18, 1966

AIRMAIL

Memorandum

To: Al Hinson, Office of Resource Planning

From: Acting Superintendent, Organ Pipe Cactus

Subject: Mining Activities, Organ Pipe Cactus

As requested by your telephone message, the following brief narrative report on mining activity is hereby submitted.

Exploration and prospecting is continuing in the Monument. At the present time a group of individuals and named companies represented by Mr. Hale C. Tognoni, an attorney from Phoenix, have staked a large number of both placer and lode claims along the north boundary and the Bates Well Road. They have done core drilling on their claims north of the Monument and have applied for a Special Use Permit to construct trails on their Monument claims. These claims are in Sections 19, 20, and 21 T 14 S, R 6 W and Section 24, T 14 S, R 7 W. They are core drilling through several hundred feet of outwash in an attempt to locate a copper deposit.

Mr. Walter J. Koller and Mrs. W. G. Burnham applied for and were issued another Special Use Permit to work their claims, the Golden Eagle Nos. 1, 2, and 3 located south of Senita Basin and west of the Victoria Mine. These three claims have been worked off and on during the years since Mr. Burnham made the gold strike in 1948. At that time gold assaying at $251 a ton was discovered. It is not known how much gold has been sold since that time. The claims still remain open holes and a little handwork is done on an occasional weekend.

In March of this year two individuals staked claims on the old Milton Mine. Cecil A. Withers and Jim Gabouda have claims on the old mine and have renamed it the Copper Giant. It appears that they will run into conflict as several other individuals also have claims in the area.

No other serious activity is present at this time. So far this year a half dozen or so individuals have inquired about prospecting in the area, they were made welcome and then went in search, never to be heard from again.

In 1964, two companies were in the area core drilling. The New Jersey Zinc Company drilled one hole on the Knox Claims at Copper Hill and then pulled out. We were unable to secure any useful information as to depth or anything else but we estimate a drilled depth of 1,500 - 2,000 feet.

The Superior Oil Company moved in next (1964) and core drilled one hole south of Kino Peak in Acuna Basin. They too left quietly. We were unable to secure any data at all from this operation other than that they were looking for copper.

The Hess Mine or Montezuma #1 receives sporadic weekend activity. This generally amounts to a clean-up of the area and a minor amount of handwork in the pit. This is the outfit that attempted to patent the claim in the early 1960's. Application was withdrawn in September of 1963.

Henry Jarvis, Jack Worsham and Sam Hocker applied for a Special Use Permit in 1961 to operate a silica pit in the Victoria Mine area. Several truck loads of silica were hauled to the smelter in Ajo, then operations ceased. At this time in concern they did some handwork at the old Milton Mine, hauling a few loads of hand picked ore to the Ajo Smelter.

According to our files and the information available, there are at present, 191 filed and/or known mines or groups of claims in the Monument. This is in addition to another 100 or so known abandoned holes or unfiled claims.

Attached is a list, compiled this spring, of the improvements on the Monument that are connected with grazing. This is a rough compilation but will gave a good idea of what's on the ground in this category.

James W. Carrico

James W. Carrico

Enclosure

INTRODUCTION

This report has been prepared to present factual information concerning mining and prospecting within Organ Pipe Cactus National Monument.

It is hoped that this report will stimulate action to repeal the Act of October 27, 1941 (55 Stat. 745), which opened the Area to mining.

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GUIDELINES

A Statement of Purpose:

The Act of August 25, 1916 (39 Stat. 535), creating the National Park Service in the Department of the Interior, clearly defines its purpose as follows:

"...The Service thus established shall promote and regulate the use of the Federal areas known as national parks, monuments, and reservations hereinafter specified by such means and measures as conform to the fundamental purpose of the said parks, monuments, and reservations, which purpose is to conserve the scenery and the natural and historic objects and wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations."(1)

Policies:

"The Service will take continuing action to eliminate all non-conforming uses of land or facilities which are not compatible with the purposes for which the parks were established. This applies particularly to uses which may disturb or damage natural features, detrimentally encroach upon their setting, or which would interfere with public enjoyment or the future development of the parks."(2)

"Administration, development, maintenance and use of any park must be subordinated to the preservation of features, the historic atmosphere, and the scenic qualities that justify its status as a national area and are the significant sources of visitor interest."(3)

(1) National Park Service Administrative Manual, Organization Volume, Page 1, Forward.

(2) Ibid. Part 5, Page 14, Policies

(3) Ibid.

I. HISTORY OF LOCAL AND ARIZONA MINING

The earliest mining claim of record in Organ Pipe Cactus National Monument was filed on November 29, 1879, by one T.O. Williams on the land now known as Williams Spring or Rincon Springs.(1)

Undoubtedly the land now within the National Monument boundaries was explored and prospected even earlier.

The American Mining and Trading Company was organized in 1854 to explore the mine at Ajo.(2) The top layer of ore from this mine proved to be exceptionally rich, and it is probable that news of this discovery enticed many prospectors into the Ajo, Growler, and Puerto Blanco Mountains. Undoubtedly the Spanish Conquistadores and native Indians scratched and dug at the ground even before the white men became interested.

In 1750 some prospectors on an exploration from the (Mexican) missions discovered rich "silver" outcroppings, that turned out to be copper, in the Ajo region. There was some excitement in Mexico but there is no record of any actual production until the Americans came 100 years later.(3)

After the final occupation of Arizona in 1853, considerable prospecting was done by Americans, and several silver mines and one copper mine were opened. With the outbreak of the Civil War and the withdrawal of Federal Troops, which led to open Apache raids, all mining ceased.(4)

(1) Book One; p. 32; (Pima) County Recorder
(2) Rock to Riches; Charles H. Dunning; p. 46
(3) Ibid.; p. 41-42
(4) Bulletin No. 137; Arizona Bureau of Mines; p. 16

During the Civil War, prospectors entered Arizona Territory with the California Troops, and searches were made for gold. Base metal mines and even silver mines were not sought, as only gold could be mined at a profit.(1)

At the end of the Civil War, the troops were once again withdrawn and Apache raids discouraged mining in most parts of the Territory for ten years.(2)

Finally, in 1872, a truce was declared with the Indians and prospecting was once again undertaken. Gold prices were now reduced and prospectors searched primarily for silver and copper. Rich silver mines were located and exploited, and following the completion of the two trans-continental railroads in 1881, nearly every copper deposit in the Territory was discovered and exploited. A change in prices caused a change-over from silver and copper mining to gold mining in 1893. This lasted until the end of the Nineteenth Century when miners again concentrated on copper mining. On the collapse of commodity prices in 1930, miners again turned their attention to gold.(3)

The only gold claims mentioned in Bulletin No. 37; Arizona Bureau of Mines; which were located within the boundaries of Organ Pipe Cactus National

(1) (2) (3) Ibid.; p. 16 & 17

Monument were the Golden Bell claims, located in the Puerto Blanco Mountains west of Dripping Springs. According to Charles E. Bell, one of the owners of these claims, the vein in places averaged about ½ ounce of gold per ton of ore.(1)

II. ORGAN PIPE CACTUS NATIONAL MONUMENT ESTABLISHED

Requests from Arizona Congresswoman Greenway, The Tucson Natural History Society, and the University of Arizona, that an area be set aside to preserve a portion of Arizona's unique southwest desert country, prompted the National Park Service in 1932 to authorize Roger Toll, then the Superintendent of Yellowstone National Park, to investigate and report on the possibility of establishing such a national monument. Mr. Toll's report was favorable, but he felt that the recommendation should come from Arizona, rather than from the Service. After correspondence between Mr. Toll and local groups, The Tucson Natural History Society proposed a formal resolution in January of 1934 to establish Organ Pipe Cactus National Monument. This proposal was endorsed by the Pima County Board of Supervisors and the Ajo Chamber of Commerce. Further surveys by the Park Service delayed definite action until April 13, 1937, when President Franklin D. Roosevelt signed the proclamation establishing Organ Pipe Cactus National Monument.(2)

From the very beginning of interest in this area there has been a

(1) Ibid.; p. 181 - 182
(2) Organ Pipe Cactus National Monument,(Special Report); John H. Davis

misunderstanding concerning the purpose for which it was set aside as a National Monument. The name, itself, lends to this misunderstanding. Organ Pipe Cactus National Monument was established, not solely to protect and preserve one species of cactus, but rather to encompass with protection a unique area where the Mexican Sonoran Desert overlaps the Arizona and California Deserts. Where native indigenous, and often rare, plants are found. Where specially adapted animal life is abundant. Where the geology is varied, producing a scene so outstanding as to be comparable with the finest found anywhere. All of these combine to form a desert biotic community so outstanding, so rare, yet so typical of Sonoran Desert Life that it is of National Significance and demanding of protection and preservation as a unit of the National Park System.

III. ORGAN PIPE CACTUS NATIONAL MONUMENT OPENED TO MINING

From the time Organ Pipe Cactus National Monument was established, there was strong resentment on the part of small miners in the area.

"In 1939, Mr. Albert I. Long, President of the Ajo Chapter of the Arizona Small Mine Operators Association, Mr. W.K. Morrow, and other local people complained to their Congressional delegation about the hardships imposed upon them by theestablishment of Organ Pipe Cactus National Monument. Basically they were trying to reopen Organ Pipe Cactus to mining and prospecting. They felt that the area was too large and its being closed to mining deprived many local prospectors of a livelihood...."(1)

Actually, establishment of the monument did not have the effect of closing mining operations on those claims which were valid and had been filed upon prior to April 13, 1937. Establishment of the Monument simply closed the area to further prospecting and claim location.

(1) Ibid.; p. 5

"After a series of letters between Mr. Long, Senator Hayden and the National Park Service, bills were introduced to permit mining within the Monument. This took place in 1941. Senator Hayden introduced S. 260 in the Senate and Congressman Murdock introduced H.R. 2675 in the House of Representatives."(1)

These two bills were passed and the President of the United States signed them on October 27, 1941. (55 Stat. 745)(2)

Passage of these bills was strongly opposed by conservation groups throughout the United States and is transcribed in the Congressional Record.(3)

In addition to formal objections from conservation organizations, professional testimony was requested by the Committee on Public Lands and a survey was authorized by the Director of the Geological Survey and the National Park Service. This survey, Mineralization In The Organ Pipe Cactus National Monument, Arizona, was conducted by R.C. Butler, Geologist, United States Geological Survey; and J. Volney Lewis, Regional Geologist, National Park Service, Region Four, in January and February of 1940. In summary their report stated:

"Of the 500 square miles traversed, about two-thirds is occupied by alluvial plains, and less than one-third of the rest, approximately 50 square miles, in three areas, was found to be mineralized to any appreciable extent. No mineralization was found that resembles in any respect the disseminated copper deposit of Ajo."

Senator Hayden, who originated this mining bill, S. 260 in the Senate, and the Secretary of the Interior wished to impose a seven year limitation to this bill. It was their opinion that the seven year limitation

(1) Ibid.; p. 5
(2) cf. Appendix; Exhibit #1; p. 33
(3) cf. Appendix; Exhibit #1; p. 21 through 26

would provide ample time for all persons who were interested in prospecting the area to file such claims as might be justified under the mining laws. This proposed amendment was tabled and not included in the final draft of the bill which was approved.

Not withstanding opposition from conservation organizations and private citizens, the findings of professional geologists, and the recommendations of the Secretary of the Interior, the bill to open Organ Pipe Cactus National Monument to mining became law on October 27, 1941.

The Congressional Record shows that Congressmen were directed to believe that prospecting and mining would not damage the area.(1) But when the true purpose of the Monument is understood and recognized, it is immediately obvious that every pick stroke, every bulldozer track, every dynamite blast produces an irrepairable scar on the natural scene and disrupts natural biological processes.

Available records fail to disclose a single mining venture that has proven profitable. During the period since enactment of Public Law 281 which opened the Monument to mining, there is no record of any mining activity which would even produce a livelihood. The very men who led the movement to open the Monument to mining, Albert I. Lang and W.K. Morrow, did little to produce ore, yet by strange coincidence, they did realize the greatest returns. They owned patented mining claims in the

(1) cf. Appendix; Exhibit #1; p. 31

Growler Mining District which were purchased in 1957 by the Federal Government for only $26,000. This conclusively demonstrates the small value of these claims, 26 in number totaling approximately 516 acres.(1) Yet it was probably a greater return than has been realized from all other mining ventures in the area combined.

In the debates from the floor of the House of Representatives, Mr. Murdock stated that with more time to prospect another Ajo might be found.(2)

The mine at Ajo is one of the largest open-pit copper mines in the United States, producing one of the highest tonnages of copper. Only those persons who have seen the results of such an operation could appreciate the effect "another Ajo" would have on this Monument.

In 1949 and 1950, bills were introduced in Congress to change the status and name of this Monument to Arizona Desert National Park. This would more accurately describe this area than the present monument status, but because of prospecting and mining interests, the bill was tabled and killed.(3)

In a Special Report on Organ Pipe Cactus National Monument prepared by Regional Biologist W.B. McDougall, National Park Service, Region III,

(1) Organ Pipe Cactus National Monument,(Special Report); John H. Davis; p. 20
(2) cf. Appendix; Exhibit #1; p. 27
(3) O.P.C.N.M.,(Special Report); J.H.Davis; p. 18 & 19

in March 1941, Mr. McDougall writes:

"...I understand that there is now some thought of making a national park of the Organ Pipe Cactus National Monument. I see no objection to this if it is expedient to do so. I think it is unquestionably of national park calibre. In case this is to be done, I suggest that consideration be given to changing the name to Desert National Park, as suggested by the Lions Club of Gila Bend, Arizona, for that is exactly what the area is. It is much more than an organ pipe cactus area. It is primarily a superlative desert biotic community, but it is also of very great geological and historical interest..."

The Ajo District Chamber of Commerce on August 16, 1949 wrote to Congressman Harold Patten, in part, as follows:

"...We believe the change(to Desert National Park) is for the best interest of the public. The name of the area attracts those mainly interested in cactus and does not indicate the other superb values. Since this is the outstanding example of southwestern desert, it should attract all visitors to the Southwest.

There is no question that the monument is of scientific interest, but to the tourist this is something beyond his understanding. To such a visitor, the desert landscape, which is incomparable, is of more importance. Would it not be better to classify an area in accordance with its main attraction and allow the visitor to become acquainted with the scientific aspects as his interest is aroused?..."(1)

This area, as it has previously been described in this report, is far more deserving of National Park Status than being ravaged by picks and shovels, bulldozers and dynamite as it is now. One of the first requisites for attaining this goal will be the repeal of Public Law 281, 77th Congress "To permit mining within the Organ Pipe Cactus National Monument in Arizona."

(1) Ibid.; p. 18

IV. MINING VENTURES

There have been hundreds of claims staked by prospectors in Organ Pipe Cactus National Monument, but the factual records are very sparse. One of the earliest and most extensive mines was the Victoria[1], but mining histories do not mention it.

Dripping Springs[2], in the Puerto Blanco Mountains has been the site of numerous claims, but only a little is written about them.

The fate of the Growler Mines[3] has been explained previously in this report.

The Milton Mine[4], near Victoria, has been the scene of mining activity for many years, with one prospector after another giving up.

