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HEARINGS BEFORE THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS UNITED STATES SENATE NINETY-SECOND CONGRESS

FIRST SESSION

ON

THE NOMINATION OF HON. ROGERS C. B. MORTON TO BE
SECRETARY OF THE INTERIOR

JANUARY 25 AND 26, 1971

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Printed for the use of the
Committee on Interior and Insular Affairs

U.S. GOVERNMENT PRINTING OFFICE

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CONTENTS

STATEMENTS

	Page
Beall, Hon. J. Glenn, Jr., a U.S. Senator from the State of Maryland.....	5
Berry, Phillip S., president, Sierra Club; accompanied by J. Michael McCloskey.....	111
Cooper, Hon. John Sherman, a U.S. Senator from the State of Kentucky.....	8
Long, Hon. Clarence D., a U.S. Representative in Congress from the State of Maryland.....	7
Mathias, Hon. Charles McC., Jr., a U.S. Senator from the State of Maryland.....	3
Morton, Hon. Rogers C. B., a U.S. Representative in Congress from the State of Maryland, a nominee to be Secretary of the Interior.....	8, 36
Won Pat, Antonio B., Guam's Representative in Washington, D.C.....	134

COMMUNICATIONS

Russell, Fred J., Acting Secretary of the Interior: Letter to Senator Jackson, dated January 22, 1971.....	57
--	----

ADDITIONAL INFORMATION

Answer by Mr. Morton to a question raised by Senator Church.....	71
Background supplement to Sierra Club president Phillip Berry's criticisms of the public record of Rogers C. B. Morton.....	133
"Editorials—Micronesians' Bluff?", from Pacific Daily News, January 14, 1971 (published on Guam).....	40
Response by Mr. Morton to Mr. Berry's points raised in his testimony..	135

CONTENTS

STATEMENTS

120	Statement of the Board of Directors of the Bank of America, N. Y. & C., for the year ending December 31, 1911.
121	Statement of the Board of Directors of the Bank of Montreal, for the year ending December 31, 1911.
122	Statement of the Board of Directors of the Bank of Toronto, for the year ending December 31, 1911.
123	Statement of the Board of Directors of the Bank of the South Atlantic, for the year ending December 31, 1911.
124	Statement of the Board of Directors of the Bank of the West, for the year ending December 31, 1911.
125	Statement of the Board of Directors of the Bank of the Pacific, for the year ending December 31, 1911.
126	Statement of the Board of Directors of the Bank of the North West, for the year ending December 31, 1911.
127	Statement of the Board of Directors of the Bank of the South West, for the year ending December 31, 1911.
128	Statement of the Board of Directors of the Bank of the Middle West, for the year ending December 31, 1911.
129	Statement of the Board of Directors of the Bank of the East, for the year ending December 31, 1911.
130	Statement of the Board of Directors of the Bank of the West, for the year ending December 31, 1911.
131	Statement of the Board of Directors of the Bank of the Pacific, for the year ending December 31, 1911.
132	Statement of the Board of Directors of the Bank of the North West, for the year ending December 31, 1911.
133	Statement of the Board of Directors of the Bank of the South West, for the year ending December 31, 1911.
134	Statement of the Board of Directors of the Bank of the Middle West, for the year ending December 31, 1911.
135	Statement of the Board of Directors of the Bank of the East, for the year ending December 31, 1911.

NOMINATION OF HON. ROGERS C. B. MORTON TO BE SECRETARY OF THE INTERIOR

MONDAY, JANUARY 25, 1971

U.S. SENATE,
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Washington, D.C.

The committee met, pursuant to notice, at 10:05 a.m., in room 1202, New Senate Office Building, Senator Henry M. Jackson (chairman of the committee), presiding.

Present: Senators Jackson, Church, Anderson, Bible, Moss, Burdick, Nelson, Gravel, Allott, Jordan, Fannin, Hansen, Hatfield, Stevens, and Bellmon.

Also present: Jerry T. Verkler, staff director; William J. Van Ness, chief counsel; Charles Cook, minority counsel and Thomas Nelson, assistant minority counsel.

The CHAIRMAN. The committee will come to order.

This is an open public hearing by the Senate Interior and Insular Affairs Committee on the President's nomination of Congressman Rogers C. B. Morton of Maryland to be Secretary of the Department of the Interior.

Congressman Morton, the committee welcomes you to the hearing this morning and looks forward to your statement. You have appeared before our committee on more than one occasion so we are glad to have you back on this auspicious occasion.

The position of Secretary of the Interior is a position of great trust and responsibility. The Secretary of the Interior acts as the people's trustee for managing and protecting public resources of great beauty and great wealth. Through the years, the President and the Congress have delegated to the office to which you have been nominated a wide range of powers and responsibilities. The exercise of these powers has a major impact on the quality of life present and future generations will enjoy.

One of the major challenges facing the Department and this committee is the unique relationship between the Federal Government and the American Indian. Quite frankly, we have not done an adequate job of opening the doors of opportunity to our first Americans. New initiatives are needed here as well as in connection with our responsibilities to the people of the Trust Territory in the Pacific. This committee will be looking to the Secretary of the Interior to develop many of these initiatives and to assist in implementing programs developed by the Congress.

Other challenges which must be faced and resolved and for which the office of Secretary of the Interior has major responsibilities include electric power development and marketing in many parts of the

Nation; fish and wildlife management; administration of the Coal Mine Health and Safety Act; conservation of water resources; and the administration of the great resources of the Outer Continental Shelf and our public lands.

I was pleased with the President's announcement that he will be submitting legislation to establish a Department of Natural Resources. The Hoover Commission and other study groups through the years have repeatedly observed that a more logical administrative structure for resource and environmental decisionmaking is needed. A Department of Natural Resources, properly designed, could avoid needless agency and policy conflict, prevent duplication, and expedite the implementation of new policies.

Many of the resource issues we face, however, will not await Government reorganization. They must be dealt with in the days immediately ahead with the institutional machinery we now have available. For example, in recent weeks the security of Western Hemisphere petroleum supplies has been seriously jeopardized by a new round of price increases and by the threats of some Middle East nations to cut off supplies and nationalize U.S. petroleum industries.

I am gravely concerned that the magnitude of this matter has not been fully appreciated by the administration. The Middle East oil-producing countries presently account for 50 percent of the Free World's oil output and 77 percent of its reserves. Western Europe presently obtains about 75 percent of its oil from these nations. For Japan the figure is 85 percent. The United States reliance on Middle East oil supplies has grown to 13 percent of our total crude imports.

The ramifications of this situation and its potential impact on consumer prices, foreign relations, and national security require a high-level and intensive reexamination of our national energy posture. We are increasingly in danger of allowing much of the free world to become the captive of the unilateral policy determinations of a few very small nations whose interests are often not the interests of the free world or of the United States.

In the weeks ahead this committee will begin an active review of energy programs, policies, and relationships and seek to develop a coherent national energy policy. It is clear that in terms of environmental impact, consumer costs, national security, and foreign relations, we can no longer afford short-term, stopgap policies or solutions.

The committee will be working on this and many other problems in the months ahead. We will require the counsel and assistance of the Secretary of the Interior. The challenges faced do not require, and, in my view, do not permit the luxury of partisan approaches. I think I speak for all members of the committee when I say that, if confirmed, you may rest assured of our cooperation in dealing with the problems and the opportunities which lie ahead.

Before calling on our colleagues from Maryland to present the nominee, I will defer to the ranking member of the committee, Senator Allott.

Senator ALLOTT. Thank you, Mr. Chairman. I have just a brief statement, if I may.

It is, of course, Congressman Morton, truly a pleasure for me to welcome you to these hearings, today. If you are confirmed, I am sure that we will see you quite often before this committee in the pursuit of common objectives for the benefit of the Nation.

My acquaintance with you over the past several years has revealed your ability to take up difficult assignments, comprehend them and execute them with expediency.

The post for which President Nixon has nominated you will require the highest administrative qualities.

Particularly, your service on the House Interior and Insular Affairs Committee, including its subcommittees, and on the Public Land Law Review Commission has provided you a valuable exposure to the responsibilities and problems of the Interior Department including the degree to which the economy and well-being of the Western United States is dependent on the activities of the Interior Department, such as projects to provide usable water without which the Western United States could not survive.

Based on my knowledge of your interest and accomplishments in conserving and protecting the natural resources of our country, including the establishment of the Assateague National Seashore, the Chesapeake Bay Study, Estuarine Preservation, Delmarva Peninsula Hydrologic Study, Oil Pollution Control, and sponsorship of such legislation as National Land-Use Planning, and the President's environmental legislation package, just to mention a few, I believe that you are well equipped to move ahead with the Department's programs for dealing with environmental problems.

It is, as the chairman has said, our duty to examine your qualifications so that we may act judiciously upon the President's nomination.

We will listen to what you, Senator Mathias, Senator Beall, and any others who may testify have to say with the greatest attention, and, of course, may have some questions to pose.

I believe you will find this committee open minded and reasonable, not only in this hearing, but in subsequent hearings on legislative proposals, on which we would hope to receive the benefit of your testimony often.

Assuming that you will be confirmed, I am confident that in the years ahead we will have the privilege of working together toward common goals in a spirit of mutual cooperation facilitated by the knowledge of the legislative process, its interests, and its concerns, which you will take with you.

Serving as Secretary of the Interior and being responsible for the wide spectrum of its future activities will not be easy, as I am sure you know, but it is my hope and expectation that, in so serving your country, your accomplishments will be many and beneficial.

That concludes my statement.

The CHAIRMAN. Thank you, Senator Allott.

We will now call on Senator Mathias, senior Senator from Maryland, for his statement.

**STATEMENT OF HON. CHARLES McC. MATHIAS, JR., A U.S. SENATOR
FROM THE STATE OF MARYLAND**

Senator MATHIAS. Thank you very much, Mr. Chairman.

I appreciate the opportunity to help to present the Secretary-designate to the committee, to join with Senator Beall in this very pleasant duty. I might say that not only from the importance of this occasion but from the rarity of it, we were just commenting here, I believe it is the first time that Maryland Senators have had an oppor-

tunity to present a Cabinet member since Attorney General Bonaparte in the Cabinet of Theodore Roosevelt. So this is a very particular occasion.

The CHAIRMAN. Teddy Roosevelt was a good conservationist.

Senator MATHIAS. Dr. Samuel Johnson once said, "In lapidary inscriptions a man is not upon oath." And so it is with him of the things both good and bad that we say about each other in public life. Many times I think it is a reflection of the amenities that are appropriate for the occasion rather than a conviction about the facts.

But I do not ask any such latitude today because it is unnecessary. When I talk about Rog Morton, I can do so with so much conviction and so much enthusiasm that to say everything I would like to tell you about him would trespass on your patience and on his time. But there are a few things I would like to tell you that may serve as examples of Rog Morton's dedication and drive and deep-felt devotion to his country.

When I speak of devotion to American I do not speak in abstract terms because Rog is a man who loves the soil, understands its secrets, the springs of its bounty and the discipline it requires. His concern for the earth and all that grows on it and from it is perhaps best encompassed by the word husbandry, and I cannot think of a better man to lead the Nation in the practice of good husbandry.

Rog Morton has had experience in nearly all aspects of good husbandry. As a citizen of the Chesapeake Bay country, and later as its representative in Congress, he has learned and practiced the principles of conservation so necessary for a great natural resource that is endangered by the threatening expansion of metropolitan areas. He has become one of the foremost experts in the country on the management and protection of estuarine areas. While he has defined and defended ancient and traditional values, he has been progressive in seeking new and progressive instruments. He has, for instance, been among the first and most vigorous champions of the concept of hydraulic models of vital and endangered bodies of water to scientifically probe the nature of their problems and the sources of their cures.

He has devoted himself to a study of waterfowl and their protection. I can remember very vividly myself being with him on the Chesapeake Bay drifting in a silent boat near the thousands of ducks and geese and swan that come to the Chesapeake and sharing with him the pleasure and the commitment of recognizing the different species and watching their activity and listening to their calls. Only a man who cares very deeply about nature and appreciates its endless mystery and beauty could respond as he did.

There is a legend on the Eastern Shore of Maryland that when he came there from Kentucky his name was Rogers Clark Ballard Morton, but that by a process of gradual mutation it has become Rogers "Chesapeake Bay" Morton. The mere that, Mr. Chairman, that the legend exists speaks more than any public record about the way his neighbors judge the depth and sincerity of his interest and concern with regard to the bay and the creatures that live in its environment.

As was suggested by Senator Allott, it is not enough to care. It is necessary to know what to do about it. The Department of the Interior is one of the world's larger institutions with sprawling agencies

that reach across and beyond the Nation. The ability to administer such an organization is essential to reaching the goals of preserving the earth, the water, and the wildlife of America.

Here again, Rog Morton has a record of achievement. He has been associated with progressive and successful American business. He knows the patterns of modern management that have given American business its lead over every other national economy. His success in business administration has been recognized by the number of colleges, universities, and foundations that have sought his help as trustee or director at a time when they need to attain the highest level of efficiency and effectiveness.

His record in government is a further pledge of his prospect for success as Secretary of the Interior. He is a Republican who represents an overwhelmingly Democratic congressional district which gave him 75 percent of the vote in 1970. That means that he has enjoyed unprecedented popularity and must reflect his rare perception of human concerns and the sure touch of his warm responses. Such a man will be able to comprehend the legitimate concern and apprehension of both the Congress and the country about the preservation of the national domain, and will be able to give us both the assurance and the action that will merit our confidence.

President Nixon has found a great source of strength and talent in Rog Morton. I am convinced that as Secretary Morton he will provide thoughtful counsel as a member of the Cabinet and vigorous leadership as the head of the Interior Department. And I respectfully urge the committee to promptly confirm his nomination.

The CHAIRMAN. Thank you, Senator Mathias. We deeply appreciate your final statement.

Senator Beall, we are delighted to welcome you as a new Member of the Senate to the committee this morning to comment on the nomination of Secretary-designate Morton.

STATEMENT OF HON. J. GLENN BEALL, JR., A U.S. SENATOR FROM THE STATE OF MARYLAND

Senator BEALL. Thank you, Mr. Chairman, and members of the committee, and I am certainly pleased to have the opportunity of presenting my first testimony as a new member of the Senate on behalf of our distinguished colleague in the State of Maryland.

I am happy and proud to be here today along with Senator Mathias to present our former House colleague and distinguished fellow Marylander, the Honorable Rogers C. B. Morton, and urge your favorable consideration of his nomination as Secretary of the Interior.

This occasion is particularly pleasing to me because Congressman Morton has been for me a trusted friend—one who has given freely of advice and counsel whenever needed.

Mr. Morton, as you probably know, has not always been a resident of our State and we Marylanders consider ourselves most fortunate that this able and distinguished American some years ago chose the Eastern Shore of Maryland as his home.

It is certainly a splendid testimony to the character, personality, and ability of the man that the residents of Maryland's First Congressional District elected Rogers Morton as their Congressman 12 years after he first established his residence in the area.

I might add parenthetically there is no area in our State where the residents are more proud of their heritage and there is no area in our State where the depth of one group is of greater political consequence than on the Eastern Shore, so it is particularly significant that Rog Morton has been elected their Congressman.

The fact that Congressman Morton decided to live on Maryland's Eastern Shore has profound meaning for us today. I think it is a good indication of Rog Morton's interest in the outdoors and the environment that he should choose to live where he does. He is surrounded by water and by some of the finest wetlands in our Nation.

On the one side he has the Chesapeake Bay, a unique body of water that provides countless recreational and employment opportunities for thousands of Marylanders as well as others along the east coast. On the other side is the Atlantic Ocean and the largely undisturbed islands such as Assateague which lies off shore.

During his residence and his service in the Congress, Rog Morton has demonstrated an unflinching interest in the preservation of these natural wonders. He was instrumental in the legislation that brought agreement between our State and Federal Government on the preservation of Assateague Island. He has been the main sponsor of legislation leading to a hydraulic model of the bay so that we can study its evolution over the years and determine the consequences of the pollution problems that we all acknowledge. He has worked closely with the farmers of his district on soil conservation projects, a part of the ecology problem which is too often overlooked. He has been an avid supporter of the establishment of new park lands, a point that takes an added significance now that President Nixon has placed a high priority on new park land development.

But beyond these experiences, Rog Morton has a very deep personal interest in our environment. It is something that you can't help notice as you travel with Rog—through his district—throughout the State and in fact throughout the Nation.

It is a consuming interest with him and I think it troubles him as it does all Americans. I am sure that this will be apparent to you as you discuss with him this new post and I am convinced that you will find him sensitive and knowledgeable about the great ecological issues that face us in the seventies.

Additionally, Congressman Morton will bring to the executive branch of our government an administrative talent that is always needed. Prior to being elected to Congress, he served as an executive of a large business firm and this experience will certainly be advantageous as he takes the reins of a large department where pure administrative problems are of daily concern.

Again, I am honored to be here today to present him to you today. He has been many things in a very full life—farmer, businessman, veteran, Congressman, National Republican chairman, father, husband, and most of all, a friend. And without any doubt the biggest member of a great American family. I think you will find in the following days that his intellect, his sensitivity, his good sense, his environmental experience, and his ecological knowledge, all match or exceed his physical stature, and I heartily ask that you confirm him as our next Secretary of the Interior.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Beall.

Congressman Long, we are delighted to welcome you to the committee once again and you may proceed in your own way.

**STATEMENT OF HON. CLARENCE D. LONG, A U.S. REPRESENTATIVE
IN CONGRESS FROM THE STATE OF MARYLAND**

Mr. LONG. Thank you, Mr. Chairman. It is a pleasure to support the confirmation of Representative Rogers C. B. Morton of Maryland's Eastern Shore. I am a Democrat but, nevertheless, I came here to support confirmation of Representative Rogers C. B. Morton of Maryland's First Congressional District.

Congressman Morton is widely admired. He has demonstrated that he can be both openminded and strongminded.

With his appointment, we will have the Secretary of the Interior who can be counted on to recognize that the interior of the United States is not confined to the west of the Mississippi or of the Ohio, but includes the great Atlantic tidewater—the thousands of miles of wetlands which are one of America's most precious resources. I share hundreds of miles of winding Chesapeake Bay shoreline with Congressman Morton, and we both have come to know the importance of preserving it from pollution, erosion, and commercial exploitation.

The Interior Department has two functions that are important to the preservation of the wetlands. The River Basin Study Division of the Bureau of Sport Fisheries and Wildlife is charged with reviewing permits to dredge and fill our navigable waters. In recent years, this division has stepped up its review of the effects on fish and wildlife of dredging and filling to create housing developments and to construct docks.

In addition, the Patuxent Wildlife Research Center in Laurel, Md., and other laboratories of the Bureau of Sport Fisheries and Wildlife, conduct research on pesticides and environmental contaminants, such as heavy metals and phosphates that endanger the wildlife of the wetlands. Rachel Carson mentioned several of the Laurel Laboratory's experiments in her "Silent Spring," including the discovery that the presence of DDT in saltmarshes threatened the population of blue and fiddler crabs in the marshland. Miss Carson also described their findings of insecticide damage to the reproductive cycle of pheasants and quail. In fiscal 1969 these laboratories launched an expanded environmental research program for which they still need more money for employee divisions and equipment.

I shall support these programs in the Appropriations Committee, of which I am a member, and I know Congressman Morton will do his part to encourage and publicize them.

Mr. Chairman, Rogers Morton and I have worked closely on several projects dealing with Maryland's environment—most recently the Susquehanna River Basin Compact—on which the Secretary of the Interior represents the Federal Government. I know of his dedication to programs to improve the quality of life for all Americans. We in Maryland are counting on him to be a strong Secretary of the Interior.

The CHAIRMAN. Thank you, Congressman Long. We are delighted to have our colleague from Kentucky, the Senator from Kentucky, Senator John Sherman Cooper. If you can say a few unbiased words, we will allow you to testify (laughter).

**STATEMENT OF HON. JOHN SHERMAN COOPER, A U.S. SENATOR
FROM THE STATE OF KENTUCKY**

Senator COOPER. Mr. Chairman, and members of the committee, I appreciate your allowing me to come here at my own invitation.

The CHAIRMAN. We made the agreement in the gym, I think.

Senator COOPER. I have come to express the satisfaction of the people of Kentucky, where Congressman Morton once lived, upon his nomination to be Secretary of the Interior.

As I listened a few minutes ago and heard the chairman describe all of the duties of the Secretary of the Interior and its large jurisdiction, I thought of the broad capacities of Congressman Morton, his many achievements and leadership and great capacity in administration, but I know in some of the papers some have been questions about his devotion to conservation. Brother Senator Mathias said awhile ago he had returned to the land, he had gone back to Maryland to the Shores, to the land. I am particularly conscious of that because I live in Kentucky in a fine city and fine State, but I want to say this too: He has a broad mind, the largest of mind and a central integrity and I do not use that in a limited sense, which would make it incompatible for him to disregard the land, the waters, and the earth and nature. I know that he will make a great Secretary of Interior.

The CHAIRMAN. Thank you, Senator Cooper.

There is another Senator here that I won't call because I am afraid if he told the truth about the Secretary-designate he might be in trouble, and that is former Senator Thruston Morton. We will not call on him, Congressman. There might be a bit of nepotism involved here.

Thank you, gentlemen. I know you have other commitments and you need not stay on unless you feel the Secretary needs your continuing support.

Congressman Morton, I believe you have some formal remarks that you wish to make at this time. You may proceed in your own way.

STATEMENT OF HON. ROGERS C. B. MORTON, A U.S. REPRESENTATIVE IN CONGRESS FROM THE STATE OF MARYLAND, A NOMINEE TO BE SECRETARY OF THE INTERIOR

Mr. MORTON. Thank you, Mr. Chairman. I would like, first if you will allow me, to express my very sincere appreciation for the kind words and wonderful thoughts behind them expressed by my long-time friend and colleague, Senator Mathias, and my long-time friend, Senator Beall. I also want to thank Congressman Long. He and I have worked hard together, on many projects, and I deeply appreciate his coming here and speaking in my behalf.

I appreciate, too, the fine remarks in the opening statements by you and Senator Allott. I am deeply appreciative of Senator Cooper, not only for his coming here but for what he had to say. Of all the people I know who are connected in any way with the Senate and the House, with the exception of my brother, I think I have known Senator Cooper the longest.