Copper Hill[5] has probably seen the most concentrated activity of all. After individual prospectors dug, blasted and tunneled the area, with no known success, the Phelps Dodge Corporation spent two years and a considerable sum of money in drilling test holes and taking core samples. This corporation has unofficially stated that they found nothing of commercial value and have no plans at present to continue further exploration in the area.[6]

(1 - 6) cf. Appendix; Exhibit #3; Photographs of Mining Sites

These are the larger prospecting and mining operations from the Monument's past. There are uncounted numbers of smaller claims scattered over most of the 516 square miles.

From early mining records, from information gathered since the Monument was reopened to mining in 1941, and from observations of present operations, it is apparent that the findings of the professional geologists who surveyed this area in 1940 are absolutely correct. There is very little mineralized ground in Organ Pipe Cactus National Monument. In these areas where valuable minerals are found, the quality and quantity do not support commercial mining operations.

V. MINING OPERATIONS TODAY

There are two areas in the Monument that have recently experienced mining activities. They are:

VICTORIA DISTRICT AND SENITA PASS (1)

Jarvis and Worsham have 15 claims in this area and at the present time are mining silica. 12½ tons of this material was recently sold to the Phelps Dodge Corporation for an unknown sum. In the recent past a railroad car of copper ore was shipped out from the Melton Mine, which netted these men transportation charges only.

Koller and Burnham have 3 claims, some in dispute with Jarvis and Worsham. These are gold claims worked on off-duty time from their [illegible] job.

(1) cf. Appendix Exhibit #4; Photographs of Recent Mines

WALL'S WELL DISTRICT (1)

The Southwest Minerals Development Corporation has 3 claims which developed into a sizable operation of questionable repute. A considerable amount of money was solicited from speculators to purchase heavy machinery and drill a deep well. They were re-running tailings of old mine sites in the Wall's Well area. This operation caused considerable concern to Monument Headquarters as many regulations were disregarded, and much damage to the natural scene was caused with little or no concern on the part of the operators. All equipment has now been removed and it is apparent that this venture has suffered the same fate as all others in the Monument.....Not successful.

VI. IMPACT OF MINING UPON THE MONUMENT

The pictures included in this report illustrate the type of mining activity which has been common since the area was re-opened to mining. In addition to destroying the natural scene with shafts, pits, tunnels, tailings and piles of trash, there are other adversities to consider.

Natural curiosity leads many people to explore abandoned mining sites or drive along an old road, "Just to see where it goes." The vertical holes left by unsuccessful miners are waiting invitations to disaster for curious visitors. Many of the shafts drop straight down, 50 to

(1) Ibid.

100 feet or more. Horizontal tunnels provide an excellent home for venemous reptiles and insects. The access roads to these mine sites lure many people off the established roadways, regardless of regulations to the contrary. In this area of severe summer temperatures, becoming stranded on one of these poor roads is exceedingly hazardous. The possibility of a visitor finding blasting caps or dynamite is another danger.

The presence of prospectors and their activities; the blast of a charge of dynamite; the rumble of bulldozers and trucks; cannot help but cause some disturbance to the animals indigenous to this area. The very area where these mining activities are taking place are known to be the haunts of the Desert Bighorn Sheep, one of the native animals with which we are most seriously concerned.

All of these intrusions: damage to the natural scene, disturbance of wildlife, danger to Monument visitors, will continue and increase as long as prospecting and mining are allowed in Organ Pipe Cactus National Monument.

VII. CONCLUSION

Mining records to date, professional geological reports, and personal observation all overwhelmingly indicate that the mineralized areas within Organ Pipe Cactus National Monument are so low-grade and restricted in size that commercial mining is not profitable with

presently known processes. But with the rapid advances in mining technology it seems reasonable to assume that sometime in the near future, it will be economically feasible for a large company to locate and exploit even low-grade and small mineralized sections.

The Monument has now been re-opened to mining for twenty years. It must be concluded that prospecting and mining have not produced the livelihood expected and predicted by those who fought so hard to have the area re-opened. On the other hand, damage to the natural scene and interference with biotic processes have occurred, contrary to the blatant assurances which were given that this would not happen.

April 13, 1962 marks the Twenty-Fifth Anniversary of the establishment of Organ Pipe Cactus National Monument. It is time that this desecration stopped. Public Law 281, 77th Congress must be repealed if proper protection, development and visitor use of this outstanding, National Significant area is ever to be achieved.

There are many who contend that the area is worthy of National Park status. This can never be attained unless mining is ended.

Calendar No. 342
77th Congress SENATE Report No. 329

ORGAN PIPE CACTUS NATIONAL MONUMENT
May 19, 1941.—Ordered to be printed

Mr. Adams, from the Committee on Public Lands and Surveys, submitted the following

REPORT
To accompany S. 260

The Committee on Public Lands and Surveys, to whom was referred the bill (S.260) to permit mining within the Organ Pipe Cactus National Monument in Arizona, having considered the same, report favorably thereon with the recommendation that the bill do pass.

A letter from the Secretary of the Interior, dated August 10, 1940, on S. 4083, a similar bill introduced during the Seventy-sixth Congress, together with another letter dated April 14, 1941, from the same Department of the present bill, S. 260, are herein below set forth in full and made a part of this report.

Department of the Interior,
Washington, August 10, 1940

Hon. Alva B. Adams
Chairman, Committee on Public Lands and Surveys,
United States Senate

My Dear Mr. Chairman: Further reference is made to the request of your committee for the views of this Department on S. 4083, entitled "A bill to permit mining within the Organ Pipe Cactus National Monument in Arizona."

I have no objection to the enactment of this legislation.

There are mineralized zones within the Organ Pipe Cactus National Monument, but it is not an important mineralized area. One of the large producing copper mines in the West is situated at Ajo, a few miles north of the monument. Geologists of this Department have made a careful study of the monument and they report that no mineralization was found that resembled in any respect the type of copper deposits found at Ajo. The area now within the monument has been prospected since the Spanish era of southwestern occupation. No important mines have been produced within the area and no mines are being operated therein today.

If, however, the Congress wishes to make this national monument a less restrictive type of reservation by opening it to additional prospecting and mining, I recommend that the classification of the area be changed to that of a national recreational area. Accordingly, I

recommend that S. 4083 be amended in accordance with the enclosed redraft of the bill.

I have been advised by the Director of the Bureau of the Budget that there would be no objection by that Bureau to the presentation of this report to the Congress.

Sincerely yours,

Harold L. Ickes,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
Washington, April 14, 1941.

Hon. Alva B. Adams
Chairman, Committee on Public Lands and Surveys,
United States Senate.

My Dear Mr. Chairman: Further reference is made to your request for the views of this Department on S. 260, entitled "A bill to permit mining within the Organ Pipe Cactus National Monument in Arizona."

There are mineralized zones within the Organ Pipe Cactus National Monument, but it is not an important mineralized area. One of the large, producing copper mines in the west is situated at Ajo, a few miles north of the monument. Geologists of this Department have made a careful study of the monument and they report that no mineralization was found that resembles in any respect the type of copper deposit found at Ajo. The area now within the monument has been prospected since the Spanish era of southwestern occupation. No important mines have been produced within the area and no mines are being operated therein today.

If, however, it should be determined by the Congress that the enactment of proposed legislation of this type is desirable, I will interpose no objection if the bill is amended as follows:

In line 4, after the word "Arizona", insert the words "for a period of 7 years".

At the end of the bill, add the following sentence: "Any location made after 7 years from the effective date of this act shall be void."

The 7-year period would allow ample time for all persons interested in prospecting the area to file such claims as may be justified under the mining laws.

I have been advised by the Bureau of the Budget that there would be no objection by that Bureau to the presentation of this report to the Congress.

Sincerely yours,

A. J. Wirtz,
Acting Secretary of the Interior.

77th Congress
1st Session

HOUSE OF REPRESENTATIVES

Report
No. 456

PERMITTING MINING WITHIN THE ORGAN PIPE CACTUS NATIONAL MONUMENT IN THE STATE OF ARIZONA

April 29, 1941.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed

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Mr. Murdock, from the Committee on the Public Lands, submitted the following

REPORT

To accompany H. R. 2675

The committee on the Public Lands, to whom was referred the bill (H. R. 2675) to permit mining with the Organ Pipe Cactus National Monument in Arizona, having considered the same, report favorably thereon without amendment and recommend that the bill do pass, and authorize the use of all parliamentary means to bring the bill before the House.

The report of the Secretary of the Interior concerning this proposed legislation is hereinbelow set forth in full and made a part of this report.

Department of the Interior,
Washington, April 14, 1941.

Hon. J. W. Robinson,
Chairman, Committee on the Public Lands,
House of Representatives.

My Dear Mr. Chairman: Further reference is made to your request for the views of this Department on H. R. 1064 and H. R. 2675, which would permit mining within the Organ Pipe Cactus National Monument in Arizona.

There are mineralized zones within the Organ Pipe Cactus National Monument, but it is not an important mineralized area. One of the large, producing copper mines in the West is situated at Ajo, a few miles north of the monument. Geologists of this Department have made a careful study of the monument and they report that no mineralization was found that resembles in any respect the type of copper deposit found at Ajo. The area now within the monument has been prospected since the Spanish era of southwestern occupation. No important mines have been produced within the area and no mines are being operated therein today.

If, however, it should be determined by the Congress that the enactment of proposed legislation of this type is desirable, I believe it should be enacted in the form of H. R. 2675 with the following amendments:

PERMIT MINING WITHIN NATIONAL MONUMENT

In line 4, after the word "Arizona", insert the words "for a period of seven years".

At the end of the bill, add the following sentence: "Any location made after seven years from the effective date of this Act shall be void."

The 7-year period would allow ample time for all persons interested in prospecting the area to file such claims as may be justified under the mining laws.

I have been advised by the Bureau of the Budget that there would be no objection by that Bureau to the presentation of this report to the Congress.

Sincerely yours,

A. J. Wirtz,
Acting Secretary of the Interior.

ORGAN PIPE CACTUS NATIONAL MONUMENT, ARIZONA

The bill (S. 260) to permit mining within the Organ Pipe Cactus National Monument in Arizona was considered, ordered to be engrossed, for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That within the Organ Pipe Cactus National Monument in Arizona all mineral deposits of the classes and kinds now subject to location entry and patent under the mining laws of the United States shall be exclusive of the land containing them, subject to disposal under such laws, with right of occupation and use of so much of the surface of the land as may be required for all purposes reasonably incident to the mining or removal of the minerals and under such general regulations as may be prescribed by the Secretary of the Interior.

ORGAN PIPE CACTUS NATIONAL MONUMENT IN ARIZONA

The Clerk called the next bill, H. R. 2675, to permit mining within the Organ Pipe Cactus National Monument in Arizona.

Mr. COLE of New York. Mr. Speaker, reserving the right to object, I understand this bill opens up some 300,000 acres of a national monument, located in the State of Arizona, to mining prospecting and, unless there is some further explanation in justification of the bill, I must object to it.

Mr. MURDOCK. Mr. Speaker, will the gentleman yield?

Mr. COLE of New York. Yes.

Mr. MURDOCK. The Organ Pipe Cactus Monument contains 400 square miles of land lying along the border of Arizona and Mexico. It would open up the region to mining in exactly the same way that a public law passed in the Seventy-fourth Congress, on June 22, 1936, opened up a monument in the Territory of Alaska. All we are asking is that the Arizona area be opened up to prospecting and mining. I do know that certain nature lovers are objecting to this sort of thing, saying it would create a precedent. It would not create a precedent. Here is a precedent.

I know that others are saying it would mar the beauty of a natural feature. It would not. I want to say to you that this bill was drawn originally by the Senator from Arizona (Mr. Hayden), a native son of Arizona, and whose father might rightfully be called Father of Arizona. There is no man alive who knows more about our part of the West or cares more about it than the Senator himself. I think I stand high in my regard for all pertaining to Arizona. I do not want to do anything that would mar the beauty of that great natural feature.

The saguaro cactus has a blossom which the State flower of our State. I have recently called attention of Members to that. The giant cactus and Organ Pipe cactus are unique to Arizona. I hold both in due respect, but I maintain that those who would deny the right of prospectors and mining men to go into this vast area and seek any mineral wealth there would lock up a great natural resource at a time when we want to develop such resources. The objection is ill founded and unwarranted, and I hope the gentleman will withdraw his objection so that the bill may be passed.

Mr. COLE of New York. Mr. Speaker, I understand this territory, which was created as a national monument some 4 years ago, has been prospected by explorers for at least four centuries since the Spanish conquest, and no minerals of any value were found. It has been surveyed by the United States Geological Survey, and their report is that there are no mineral deposits of any consequence. Therefore, it seems this bill has no justification from a defense standpoint.

Since the bill has been introduced and placed on the calendar, a great many persons interested in the conservation of plant and animal life have registered a protest against the bill for the reason that the activity of any great number of prospectors would endanger the growth of the rare species of fauna and flora. Therefore, in view of the fact there is no economic or defense justification for establishing this precedent, which certainly it does, because no national monument in continental United States has yet been opened to prospecting, I must object. But before objecting I shall yield further to the gentleman from Arizona.

Mr. MURDOCK. A gentleman representing the National Parks Association saw me a few days ago. I asked him whether he had ever seen this monument. He said he had not been there. I pointed to two pictures on my office wall of typical giant cacti. He said he had never seen them. It did not surprise me at all that he had not been on the Organ Pipe Cactus Monument, for very few have.

Mr. Speaker, this area lies on the border of Mexico and Arizona, along the path between Nogales and Yuma, which region the Spanish explorers called El

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Camino del Diablo, meaning the highway of the devil. Such great explorers as Juan B. Anza, Padre Kino, and Padre Garces had great difficulty, although they were men of the desert, in crossing this region. They sanctified it by crossing and recrossing it but in 1850, 400 Mexicans, trying to get from Sonora, Mexico, to the gold fields of California, lost their lives right in there from the dangers of that part of the desert. It is a region occupied by rattlesnakes, coyotes, and Gila monsters and jack rabbits. (Laughter)

Only hardy prospectors would venture in there without roads, and the objectors do not want any roads built there. I tell you candidly these people who objected are the same people who objected 3 years ago to tunneling under a national park. They said it would deface nature. Let me ask you gentlemen how much more will it deface nature to tunnel hundreds of feet under a park than to fly an airplane thousands of feet over a park? As a matter of fact, airplanes flying over a national park do foul the air to a certain extent, and the noise of the plane motors may frighten wildlife. Would these people forbid airplanes flying over national parks and monuments? How foolish. These criticisms and objections to this bill are unfounded, and I wish the gentleman would withdraw his objection.

Mr. COLE of New York. Mr. Speaker, this monument was created and named the Organ Pipe Cactus Monument especially for the purpose of preserving this unusual type of vegetation. Those interested in opposition to the bill claim that by opening the area to prospecting it would destroy this very plant which the monument was created to preserve. Therefore, Mr. Speaker, I object.

ORGAN PIPE CACTUS MONUMENT SHOULD BE OPENED TO MINING AS HAVE OTHERS

EXTENSION OF REMARKS
OF
HON. JOHN R. MURDOCK
of Arizona
IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1941

Mr. MURDOCK. Mr. Speaker, I want to call further attention to my bill, H. R. 2675, to permit mining within the Organ Pipe Cactus National Monument in Arizona which was objected to a while ago. Let me mention the fact that this bill in identical form has already passed the Senate by unanimous consent. It was introduced by Senator Hayden, of Arizona, than whom there is no Member of

Congress who is better informed or more vitally concerned about the West. I say this that it may be clear to all that no man alive knows more about Arizona and cares more about Arizona than does Senator Hayden, and he thinks, in the light of all circumstances, this is a good bill.