I have with me, Mr. Chairman, my family, my wife, Ann, and my daughter, Ann. As you remarked, they are accompanied by my brother, Thruston.

Mr. Chairman and members of the committee, it is an honor and a privilege for me to appear before this distinguished committee of the Senate in connection with my nomination by the President to be the Secretary of the Department of the Interior.

I come here today completely committed to the great task that lies ahead.

The Department of the Interior has many missions: It deals with people, with land, with water, with fuels, minerals, and energy. More than that, it deals with the vastness of America.

To give you the impression that I come here with a knowledge of all the Department's problems or even a fraction of their solutions is by no means intended. I do have an understanding of its mission, developed from 6 years of service on the Committee on Interior and Insular Affairs in the House of Representatives.

I come here from an active life of enterprise, much of which has been spent out of doors, and which has taken me into every State in this country. I am deeply interested in all the functions of this Department, which serve our time and are so important to the generations to come.

Interior, more than any other Department, can make a profound contribution to the management of our environment and the conservation of our resources. I am convinced that the priority of our environment must be brought into equity with that of our economy and our defense. Otherwise, at some point in time, how far in the future we do not know, there will be no economy to enjoy, and practically no reason for defense.

Conservation is many things. It is the extension, as far as possible into the future, of the life and use of our finite resources. It is the stabilization of the flora and fauna with which we share the crust of this planet and whose life systems sustain us. Conservation is the vigorous and diligent pursuit of what can be done, or the art of the "do-able," within the framework of technology and economic resources available. The work of conservation must be ever ongoing. It must be carried out in our daily lives, within our commerce and industry, and at every level of government.

It is obvious that the interests which have brought our civilization to its present development have been more concerned with economics than with the preservation of the resources and the environment. If we do not master the changes required, a day of reckoning will come in which man will inevitably be the loser. The day-to-day operation of the Interior Department, as it finds itself in the mix between the resource and the user, must be sensitive to what is actually happening in the environment; it must be sensitive to man's desire to perfect his cultural aspirations.

The President said on the 22d of January, 1970, in his State of the Union Message:

The great question of the seventies is, shall we surrender to our surroundings, or shall we make our peace with nature and begin to make reparations for the damage we have done to our air, to our land, and to our water?

By the establishment of the Council on Environmental Quality and the Environmental Protection Agency, this administration and the Congress have demonstrated a fundamental Federal commitment to the better management of our environment.

Last Friday night, the President renewed his resolve when he included among his goals for the Nation the need to “* * * continue the effort so dramatically begun this past year: to restore and enhance our natural environment * * *”

I will propose programs to make better use of our land, and to encourage a balanced national growth—growth that will revitalize our rural heartland and enhance the quality of life throughout America.

Certainly there is no partisan ring to these words. They express a national concern and a national commitment.

The Department of the Interior is directed to carry out the intent of the Congress and the will of the President to manage to its best ability—

The enhancement and protection of the environment;

The extension and utilization of our vast natural resources;

The reclamation and development of our western water supplies;

The development and utilization of our system of parks, making them more useful to more people;

The preservation and well-being of wildlife and its habitat;

The expansion of opportunities for outdoor recreation from our public domain;

The protection and well-being of those who work in our mines and on our oil rigs;

The protection of our environment from the effects of mining, particularly from the effects of strip mining;

The education, well-being and economic development of the American Indians, the native Americans;

The administration and government of our territories;

The trusteeship of the Micronesians in the Western Pacific;

The conservation, preservation and management of our vast public lands; and

The development, generation, and marketing of electric power.

I am totally dedicated to the proposition of upgrading, wherever possible, the Department's performance of its missions, to bringing a higher level of accountability of the Department to the President, to the Congress, and to the people. The problems that the many services and bureaus face—as well as their solutions—are complicated and sophisticated. Management skills of the highest order must be brought to bear. The return from public funds, from time and energy invested, must be continually upgraded.

I am dedicated to the proposition of bringing better management, better service, and better reward to the Nation from the efforts of this Department.

I appreciate the opportunity to have submitted this statement, and am prepared to answer questions as to my qualifications and fitness.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Congressman Morton, for your very fine statement. Certainly one of the most difficult tasks that we face in the 1970's is on the one hand to protect our environment and on the other to enhance the quality of our life.

Would you agree with that general statement?

Mr. MORTON. I certainly would.

The CHAIRMAN. Having said that, I want to get your comments regarding what has become an extremely controversial matter, and that is the oil drilling activities on Federal leases in the Santa Barbara Channel.

Have you had an opportunity to take a look at this problem?

Mr. MORTON. Mr. Chairman, I have had an opportunity to look at it and it is a serious problem. It is a problem that has a very broad scope. It is a problem also that is fraught with emotion and to which there are no easy solutions. Leases and contracts have been made. The 20 lease areas have been sold and contracts for the development pursuant to that sale were made in good faith. Since then certain developments have occurred which have brought the whole proposition into focus. It seems to me that we should decide first whether these particular leases should be explored and then developed, if the exploration proves that there is oil there, or whether they should be put into a reserve.

The bill that was put before the last Congress suggested that these 20 leases or 20 lease areas be put into reserve and that this be paid for by liquidation of the Elk Hills or the naval oil reserve that is existent now. The Congress chose to be silent on the question and not act on the bill, which again exemplifies the magnitude of this problem. It would seem to me that we are now down to the wire and must make a decision on whether to move in the direction of development or in the direction of creating reserve.

There are some geological reasons for feeling that some of this development would be in the interest of conservation, particularly in relieving pressures that now exist in the geological structure of the area of the Santa Barbara Channel. These pressures cause the natural oozing of oil which was first noted, I think, by a sailing ship captain in 1600 and later by other writers who visited the Santa Barbara area. We have a natural oil spill situation there which some relieving might eliminate.

I feel that we ought to examine the public hearing evidence that has been generated only in the last few days. We should get together with the Office of Management and Budget and with this committee and its sister committee in the House to see if there is a way in which we can create a meaningful reserve in this area without breaking faith with those who have secured a contract from the United States.

I don't believe there is any way I can commit myself now, Mr. Chairman, but we are faced with looking right down the pipe at this situation within the next 30 days.

The CHAIRMAN. Can you assure the committee that in connection with the administration of the offshore oil leases that you will insist that industry bring to bear the best talent available trying to come up with safeguards in connection with the operation of all offshore oil operations?

For example, in the 1960's the world had an opportunity to see how much we can do by remote control, devices that operate on earth doing things on the moon. I am not saying the analogy is totally applicable but what I think the American public wants to be assured of, is that no stones have been left unturned in an effort to insist that there be every reasonable and prudent safeguard in connection with offshore oil operations.

I think we need the oil. It should be pointed out that, of course, due to legislation from this committee the receipts from the sale of oil and gas leases in the Outer Continental Shelf are paid into the Land and Water Conservation Fund. We use that money, as you know, Congressman Morton, for the acquisition of land for park and recreation purposes. So here again we are confronted with this constant challenge between the quality of our environment on the one hand, and the social and economic requirements of our country on the other.

Mr. MORTON. I have absolutely no trouble answering the first part of your question, Mr. Chairman. The answer is strongly in the affirmative. We will do everything within the power of the Department. We will try to call on other resources, where the limits of the Department break off, to insure environmental protection in activities such as offshore drilling. I think this same type of approach should extend to other activities in the field of mining, drilling on land, as well as in the offshore area.

The CHAIRMAN. Strip mining and all aspects of land mining as well as ocean resource development?

Mr. MORTON. This is correct.

The CHAIRMAN. Congressman Morton, Under Secretary Hickel's policy decisions on oil were transferred to the White House. Is that policy responsibility to be returned to the Interior Department?

Mr. MORTON. We have to develop a national energy policy, Mr. Chairman. I think that there is an area of responsibility that should be in the White House, particularly in the Office of Emergency Planning, and within the framework of the Presidency itself. But I would feel that the criteria that is developed to initiate that policy, the primary input to develop the policy and the Presidential position should come from the Department of the Interior. I have assurance that the Department of Interior will be given the leadership in developing a policy which will become the President's and the Nation's.

The CHAIRMAN. I am glad to hear that because the technical talent is indeed in the Department of Interior. Obviously there are certain decisions in this area that cut across departmental lines that involve foreign policy, national security policy, and so forth. But I am very pleased that the main thrust of the organizational effort will have its genesis in the Department of Interior.

Mr. MORTON. There are two sides to the whole problem in the balance. One, of course, is developed by world politics. We are seeing a great deal of that right now in the situation in the Middle East and it is hard to believe that that won't go from crisis to crisis. In our time the whole relationship of the United States to the rest of the world has been constantly in a state of change. There have seldom been long periods without a war going on somewhere which affects all of this. Thus, you can't hold all of the policy matters at a departmental level. But I wholeheartedly agree with you that there is in the Department a technique and capability, which we must improve, to properly provide the Congress and the President with short and long term criteria on which sound energy policy, including oil, its use, its development, and so forth, is generated.

One of the things that we have to examine is this constant increase in the horsepower that we are using in this country per capita. I understand we are using 6 or $6\frac{1}{4}$ horsepower today and that has been

increasing on a per capita basis over the last quarter of the century at a tremendous rate.

If our population increases from 200 million people in 1970 to 300 million people by the end of the century, and if our energy use per capita continues to increase as it has in the past, we can recognize a desperate situation arising between now and the end of the century regarding our total energy requirements.

It has been said that if all of the nations of the world were brought up to the standard of energy use that this Nation enjoys, the known resources of energies that now exist would only last about a year and a half.

The CHAIRMAN. You mentioned earlier your interest in a national energy policy. This committee will be holding extensive hearings, as you know, on this subject in the near future.

Do you wish to add anything to what you have said about the urgency of the need for a national energy policy, one that includes alternative sources of supply, particularly, Congressman Morton, in light of the critical situation in the Middle East?

The American public as a whole has failed to understand this serious problem. On the one hand, the friendly Arab countries are under great pressure from the unfriendly Arab countries. There is a division here which is a serious one. These countries are pushing for substantial price increases. In some instances there may be justification for greater return to those nations.

On the other hand, the Middle East is a tinderbox and there is the danger that our adversaries could make moves to shut off the oil to Western Europe and Japan, Western Europe getting about 75 percent of all of its oil from that area and Japan about 85 percent.

In light of that international situation and in light of the increasing requirements for energy in our own country, I would like to have any further comments that you wish to make on this very, very serious problem.

Mr. MORTON. I don't believe anyone would disagree or debate the fact that we are in a real energy crunch. As you project everything out it becomes worse, not better. Therefore, there is a real urgency not only to develop a policy for the development and discovery of our own controlled oil resources, those in the North American Continent and in this hemisphere for example, but also to study and develop a better balance between the use of different energy sources.

We must learn more about the economics and practicality of using this new generation of nuclear energy that we are beginning to bring on stream in rather large amounts into our electric grid.

The other two areas which need far more work and development are the further processing of coal and the utilization of coal in the energy spectrum. We have to learn and develop the techniques to use the vast reserves of energy that exist in our oil shale deposits. I hope that at the Department of Interior and other appropriate agencies we can address ourselves, working with the Congress, to the development of an energy policy which deals with the practical art of what we can do, and there are many things in the area that we can do.

I believe that the Middle East situation that exists today, world politics being what it is, will be the kind of thing that we will experience often. The less we do about the development of our own energy the more other areas of the world can take advantage of us because

they know we are energy short. Thus the relationship between our country and those countries will be more difficult.

There is a natural desire on the part of the smaller countries to want to be able to exert an influence on the larger countries. One of the ways that they can do it is to make us dependent on them for our energy resources. Therefore, I think it behooves this country as a matter of its own political well-being in the world of its own security to develop both a policy for energy and the knowledge it takes to not only utilize our energy resources in the best manner but to conserve our energy resources so that we don't run out of gas and fuel in any foreseeable time that we can project.

The CHAIRMAN. In addition, of course, to the enormous growth rate in the use of petroleum in the United States, which I think runs about 4 percent a year—the European growth rate is more than double that, it is about 8 or 9 percent—so this again points up the critical situation that we face in the Middle East both from the standpoint of current negotiations and, of course, from the standpoint of the international political situation, which is at a boiling point at the moment.

As you know, the Department of Interior recently made public the draft environmental impact statement on the proposed Trans-Alaska oil pipeline. I was somewhat disturbed that the statement contained almost no information on the design characteristics of the proposed pipeline. It is certainly difficult to comment intelligently on the proposal if what is being proposed is not detailed.

The question I want to ask is this: Will the pipeline company be making more detailed information available before the public hearings the Department has scheduled on this matter?

I believe those hearings are scheduled for next month sometime.

Mr. MORTON. Mr. Chairman, I certainly hope it will. I share your concern about the depth to which the statement went. The statement is primarily a draft statement and it addressed itself to environmental impact. It did not extend to the engineering and technical aspects. I will have to respond in a very broad and general way because of the great magnitude of this problem. I have not had the opportunity to study it in detail and I would be remiss to try and give you a specific answer with the information level I possess. But the decision is, as far as I can determine, that this energy reserve in Alaska must be brought to a point where it can be used. The pipeline has been considered the method most efficient and least detrimental to the environment. The responsibility that we have is to make this pipeline safe and compatible with other environmental aspects and values that exist in the territory over which it will run. We must also consider the claims of the native Alaskans who are also concerned with the effect this right of way, this pipeline, and its activity will have on their basic claims. All of these considerations must be reconciled. I believe that the Department must insure to the very limit of our resources and our ability that this pipeline is compatible, safe, and that it does the job it is required to do.

The CHAIRMAN. This gets back to the same question raised earlier regarding Santa Barbara and offshore oil. There is no doubt, and especially in light of what is happening in the world, that the reserves in Alaska are vital to the security of our own country and our allies, particularly our European allies. What this committee needs is the assurance that if a pipeline is to be constructed that every effort will

be made to exhaust the technological competence in this field to make certain that there are prudent safeguards designed into the proposal.

Mr. MORTON. I can assure you, Mr. Chairman, that to the very best of my ability I will draw on every resource of the Department to guarantee that.

The CHAIRMAN. Thank you.

One last question for now. I have a long list but I want to turn to my colleagues because they have a number of questions.

I want to commend the President for his proposed reorganization plan as it pertains to a proposed Department of Natural Resources. This was recommended by the Public Land Law Review Commission of which you were a member and on which some of us on this committee served, and the Ash Committee, which was the President's committee, as well as the Hoover Commission.

I feel that this makes a lot of sense, especially at a time when we are trying to husband and marshall our resources, to protect the environment and at the same time to fulfill material requirements.

What, in your opinion, will this reorganization plan accomplish?

Mr. MORTON. I think it will accomplish much better management of the resources involved.

The problem that has developed is a natural problem of a country which has grown as fast as the United States has grown. The main thing that the reorganization plan will do is to give the taxpayers better management and more service for their money. We will be able to ring out a higher return on investment in the management of our resources.

It will also make the management of our resources and the development of resource policies, energy policies, mineral policies, and the like, much more accountable to the Congress.

I know that there will be a jurisdictional problem within the Congress itself. Any reorganization plan always raises the whole jurisdictional aspect of the Congress and the committees. But it will bring the executive branch into a configuration that can be far more responsive and accountable to the Congress, to the President, and to the people.

The Interior Department is a good example. We have offices scattered all over the United States in which everybody has a vested interest. We have 50 locations in Washington dealing with our various missions. A reorganization of this type will bring about far better managerial control over the multiple efforts necessary in the conservation and management of our resources. Thus first, it is a step forward in the area of management. Secondly, it provides a method by which the Congress can better legislate and better direct itself to the areas involved. Finally it will provide a much better understanding of the Government by the people who are governed.

The CHAIRMAN. That is a very fine statement. I serve as a ranking member of the Government Operations Committee that will be going into this and Senator McClellan has indicated there will be expeditious action on this particular reorganization plan. We will look forward to working with you on it.

Mr. MORTON. Mr. Chairman, if I may add one point, I think you would find it appropriate to look at all of the studies that have been made in past administrations which indicate that there is nothing partisan about the study of the ways and means of improving the

Federal structure. I am delighted that you are going to be involved in it.

The CHAIRMAN. I want to say that the Department of Natural Resources' concept has been a bipartisan effort. The main impediment to action, of course, stems from the old, old problem of the bureaucracies involved. Sometimes they are more powerful than the combined effort of the Democratic and Republican parties. At least there has been very little progress made since the first proposal came from the Hoover Commission recommendations, I believe, of 1949.

I will now defer to Senator Allott for questions.

Senator ALLOTT. Thank you, Mr. Chairman.

Mr. Morton, as you know, Senator Jackson introduced last year and many of us cosponsored a national land-use policy act which was reported out of this committee and because of the time factor, remained on the calendar until the last session of Congress adjourned. You introduced a similar bill in the House and presented very convincing testimony to this committee about the need for such a land-use policy.

Now, the reason I bring this up at this time is that it is at least in my opinion very closely associated with some of the problems of the increasing use of power by the people of this country. The purpose, of course, is to get the States basically to act in land-use planning, and probably the most graphic example of what can't be done has occurred in New York where Con Ed up there has tried to build a nuclear plant in one place and they can't do that, they can't build a thermal plant in another place, and consequently this particular organization, with which I have never had any connection, which is charged with the responsibility of providing power for this great population center, is sitting on dead center.

Now, I presume just naturally from what you said last year that with the circumstances you discussed with the chairman here that your interest in this is even greater now than it was when you testified before us last year.

Mr. MORTON. This is correct, Senator Allott. This is one of my primary interests. My crusade is to get more people interested in plantsite development because I think it is just as vital as you have indicated. We have a multiwindow system by which permits are granted in most of the States and approved by the Federal Government. Thus there is always a lag in the long-term cycle and grid development, and power distribution configurations are behind us all the time. We should be out ahead. I don't believe we can be however unless we not only have land-use planning, as far as the States and regions are concerned, but also introduce disciplines that will underly those plans so they aren't constantly abrogated. I don't believe we are going to be able to do this unless the Federal Government takes a very strong position of leadership.

As you know, I concurred entirely with the bill that was introduced by Senator Jackson. We don't seem to have a sufficient degree of consciousness in the Congress and in the civic body outside of the Congress in State and local governments to address themselves to this. Therefore, I hope that this committee, again under the leadership of Senator Jackson, and yourself, and the interest that we can develop in the House, will address itself to this whole question as a top priority. You are so right.

Transportation is another aspect, not only power development but transportation system. We never alleviate the traffic jam until after it occurs. We should alleviate it through proper planning and proper balance between transportation methods. This also applies to the distribution of power and the distribution of industry, so that the home-to-the-job traffic patterns are considered, and most of all so that the infrastructure of our civilization doesn't overrun the environment creating a situation which is a hostile habitat to man. The results, then, are social problems of the most horrible magnitude. That is what we are experiencing today with the social problems of the inner city. You can't divide what is socially wrong from what is environmentally wrong. But it seems to me that if we have things environmentally right we can then have a better chance of keeping things from going socially wrong.

Senator ALLOTT. Well, I appreciate your reply. I used the example of the power thing because it had been discussed, lest anyone, particularly the news media, be misled by this line of questions.

I think that it should be emphasized, and I think you have touched on it in the latter part of your statement, that it is as essential for conservation and recreation that we have a land-use policy in the various States and that we lead the way in the Federal Government. It is as essential for recreation as it is for power or any of these other economic uses.

There have been reports in the newspaper, Mr. Morton, that the administration will shortly send a land-use bill to Congress which would have vested leadership of this in the Department of Housing and Urban Development. Now, as you know, our measures would have vested leadership in an interagency council.

Do you believe personally that HUD can administer a broad land-use policy without placing most of the emphasis upon the 1 percent of our land included in urban areas?

Mr. MORTON. I don't believe, Senator Allott, that HUD should have the sole responsibility. I believe frankly it should be in Interior. This seems to be a very easy conclusion for me to reach at this point in time, I think, however, that some middle ground will develop. If the Department of Interior does become the custodian and manager of one-third of the area of the United States and also of its coastal zone, wetlands and estuaries, and river basin responsibilities, it would seem that there would have to be a very close association between the urban interests and the rural interests in this area. I think that the responsibility would have to be in some administrative measure that makes it work and become a joint responsibility.

Senator ALLOTT. Well, I agree generally with this. One third of the land in the United States is under jurisdiction of the Interior Department one way or another, and it occurs to me that an interagency council or even the Interior Department is a more feasible place for leadership in this area than the Department of Housing.

Now, I would like to ask you this one question relative to the future power needs of the country. There exists in Colorado, Utah, and Wyoming, as you know, one of the greatest power sources in this country, if not the greatest power sources at the present time, and that is in the field of oil shale. Unfortunately the issues have been clouded considerably by people who are not very knowledgeable in this area, and I would like to ask you this question.

If we can develop the technology to develop oil shale, do you not believe that we can develop the technology also to protect the environment resulting from the mining of that oil shale?

Mr. MORTON. Senator Allott, I think they go hand in hand. If we develop the technology of developing oil shale and converting it to usable energy, without protecting the environment from damage from that process, then we only have half a loaf. There may not be any long-term advantage in converting the oil shale into energy if we can't protect the environment. Thus we have to equalize our effort to develop an economic and useful way of converting oil shale to usable energy with an effort to develop environmental safeguards. I am perfectly confident we can do that.

Senator ALLOTT. Well, for many years, I have been talking about this matter and I have seen it as a matter of national concern, not local concern but national concern, and even the news of yesterday in the papers of the Mideast situation only fortify the position that I took as long ago as 10 or 12 years ago, and I would hope not only in any confrontation with any group but that under your administration we could look at this sympathetically with the idea that if we have developed the technology to develop oil from oil shale, we certainly can develop the technology to take care of the environment, and time is getting short, very short.

The mineral reserves of the United States are fast lapsing. The gas reserves of the United States are almost in a critical situation. I don't believe, unless we find something we don't know about at all, that there is going to be any industrial gas used at all within a period of 6 or 7 or 8 years. When you consider that it would take an investment of \$135 to \$150 million to produce a 50,000 barrel plant, time is getting short, and I feel that we ought to be getting on in this area.

I feel and hope you will feel that this is an important thing not just for the three States I have mentioned, but that it is a very critical thing to the United States of America.

Mr. MORTON. I agree with you, Senator.