I know objection has been made to the bill, especially by an organization known as the National Parks Association, for several Congressmen have asked me regarding the merits of the bill, stating that they have received protests from this association. The secretary of the association called upon me a few days ago and said he was opposed to it. Having never seen the area, he did not know the real facts concerning it and seemed to assume that Senator Hayden and I were callously trying to commercialize a great natural beauty spot in such a way as to destroy it. Apparently there are nature lovers protesting this bill who are entirely unfamiliar with such areas in our Southwest and how to obtain the maximum benefits without the loss of anything.

It is one thing to demand that the primitive conditions which we are trying to preserve in national parks, monuments, wilderness areas, and recreational grounds be not commercialized, profaned, or destroyed, and I am for exactly that. It is another thing, however, to demand that great natural wealth be locked up over 400 square miles and left untouched, simply that certain designated regions may be said to remain in its primeval condition, especially when it is entirely unnecessary that any such locking up be done. Well do I remember about 3 years ago when it was proposed to tunnel under a national park in Colorado in order to carry out a great hydroelectric power and irrigation development. These same nature lovers protested, declaring it would ruin the

park. As a matter of fact, among those most anxious to have the bill passed were all Congressmen from Colorado and other high officials of National and State Government and men who have the highest interest of that Mountain State at heart and who know a lot more about Colorado and care more about it than those who did the protesting. How ridiculous that for their small subjective gains in keeping the park thus theoretically untouched they should defeat, or attempt to defeat, the great actual and objective gains of the engineers who could utilize our natural resources to the full in a natural manner.

Gentlemen, this Organ Pipe Cactus Monument is in Pima County, Ariz., in the extreme southern part of the State, and lies along the international border touching Mexico. It contains 400 square miles of area, and I have it on the highest scientific authority that a portion of this area is mineralized. A copper mine has already been opened up at Ajo, which is in the same geological region as the monument. The Organ Pipe Monument lies in that desert region between Nogales and Yuma, where the international boundary line takes a northwesterly direction. This is the territory which the Spaniards called El Camino del Diablo, which means The Highway of the Devil. Congressman COLE said the Spaniards had been over this ground for four centuries, which is true, in a way, but they did not do all the necessary prospecting. Some of the greatest explorers of New Spain—such as Juan B. Anza, Padre Kino, and Padre Garces—literally took their lives in their hands to cross this country several times. History records that several hundred Mexicans lost their lives a long this route in 1850, when they were attempting to go from Sonora, Mexico, to our California to hunt for gold. The American prospector who put all of his belongings on the back of a burro and ventured into that dangerous region to locate hidden mineral wealth also took his life in his hands, but such has always been the way mineral deposits have been discovered throughout the Great West. Those prospectors and their burros have done no more hurt in traversing this cactus-covered region than do the coyotes, jackrabbits, and rattlesnakes which prowl, hop, and crawl through that same area.

As I understand it, the School of Mines at the University of Arizona has reason to believe that at least a fourth of this great area is mineralized, and that there is a fair chance of finding something worth while there. An eastern Democratic Congressman said to me a few minutes ago, "I do not like the looks of this, for it seems to me too much like Teapot Dome or something. Is some big mining company hoodwinking you into unlocking a treasure chest for their benefit?" I assured him that I was not working in the interest of "any big mining company." or any corporation, to try to "steal" something from Uncle Sam and the American people, but that what I was attempting to do had been suggested by several councils of small mine operators in Arizona, which organization has

probably 4,000 members in the State made up of prospectors and small claim holders.

These men with rugged individualism are trying against adverse nature and unsympathetic man-made laws to discover wealth in the earth and make it available for human use. That is the type of individual that I have in mind, and for whom I am working in sponsoring this bill. If I ever get the bill passed these same hardy individuals may get no more out of their efforts, on an average, in this area than they have out of similar efforts in the whole mineralized portion of our country throughout the history of American mining. No; all we are asking is that the general mining laws apply to this area, with the exception that no ownership of land or title to the surface shall pass to any individual or corporation. If mineral should be found it must be handled under such regulations as the Secretary of the Interior lays down.

It is said that this measure would set a precedent which would be dangerous. I have before me Public Law No. 750 of the Seventy-fourth Congress, approved June 22, 1936, which opens up Glacier Bay National Monument in Alaska in exactly the same way that I ask to have the Organ Pipe Cactus Monument made available to the prospector and small mining man. An objector earlier today said this idea had not been applied anywhere in the continental United States, but I hold in my hand Public Law No. 49 of the Seventy-third Congress, approved June 13, 1933, in which this same legislation was made to apply to the Death Valley National Monument in California. Therefore, we have examples of the same thing having been done in Alaska and in the State of California.

Let me again assure you, gentlemen, that I am far more interested in the preservation of the cactus growth in my State than are many of those who are protesting against this bill. I want to do two important things--preserve the unique cactus and at the same time allow opportunity to the hardy prospector and mining man to seek, find, and bring forth the hidden mineral wealth which lies beneath the surface. Properly understood, there can be no reasonable objection to the passage of this measure. I ask that the Senate bill (S. 260) be substituted for H. R. 2675 and that it be passed.

ORGAN PIPE CACTUS NATIONAL MONUMENT

Mr. ROBINSON of Utah. Mr. Speaker, by direction of the Committee on Public Lands I call up the bill, H. R. 2675, to permit mining within the Organ Pipe Cactus National Monument in Arizona.

The SPEAKER pro tempore. The Clerk will report the title of the bill.

The Clerk read the title of the bill.

The SPEAKER pro tempore. This bill is on the Union Calendar.

Mr. ROBINSON of Utah. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. Is there objection?

Mr. CASE of South Dakota. Mr. Speaker, I reserve the right to object. Can the gentleman state whether or not it is intended to offer any committee amendments in line with the suggestions of the Secretary of the Interior?

Mr. ROBINSON of Utah. No; we have no amendments to offer.

Mr. CASE of South Dakota. Will the gentleman state the attitude of the committee with reference to the effect of the passage of this bill on other national monument areas?

Mr. ROBINSON of Utah. Mr. Speaker, in my opinion, it will have no effect on any future legislation. That is also the attitude of the committee. There is no precedent established by this. This has been done before with other monuments and there is no monument just like this, and no situation will ever arise similar to this. We think it will have no effect at all in establishing a precedent.

Mr. CASE of South Dakota. Can the chairman of the committee state whether the committee in its consideration of the bill gave any thought to the effect that it might have on spoiling or weakening the designation of national monuments as such, and whether or not, in lieu of this action, it would have been better to have proposed the changing of the Organ Pipe Cactus National Monument status to that of a national recreational area?

Mr. ROBINSON of Utah. That was given some consideration by the committee and also by the Senate, but it is thought that the problem will be best solved and entirely solved by the adoption of this bill as it is. I may say that the Department, after carefully going over the matter, seemed to think that this was the best solution of the problem and has no objection to the passage of the bill.

Mr. CASE of South Dakota. All we have had as to the attitude of the Department has been the letter from the Secretary of the Interior on the House report, which suggests that there should be a 7-year limitation, and the letter from the Secretary on the corresponding Senate bill, which suggests that a national recreation-area designation be made rather than a national monument. My only reason for raising

this question is that all of us who are in areas where there are national monuments have this problem of mining coming up, and we also have the problem of maintaining the integrity of national-monument areas. I am sure the gentleman from Utah (Mr. ROBINSON) is aware of the problem involved as to how when we set up an area for national-monument purposes, we can protect it for national-monument purposes, and at the same time where there is a mineralized zone, make it possible to remove the minerals without destroying the basic purposes of the national monument.

Mr. ROBINSON of Utah. I appreciate the problem the gentleman suggests, and, of course, the Western States all have this problem. In my opinion, this, in a way, is a start, at least, on the solution of that problem.

Mr. CASE of South Dakota. Of course, I do not want all the debate to take place under this reservation of objection. I would like to ask the chairman of the committee if he will recognize several Members on this side who want to raise other questions in the debate on the bill.

Mr. ROBINSON of Utah. I will be glad to.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I make the point of order that the report of the committee does not comply with the Ramseyer rule.

The SPEAKER pro tempore (Mr. WHITTINGTON). Does the gentlewoman desire to be heard on the point of order.

The SPEAKER pro tempore. The gentleman from Michigan is recognized.

Mr. MICHENER. Mr. Speaker, my attention has just been called to the matter. I have not read the bill and I have not had time to read the report, but as I understand from talking with Members—especially the gentleman from South Dakota (Mr. CASE), who generally is familiar with these matters—this committee report does not call attention to statute law which is repealed by this bill.

Mr. ROBINSON of Utah. As I understand it, there is no law repealed. We are enacting a new law. I do not think the Ramseyer rule applies to this bill.

Mr. MICHENER. Of course, that would be a question for the Chair, but my contention is that the Ramseyer rule contemplates that the House shall be fully advised as to whether or not proposed legislation makes any change in existing law. That is the foundation of the Ramseyer rule. The Ramseyer rule provides that if such changes are made, then it becomes the duty of the committee reporting the bill to call specific attention in its report to the law so changed. If the proposed legislation does repeal or modify existing law, then surely the purpose of the Ramseyer rule is to have the committee report so advise the House. This committee report makes no such reference.

Mr. ROBINSON of Utah. Mr. Speaker, in my opinion this does not change any existing law. I would also call attention to the fact that national monuments are created by Executive order. They are not created under a separate act or law. By Executive order this monument is created. All we are doing now is making a different law entirely from what exists at the present time with reference to this particular monument that was established by Executive order.

Mr. MICHENER. If this proposed change could be made by Executive order, then it should be done by Executive order; but if this law is enacted it will change that which is today the law of the land, because if an Executive order has any effect whatever it is by virtue of statutory authority; and if the Congress overrides an Executive order and enacts a new law which in effect repeals existing law, then I think the Congress is entitled to be so advised in accordance with the Ramseyer rule.

Mr. ROBINSON of Utah. I think the gentleman is correct, but this bill does not do that.

Mr. SPEAKER pro tempore (Mr. WHITTINGTON). The Chair is ready to rule.

The resolution under consideration does not provide, as required by the Ramseyer rule, for any amendment or repeal of existing legislation.

The point of order is overruled.

Is there objection to the request of the gentleman from Utah that the bill be considered in the House as in Committee of the Whole?

Mrs. ROGERS of Massachusetts. Mr. Speaker, reserving the right to object, will the chairman of the committee yield me 10 minutes? I shall not object if I be given 10 minutes and other Members on this side be given the time they desire.

Mr. ROBINSON of Utah. I have already told the Members on that side, I may say to the gentlewoman from Massachusetts, that they could have such time as is reasonable.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah (Mr. ROBINSON), that the bill be considered in the House as in Committee of the Whole?

There was no objection.

The Clerk read the bill, as follows:

> Be it enacted, etc., That within the Organ Pipe Cactus National Monument in Arizona all mineral deposits of the classes and kinds now subject to location, entry, and patent under the mining laws of the United States shall be, exclusive of the land containing them, subject to disposal under such laws, with right of occupation and use of so much of the

surface of the land as may be required for all purposes reasonably incident to the mining or removal of the minerals and under such general regulations as may be prescribed by the Secretary of the Interior.

Mr. ROBINSON of Utah. Mr. Speaker, I move to strike out the last word.

I just wish to say to the House that this bill was very carefully considered by the committee. It was recommended by the Department that a limitation of 7 years be placed on the time that would be permitted for mining in this monumental area. However, the committee took the view that there should be no limitation, because the bill itself surrounds the monument with such protection that it is not necessary to limit the time.

I call the attention of the committee to the fact that in this monument there will be no one obtain title to any land. All this bill does is to give a right to occupy or use the surface for the extraction of minerals, and this must be done under such general regulations as may be prescribed by the Secretary of the Interior. The Secretary of the Interior has complete supervision and jurisdiction over these areas. As long as this is in his hands and under his regulation the committee took the position that there need be no fear of any injury to this monument.

The people of Arizona feel there are ore deposits in this monument which could be taken out. Before I proceed further let me say that this monument covers an area of some 425 square miles, a rather large part to be carved out of any State. This large area is set aside for the purpose only of displaying to the public and preserving to our posterity certain remarkable growths of cacti which are indigenous to this region and are called the organ pipe cacti. In view of this it seems only a reasonable request to ask that people be permitted to mine in this area when they must do it under the regulations prescribed by the man who is designated by the President to take care of, look after, and preserve these national monuments.

So I think all the arguments that have been made against this bill by various associations are entirely based on the wrong premise because they have not understood the bill.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. ROBINSON of Utah. I yield.

Mrs. ROGERS of Massachusetts. I notice that the Arizona Wild Life Federation is opposed to this bill.

Mr. ROBINSON of Utah. I believe every wildlife association in every State in the Union has objected to this bill, but I believe their objection comes from the fact they do not understand the purport of the bill. They go on the assumption that what we are doing in this bill is to break down all precedents established by this department so far as national parks are concerned; and that is not what we are doing. We are simply providing for a particular situation that happens to exist in Arizona, a situation which should be taken care of, one which the Park Service and the Department of the Interior have admitted should be taken care of; and we are doing it in a way that should not interfere with the scenic beauty or anything else pertaining to this monument. These people by the hundreds who have written letters to the Members of Congress, to all Members as a matter of fact, do not in my opinion understand this legislation.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield further?

Mr. ROBINSON of Utah. I yield.

Mrs. ROGERS of Massachusetts. I understand the experts think it would be unfortunate to initiate mining operations there now, that it is their belief so far as the national defense is concerned, it is important to leave these minerals there as a future reserve.

Mr. ROBINSON of Utah. I cannot agree with them. If there is ever a time we need strategic minerals it is now, not 100 years from now.

Mr. MURDOCK. Mr. Speaker, will the gentleman yield?

Mr. ROBINSON of Utah. I yield.

Mr. MURDOCK. To answer the question raised a moment ago by the gentlewoman from Massachusetts wherein she expressed the idea that all chapters of all wildlife organizations are opposed to this bill, I may say I have in my hand here a letter from the State game warden of Arizona, on the stationery of the Arizona Game and Fish Commission, heartily approving my bill. He is the highest official in the State of Arizona on that commission. I should be glad to have the gentlewoman from Massachusetts read this letter as a partial answer to her question. I have a high respect for the gentlewomen's efforts to protect human life on our highways and in other ways and I am usually glad to cooperate with her in preserving our wildlife. This bill is not inconsistent with my usual attitude.

Mr. COLE of New York. Mr. Speaker, will the gentleman yield?

Mr. ROBINSON of Utah. I yield.

Mr. COLE of New York. The gentleman made reference to the fact that the National Park Commission had urged the adoption of this measure.

Mr. ROBINSON of Utah. I did not say urged it, I said they agreed that this was a proper solution to the problem that exists in this monument.

Mr. COLE of New York. Then the National Park Service approves this bill, I understand?

Mr. ROBINSON of Utah. I understand so, but they want an amendment limiting it to 7 years.

(Here the gavel fell)

Mr. CASE of South Dakota. Mr. Speaker, I rise in opposition to the pro forma amendment.