Senator ALLOTT. That is all I have, Mr. Chairman.

Senator ANDERSON. Senator Jackson had to step out temporarily.

Senator Bible.

Senator BIBLE. Thank you, Mr. Chairman. Mr. Congressman, it is a delight to see you again and to hear from you this morning. You have a great and intriguing assignment before you and I hope that those of us who in the Congress are able to get through to you in the months and years ahead better than we have been able to establish contact with some of your predecessors of both administrations. It is a little frustrating to try to reach the Secretary of Interior and never be able to find him. You are easy to see, at least, and I assume we will be able to locate you without too much difficulty, and I am sure your congressional experience indicates what I mean.

Mr. MORTON. Yes, I get the message.

Senator BIBLE. Very well. I would like to examine you for a few moments on the area in which I have the main responsibility in this committee and that is in the Park and Recreation Subcommittee.

The Congress, I think, has carved out an unusually fine record in this area over the last several years, and particularly in the last session we had an outstanding record in the creation of parks and recreation

areas, seashores, lake shores, national parks, the volunteers in the parks. I think the Congress established 11 new units in totality as the result of its work in the 91st Congress.

I am very much intrigued by something that the President of the United States said on Friday night. Among other things he said that he will propose "the most extensive program ever proposed by a President of the United States to expand the Nation's parks, its recreation areas and its open spaces in a way that truly brings parks to the people."

Could you tell us what that means?

Mr. MORTON. I think the statement stands on its own merit, Senator Bible.

Senator BIBLE. It may stand on its own merit but will you develop it. I come from the West and don't understand these things.

Mr. MORTON. I will do the best I can, asking you to bear with me and realize, if you will, that I have not had the opportunity to study in depth the proposals and legislative proposals that surround that statement. I have only a general overview of it.

I think the President feels that we have some time left in the public domain area for the development of parks, as long as we don't give them away, and I certainly would be opposed to that. But we don't have the time in the areas where considerable land acquisition is involved, for example in the more densely populated areas of the coastal and Great Lakes States. It is the proposal of the President that we address ourselves in terms of expansion of our park investment not to in any way discontinue the effort to develop parks in the West but to add the development of parks in areas where population densities exist. This will accomplish two things. It will dovetail into the land-use concepts that we must have if we are going to provide an environment that is really compatible to modern man; and it will provide for a recreation opportunity for people now not provided that opportunity by the National Park Service.

The boy and girl in the inner city with very few exceptions, are not in a position to enjoy a national park experience except under special programs that lift them up and bring them to a park. Thus we are considering programs like the Gateway Park, recreation proposals of New York and San Francisco.

We are looking at opportunities where the historic nature of a national park can be changed to become more useful to a high density or urban environment. This would create smaller parks with the significance necessary to make them national parks as opposed to State parks.

Included in this program is the desire to participate more fully through revenue-sharing and/or in lieu of that through categorical sharing in the cost of more ambitious State parks and municipal development.

Senator BIBLE. Well, thank you, Mr. Congressman; I think that is a fine objective and fine goal and, as you very well know, we have accomplished some of that in your own State in Assateague. In the closing days of this last session, we created the Chesapeake & Ohio Canal, a national historic park which has passed the Senate many times and finally got through the House this year and is going to be enacted into law. That is the type of thing I think you are talking about.

We created Fire Island just out of New York City. We created Cape Cod and I think it is important. I thoroughly agree with you, although I am a Westerner, that we have to bring parks more and more to the people and closer to the big cities. I agree with that goal and what disturbs me a little is that I think the Congress has been responsive.

Among other things last year we provided a great amount of money in the land and water conservation fund to take care of this very problem and we appropriated by the request of the President of the United States some additional millions of dollars in the supplemental to give us a total of \$357 million to do the very thing you are talking about, and yet after that was done the President of the United States froze all but \$225 million of it. In other words, \$132 million is today frozen though the Congress has spoken on the point and said let's get this done, let's get on with our work. We have cooperated, we have authorized it, we have appropriated it, and yet the dollars are frozen.

Could you tell me how you can make performance match the promises?

Mr. MORTON. I think we can accomplish this by reestablishing budgetary priorities for the overall government, Senator Bible.

I will pledge that as far as parks are concerned we are going to fight as hard as we possibly can for every ounce of money we can get from the budget. We will draw from the sources available to us through the conservation land and water fund, et cetera, to accelerate the development of parks, particularly where they come up against high density population areas. I cannot bring to this table a proposal, as it is not yet in a presentable package. Hopefully, however, I will soon be back at this committee and on the other side of the Capitol to cross the t's and dot the i's on that specific proposal. I assure you that when this proposal is sent to the Hill I am going to have every possible confidence in our ability to actually implement it or I will not enthusiastically praise it.

Senator BIBLE. Before you get into the dotting of the t's and crossing of the i's and on the proposals which we don't have yet, would you assure me, if you are confirmed as Secretary of the Interior, you would reach for the telephone and call the Bureau of the Budget and say, "Now here is something that has already been authorized, which has been approved, for which the dollars have been appropriated; would you please, please, please square loose \$135 million?" That doesn't take any crossing of i's and dotting of t's, or whichever way you do it. I think that is the way it has been done.

(Laughter.)

Senator BIBLE. What we want is to get the money shaken loose. That doesn't take any complicated procedure, it just takes a phone call from you. With your massive personality and with your tremendous influence that could be done with one phone call to one place.

The CHAIRMAN. What he is saying is go over there and sit on them. You are big enough to do that.

Senator BIBLE. Because this has all been accomplished, the Congress has carried that out.

Mr. MORTON. I realize that and I will use a stronger weapon than the telephone.

Senator BIBLE. Whichever one you want, that is fine. I wanted to be sure we could move forward. It is frustrating for us to work and

to read these messages of great hope to bringing parks to the people and getting them in the big cities and we accomplish it and then somebody takes the money away so we can't get it done. That is all I am saying. I think I worked with you very closely in the Assateague and I know when you want to get something done you get it done. This would be one of my first suggestions.

There are many, many things that can be asked for many, many days, but I want to get into two other areas just rather briefly.

I think we have an understanding of your feelings in the area of the parks and recreation areas.

You are familiar, of course, with the Public Land Law Review Commission findings, and it may be premature to ask you if you have any suggestions to make as to which of those proposals you think will be recommended by the administration.

Mr. MORTON. Senator Bible, I think there are 150 or so recommendations.

Senator BIBLE. I think that is right.

Mr. MORTON. A small volume. And I really am not prepared to address myself to that question.

Senator BIBLE. All right.

Mr. MORTON. You know my feelings about land use. I think you know my feelings about the resources that are involved in the public domain, public lands, forest and everywhere. I think it would be inappropriate and inadequate, however, for me at this point to develop any sort of decision or policy based on that very comprehensive work.

Senator BIBLE. Would you be able to comment on one in an area of it which is causing me, and, I am sure, many other, particularly western Senators, some concern. That the recommendations within the Public Land Law Review Commission's final document that the Congress enact some kind of a formula to regulate and to give advance notice as to what a rancher would have to pay on his grazing fees. This is not a new problem, this comes up every year, and notwithstanding the recommending of the Public Land Law Review Commission, a very, very substantial increase was imposed by the Secretary of the Interior, your predecessor, without notice to the Congress, and apparently completely contrary to the recommendations of the Public Land Law Review Commission.

Do you have any ideas on that particular problem?

Mr. MORTON. I certainly agree with you that appropriate notice should be given to Congress. There was, if you will recall, a rather clear-cut pattern of escalation of grazing fees to approach the forage values involved. Then there was a moratorium on that brought about by pressures from various sources. Finally the increase was made again at a later date so that the ranchers were, I think, confused, as were, I am sure, the people on this committee and on the other committees involved. I agree with you wholeheartedly that there should be better communication. One way to accomplish this is to create a simple and forthright policy that reflects the will of the Congress as well as the desires of the President, to debate and make it understood, and then to move forward with it.

I realize this is a controversial subject and any time you raise prices which affect constituency you are in a controversial atmosphere.

But here we do have the problem of equity, equity between prices or grazing fees charged under the Taylor Grazing Act and the Forest Service versus fees charged by BLM.

We have worked out some schedules. I would like to express at this time my deep appreciation to the Under Secretary and Former Acting Secretary of the Interior, Mr. Fred Russell, for his help in communicating with me about the problems you want the departments to discuss with you. I couldn't agree with you more. We have to develop a policy, even though there may be some toes stepped on and other values integrated, that everybody understands in order to avoid crisis in the area.

Senator BIBLE. I appreciate that. I hope that you move in that direction.

You are familiar with the Golden Eagle permit law?

Mr. MORTON. Yes, sir.

Senator BIBLE. I think speaking only for myself, that this has worked very well. It expires the end of this year. Do you favor continuation of the Golden Eagle program?

Mr. MORTON. I want to look and see what it actually did. I was one of the great proponents of it when I was in the House on the Subcommittee on National Parks. I haven't had time to study it as there were other things which I thought had higher priority. It certainly was a good concept, but I would like to find out what it did, how many people, what areas were involved, and how much the program was actually utilized, before making a decision on whether or not to recommend continuance.

Senator BIBLE. I think you will find generally it has worked out very well. There may be weakness in it and we have the conflict with the Army engineers, with which you are very familiar, but I think on balance it was a good program. The act that passed did put a rather strong mandate on the Secretary of Interior. Among other things that required the Secretary of the Interior to prepare and submit to the Congress no later than February 1, 1971—and if today is the 25th, that is only 6 days away—his recommendations with respect to the entrance and user fees. So if you are successful that doesn't give you much time to work on it. So I would suggest you probably should pour some midnight oil on this problem because among other problems this has a mandated February 1 deadline. Will you take a look at the law and see just exactly whether you are following it?

Mr. MORTON. Senator Bible, that will depend on how long these hearings last.

Senator BIBLE. I just have one last question. You have commented, and correctly so, and Senator Allott opened up one area in the energy field which offers a great potential.

Now, I have long been interested in the development of our geothermal resources. It seems to me that these have the most exciting possibilities to meet future energy requirements of any source that has been mentioned today. It has the additional advantage of being no polluter of the environment and I hope that you will again mandate those who have the responsibility within the Interior Department to give this a top priority.

I believe that some type of a joint venture should be worked out with the Atomic Energy Commission and the Interior to open up some of these vast resources that are under the surface of the earth

and may supply energy for years and years and years. We only have to look to Italy, where it has been a dependable supply of energy since 1902, and I think this offers a great challenge, a great possibility on which you can perform a great service.

Mr. MORTON. Thank you, Senator. I agree with you wholeheartedly that we should examine the geothermal energy opportunities. There also may be some opportunities for the desalinization of a great deal of sea water using that heat. I say there may be cautiously.

Senator BIBLE. It has problems.

Mr. MORTON. In the process, we don't want to cool off the center of the earth or we might be in some deep trouble.

Senator BIBLE. I appreciate your caution there. I think it is a correct caveat and I appreciate that.

Thank you Mr. Chairman.

The CHAIRMAN. Senator Jordan.

Senator JORDAN. Thank you, Mr. Chairman.

Congressman Morton, I want to welcome you, too, before the committee. You made a very fine opening statement, in which I find myself in substantial agreement.

On this committee I have the privilege of serving as the ranking minority member on the Minerals Subcommittee, along with my distinguished colleague and chairman, Senator Moss. In December, we and two of our staff people made a trip to the Gulf of Mexico to the offshore fire, the fire in the offshore wells there off the coast of Louisiana.

There we found a blazing inferno from a platform, an oil drilling platform, from which 22 wells had been angle-drilled in order to economize in the use of the platform.

We were told by industry spokesmen that in order to prevent such a disaster as this proved to be, they had three lines of defense—two manually operated valves on top of the platform which could be turned off in case of disaster, and then 3,000 feet below the surface of the ocean, or the gulf, storm check valves were installed in each of the conduits that brought the oil or gas or both to the surface, which would be activated in case the lines were shorn at the top, or in case a disaster like this happened. In this instance, an explosion took place apparently and cost the lives of several men and injured a good many others.

It seemed to me that we need a fourth line of defense if we are going to drill successfully offshore. Obviously the two manually controlled valves are out of commission instantly when an explosion takes place and you have a blazing inferno that no one can get close to. So the whole responsibility then lies in the effectiveness of the storm check valve installed, as it is, some 3,000 feet below the surface.

Do you think that it would be possible to have a fourth line of defense, another manually operated or electronically operated valve, say 60 feet below the surface of the water or the bed of the ocean floor, that could either be activated electronically or activated by divers as another line of defense?

Senator Jordan, I don't come to you here as an engineer. My answer to you has to be, if there is another line of defense, if there is a practical way that we can superimpose additional safety factors within the technology that already exists, we should require it to be done.

The check valve that you spoke about, of course, is activated by a very great change in pressure that has to take place in a very short time.

Senator JORDAN. Right.

Mr. MORTON. Otherwise, the check valve in a gradual increase of pressure will not activate and do any good.

To answer your question, we should continue to probe and broaden every possible way to provide additional safety devices that will prevent the kind of disaster which occurred in the Shell platform in the Gulf of Mexico. Whether the solution is another valve which could be manually or electronically activated, I certainly don't have the qualifications to decide.

Senator JORDAN. I don't know if that is the solution either but I offer it as one suggestion, if it costs a little more to do it.

I think the expense is warranted because it is a tragic disaster when one of those things explodes and gets out of control as that one was.

Mr. MORTON. There is one positive result. Everybody is on our side in this matter. The oil companies have expressed deep concern and are involved in research, to solve this problem. Thus I feel, though it is tragic, that some of these disasters, such as the Union Oil fire blowout in California and this one, have contributed to making this proposition one of the highest priority.

It has my entire interest and exemplifies one of our basic responsibilities.

Senator JORDAN. In your discussion of the energy shortage, it behooves all of us to give every concern to the sources of supply, and the offshore oil reserves certainly need to be developed if we can do it in such a way as to maintain reasonable environment, a good environment, and at the same time make the development that is necessary.

In your statement of areas of concern and areas of responsibilities of the Department of the Interior, you list some 13 areas, and I noticed that the first and foremost you put the enhancement and protection of the environment.

You know we had a House resolution that passed both the House and the Senate in the last session of the Congress that would have set up a joint committee on the environment, and it didn't come out of the conference, so we will have to start all over with the implementation of a joint committee on the environment.

What is your reaction to the prospect of a Joint Committee on the Environment that has some oversight responsibilities patterned somewhat after the Joint Economic Committee, not with any legislative jurisdiction, but mainly oversight?

Mr. MORTON. I think the Joint Economic Committee, as well as the Joint Committee on Atomic Energy, have rendered a great service. Yet I would hope that the jurisdiction and responsibilities of those committees would be reviewed by the Congress. Perhaps now that atomic energy has been folded into our pattern of energy use, the jurisdiction or guidelines under which that committee operates could be broadened to include more energies.

It doesn't behoove me to try and recommend to the body, which I am leaving, how they should conduct their business. I would hope however that if there is a Joint Committee on the Environment, it will emphasize the fact that no one department has custody of trustee responsibilities that exclude any other department.

If we ever become accustomed to thinking that the Defense Department does not have any environmental responsibilities and thus may pollute irresponsibly, and likewise with Transportation or HUD, the force of conservation will be fighting a losing battle.

We have to broaden the sense of environmental responsibility, not only in the Federal structure but across the board in Government and in the private sector. If this type of committee would be instrumental in developing that sense of responsibility by all of the elements which are environmental impacters, then the committee would serve a great purpose.

If, however, it is going to overlap, confuse legislatively, and diffuse the actions of a given department, such as Interior in the management of our mining, land, or Indian interests, et cetera, then the relationship between that and this great committee might become a matter of concern.

There are certainly people on this committee, students of the Congress and the Senate who can far better address themselves to this than I.

Senator JORDAN. I think you have made a good answer to that. I agree that we need something on that order. How it can operate without infringement on standing committees remains to be resolved, but I think there is a need for it in the Congress, and there is room for that kind of joint committee.

When you talked about your being in favor of the enlarged Department of National Resources and the reorganization that would be required, the consolidation of, say: Agriculture and Interior, and maybe other agencies of Government that have to do with natural resources, I didn't hear you mention among the advantages that might accrue from that reorganization, the fact that it may be possible to reduce the number of people employed collectively in the various and sundry agencies now engaged in natural resources.

How much of a savings do you think there might be?

Mr. MORTON. It is a little too early to tell. I think I did mention that reorganization would be more economical.

Senator JORDAN. Yes.

Mr. MORTON. Of course, people are part of the costs and if we can reduce the costs, it would be advantageous to everybody. Cost reduction would provide more opportunities for local government's revenue structure across the board to perform more. But we can't put the cart before the horse in this problem.

First we must combine the functions and see how they interrelate and interact. When we do that we can develop management systems based on the functions themselves. When these systems begin to come into order, we can determine what the manning developments have to be in order to carry out the mission.

For example, there may be a big reduction in the number of people involved in BLM or the Forest Service or Parks. I would anticipate quite a bit of increase in the areas where expansion would occur, particularly areas used by the public in the recreation field and others.

Therefore, before I address myself to the size of the Department in terms of people, I would like to determine the nature of the job to be done.

Senator JORDAN. Thank you. Just as we face a great energy shortage in this country, so do we at our present rate of consumption face an acute mineral shortage.

In all of the discussions that have taken place here this morning, I have never heard the use of the word "recycling." I am a great proponent of recycling minerals, metals, whatever can be recovered from the dumps of the country and put back into the productive stream and reused.

What is your attitude toward recycling?

Mr. MORTON. If we don't recycle we will shorten the life of civilization as we know it on the face of this earth.

Here in the Department one of the changes that I hope we can effect, and I think Congress would become involved in this, is in the research and technological development capability of the Department of Interior.

The Bureau of Mines is doing some exciting work in the area of recycling within the limit of their resources. But we are guilty of bringing larger and larger percentages of our input material onto the surface of the earth in the form of ash heaps, junk yards, et cetera. We must consider this material a resource rather than just a waste to be discarded. Recycling is an area where we might utilize many of our scientists and people working in defense, in the space effort and in other areas, to make a contribution. We must recycle. We cannot continue to mine the earth, temporarily use the resource, discard it in the sea, and expect our resources to last forever.

Senator JORDAN. Thank you, Congressman; you have the right answers as far as I am concerned.

I will yield.

The CHAIRMAN. Thank you, Senator Jordan.

I just wanted to say, Congressman Morton, that the committee will be holding oversight hearings in connection with the problems of the Outer Continental Shelf and we will be getting into that in the very near future.

Senator Moss.

Senator Moss. Thank you, Mr. Chairman.

I am pleased, too, to welcome you to the committee, and I have listened with great interest to your response, and I might think that your responses have been good.

I think the last one on the recycling of our resources was downright eloquent, and I agree with that wholeheartedly. It is something we haven't turned our attention to very well.

I have a few questions and I will try to make them brief. I realize you have been sitting there at that table quite a while now and I don't want to unduly prolong the questioning.

First of all, I wanted to say that I am very pleased to have you speak, as you have, about the formation of the Department of Natural Resources that the President has now recommended in his state of the Union message.

As you are well aware from your service in the House, we have had before us a bill on natural resources and environment and in the 90th Congress I got hearings on that. We even had hearings and a report.

This is a bill that I introduce annually. Whenever the Congress comes back in again I introduce another Department of Natural Resources and Environment bill. But at that time the Department

which you now have been nominated to head came up and testified against it, as did most of the other Departments.

Do you really think we have enough turnaround now that we will have the Departments coming up and testifying for it?

Mr. MORTON. I think we have, Senator Moss. One problem has been our lack of a clear enough concept of just what the scope of this reorganization is. We have not broadened it to the point where the other functions of other departments were clearly enough delineated. Whenever you organize one group of functions and ignore the rest, you begin to develop a parochial interest that is not compatible with the total interest. Now that the reorganization plan is more completely defined, the management of the executive branch is clarified regarding its parameters. Where bills address themselves to this the testimony will be favorable.

Senator Moss. Well, I certainly hope so. I think that there are potentials there that we ought to realize, if at all possible.

This matter of having a total approach to a problem, I think, is illustrated somewhat in your setting forth the responsibilities of the Department of Interior, and the third one, the reclamation and development of our Western water supply.

Now, this is, of course, where part of the crunch comes. The Interior is limited to the Western part beyond the one hundredth meridian and so the other side has been filled largely by the Corps of Engineers, and you have to have sort of a treaty signed and sealed, and an exchange of ambassadors to make sure that neither one steps across the line, and this seems to me a ridiculous situation.

Mr. MORTON. I couldn't agree with you more. The reorganization plan addresses itself to this very problem. It would make the Department of Natural Resources responsible for planning and policy decisions, leaving the Department of Defense only the responsibility for their execution. Thus the matter of water development would become a total national effort rather than one divided at the 100th meridian.

I want to reassure those who fear that this will lower the priorities as far as Western water development is concerned. That must not happen. As Senator Allott indicated, the limits of man's ability to develop and utilize space are determined most of all by the availability of water. We must make sure that in assuming a total natural resource development responsibility, we do not lower the sights of the Bureau of Reclamation.

Senator Moss. I appreciate that answer because on the thing that has concerned me, following up this idea of the great need for water in the West, the whole function of that part of our country depends on water resources, but in recent years the construction program of the Bureau of Reclamation has been far below the effective funding level to accomplish the work that has been studied, found feasible and authorized by the Congress, and since this is so essential to the economic and social well-being of the expanding Western population, I hope that we can focus the attention on it and adequately fund the program.

Is this what you are telling me you are willing to press for and to undertake as Secretary?

Mr. MORTON. Yes, sir; I am going to undertake, wherever possible, to enlarge our share of the pie. It is as simple as that.

Senator Moss. We have been having quite a bit of it sheared off lately and I am glad to hear you say that.

Mr. MORTON. But I expect to have some competition, Senator Moss, from other areas.

Senator Moss. I don't think you and I are helped out a bit either by the way the matter is so often treated in the press as a pork-barrel grab. Every time a Congressman gets something broke in his District he has a piece of the pie, he has a little pork to take home.

As a practical matter, reclamation projects that are studied and approved and actually put into effect certainly returns far more economics to the country as a whole, to the tax structure, locally and nationally, than ever they cost the taxpayers and, therefore, it is not pork barrel in that sense.