Mr. Speaker, the problem that is sought to be met by this bill is one that crops up in practically every one of the public land States where there are national monuments containing mineral deposits. It crops up in national monuments, in recreational areas, in grazing areas, in forest areas, where wildlife or game refuges have been established. We had a problem similar to this in the Harney National Forest in connection with a wildlife sanctuary.

There is a fundamental distinction between a forest area, a park area, a monumental area, and a recreational area, with which the gentleman from Utah and the members of the Public Lands Committee are probably more familiar than I. A national forest is a multiple purpose proposition. National parks and monuments have not been. The National Forest Service contemplates that a forest may be used for recreation, for timber operations, and for mining; and you can locate mining claims in national forests but you cannot in national parks. There is one exception in forests, the wildlife sanctuaries which cannot be mined unless a special system of permits has been set up.

Such a solution has been worked out in a wildlife sanctuary within a forest in my district. The proposal before us, apparently, would authorize a permit system for prospecting and ore removal in a national monument.

The question that seems to me to be fundamental here is whether or not we are destroying a category which has been established for the maintenance of public monuments or parks in their native state. I was impressed by the suggestion made by the Secretary of the Interior, Mr. Ickes, in his letter to the Senate on a companion bill there, in which he stated:

> If, however, the Congress wishes to make this national monument a less restricted type of reservation by opening it to additional prospecting and mining, I recommend that the classification of the area be changed to that of a national recreational area.

As I understand it, that recommendation of the Secretary would have no effect so far as destroying the purposes of preserving the cactus and the scenic areas are concerned, but would permit mining to be carried on. What bothers me in connection with this bill is how the Congress or how the President by Executive order can hereafter set up or establish

a monument area which will not be subject to or open to mining. How can you set aside an area and insure that it will not be open to the same change for which this legislation would provide a precedent?

Mr. ROBINSON of Utah. Will the gentleman yield?

Mr. CASE of South Dakota, I yield to the gentleman.

Mr. ROBINSON of Utah. This bill has no effect whatever on any other monument area?

Mr. CASE of South Dakota. No; it has no effect on any other monument area, so far as this bill is concerned, except that it establishes a precedent by saying that we will permit mining within a particular national monument.

Mr. ROBINSON of Utah. I pointed out previously it does not establish a precedent.

Mr. CASE of South Dakota. It does not by this act say that you can do it in any other national monument area, but it does destroy the understanding that in national monuments we had a category in which mining would not be permitted.

Mr. ROBINSON of Utah. That does not exist.

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Mr. CASE of South Dakota. The proposal of the Secretary of the Interior that the classification be changed to a national recreational area would place this area in a category of public lands which does permit mining. What I am afraid is that if we open the area to mining and leave the monument designation we will have destroyed the understanding that areas can be protected and preserved in their native state by having them designated as national monuments.

Mr. ROBINSON of Utah. I stated previously that we have done that prior to this time in two or three instances. This is not the first time. It is the usual thing.

Mr. MURDOCK. It has been done in five different instances.

Mr. ROBINSON of Utah. Five times this very thing has been done. With reference to recreational areas, it seems to be a little inconsistent to call a wild area in Arizona 450 square miles in extent a recreational area. That does not seem consistent to me.

Mr. CASE of South Dakota. I am not familiar with the area. I am just raising the question that was brought up by the Secretary of the Interior.

(Here the gavel fell).

Mr. CASE of South Dakota. Mr. Speaker, I ask unanimous consent to proceed for 1 additional minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Dakota (Mr. CASE)?

There was no objection.

Mr. ROBINSON of Utah. I thoroughly agree with the gentleman's position that some law should be passed with reference to recreational areas and possibly some law would have been passed had it not been for some members of the committee and myself, who feel that when a law comes to Congress it should come for an individual or separate area and not be a general law which will apply to all areas.

Mr. CASE of South Dakota. I am glad to have the gentleman make that statement. I am glad to make it clear, too, that I am just as much interested as anyone can be in having a proper development of mining in the western areas where it is possible. It is merely a question of how we can protect certain areas for monument purposes without getting ourselves all tangled up by breaking down the distinctions between these different categories of public reservations.

Mr. WHITE. Will the gentleman yield?

Mr. CASE of South Dakota. I yield to the gentleman.

Mr. WHITE. Does not the gentleman have a rather wide stretch of the imagination if he thinks that prospecting in this area was constituted solely to protect from desecration cactus growing in great arid sections of the country, to protect them from the vandalism of tourists, to close that country up and close valuable deposits?

Mr. CASE of South Dakota. That is the gentleman's imagination, not mine. I have not taken that view at all.

Mr. WHITE. What does the gentleman think is the purpose of this legislation?

Mr. CASE of South Dakota. It is to make prospecting and removal of ore possible in the Organ Pipe Cactus National Monument. This legislation will not destroy the cacti. I am merely concerned with preserving the fundamental distinctions between the various categories of western land so that when an area is designated we will know what can or cannot be done with it.

(Here the gavel fell.)

Mr. WHITE. Mr. Speaker, I ask unanimous consent that the gentleman's time may be extended 2 additional minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Idaho (Mr. WHITE)?

There was no objection.

Mr. WHITE. To put the matter squarely up to the gentleman, the purpose of this monument originally, as I understand it, and I have been through that area, was to protect from despoliation scattered cactus plants in a very arid section of the United States that may be underlaid with huge deposits of valuable mineral.

Mr. CASE of South Dakota. I think that can be done under the legislation proposed. I have not raised that question.

Mr. WHITE. Is there any objection in that situation to permitting

the exploration of this land under the mining law?

Mr. CASE of South Dakota. I have no objection to that, and I have not raised an objection to that. It is merely as to what we are going to mean when we say that this is a national monument area, what we are going to mean when we say this is a national recreational area, and what we mean when we say this is a national forest or that it is a wildlife sanctuary. I feel that there should be some category into which an area can be placed with some assurance that the fundamental purposes will not be violated. If circumstances call for changing the purposes to be served, then I think it is in order to consider changing the classification of the area.

Mr. WHITE. As I understand, this came about in making a title to the bill. It stated it was a recreational bill.

Mr. CASE of South Dakota. It is not the title of the bill I am concerned with. It is the designation of a portion of the public domain and the laws that subsequently become applicable thereto.

Mr. WHITE. Does the gentleman accept the position of the chairman of the committee that when legislation is brought in it should be made applicable to each individual unit, instead of there being general legislation extending over the country?

Mr. CASE of South Dakota. I would not want any legislation that would open up all national monuments to mining without respect to the circumstances involving each one.

Mr. WHITE. Then the gentleman agrees with the chairman of the committee that legislation of this kind should be applied to the separate units as each case arises.

(Here the gavel fell.)

Mrs. ROGERS of Massachusetts. Mr. Speaker, I move to strike out the last two words, and ask unanimous consent to proceed for 10 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to include as a part of my remarks a list of organizations from Outdoor American an editorial from Nature Magazine, and an editorial from the Christian Science Monitor.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, part of the editorial from Nature magazine reads as follows:

> Within our memory no issue has so unified conservationists individually and collectively—as has opposition to the Hayden-Murdock bill "to permit mining within the Organ Pipe Cactus National Monument in Arizona." This un-

doubtedly arises from the questionable character of the proposal, and from an aroused sentiment for the protection of national parks and national monuments against unjustified exploitation in a period of emergency.

May I state here, Mr. Speaker, that I am informed no Government national-defense organization or group like O. P. M. has asked for the passage of this legislation.

Mr. WHITE. Mr. Speaker, will the gentlewoman yield?

Mrs. ROGERS of Massachusetts. I am sorry; I cannot yield now. I will yield later.

Mr. WHITE. I should like to inform the lady on that point.

Mrs. ROGERS of Massachusetts. It seems to me that this cannot be considered in the light of a national emergency measure.

This editorial speaks further of the rather unusual and extremely important animals in the park which would be affected by mining in the park.

Mr. MURDOCK. Mr. Speaker, will the gentlewoman indicate the animal life to which she refers?

Mrs. ROGERS of Massachusetts. Let me read this from the editorial:

> The Organ Pipe Cactus National Monument comprises 300,000 acres of outstanding Sonoran Desert country. It supports several bands of desert bighorn sheep, a species seriously in need of protection.

Mr. MURDOCK. Mr. Speaker, will the gentlewoman yield?

Mrs. ROGERS of Massachusetts. I yield to the gentleman from Arizona.

Mr. MURDOCK. I may say that the bighorn sheep are protected in southwestern Arizona in another area not coinciding with the Organ Pipe Cactus National Monument. This area was but recently established. The protection of the bighorn sheep does not relate at all to the problem in this area.

Mrs. ROGERS of Massachusetts. I think the gentleman is mistaken in this. Experts tell me that it does, I may say to the gentleman from Arizona. I know the gentleman's great interest in the preservation not only of wildlife but of human life. I know of his interest in protecting human life on the highway.

I quote now from the Christian Science Monitor:

> With all due respect to the motives of those who propose the bill, these people surely do not realize the consequences of mining operations in a desert region where, experienced conservationists say, any

change in the delicate balance of Nature may destory forever important natural features of Uncle Sam's most spectacular cactus garden. Mining, however, short-lived, would be extremely detrimental to plants and animals in the region. Vegetation would be used as fuel. Water resources would be dammed up. Animals would be driven away.

I have talked with experts on this matter, and they assure me that the Christian Science Monitor is correct.

Mr. William P. Wharton, president of the National Parks Association writes me as follows:

Recent scientific study of the Organ Pipe Cactus National Monument has produced concrete evidence to support the public contention that this area should remain intact and inviolate. The monument is far more significant than its name implies. It contains a wide variety of unusual plants and animals. It is the finest stretch of arboreal desert and the only area of its kind in the United States that is both diverse and large enough to maintain the original biotic community. First-hand reports show that the continued existence of the native plant and animal associations depends upon preservation of the entire area in essentially unmodified condition.

Those who seek to have the area opened for additional prospecting and mining have tried to minimize its importance to the public by saying that very few persons ever go there. National Park Service records indicate that, despite its remote location on the Mexican border and its lack of facilities, the monument had 9,780 visitors during the travel year ending September 30, 1941.

In its reports to Congress, the Interior Department states that the area now within the monument has been prospected since the Spanish era of southwestern occupation, but no important mines have been produced and no mines are being operated therein today. The Geological Survey has determined that it is not a highly mineralized area and that no mineralization has been found there which resembles in any respect the type of copper deposit found a few miles north of the Monument at Ajo, Ariz.

The Ajo interests themselves have never found any commercially important deposits within the monument area.

The proposal of a group of small mines operators in Arizona to throw open the Organ Pipe Cactus National Monument to

unlimited prospecting and mining is not only made in disregard of the above facts but is contrary to the settled policy of Congress. With few exceptions, the Federal Government has provided that further mineral development be forever excluded from such areas. However unproductive prospecting turned out to be in this instance, it would be extremely detrimental to the natural conditions and features, preclude the establishment of a normal game population, and greatly increase the difficulties of patrolling the area to maintain adequate protection and prevent poaching. Mining would have a particularly adverse effect on the natural conditions of a desert area, where the delicate balance of nature is easily upset by man-made developments.

Any compromise proposal to permit mining within this particular monument for a limited number of years would be harmful to the natural features. It would nullify the purpose for which the monument was originally established to protect a remarkable Sonoran Desert area of more than 300,000 acres from impairment by destructive land uses.

Conservation interests in Arizona are supporting the position of many national organizations against emasculation of the Organ Pipe Cactus National Monument and consequent danger to protected Federal reservations in every State of the Union. Disinterested groups throughout the country agree that there is no justification, even on the basis of national defense, for permitting the proposed encroachment of mining on this unique reservation. They point out that the ravages of war in other parts of the world make it all the more imperative that the superlative natural areas of the Western Hemisphere be preserved intact for the universal benefit and enjoyment of future generations. On April 7 of this year, the United States ratified an international treaty on nature protection and wildlife preservation in the American republics. It is incumbent upon this Nation to fulfill the pledges given in that treaty and to set a consistent example for its Latin-American neighbors by safe-guarding our natural heritage.

Editorial statements from Outdoor America, Nature magazine and the Christian Science Monitor are appended to this letter, together with a list of 21 organizations which have registered their opposition to the companion bills H. R. 2675 and S. 260.

The letter signed by William P. Wharton, president, National Parks Association.

Following are the editorials from Nature magazine, the Christian Science Monitor, and the magazine Outdoor America, as

well as the list of organizations opposed to the bill:
(From Nature magazine for October 1941)

KEEP THE MINES OUT

Within our memory no issue has so unified conservationists—individually and collectively—as has opposition to the Hayden-Murdock bill "to permit mining within the Organ Pipe Cactus National Monument in Arizona." This undoubtedly arises from the questionable character of the proposal, and from an aroused sentiment for the protection of national parks and national monuments against unjustified exploitation in a period of emergency.

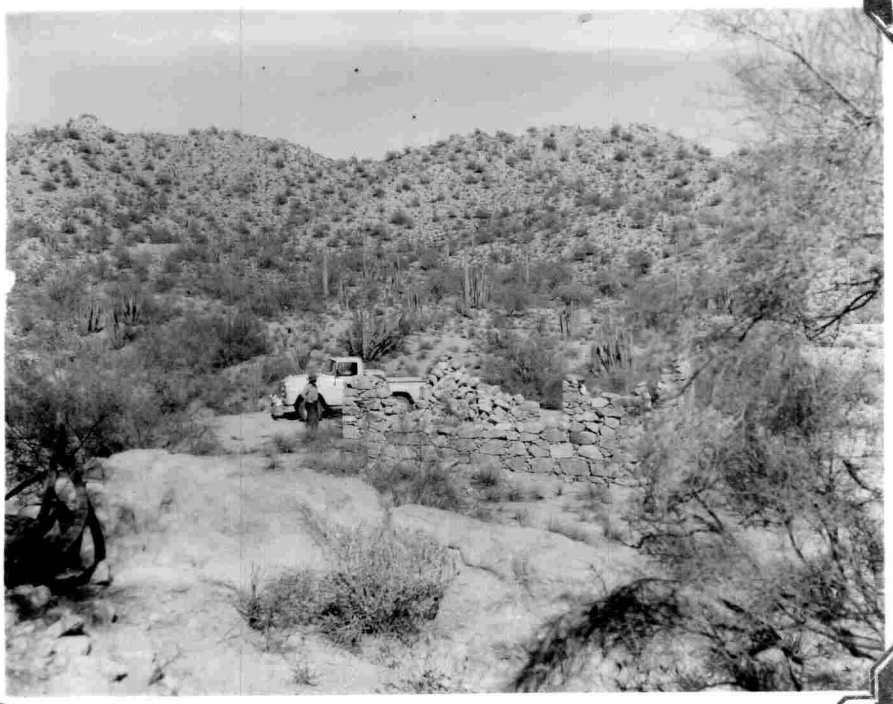
The Organ Pipe Cactus National Monument comprises 300,000 acres of outstanding Sonoran Desert country. It supports several bands of desert bighorn sheep, a species seriously in need of protection. Its flora is unusual and it significance as a biotic community unsurpassed. It is, therefore, properly a national monument.

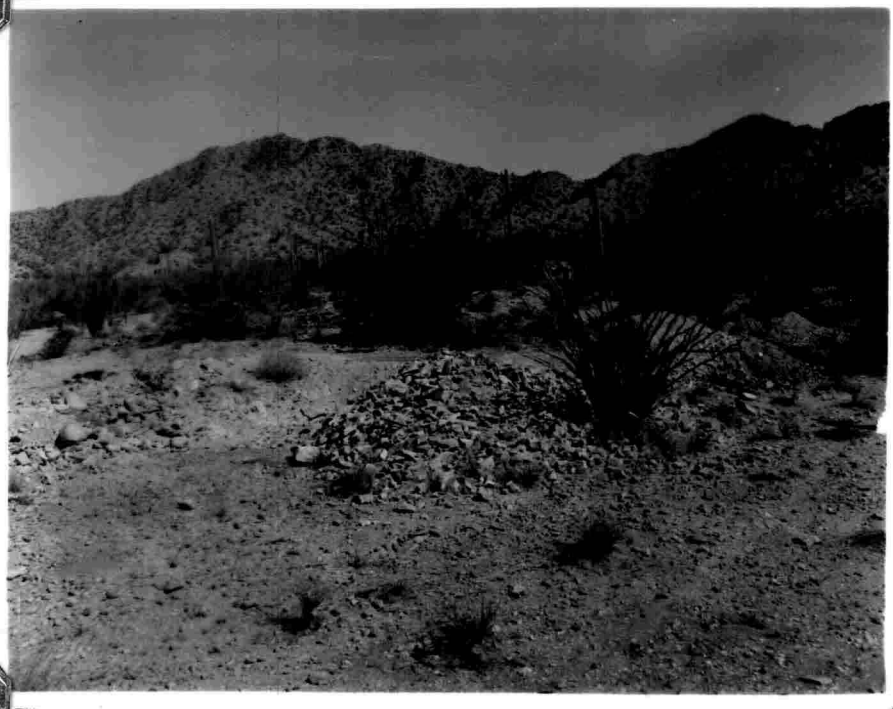
The proposal for permission to mine within the area is unjustified by facts. Prospecting and mining carried on before it achieved its present status proved futile. No evidence has been presented to indicate that it holds mineral deposits of commercial value, emergency or otherwise.

Letting down the barrier in this case would seriously affect the wildlife and plant life in the area. It would prevent the development of a normal population of game animal life. It would increase the difficulties of protection of the area.

Even more important than these considerations, however, is the trend that this bill represents. As a people we have wisely set aside national parks and monuments for posterity. We have protected them against improper exploitation. We have made them wildlife sanctuaries where nature is king. We have built up a wise policy with respect to them. We cannot permit such invasions of these areas as the Hayden-Murdock bill seems to make unless it may be proved to be unquestionably in the public interest. This immediate proposal is quite the contrary.

The Hayden bill, S. 260; has already passed the Senate; but the companion Murdock bill, H. R. 2675, is still pending before Congress. See to it that your Congressman and Senator know that you stand for the protection of National parks and monuments.





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PHELPS DODGE CORPORATION
Geophysical Research and Exploration Department
P.O.Box 991
Douglas, Arizona

March 14, 1961

Mr. K. E. Fitch, Superintendent
Organ Pipe Cactus National Monument
Box 38
Ajo, Arizona

Dear Mr. Fitch:

This will acknowledge your letter of March 7, 1961 in regard to access roads in the Copper Mountain area.

We are not planning, at this time, on doing any further work in the area but as you know Mr. William A. Knox is retaining his claims which number something on the order of 90 or 91.

So far as we are concerned we see no reason why you should not block off or otherwise obliterate roads that we used although, since some of these roads are on Mr Knox claims, I would suggest you write him. His address is as follows:

Mr. William A. Knox
8967 Ladue Road
St Louis 24, Missouri

Very truly yours,

(SIGNED)
E. E. Maillot

EEM:g

by the State Tax Commission. Ariz.Revised Statutes, sec. 42-126. Non-producing and unpatented mining claims are subject to taxation, although it is not entirely clear whether they should be assessed as personal property or as real property. Ariz. Revised Statutes, sec. 42-201. The County Assessors have the duty of assessing such property.

/s/ Merritt Barton

Merritt Barton
Field Solicitor, Santa Fe

In triplicate

Attachment

Copy to: Regional Solicitor (2), w/copy of attachment
Assistant Solicitor, Parks, w/copy of attachment

several decisions directly relating to the asserted right of holders of mineral estates to use the surface for construction of residences for their employees. In Yukon Pocahontas Coal Co. v. Ratliff, (Va. 1943) 24 S.E. 2d 559, it was held that the holder of the mineral estate was not entitled to build residences, hotels, hospitals, and other facilities for its employees. Again we are confronted by a question involving the construction of a deed having the effect of separating the surface and mineral estates. In the leading case of Williams v. Gibson, 84 Ala. 228, 4 So. 350, the court left the question to the jury, whether the holder of the mineral estate could build five employee residences on the land of the surface owner. For that purpose, it held that evidence was properly admitted to show the lack of available land elsewhere and within a reasonable distance, for the purpose of showing reasonable necessity.

If the parties proposing to erect a residence are engaged in prospecting, and have not made an actual location based on discovery of valuable minerals within the boundaries of a duly located claim, they would have no right to erect a residence at all, since until there is a discovery and a proper location based on such discovery, a separation of the mineral and surface estate has not been effected.

Upon the completion of a location in the form and on the basis contemplated by the mining laws, it is my opinion that it would be a question of fact as to whether resident structures would be permissible. On the other hand, the weight of authority is probably to the effect that there is no implied right in the holder of the mineral estate to erect resident structures. As is said in the note in 46 L.R.A. (N.S.) 883, "so far as decided cases go, the weight of authority denies the right of the owner of minerals to use the surface of the land for the erection of dwelling houses, and this would seem the correct position under the general rule that only such rights are incidental and implied as are reasonably necessary to the profitable and beneficial working of the mines." Residence facilities and space for residences are available on patented lands within the Monument or immediately outside. Since the mining claims are in a national monument, the necessity should be rather more rigorous than in the ordinary case involving private holders of separate surface and mineral estates. The regulations in 43 CFR clearly do not contemplate such use of the surface. It would certainly be easier to prevent the establishment of residences by actual or would-be locators, than to police their activities constantly to make sure that the use of such residences would be and remain directly and necessarily related to mining.

Finally, the question has been asked, are mining claims within the National Monument subject to taxation in Arizona? In all cases, the holder of a mining claim has a taxable interest. Producing mines, whether patented or unpatented, are appraised and assessed directly

trails are to be situated upon mining claims held under valid locations, they are devices for the control, in the interest of the surface owner, of the exercise of the rights which the holder of the mineral estate would have in any event, and which are of indefinite duration. Accordingly, it appears that the permits are not ordinary revocable special use permits of limited duration, but they should be coterminous with the use of the land in connection with mining operations.

It is understood that the mineral deposits for which the Phelps-Dodge claims are being located, consist of low-grade copper ore. Even before 1941, the preferred method of extracting such ores occurring not too far below the surface was by open-pit mining. This gives rise to the question whether it was the intent of Congress that the United States shall retain the normal right of a surface owner to subjacent support. There is nothing in the statute in question to indicate either way. I am not expressing an opinion on this point, but merely pointing out the existence of the question as yet unresolved. Certainly, open-pit mining, like strip mining, is wholly inconsistent with the obligation to provide subjacent support, and necessarily totally destroys the surface. I have examined several court decisions cited in Corpus Juris Secundum, topic "Mines and Minerals", sec. 159, and American Jurisprudence, topic "Mines and Minerals", sec. 177. The courts in deciding those cases are far from being in accord with one another. In most of the cases, they reached their decisions by construction of the particular deeds which effected the severance of the mineral and the surface estates in each case.

In addition to the questions presented in the Superintendent's memorandum of April 20, some further questions have been presented. The first involves the right of prospectors and locators of mining claims to build houses for residence purposes.

Even a mining claim located on the public domain, carrying with it exclusive right to possession of the surface, provided it was located prior to July 23, 1955, may not be used for purposes unconnected with mining. Lindley on Mines, sections 551 and 196. United States v. Rizzinelli, 182 Fed. 675 (D.C., N.D. Idaho 1910); also United States v. Etcheverry, 230 F. 2d 193 (10th Cir. 1956). As Mr. Lindley says, in the above-cited section 196 "whether an unpatented mining claim is within a National Park or not, the Government asserts the right to limit its use to purposes directly connected with mining." The Rizzinelli case, which Mr. Lindley cites in support of that statement, has been cited with approval by the courts so many times as to make it leading authority. The Etcheverry case involved a mining claim on the open public domain.

In your situation, where the surface use is not only restricted to mining purposes but to uses reasonably necessary in connection with mining, the test would be one of reasonable necessity. There are

> with due care and in a lawful manner, so as not to wantonly or unnecessarily interfere with the rights of the surface owner. The owner of the surface is subjected to such inconveniences as naturally flow from the severance of the underlying minerals and the incidents necessarily attaching to mineral ownership. To this extent the estate in the entire land, which originally was in one and the same person, has been lessened and burdened. The surface owner must exercise his rights in such a manner as not to wantonly or unlawfully impair the rights of the owner of the minerals or interfere with the necessary means by which they are won and brought to the surface.

Among the surface uses reasonably incident to the mining or removal of the minerals are the right to sink shafts, and to use the necessary ground for machinery for working the mine, and stowing the ore in its first marketable state, but not for the erection of smelting works, or accessories, for the purpose of treating the product. What improvements are reasonably necessary for the profitable and beneficial working of the mines is a question of fact to be determined from the evidence in each particular case. So a right of ingress and egress over the surface, to and from the necessary mine openings, for the purpose of transporting supplies, machinery, and the product of the mine, would be a way of necessity; but the exercise of this right must be in the course least prejudicial to the surface owner. Lindley on Mines, sec. 813.

The final sentence of the preceding paragraph, quoted almost verbatim from Lindley, justifies the requirement set forth in 43 CFR 185.33n, requiring applications and permits for construction of trails and roads. The granting of a permit following a proper showing by the applicant, is not discretionary, since it is to serve a purpose of reasonable necessity as established by the showing, but the permit granted need not in every instance be for a road location most convenient for the permittee. The United States is the surface owner for national monument purposes. Some inconvenience may be imposed upon the permittee to avoid undue sacrifice of monument values in the matter of construction of roads.

Mr. Fitch has asked the specific question whether the authority to issue permits for the construction of roads or vehicle trails as contemplated by 43 CFR 185.33n, has been delegated to him as superintendent. In my opinion, it has not been so delegated. Order No. 14 of the Director of the National Park Service, as amended, contains several exceptions to the otherwise general delegation to regional directors. Among the exceptions is the following: (Sec. 1 (j). "Execution of permits for the use of National Park lands, except revocable special use permits." Under various administrative instructions and guidelines, the revocable permits may not exceed 20 years in duration. Insofar as the roads or

perfect a location. The detailed requirements in that regard are usually set forth in the State statutes, which are valid enactments because they supplement, and normally do not conflict with the Federal statute relating to marking.

The Arizona statute on the subject is found in Arizona Revised Statutes, sec. 27-207. That law requires the boundaries of each placer mining claim (making no exception for claims on surveyed land) by a post or monument of stone at each angle of the claim located. Legislation of that character is upheld as valid and mandatory. Lindley on Mines, 3rd ed., sec. 457.

It follows that the locators are not only entitled, but obliged, to locate their corners and mark them, and to do so it is reasonably necessary to survey the boundary lines of which the corners are intersections. They are entitled to use the normal methods of surveying, involving the use of optical instruments which require clear lines of sight.

It should be kept in mind that the act of Congress opening Organ Pipe Cactus National Monument to mining in effect amounted to a severance of the surface and mineral title and provided for the acquisition of the mineral title under the procedures prescribed by the mining laws. Whereas the general mining laws provide that the "valuable mineral deposits in lands belonging to the United States, both surveyed and unsurveyed, shall be free and open to exploration and purchase, and the lands in which they are found to occupation and purchase * * *", the act in question refers to the minerals only, and provides that they shall be "exclusive of the land containing them, subject to disposal under such laws * * * *." As is said by Mr. Lindley in Lindley on Mines, 3rd ed., sec. 175, "that the Government as the paramount proprietor, can create such a severance of title, cannot be denied."

The severance of the surface from the mineral title results in two separate estates in real property. The holder of each estate is subject to certain duties with respect to the other, and entitled to certain rights and privileges corresponding with duties on the part of the holder of the other estate. The language in the statute "with right of occupation of the use of so much of the surface of the land as may be required for all purposes reasonably incident to the mining or removal of the minerals", merely restates the common law rights of the holder of the mineral estate. The following quotation is from Lindley on Mines, 3rd ed., sec. 812:

> "The underlying principles involved may be thus expressed: The proprietor of the minerals has a right to win them. In exercising this right all privileges reasonably necessary for its full and fair enjoyment are necessarily implied; but these privileges must be exercised

entirely clear. The legislative history of the act throws no light on it. No actual question has arisen as yet. It is probable that the word was used to avoid any suggestion that minerals formerly subject to the mining laws, such as oil and gas, etc., included within the scope of the Mineral Leasing Act of February 25, 1920, were not to be among the minerals subject to the modified mining laws as reapplied to Organ Pipe Cactus National Monument. In any event, the Department is bound to take the position that section 3 of the Act of July 23, 1955 (P.L. 167, 84th Congress; 30 U.S.C. 611), providing that a deposit of common varieties of sand, stone, gravel, pumice, pumicite or cinders shall not be deemed a valuable mineral deposit within the meaning of the mining laws of the United States so as to give effective validity to any mining claim thereafter located, removes those materials from the operation of the mining laws so far as such laws apply to Organ Pipe Cactus National Monument.

The first question propounded by Superintendent Fitch is as follows:

> "To what extent under Part 185.33m may we permit destruction or removal of vegetation in connection with development of mining claims?"

43 CFR, Part 185, sec. 185.33m provides as follows:

> "Destroying vegetation prohibited. The locator of a mining claim within the monument area shall refrain from destroying or disturbing vegetation within the boundaries of his claim except as is necessary for the proper development thereof for mining purposes."

The immediate problem involves cutting the limbs of trees and removing other vegetation to get sight clearance for surveying instruments. The survey party was engaged in surveying claims in the Copper Hill area, located by or for the Phelps-Dodge Corporation. It is understood that the claims in question are placer claims and that the land is unsurveyed. Your maps show that certain township and range lines within the Monument have been surveyed and section and quarter-section corners placed along such lines. However, the lands in question are classed as unsurveyed.

Placer mining claims may be located upon surveyed lands or upon unsurveyed lands. If located upon surveyed lands, they are required to be conformed to the surveyed subdivisions, although in some circumstances this rule is not an absolute one. However, if they do conform, no mineral survey is required as a condition precedent to patent if a patent is otherwise proper. A claim located on unsurveyed land must have an official plat made and approved prior to patent.

Aside from the survey as a condition precedent to a patent, marking on the ground is a legal requirement as a part of the acts required to

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
P. O. Box 1728
Santa Fe, New Mexico

July 22, 1960

Memorandum

To: Regional Director, Region Three, National Park Service

From: Field Solicitor, Santa Fe

Subject: Regulation of Prospecting and Mining in Organ Pipe Cactus National Monument

You have requested my opinion on two questions submitted to you by the Superintendent, Organ Pipe Cactus National Monument, contained in his memorandum of April 20, 1960, to you. A copy of Superintendent Fitch's memorandum is attached to each copy of this opinion. He attached a mimeographed copy of General Land Office Circular No. 1502, entitled "Regulations to Permit Mining Within the Organ Pipe Cactus National Monument in Arizona." The provisions of that circular are still in effect, except that the cross-reference found in 185.33j is now incorrect; however, the cross-reference is not technically a part of the regulations.