Do you agree with me there?

Mr. MORTON. Yes; I think it is more apple pie than it is pig's nose.

Senator Moss. You remember the long and complex negotiations leading to the Colorado River Basin Project Act of 1968. There are two provisions of that act which I would like to recall to your attention.

The act directs the Secretary of the Interior to "conduct full and complete reconnaissance investigations for the purpose of developing a general plan to meet the future water needs of the Western United States."

That study is required to be completed by June of 1977.

Further provision of the act prohibits the Secretary from undertaking studies before September of 1978, of any plan for incorporation of water, importation of water in the Colorado Basin from other river basins. These two provisions are closely related.

It is vital that the Western water supply be comprehensively and constantly performed to fill the many gaps in our knowledge of the water needs of the West and the alternatives of meeting them. If the West-wide study does not fill these gaps we will find ourselves in 1978, right back among the contentions and questions we were wrestling with before 1968.

I hope you will give early and careful attention to the progress of the West-wide study, and can you give me any indication now as to how that is proceeding?

Mr. MORTON. No, I can't, Senator. I don't know what the status of the study is. I know some good deal of work has been done in developing the criteria but I, candidly, cannot tell you where the study stands.

I am concerned about the two sets of instructions that were given by the Congress to the Secretary. One is that we have to make sure that the West-wide study is not parochially influenced by the Colorado River problem. We must be sure that we are looking at the total water development problem that exists there and are not overreacting so the total problem is taken out of focus because of a specific river basin problem.

I would hope to work with you and other members of this committee, most of whom are in the very areas that we are talking about, to make sure that we put our energies in favor of the proposition of a Western water policy that is viable in all of the areas of the West.

This may be one of the advantages in having an easterner in a position rather than having a stake driven in some specific area of the West.

Senator Moss. I appreciate your answer and agree with you thoroughly. I think it ought to include all of the West and, as a matter of fact, I would like to see it nationwide and not again dropped off at the 100th meridian.

Mr. MORTON. I think that is true.

We have done some hydrological studies in the East, particularly in those areas where they are heavily dependent on ground water. Some say, are we using more than is falling into our aquifers or using less? These things have to be determined soon. The geological survey, with the help of Senator Williams and Senator Boggs of Delaware, and my own Senators from Maryland, has begun in that area, the Chesapeake Bay area, the Delmarva Peninsula some meaningful hydraulic studies that will provide information about the water supplies.

This is important to everyone. But the location of water is really a question that has to be carefully answered by the West. We can't get political about it. We have to devise an overall concept that will develop a resource to the greatest extent possible.

Senator Moss. As you probably know, I have spent some time studying and have been somewhat of an advocate of bringing down four Northern waters that flow in the Arctic Ocean unused and distribute them in areas of water shortage, and this has a lot of ramifications, it is very complex and expensive, and had an international aspect to it because the Canadians are involved.

But if we haven't made our own study and if we can't answer all those questions, we won't know whether we could enter into an agreement and, if so, how much we could commit ourselves economically to building and maintaining and paying for water that comes down to us from the arctic area, if that is done.

On the other hand, if we don't find additional sources of water in some areas of our country, they are going to either stand still or begin to wither and die, and so we are pressed on both sides.

Mr. MORTON. I couldn't agree with you more. Your concepts have been imaginative and constructive and ought to be explored. We must not fail to explore any avenues that are open.

If we are going to accept a premise, as I suppose we have, the population of this country is going to multiply and we are going to utilize more energy per person. We have no alternative.

Senator Moss. Well, I will hurry on. That is a very interesting area and you and I will visit about that further on a later date.

On this matter of saline water conversion, which is another way of supplying additional waters, the term "saline water conversion plant" established by existing legislation expired with the fiscal year of 1972. This committee and the House committee shortly will begin to consider the future of the program, and I am hopeful you can send us recommendations rather promptly so we can consider that.

Mr. MORTON. I am hopeful that I can, too, Senator Moss, and I share with you the feeling about it. We have discussed this privately, too.

We have to determine the priorities.

I want to review and find out how much headway have we made, what have we done with the funds appropriated, how far have we moved in the development of scholarship that is required here. I am in hopes that we can take a very hard look at all of our scientific

endeavor in the Department and upgrade its capability in utilization of funds and grants that are appropriated to the Department for scientific purposes.

I think if I were to criticize the Department as I see it in overview at this point—and I admit that I have had a very short-term look, I would say, with the exception possibly of the Bureau of Mines and the Geological Survey, that our scientific capabilities are inadequate.

Senator Moss. As you recall, we passed, I think it was 1967, legislation to participate with some of the utilities in southern California in the Balsa Island project, which would be a huge desalting operation, and then for various reasons the thing fell apart and was never consummated.

Do you have any alternative recommendations to make on that, to get something like that back in focus again?

Mr. MORTON. I wish I did. I think we have to see if such recommendations and plans can be made based on a study of failure of that one and strike out from there.

Senator Moss. Perhaps one or two more and then I will yield to my colleagues.

This matter of energy and the energy crisis that we have referred to several times here, is one that bothers me especially.

I am chairman of the subcommittee that has to do with fuels and minerals and materials. In your answer earlier you talked about the vast consumption of energy per capita in this country, and I gathered that you thought perhaps we ought to be devoting some attention to how we could decrease our demand for energy per capita.

So you think that is feasible to do it that way?

Mr. MORTON. There are some indirect ways to accomplish it, though, that would surprise you, as to the amount of energy saving that would be obtained.

For example, in the whole matter of land use, the position of various elements of the infrastructure, housing for people to live in, factories for people to work in, transportation systems that connect them, all have a great bearing on the energy utilization need that we have.

We have some automobiles that require 10 gallons to go 100 miles; there are some other vehicles that can go 100 miles on one or 2 or 3 gallons. This shows that there is a vast spectrum of opportunity in the utilization of energy. The efficiency of a light bulb, the efficiency of an electric device, all have a bearing. If we can improve the efficiency of devices through leadership in Government, in some cases, through economic motivation that will normally occur in other cases, we can husband our energy with a little less abandon than we do today.

We are marketing energy as though it were going out of style, and I think we have to take a hard look at this. I don't believe that we have to say to an individual, you have to keep your lights off between 3 and 5 or you can't use your air conditioner except on Mondays. But we have to address ourselves not only to a national energy policy that deals with the development and utilization of energy, but also to the consumption of energy.

As I said earlier in an answer to another question, it has been said and I have no way to doubt it, if we bring every nation up to our standard of living and standard of energy use, the known energy sources that exist in the world would only last about a year and a

half. We have many programs to try to lift these nations. We are helping them and I have absolutely no fault to find with this. This is our way.

But we had better make sure that somewhere downstream we are not going to run out of gas. The consumption should be addressed just as forthrightly and with just as much effort and human energy as the development of it.

Senator Moss. And I agree with you. We are so wasteful of our use of energy.

I always think of the amusing story that the press reported when there was a group on the west coast protesting the pollution that came from automobiles. They dug a hole and buried the car to show their protest against the pollution and all climbed in their automobiles and drove on home. And it is sort of a dilemma that we find ourselves impaled upon and as energy sources I was glad that Senator Bible mentioned the geothermal as a source of energy and Senator Allott mentioned oil shale, because they are other areas that haven't been tapped yet that we certainly ought to look to, rather than being on the horns of a dilemma on whether or not the Alaskan pipeline should be put in, because it would impair the ecology, and yet we have to have the energy that comes from that oilfield there.

And the dialog that you had with Senator Jordan was extremely interesting. On the Santa Barbara thing, we did have very extensive hearings on this matter. We had three sets of them, including out there in Santa Barbara, so it wasn't that we weren't digging around, but we just couldn't resolve this dilemma.

We had to have the energy and we didn't know whether simply cutting it off might increase the flow of the oil that is bubbling up there, or whether it ought to be reduced in pressure in order to cut it down, and I know your Department—you were not then with the Department—the Department was impaled on this same dilemma that we had.

Well, I appreciate your responses and expect that we will have big communications, as Senator Bible was advising you we wanted to have with you, and I think that the many impressing problems that the Interior Department has to deal with would be a great challenge as well as somewhat causing more furrows in your brow.

Thank you.

The CHAIRMAN. Thank you, Senator Moss.

Senator Hansen.

Senator HANSEN. Thank you very much, Mr. Chairman.

Let me join with the other members of the committee in welcoming you, Congressman Morton. I have great expectations that I feel will be realized under your heading up this very important activity in the Federal Government, and I have no question but that you are going to be confirmed.

I would like to say that a number of concerns that I have in my mind as to your position on different matters has been clarified in questions already asked. I do have a couple or three that I would like to ask you, though.

I think quite properly you have pointed out that one of the real needs of this country, insofar as recreational opportunities are concerned, is to provide parks and recreational areas near where the people

are. I subscribe to that. In so doing, though, I would not want to be misunderstood as implying that there should be a diminishing amount of interest in the great national parks and monuments of the West and in the proper development of recreational areas in the West.

Living in Wyoming, as I do, and watching, as I have, the increasing flow of traffic into great national parks, Yellowstone and Grand Teton, I am convinced that the only way we can meet the needs of the people of this country in a fashion that will be acceptable to them is to provide for increased recreational opportunities in areas nearest these great jewels in our national park system, and with that in mind, I am particularly interested in what will be your attitude toward the full development of roads and of campgrounds and of improvements in recreational areas near established national parks.

I would refer specifically to such areas as the Yellowtail Dam area between Wyoming and Montana known as the Big Horn Canyon recreational area.

Would it be your thought to press forward as quickly as possible with roads and campgrounds, and other facilities, including boat docks, so as to make that area, which is really most unique, available to the public as quickly as possible?

Mr. MORTON. Senator Hansen, let me say this:

First, I fully concur in the general policies that have been developed. In addition to our national parks, other reservoirs, dams, and the like which are suitable for recreation purposes should be used. I was told the other day in the Department by the very able Assistant Secretary in this area, Mr. Smith, that the Bureau of Reclamation actually has more recreational visits than the national parks.

We see them as a very important component in this whole area of recreation. But I am concerned about something and you are addressing yourself to it. Rather than giving you the quick answer of the groom that I do and I will, I am concerned about the environment that surrounds our national parks.

This again comes back to the land-use planning that we have discussed this morning at some length.

Before we commit ourselves to rapid increases in the recreational population in any facility, through the construction of the items that you mentioned, I would like to see some commitment on the part of the States as to how they are going to zone and manage the areas adjacent to the national parks and recreation areas.

I do not think this is asking too much of the States. The quality of a national park is determined to a great degree by the nature of the environment and development around that national park. Therefore, let us work together. If we are going to come in with the investment into a recreation area like Yellowtail or in the expansion of recreational facilities within a great national park, let us make sure that that park is not an oasis in development which is not compatible with the highest standards of preservation, conservation and culture of which we are capable.

Therefore, I would answer your question and say, yes, I think I would be in favor of expanding recreational facilities. But I want to also reserve the right to look around that area and see how good a job is being done in keeping the surrounding area compatible with the environment and with the highest order of our culture.

Senator HANSEN. I appreciate your response.

Mr. Morton, I would like to say that I think there is an increasingly important consensus developing among the States that these are indeed things that must be looked at, must be examined in rather close detail, in order to be certain that we don't detract from the innate beauty and prestigious character of an area that the national park system was intended to preserve in the first place.