The regulations are issued under the authority of the Act of October 27, 1941 (55 Stat. 745; 16 U.S.C. 450z), which reads as follows:

> "An Act to permit mining within the Organ Pipe Cactus National Monument in Arizona.
>
> "Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That within the Organ Pipe Cactus National Monument in Arizona all mineral deposits of the classes and kinds now subject to location, entry, and patent under the mining laws of the United States shall be, exclusive of the land containing them, subject to disposal under such laws, with right of occupation and use of so much of the surface of the land as may be required for all purposes reasonably incident to the mining or removal of the minerals and under such general regulations as may be prescribed by the Secretary of the Interior."

At the outset, the meaning and effect of the word "now" in the phrase "all mineral deposits of the classes and kinds now subject to location, entry, and patent under the mining laws of the United States" is not

Columbium.
Corundum.
Diamond (industrial)
Graphite (crucible flake)
Kyanite (strategic).
Platinum group metals.
Quartz crystal (piezoelectric).
Talc (block steatite).
Tantalum.
Tin.

(c) The Government will contribute 50 percent of the total allowable costs of the exploration for the following minerals or mineral products:

Antimony.
Bismuth.
Cadmium.
Cobalt.
Copper.
Fluorspar.
Gold.
Iron ore.
Lead.
Molybdenum.
Monazite.
Rare earths.
Rutile.
Selenium.
Silver.
Sulphur.
Tellurium.
Thorium.
Uranium.
Zinc.

(d) In the case of a combination of the minerals or mineral products named in paragraphs (b) and (c) of this section, the Government will contribute 62.5 percent of the total allowable costs.

Section 301.5 (Amendment)

2. The description of Region II in Section 301.5 is amended to read as follows:

Region II: California, Hawaii, and Nevada--Office of Minerals Exploration, 113 Custom House, 555 Battery Street, San Francisco 11, California.

3. Section 301.9 is amended to read as follows:

Section 301.9 Government participation.

The Government will contribute toward the total allowable costs of the exploration specified by the terms of the contract at the rate established in Section 301.3 for the minerals or mineral products sought.

(F. R. Doc. 61-2918; Filed, Apr. 3, 1961; 8:46 a.m.)

DEPARTMENT OF THE INTERIOR
Office of Minerals Exploration
(30 CFR Part 301)
FEDERAL ASSISTANCE IN FINANCING
EXPLORATIONS FOR MINERAL RESERVES
Eligible Minerals or Mineral Products and Government Participation in Exploration Contracts

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by Public Law 85-701 (72 Stat. 700) it is proposed to amend 30 CFR 301.3, 301.5, and 301.9 as set forth below. The amendment of Section 301.3 would add to the list of mineral commodities eligible for exploration assistance gold, silver, iron ore, bismuth, sulphur, and tellurium, which are considered to be vital to the economy of the United States, and would permit the Government to pay up to 75 percent of the costs authorized in exploration assistance contracts for certain other mineral commodities in relatively short supply. The amendment of Section 301.5 would add Hawaii to the States comprising Region II. Section 301.9 would be amended so as to conform to Section 301.3 as amended.

It is the policy of the Department of the Interior whenever practicable to afford the public an opportunity to participate in the rule-making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Office of Minerals Exploration, Washington 25, D. C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

STEWART L. UDALL
Secretary of the Interior.

March 28, 1961.

1. Section 301.3 is amended to read as follows:

Section 301.3 Eligible minerals or mineral products.

(a) The minerals or mineral products named in this section are eligible for Government financial assistance.

(b) The Government will contribute 75 percent of the total allowable costs of the exploration for the following minerals or mineral products:

Asbestos.
Bauxite.
Beryllium.
Chromite.
Manganese.
Mercury.
Mica (strategic).
Nickel.

is directed to those regulations prohibiting hunting, trapping, and the carrying of firearms within the boundaries of the monument.

CROSS REFERENCE: For regulations of the Secretary of the Interior affecting this monument, see 36 CFR, Chapter 1, Part 2 (Federal Register, March 26, 1941, Vol. 6, pp. 1626-1634).

185.33k Termination of right to use of surface of mining claims. The right of occupation and use of the surface of the land embraced in the boundaries of a location, entry or patent pursuant to this Act will terminate when the minerals are mined out or the claim is abandoned.

185.33l Title to minerals only. Applications for patents and final certificates issued thereon for mining claims located under the Act should be noted "Organ Pipe Cactus National Monument Lands," and all patents issued for such claims will convey title to the minerals only, and contain appropriate reference to the Act and these regulations.

185.33m Destroying vegetation prohibited. The locator of a mining claim within the monument area shall refrain from destroying or disturbing vegetation within the boundaries of his claim except as is necessary for the proper development thereof for mining purposes.

185.33n Construction of trails and roads. Prospectors or miners shall not open or construct roads or vehicle trails without first obtaining a permit from the Director of the National Park Service. Applications for such permits may be made through the officer in charge of the monument upon submitting a map or sketch showing the location of the mining property to be served and the location of the proposed road or vehicle trail. The permit may be conditioned upon the permittee maintaining the road or trail in a passable condition, satisfactory to the officer in charge, so long as it is used by the permittee or his successors.

185.33o Lands containing certain features not subject to location. Lands containing springs, wells, water holes, other sources of water supply, monument headquarters, and recreation areas are not subject to location.

s/ FRED W. JOHNSON
Commissioner.

I concur:

NEWTON B. DRURY
Director, National Park Service

Approved: Jan 20, 1942

OSCAR L. CHAPMAN
Assistant Secretary.

These regulations are issued under the authority contained in the Act of October 27, 1941 (Public Law 281 - 77th Congress).

Circular No. 1502

REGULATIONS TO PERMIT MINING WITHIN THE
ORGAN PIPE CACTUS NATIONAL
MONUMENT IN ARIZONA

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

January 20, 1942

Sec. 185.33h Statutory authority. By the Act of Congress approved October 27, 1941 (Public Law 281 - 77th Congress), all mineral deposits of the classes and kinds then subject to location, entry and patent under the United States mining laws within the Organ Pipe Cactus National Monument in Arizona, were made, exclusive of the land containing them, subject to disposal under such laws, with right of occupation and use of so much of the surface of the land as may be required for all purposes reasonably incident to the mining or removal of the minerals and under such general regulations as may be prescribed by the secretary of the Interior.

185.33i Mining Locations. The lands within the Organ Pipe Cactus National Monument as established by Proclamation No. 2232 dated April 13, 1937 (50 Stat. 1827), are open to prospecting for the kinds of mineral subject to location under the United States mining laws and upon discovery of any such mineral, locations may be made in accordance with the provisions of the mining laws and regulations thereunder. Such locations duly made will carry all the rights and incidents of mining locations, except that they will give to the locator no title to the land within their boundaries, or claim thereto, except the right to occupy and use so much of the surface of the land as required for all purposes reasonably necessary to mine and remove the minerals.

185.33j Occupation and use of surface. Occupation and use of the surface of a mining claim is restricted by the Act to such as is reasonably incident to the exploration, development and extraction of the minerals in the claim. Accordingly, any locator of patentee of a mining claim located under this Act will be entitled to such right. Prospectors and miners shall at all times conform to any rules now prescribed or which may be made applicable by the Secretary of the Interior to this monument. Special attention

directly south of Ajo, Ariz., were withdrawn from the public domain so that rights of mining and prospecting were thus prohibited. When as a matter of fact, the organ pipe cactus grows on only about 15 percent, or approximately 80 square miles, of this vast tract; and

Whereas this national monument was segregated by star-chamber methods without notice and without a hearing being granted to interested parties; and

Whereas experienced, competent mining geologists have reported that the district thus withdrawn shows every evidence of having mineral values, and this conclusion is supported by the fact that one of the largest copper operations in the world, that at Ajo, Ariz., employing hundreds of men, is located immediately north of the monument: Now, therefore, be it

Resolved, That the Nogales Council of the Arizona Small Mine Operators Association register its approval of H. R. 2675, which would allow prospecting and mining on the Organ Pipe Cactus National Monument, and ask its speedy passage; and, further, that laws be enacted that will prohibit the withdrawal of any further lands from the public domain except upon notice and with public hearing and upon passage of specific laws by Congress authorizing the withdrawal.

Arizona Council,
Hugo W. Miller,
Chairman.

the home market. Last year one mining company alone spent over half a million dollars for our home State farm products. We have given a beneficial touch to the life of every resident of Arizona and to those of untold millions throughout the Nation.

The same is true of every other mine throughout the whole United States. The mines of the Nation originate 51 percent of all the pay carload freight carried on every railroads in the country and every year millions of other tons carried by boats.

We are glad to be called Coronado's children, but we refuse to be classed as wreckers and scions of Old Nick, as some conservationists would have the public think. We are true conservators of the national welfare by development. Mining is the real primary industry of the Nation, and is entitled to consideration as such. Mining supplies the first requirements of every human activity. If it were not for the miners, Tubal Cain and his successors, the farmer would still be plowing with a crooked stick.

We earnestly pray the speedy passage of H. R. 2675, or that of its similar companion measure that has already passed the Senate.

Respectfully submitted.

Nogales Council, A. S. M. O. A.,
Hengo W. Miller, Chairman.

Nogales, Ariz., June 18, 1941.

Resolution adopted by the Nogales Council of the Arizona Small Mine Operators Association in regular meeting held June 18, 1941.

Whereas the present emergency has demonstrated that the United States is not self-sufficient in the production of necessary elements for national defense, but must depend on foreign countries for even such a basic essential as copper; and

Whereas the Federal Government now owns and controls 45,155,000 acres of land in Arizona, being three-fifths of the entire State, which is administered in an arbitrary and bureaucratic manner with little thought as to the welfare of the State in which the land lies, nor legitimate mining development in accordance with national needs; and

Whereas of the above amount 19,566,339 acres lie in Indian reservations where there are many mineral deposits of proven value, but there is not a single mine in operation on any reservation in the State, entirely administered by the Indian Bureau, due to restrictive regulations made by officials who know little about, and care less for the mining industry; and

Whereas the Organ Pipe Cactus National Monument was created on April 13, 1937, by Presidential proclamation when 464 square miles of land

the ground cannot be taken from the ground and placed in use become a visible resource. They are a permanent addition to the national wealth. Please note that "permanent addition to the national wealth." If any Representative doubts that assertion let him look up at an electric light, and think of the power plant back of it. The copper in that whole utility system will serve the people—in some form—so long as the country shall last. Every other metal object about you, even the new beams for the ceiling, also proves the truth of our saying. But the idealistic, theoretical conservationist will seek to set himself up as Deity for future generations. overlooking the fact that a million years ago a kindly Providence has already provided, and stored up, the mineral essentials to supply every need of the changing economic scene. The unknown and valueless mineral of yesterday becomes the favorite utility of today. We cite only four out of many of these: Arazonite, bentonite, ferberite, vermiculite. How many Representatives can state the nature of these minerals, and give their uses? Yet within the year the Arizona Department of Mineral Resources has been instrumental in opening up operations or has negotiations under way on all of them. In this progressing world who can say what metals your grandchildren will need or even use? Once on a time King Solomon made silver as common as stones in Jerusalem, but today silver has become so precious that, on occasion, Congress will use $100,000 worth of time merely to talk about silver.

Here in Arizona one group of good citizens is spending $25,000,000 to open up one copper deposit at Morenci. By their private enterprise they show their faith in the future basic stability of the country in undertaking to create this new national wealth for national use. Does anyone for a moment think that the Legislature of Arizona would spend $25,000,000—nearly 10 percent of the total assessed value of the State—to develop such a property? What Representative would introduce a bill in Congress to use $25,000,000 of Federal funds to develop such a property and expect its passage? Only development converts hidden mineral into a national resource. The development of any mine is a job for private enterprise—we do not forget R. F. C. loans with their high administration costs when we say that—and we miners are glad to take the risk when we are not hampered by restrictive laws and regulations that make success impossible.

Arizona miners are proud of the fact that our mines give employment to more than 10,000 people. We furnish 88 percent of all the pay carload freight originating on Arizona railroads, and a large part of the trucking also. We have contributed largely to the building and prosperity of all our cities like Phoenix, Tucson, and Prescott. We have had a hand in the building of every college, school, and church in the State. We have furnished our farmer friends with their best market—

waiting for any chance passerby to locate it. After every rainy season every arroya in our

A3214

country again becomes virgin prospecting ground. A miner may travel hundreds or even thousands of miles hunting for a mine that will repay him for a lifetime of labor, and then after a rain and a little landslide locate a mine in his own dooryard. This has happened, not once, but many times.

In seeking the passage of H. R. 2675 we do not seek to establish a precedent, but to correct an error and a grave injustice. We object to the star-chamber method by which the monument was created in the first instance. Had there been due notice given and a public hearing for the interested parties the monument never would have been set up in its present form except by arbitrary, dictatorial action.

The manner of establishing this monument is a sample of what we in the Western States have to face all the time. In Arizona over 63 percent of our land is administered by different Federal bureaus and departments--in 1 county that percentage rises to nearly 90 percent under public ownership. In the Government there are over a million civil servants (would-be masters). Work must be found for them to warrant keeping them in their jobs. Hence the constant reaching out by these bureaus for more territory and more power. A bureaucrat is a bureaucrat, regardless of his party label--Democrat, Republican, Bull Moose--it is just the same. He always itches--for power. We grant a certain administrativeability, but it is an ability which, if allowed to continue its present rampant course, will administer the mining industry clear out of existence. In Arizona we have seen the number of operating mines drop as much as 467 in a single year. The constant restricting of the right of mine means that we will soon be dependent on foreign nations for the major portion of our strategic metal needs.

There are in Arizona over a billion tons of proven low-grade ore that could be extracted and added to the national wealth if we could reduce the cost of extraction 50 cents per ton; but with every lowering of cost by technological improvement we have faced other cost increases that have more than canceled out the economies, and with a fixed selling price we are further away from recovery of that metal than before. How can that low-grade ore be considered a national resource? What value will you put on it?

Every debate of this kind brings up the old, old question: What is conservation? It also shows the folly of making general rules to cover all natural resources. As cited above, hidden mineral buried in

ARIZONA MINING MEN PROTEST RECENT RESTRICTIONS OF MINING ACTIVITIES ON PUBLIC DOMAIN

EXTENSION OF REMARKS
OF
HON. JOHN R. MURDOCK
of Arizona
IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1941

STATEMENT OF ARIZONA SMALL MINE OPERATORS ASSOCIATION

Mr. MURDOCK. Mr. Speaker, under leave to extend my remarks and include a statement of the Arizona Small Mine Operators Association, I wish to show why the Nogales Council of that very spendid organization is wholeheartedly supporting my bill, H . R. 2675.

The statement in the form of a letter is as follows:

Nogales, Ariz., June 20, 1941.

Hon. John R. Murdock,
House Office Building,
Washington, D. C.

Mr Dear Sir: Herewith we send you resolution passed by the Nogales Council of the Arizona Small Mine Operators' Association and also accompanying statement in support of your bill, H. R. 2675, which would open the Organ Pipe Cactus National Monument to prospecting and mining. We hope that these will be useful in your efforts and that you will read them into the RECORD.

We leave it to the good judgment of the House of Representatives to determine who is best able to evaluate the mining possibilities of this vast territory—parlor conservationists and an ecologist from Oklahoma, or these near resident groups of our association, composed of prospectors, miners, and mining engineers, many of whom have personally traveled over the ground in question. This is too important a matter to be sidetracked by the unsupported statement, "I object."

The statement has been made by a Representative that he has been informed that the ground has no mineral value because it has been prospected for the 400 years since Coronado and no mineral found—as if that settled the matter. The activity of the New Cornelia mine at nearby Ajo, Ariz., is the best answer to that statement. The statement also shows a complete ignorance of prospecting on the part of both the Representative and his informant. No ground is ever completely prospected. Nowadays a mineral prospect is not standing wide open,

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mrs. ROGERS of Massachusetts) there were—ayes 44, noes 8.

So the bill was passed.

A motion to reconsider was laid on the table.

Mr. ROBINSON of Utah. Mr. Speaker, I ask unanimous consent to vacate the proceedings by which the bill (H. R. 2675) was just passed, and substitute an identical Senate bill (S. 260).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

The Clerk read the Senate bill, as follows:

> Be it enacted, etc., That within the Organ Pipe Cactus National Monument in Arizona all mineral deposits of the classes and kinds now subject to location, entry, and patent under the mining laws of the United States shall be, exclusive of the land containing them, subject to disposal under such laws, with right of occupation and use of so much of the surface of the land as may be required for all purposes reasonably incident to the mining or removal of the minerals and under such general regulations as may be prescribed by the Secretary of the Interior.

The bill was ordered to be read a third time, was read a third time, and passed.

A motion to reconsider was laid on the table.

the great town of Boston that has made so much money from the copper mines of the West. It is Boston and New York capital that has gone out there and is pulling in a stream of money from the Western States. If we have the kind of legislation that the lady and her great Christian Science Monster advocate—I said "Monster," but I meant "Monitor"—we would not have much in the way of development.

In considering the original bill, it was explained to us that people went out and cut down these big cactus; for a little pittance they despoiled these fine cactus plants and exploited this desert growth. When that was told us, we thought they should be preserved, and we voted to turn them over to the Secretary of the Interior, but we had not idea we were going to lock up the vast mineral resources of this section from further development. The Government's liberal mining resources of this section from further development. The Government's liberal mining policy is what has made this country great. Developing our mineral resources in this country is why the European powers are now on their knees begging us to come with the things we have dug from the soil and fabricated into weapons and munitions of war for their rescue. If we had the kind of program the lady advocates, they would not be asking us for anything. We would be like the backward countries of Ethiopia and Manchuria, where they had conservation to the nth degree. The Japs moved in on Manchuria and the Italians moved in on Ethiopia to develop the resources that they have left locked up.

I would like to call attention to the fact that it is a few of these sentimentalists who have never even put foot on this land who want to come in and tell us how to develop the West. Let us go back to the policies of the great leaders in this House and in this Nation in the past that have given us laws that have made us what we are. Let us continue that policy.

Let me tell the young lady right now that she has probably had a hand in appropriating money for the Bureau of Mines to go forth in the western mountains and look for strategic metals, for which we now have to go to Turkey for our chrome and to China for our tungsten; and let me tell the lady that over in the State of Idaho, in the district which I have the honor to represent, in a country that has been prospected for 100 years, or since they struck gold in 1860, the Bureau of Mines has gone in and found one of the largest tungsten deposits known to exist in the United States. We are busy now with plans to get it out that we may have it in our defense program. Over in Montana we have deposits of chrome, which is only now, under the emergency of defense, being opened and put into production.

(Here the gavel fell.)

Mr. ROBINSON of Utah. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

Mr. REES of Kansas. I was just hoping that it would not create a sort of a prospecting outfit that might go in there and destroy the land and tear things up; a sort of speculation that might be carried on rather than an honest investigation. Is that not the way it works out generally, that some company is organized and goes in there to prospect, and they go away and leave the property more or less destroyed? What protection is there against that?

Mr. MURDOCK. No; not in this proposed prospecting. The gentleman may be thinking of sad cases of uncontrolled lumbering, or such exploitation. Such destruction would not result here. The West has been made very largely by prospectors, often risking their lives to find earth's hidden treasure. Of course, if there is real wealth there a small mine may grow into a large mine, but two essentials are necessary: To find a large deposit of mineral, and then to develop a mine. My bill seeks to prevent the foreclosing forever of this vast area to those two possibilities. This bill should be passed.

(Here the gavel fell.)

Mr. WHITE. Mr Speaker, I move to strike out the last two words.

Mr. Speaker, as a member of the Committee on Public Lands—and I hope the young lady from the State of Massachusetts (Mrs. ROGERS) will listen to this, because I think she needs a little information—I was a member of the committee which reported the original bill out. I also have been able to do something that a great many Members of this House have not been able to do. I have traveled through this area in coming east from California. I know something about it. I have lived in the West for 50 years. I hope that some day the lady from the great State of Massachusetts, the seat of learning, the great university center, will have an opportunity to go through this country and form some opinions for herself about this desert, where there is not a drop of water, and where many people have perished of thirst. In going over this area once in a while we find one of these huge cactus plants. The lady would find a few of them in a little patch and then for 5 or 10 or 15 miles there will be none at all. The lady might see a few horned toads, but she will not see any animal life or vegetable life. She will see a desert. The atmosphere is rarefied, and it is a wonderful place to see, but there is not much to look at.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. WHITE. I yield briefly.

Mrs. ROGERS of Massachusetts. I have traveled over a great deal of the West. It is very beautiful in a different way from New England, and I have a great interest in preserving that. That is why I am interested in this bill.

Mr. WHITE. I thank the lady. I also call the lady's attention to

Calif.; Glacier National Monument, Alaska, and certain portions of Olympic National Park, Wash. Further down he says that prospecting and mining are permitted in Boulder Dam national recreational area, except with the wildlife refuge. In other words, parks, monuments, and recreational areas, five of them are enumerated here by the Park Service, which are now open to prospecting and mining. All we ask is that this area in Arizona which may contain mines such as at Ajo, shall be looked into, so that if there be mineral wealth there, at least we can get it.

In other words, we are not asking for a new thing. We are asking you to make this area in Arizona the sixth, five having preceded it, of a similar nature. It is not our desire to destroy cactus growth. Miners simply go out there, and if they find anything they create a mine. If they do not they will do no harm. I say to you frankly that the bill provides that if any prospecting or mining is done it shall be done according to the rules and regulations prescribed by the Secretary of the Interior, and that ought to be protection enough for the area.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. MURDOCK. Yes. I shall be glad to yield now.

Mrs. ROGERS of Massachusetts. But it is proved that prospecting and mining would dam up the waters, and the cattle could not live there.

Mr. MURDOCK. Oh, no; prospecting or mining would not have any effect upon cattle or animal life. There are no large streams in this land, for it is all desert country; there is nothing there but dry washes. At Ajo, on the border of this, they dug down 650 feet below the surface to get water. Their unique pumping plant is almost an underground village reached by an elevator. That is what Colonel Greenway has done. There are no streams in that area to dam.

Mr. REES of Kansas. Mr. Speaker, I have a great deal of respect for the opinion of the gentleman from Arizona and his enthusiasm regarding this problem. However, I notice that the report does not offer much encouragement. It says that Government geologists have examined this area and they do not seem to make a very favorable report. I am glad to have the opinion of the gentleman from Arizona.

Mr. MURDOCK. Perhaps the Service is not too enthusiastic about the proposal, for in general they do not want mining on such areas. But each case should rest on its own merits. In this case mining will do no harm to the other worthy use any may do much good. Mining men in Arizona, particularly the small mine operator associations at Ajo, Tucson, and even at Prescott, two or three hundred miles away, together with experts at the School of Mines of Arizona, firmly believe that there is mineral wealth in this extensive area.

reading their letter, I have doubted if any of this association or anyone who wrote that letter is really interested in saving this particular area.

Mr. MURDOCK. The gentleman is right. I, too, have received protests from the National Park Association, and I also have received protests from Phoenix, Ariz., from some of my own former students, who are interested, as I am, in cactus life. Their protest was made because they misunderstood the situation. The secretary of the National Parks Association has never been in that area. He was in my office recently and admitted, after looking at a picture on my wall of a cactus growth, that he had never seen such a thing before. I wonder how you folks from the East would feel here if I should object to legislation that pertained to your seaports in New York or New England, about which I know next to nothing.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. MURDOCK. The gentlewoman will excuse me, my time is so limited. It is asked why this is desired. Arizona is one of the great mining States of the West. Much mineral wealth has been taken from its area already, but I feel that there are vast untouched resources throughout the State. However, we will never get them unless prospecting is permitted. Prospecting will not interfere with the area, for the prospector naturally wants to keep as far away from a cactus as possible. God knows there is not anyone living who wants to preserve the desert growth of Arizona more than I do. I have written textbooks for the schools of Arizona and I have stated therein that the State flower for Arizona is a cactus blossom. Many Members of the House saw me present our State flower here a few weeks ago, sent by the Governor of Arizona for your inspection. Of course, I want to preserve the organ-pipe cactus and also the saguaro cactus, and every other cactus growth, but I say to you that not 15 percent of this vast area now locked up in this monument is covered by this rare growth. In other words, when the Executive order was issued, it set aside 425 square miles, which

was for the protection of the organ-pipe cactus. Yes, and I favor such move; but at least five or six times the amount of area was included as should have been included.

It has been said here that this would create a precedent if we should pass this bill. Nothing of the kind. I hold in my hand a public law passed June 13, 1933, which permits this very thing in Death Valley National Monument in California. I point out here in a letter from Mr. Newton B. Drury, Director of the Park Service, dated June 7, 1941, that he lists the following where mining and prospecting are permitted: Mount McKinley National Park, Alaska; Death Valley National Monument,

There was no objection.

Mr. MURDOCK. Mr. Speaker, I am interested in what the gentlewoman from Massachusetts has just said, referring, as she did at the time, to the Christian Science Monitor and indicating, as she has, that quite a number of organizations are opposed to this measure. I think such organizations are unjustly opposed to it and without due grounds for opposition.

Some of the opposing contentions offered here seem as absurd to me as it would be if I should propose legislation declaring that the moon is made of green cheese. If I should propose such a suggestion, I am sure that more than 21 dairy organizations throughout the country would rise up in opposition, thinking it might have some effect upon the price of cheese. Some sentimental persons with a good idea are in this case unreasonably overdoing a good thing.

It is said that mining or prospecting in this area would disturb animal life as well as plant life. I must say to the gentlewoman from Massachusetts that she is distinctly in error, regardless of her information, concerning the protection of our mountain goats or the bighorn sheep. Just recently a large area , in Yuma County, Ariz., was set aside for the protection of our rare specie of bighorn sheep. In gneral, I favored it. I want to say, though, in this connection that when the area was first blocked out by officials here in Washington it was four times the present area. The Department said, " we want to protect native palms of Arizona and this rare specie of bighorn sheep." Of course, all of us in Arizona wanted to protect those two things, and I worked with sportsmen, Boy Scouts, and other organizations toward that end. However, we objected to so large an area being included. A conference was held, and men came from Arizona, meeting with the Department officials, and we found that to the best interest of all concerned the areas could be reduced. They were reduced and a separate protection has been afforded. The Kofa Mountains, containing the bighorn sheep, are 100 miles away to the northwest, so there are no mountain sheep in the Organ Pipe Cactus Monument needing protection in it.

Mr. ROBINSON of Utah. Mr. Speaker, will the gentleman yield on that point?

Mr. MURDOCK. I yield to the chairman of the committee.

Mr. ROBINSON of Utah. I just want to state to the House that the first time that the committee or I as a member of the committee or any other member of the committee heard about any animal life in this particular area was from the National Parks Association. The National Parks Association is a private concern and has nothing whatever to do with the Park Service. It is simply an organization that investigates some of these matters with its own funds, I take it, and on their own time, and reach their own conclusions. After hearing the resolution and

I have read the report of the Secretary of the Interior on this measure. Certainly his report is not an endorsement of the measure.

Mr. Speaker, I believe that legislation of this sort would very materially handicap the setting aside of national parks. If this bill goes through, the protests from all over the country will be very great. I earnestly hope, Mr. Speaker, much as I admire and like my colleague from Arizona, this measure will be defeated. I think it is not in the interest of national defense and would be very detrimental to our wildlife and flora preservation in the Nation.

(Here the gavel fell).

Mr. MURDOCK. Mr. Speaker, I rise in opposition to the pro forma amendment, and I ask unanimous consent to proceed for 10 minutes.

The SPEAKER pro tempore (Mr. THOM). Is there objection to the request of the gentleman from Arizona?

Mr. COLE of New York. Mr. Speaker, reserving the right to object, I simply do so to ask the gentleman if he will tell the House the real reason for this bill. If it is true that this territory has been prospected for the last 400 years and nothing has been found, what is the reason for going in there and prospecting now?

Mr. MURDOCK. We want this bill passed because we believe there is mineral wealth there which ought to be found. I want to call the gentleman's attention to the fact that the region around Ajo, which is just to the north of this monument, was also prospected by Spaniards for about 400 years, but it remained for Arizona prospectors to find the second largest copper mine in our State, a mine which was developed by Col. John C. Greenway, whose widow afterward served in this House as my predecessor. I want to say that the same length of time was spent in prospecting before Ajo was discovered, but it was discovered and there may be other Ajos, in spite of expert opinion to the contrary. Do not forget that Spaniards looked for gold in California for centuries but Americans made the big discovery about 1848.

Mr. COLE of New York. How long ago was Ajo discovered?

Mr. MURDOCK. Col. John C. Greenway developed that great mining camp about a quarter of a century ago.

Mr. COLE of New York. And since that time has not this territory also been prospected?

Mr. MURDOCK. No doubt there has been some prospecting, but I call the gentleman's attention to the fact that this is an enormous area. It is more than 300,000 acres or more than 425 square miles locked up now against any prospecting. So there has been no prospecting since the Executive order which created the monument, and that is exactly what thousands of mining men in Arizona are objecting to. It is to unlock this area that we want to pass this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

The Murdock bill, H. R. 2675, "To permit mining within the Organ Pipe Cactus National Monument in Arizona," has been favorably reported out by the House Committee on the Public Lands. Its companion measure, S. 260, by Senator HAYDEN, has been passed by the Senate.

The Izaak Walton League joins with the National Parks Association, the Ecological Society of America, and others, in protesting against enactment of this legislation. The reasons: Investigations of the Ecological Society, in cooperation with the National Park Service, reveal that prospecting and mining within the area over a long period of time previous to its being established as a national monument failed to produce evidence of important minerals.

Organ Pipe Cactus Monument contains not only many unusual species of flora and several bands of desert bighorns in need of protection but also a wide variety of plant and animal species peculiar to that region.

Established in 1937, it is highly significant as offering preservation of an outstanding example of the Sonora Desert.

Opening this monument to commercial exploitation will set up a precedent for economic use that not only cannot be justified but which threatens the entire system of national monuments and national parks. To our mind, these bills are dangerous and their implications far reaching. Even though ostensibly they do not bear the stamp of national defense, present confused conditions make the opportunity ripe for mining interests to get a foothold in protected Federal areas under the stress of emergency economic needs.

Organizations opposed to the bills H. R. 2675 and S. 260, "To permit mining within the Organ Pipe Cactus National Monument in Arizona": American Alpine Club; American Nature Association; American Planning and Civic Association; American Society of Landscape Architects; American Society of Mammalogists; Arizona Wildlife Federation; California Roadside Council; Colorado Mountain Club; Connecticut Forest and Park Association; Conservation Council, Illinois; Ecological Society of America; Everglades National Park Association, Florida; Federation of Western Outdoor Clubs; Izaak Walton League of America; Massachusetts Forest and Park Association; National Audubon Society; National Parks Association; Natural History Museum, San Diego, Calif; Outdoor Writers' Association of America; Sierra Club, California; and Wilderness Society.

(From the Christian Science Monitor of July 11, 1941)

MINING A PARK

What has been called the finest arboreal desert in the United States may be despoiled if a bill to permit mining in the Organ Pipe Cactus National Monument in southern Arizona passes the House of Representatives.

The sponsors of the bill which has already passed the Senate say that mining would unlock a great mineral wealth in this unexcelled desert area at a time of national emergency. But the United States Geological Survey, which has ample data on the location of minerals whose development is needed, reports that this is not an important mineralized locality. Moreover, the Organ Pipe Cactus National Monument has been prospected since the Spanish era with no important results, according to the United States Department of the Interior.

With all due respect to the motives of those who propose the bill, these people surely do not realize the consequences of mining operations in a desert region where, experienced conservationists say, any change in the delicate balance of nature may destroy forever important natural features of Uncle Sam's most spectacular cactus garden. Mining, however short-lived, would be extremely detrimental to plants and animals in the region. Vegetation would be used as fuel. Water sources would be dammed up. Animals would be driven away.

The monument extends over 516 square miles of desert mountain range and plain—miles filled with long-armed organ pipe cactus, the torch-like clumps of senita or whisker cactus, the fantastic tree cholla, the delicate-leaved palo verde and the giant saguaro cactus. Among these live an estimated 500 javelinas or wild hogs, desert mountain sheep, desert antelope, the rare burro deer, and the sinaloa or Mexican deer.

The United States can fill its mineral needs, even emergency needs, from other sources more readily than it could replace these resources.

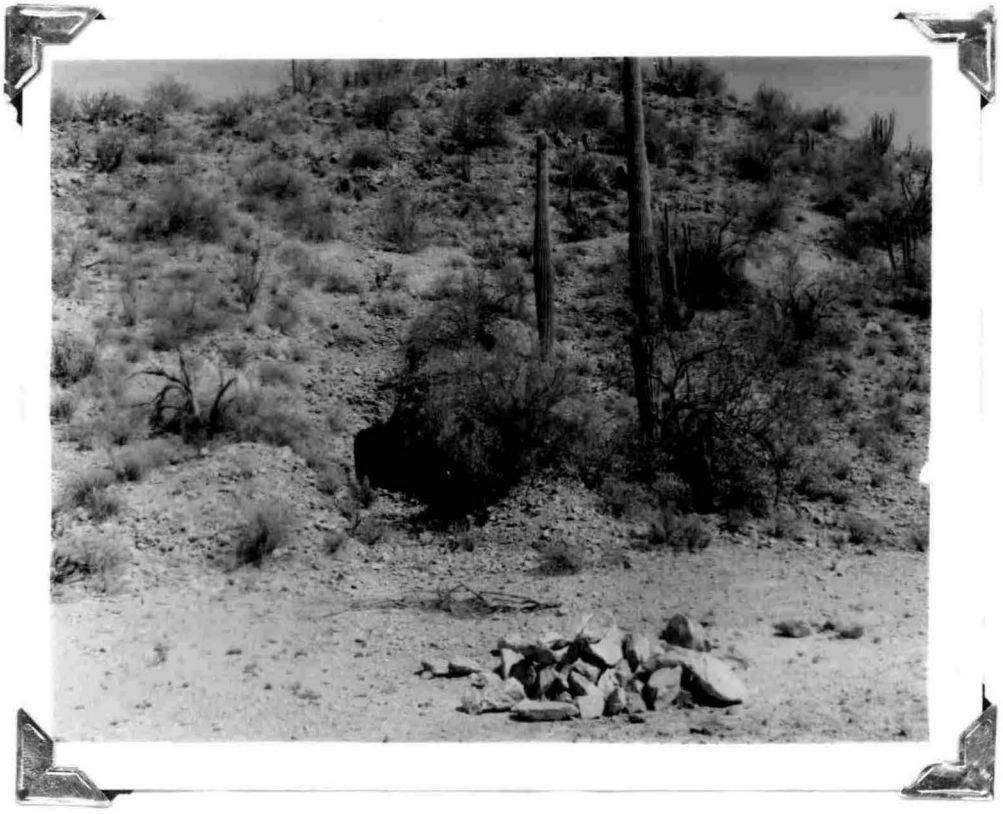
(From Outdoor America for May—June 1941)

NATIONAL MONUMENTS THREATENED BY MINING BILLS

As we have stressed from time to time, it is to be expected that under the guise of national-defense needs, all manner of bills for questionable projects would be presented to the Congress—bills that ordinarily would not get to first base on their own merits.

LOST CABIN MINE: Remains of house....Mine can be seen at upper left.(Victoria District)

GOLDEN EAGLE # 3: Piles of rock indicate prospect holes and shafts. (Senita Pass Area)





LOST TRAIL MINE: Horizontal shaft or drift. 2 miles west of Dripping Springs.

LOST TRAIL MINE: Rif-raf road to mine camp. Approximately 3/4 mile of rockwork laid up to construct road. Roadbed very unstable.





GOLDEN EAGLE # 1: Typical accumulation of trash found at many of the mine sites. (Senita Pass Area)

GROWLER MINE: Debris near large inclined shaft. (Growler Mine)





MELTON MINE: Open pit worked since early 1900's. Never has been profitable. (Senita Pass Area)

MELTON MINE: Debris and litter strewn over the ground. Tanks in foreground were for concentration of copper ore. (Senita Pass Area)





GROWLER MINE: Debris left behind near open-unprotected vertical shaft in foreground, several hundred feet deep.

GROWLER MINE: Horizontal shaft or drift several hundred feet long. Home for bats, snakes, insects, etc.





GROWLER MINE: The old tower, loading platform and debris of the Growler Mine. The vertical shaft under the tower is over a hundred feet deep.

SENITA PASS AREA: Open unprotected shaft approximately forty feet deep. This is one of several such shafts in this general area.





WALL'S WELL AREA: Pit opened in 1961 by Southwest Minerals Development Corporation.

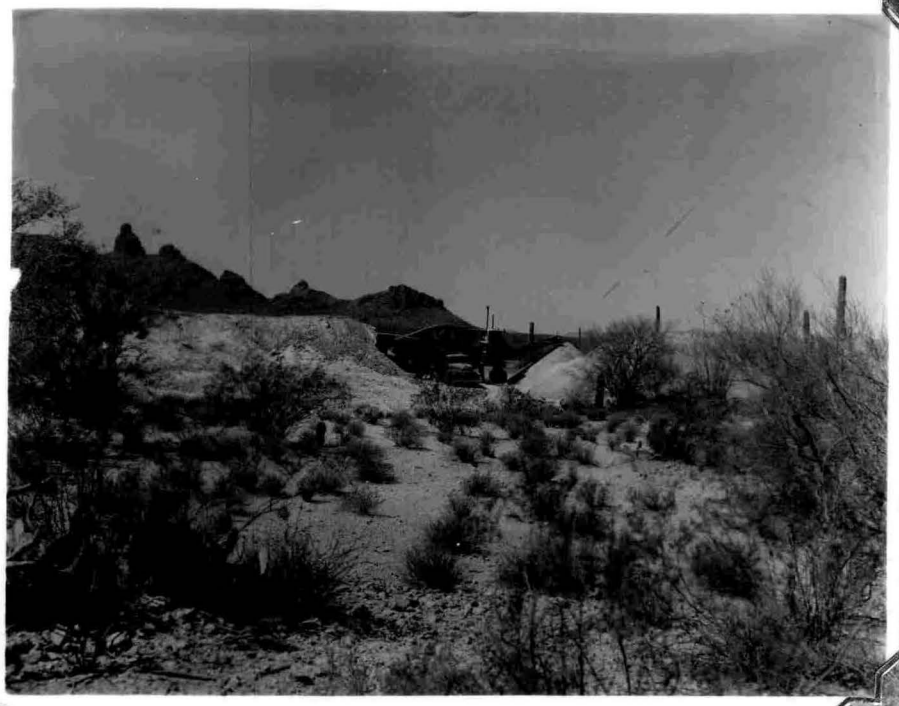
WALL'S WELL AREA: Crusher and loader extracting ore with little or no consideration given to preservation of vegetation.





SENITA PASS AREA: Typical assessment work. Consists of a trench approximately 2 feet wide; 3 feet deep; and 120 feet long. No ore was taken from the trench.

SENITA PASS AREA: Machine used in above assessment work.





WALL'S WELL AREA: Machinery and ore pile belonging to Southwest Minerals Development Corporation. Montezuma Head in background.

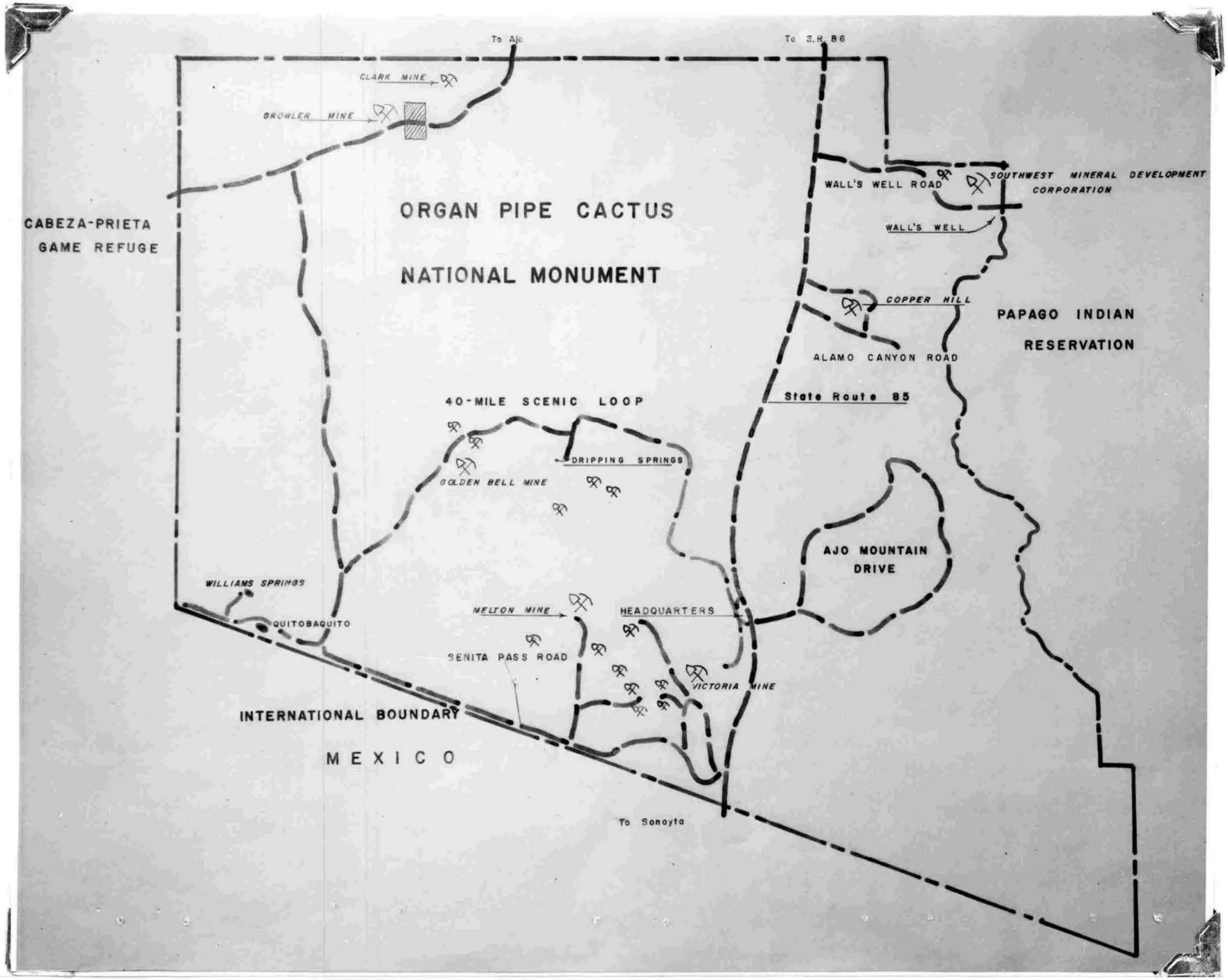
COPPER HILL AREA: Drilling rig, truck and equipment belonging to Phelps Dodge Corporation. This rig is drilling core samples. Montezuma Head in background.





VICTORIA AREA: This hole gouged and blasted in the side of the hill shows the total disregard for protection of the vegetation. Note the completely destroyed Organ Pipe Cactus near the center of the picture.

NEW CORNELIA MINE: This is a view of the extensive operations of the Phelps Dodge Corporation at the Ajo Mine. If this area is left open to prospecting and mining, or if low grade, isolated deposits of ore become economically possible to exploit, then this is what may be expected to develop at Organ Pipe Cactus National Monument.


To Ajo
To S.R. 86
CLARK MINE
GROWLER MINE
ORGAN PIPE CACTUS
NATIONAL MONUMENT
CABEZA-PRIETA
GAME REFUGE
WALL'S WELL ROAD
SOUTHWEST MINERAL DEVELOPMENT CORPORATION
WALL'S WELL
COPPER HILL
PAPAGO INDIAN
RESERVATION
ALAMO CANYON ROAD
State Route 85
40-MILE SCENIC LOOP
DRIPPING SPRINGS
GOLDEN BELL MINE
AJO MOUNTAIN
DRIVE
WILLIAMS SPRINGS
QUITOBAQUITO
MELTON MINE
HEADQUARTERS
SENITA PASS ROAD
VICTORIA MINE
INTERNATIONAL BOUNDARY
MEXICO
To Sonoyta

ORGAN PIPE CACTUS NATIONAL MONUMENT

Map of the Monument showing the larger workings and symbols indicating approximate locations of present and recent mine operations

(PUBLIC LAW 281 - 77TH CONGRESS)

(CHAPTER 459 - 1ST SESSION)

(S. 260)

AN ACT

To permit mining within the Organ Pipe Cactus National Monument in Arizona.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That within the Organ Pipe Cactus National Monument in Arizona all mineral deposits of the classes and kinds now subject to location, entry, and patent under the mining laws of the United States shall be, exclusive of the land containing them, subject to disposal under such laws, with right of occupation and use of so much of the surface of the land as may be required for all purposes reasonably incident to the mining or removal of the minerals and under such general regulations as may be prescribed by the Secretary of the Interior.

Approved, October 27, 1941.