In these two areas of which I spoke, and I will try not to imply that my concern is restricted only to those areas, but simply because of my familiarity with them and with some of the problems that are part of their administration, I would say unless a way can be found to reduce or to slow or to stem the stream of visitors that go through Yellowstone, as an example, the Park Service tells me that it won't be long until they are going to have to restrict the visitations to that national park.

In view of this fact, I think the forests that are contiguous or in the area adjacent to these two national parks, have undertaken intensive land-use examination surveys and they have tried as best they can to work out a detailed integrated plan which will recognize the particular attractive areas and usable areas of those national forests that could be operated in a fashion so as to complement the important role and function that the parks perform, and without going into the matter of State planning interests but restricting ourselves for the moment simply, precisely, or specifically to the question about the development of other natural real estate owned areas, I would hope that we might have your support in seeing that this effort could be pushed forward and that we did expand the usable areas of the West to include not only the national parks but much of the national forest and other federally owned property as well, because I think it can make a significant contribution as the workweek is shortened.

As the hours in the days are shortened, as incomes rise in this country, it seem inevitable to me more and more people are going to be able to travel longer distances, they will take longer vacations, they will need the contribution that I think can be made by all of these areas, and it just makes sense to me that we ought not to overlook the opportunity we have in order to expand their availability and utilities.

Mr. MORTON. I agree and I agree with the general concept of multiuse.

If we are going to perfect the concept of multiuse and do precisely what you have said, which is obviously the only kind of service that we can perform, we should do this in the best possible manner. I think we must also make sure we look at the expansion of our wilderness system because multiuse brings about inevitably a change in environment. You cannot help it.

In doing this, in broadening the recreational opportunities in the public domain, we should also be careful that we expand the wilderness concept, wherever it is appropriate and wherever classification would indicate it should be both within and without the park system, and these areas that you have just touched upon in public domain. Then I think we will truly have some great resources that people can enjoy fully.

Regarding your point of restricting the number of visitors in the park, we are up against this in many parks. We are facing this on the national seashore at Assateague.

I am uncomfortable in trying to address myself to a solution because it is difficult. These are public parks which belong to the people, so you have to be careful about any system of restriction. Hopefully, we will enlarge the system per capita. The system hasn't really grown as much per capita in this country as we think because its growth has been in acres and space. Also, the population has grown spirally during this time.

So I share the problem and I hope to work with you on the solution because I know what it means to your area. The people who visit the national parks and other great sights that you have in Wyoming are a vital part of your economy.

Senator HANSEN. Mr. Chairman, I note that the hour of 12:30 has come and gone and, if I may, I will be back here at 2 and I have one other question.

* The CHAIRMAN. Go ahead and finish; if it is all right with Congressman Morton.

† Senator HANSEN. I was thinking about the Secretary-designate.

‡ The CHAIRMAN. He is over in the other body now. He faces a different situation.

Senator HANSEN. There has been a lot of concern expressed and properly so, about our environment, and it is understandable that oil spills and pollution and accumulated waste upon the face of the land would irritate and frustrate and anger a great many people. I am among those who have little patience for so many of us who pollute the country unnecessarily, and I criticize myself when I say this because I think that we all contribute, oftentimes thoughtlessly, to increasing the levels of pollution and increasing the wastes that accumulate upon the land.

Nevertheless, I am concerned at the same time about our being able to continue as a strong nation, as a nation that will have to depend upon no other country in this world for things as vital as are its energy supplies, and hope that we will be able to continue to present the opportunity for the highest standard of living that any people have on the face of the earth.

I hope we will be able to achieve both the goals of reducing the pollution in our waters and in our air, and cleaning up our landscape and at the same time not accomplish those goals at the cost of having to cut back in the standard of living that we all enjoy. And feeling as I do, it seems important to me we move forward with a national energy policy or a national fuels policy, call it what you will, I think we wind up in essentially the same framework.

I am conscious of the work our chairman has done, the Senator from Washington, and conscious also of the work that the Senator from West Virginia, Mr. Randolph, has done in this area.

I cannot believe that anything short of a national fuels policy will suffice.

As you pointed out, our petroleum supply is finite. We have a good many other sources of energy. Oil shale was mentioned. Coal is a most important one. And if we are to achieve as much as I think we can in getting on with the job of cleaning up pollution, it seems

obvious to me, bearing in mind there has been a very significant investments in such things as furnaces in this country, some 40 million gas furnaces, I am told, heat a great many homes throughout America—if we are going to continue to utilize this investment that has been made in this particular kind of a heating unit, then I think we are going to have to talk about and do so very shortly a coal gasification system that will provide more substitute natural gas that I know can be made from coal to take the place of the diminishing supplies in relation to the increasing demands that we have for natural gas now.

I would hope and I would be interested in your response to this question: Would you feel that it would serve the national interest well to press forward with a stepped-up and increased coal research program that would be directed, among other things, toward the discovering and perfecting of a coal gasification technique by which we could make use of this great source of energy in supplying a substitute for natural gas?

Mr. MORTON. I don't want to appear curt, but the answer is yes. Senator HANSEN. Thank you Mr. Chairman.

The CHAIRMAN. Thank you, Senator Hansen, and thank you, Congressman Morton.

We will resume at 2 o'clock.

(Whereupon, at 12:40 p.m., the committee recessed, to reconvene at 2 p.m., this same day.)

AFTERNOON SESSION

Senator BURDICK (presiding). I would like to also welcome you to the Committee, Congressman. It is always a personal pleasure when an alumnus of the other body comes to testify before us.

I listened to your testimony with interest and I noticed that in your testimony you list 13 areas of concern to the Interior Department. I hope that the numerical order in which they appear does not necessarily mean that order of importance. I am referring particularly to the area of Micronesia.

For many months the officials of the Department of the Interior have been carrying on negotiations with the Micronesia Status Commission with regard to the political status of the territory. As I understand, the Micronesians are requesting either a loose association with the United States, which will be unilaterally terminable, or independence. Our offer to them has been a so-called Commonwealth status reportedly not acceptable to the Micronesians.

I consider this area of your responsibility one of the most important areas of your entire job. I think the matter has reached proportions of real concern. We have failed to get legislation that might have been helpful economically to the area and recent events seem to prove that we are acting in a tardy manner.

What would you recommend we do right now regarding the status of the Islands? You will recall that we have had the trusteeship now for 24 years handed to us by the United Nations. And not to make an overstatement, I think we are not doing well out there.

What do you think we should do? What would you recommend?

STATEMENT OF HON. ROGERS C. B. MORTON, A U.S. REPRESENTATIVE IN CONGRESS FROM THE STATE OF MARYLAND, A NOMINEE TO BE SECRETARY OF THE INTERIOR—Resumed

Mr. MORTON. First, Mr. Chairman, let me say that I agree fully that we are not doing well. We have improved but we can do more.

We should not measure our programs and effectiveness in the Islands of the Western Pacific in the Trust Territory merely with the yardstick of dollars appropriated and expended.

To take just a moment for review, I believe when I went on the Territories Subcommittee of the Committee on Interior and Insular Affairs of the House the budget level was considerably under \$20 million annually for the running of the Government, the development of the public works, and the development of the educational system for Micronesia.

Each year we saw a rather dramatic increase in that budget. Most of the additional funds were spent in the infrastructure, particularly in the area of schools, educational facilities, and in the area of health care.

Where I think we have failed is that we have never given the Micronesian people any sort of political or national leadership. We have kept them in a custodial atmosphere and environment. I don't think this has augered well for our position.

I have, as I believe you have, made a good many trips into those islands. I attended and spoke to the first Micronesian Congress. I have visited all of the districts and district offices and some of the out islands of those districts. I have had the opportunity to visit and converse with people of all walks of life. Yet in spite of the many visits by Members of Congress and members of the administrations, we have never developed a real bridge of association, culturally, socially, and spiritually with the Micronesian people. I think the reason for that does not lie in Micronesia but rather in Washington, D.C. So we must start from that position.

One area where we have failed to match the efforts of the Micronesians is in addressing the matter of status.

You will remember that we developed, with both congressional, public, and presidential representation, a status commission that did a great job of looking into and bringing the status question to the surface in the Commonwealth of Puerto Rico. It was not a waste of time. I believe this was an important thing to do and this is what we haven't done as far as Micronesia is concerned.

I don't believe we understand the importance, not only geographically but politically, of Micronesia as far as we are concerned.

These islands were brought under our trusteeship as a result of a spilling of a great deal of American blood. There is no area in the world that has a higher blood investment in it than the islands of the Western Pacific. We should have far more emotional involvement with this area than we do. It has never been serviced to the proper degree.

I hope that I will have the opportunity to talk with the President and his advisers and with the leadership in the Congress, particularly the leadership, the members of this committee and the counterpart committee in the House, so that we can devise a long-range policy regarding our interests, without infringing on the right of self-determination of the Micronesian people.

I am sorry that we don't have a status commission of the highest order, either a counterpart or part of the status commission which has been developed in Puerto Rico.

Senator BURDICK. Do you recommend the creation of one?

Mr. MORTON. I would certainly recommend the creation of one. Whether it should be a commission or a task force, whatever the legal relationships are, I would recommend a body that would do the same job.

Senator BURDICK. You know we have had legislation pending here for several years?

Mr. MORTON. You have succeeded over here but I don't think we have ever been successful in the House. Am I correct?

Senator BURDICK. That is right.

Mr. MORTON. I apologize, but that is the ball game.

I believe we should have this commission, and if we do, we can set a policy and start building a program around it. But we are trying to program these people today without any long-term policy. This is wrong and is frustrating as far as they are concerned. So, first, establish a commission; secondly, a much tighter qualitative overview of the investments that we are making and the economic balance. We are spending the lion's share of our money, or we were during the previous decade, in development of an educational system there, and I think we have done a pretty fair job. I am not in a position to say, however, but I am going to find out. Because of the concern that I have for this balance, the amendments that I put on the original bills which came before the House while I was there, always included a proviso, an authorization for funds to be used in the economic development of the area.

There is no use in trying to educate these people while at the same time tying their hands behind their back economically. We have not explored all of the avenues of economic development. Our Department, the Department of Commerce, and other departments involved in economic development, have to focus the spotlight on Micronesia. To educate these people and then shut them off from the world of reality, is going to frustrate them to the point that they will turn in another direction for leadership in this area. There already are many people from other countries, who are naturally gravitating back to these islands, for many reasons, and they are establishing a link with the people there. If we are going to decide that they should go that way, let's let this happen. But, I for one, think that the islands themselves and the people of those islands are exceedingly important to the United States.

Thus, in addition to the status commission, I would hope that we would service their problems across the board in the Government more than we have, and that we would address ourselves candidly and forthrightly to the Committee on the Trusteeship in the United Nations. We must try not to be defensive all the time in our position before that committee, but more offensive in our attitudes toward Micronesia.

This is a multidepartment proposition. I don't think it has the multidepartment attention that it should have. I hope to interest other areas of government in the problems of Micronesia.

Senator BURDICK. Apropos to what you have said, let me read you excerpts from an editorial which appeared on Thursday, January

14, in the Pacific Daily News. This is a newspaper published in Guam, not a part of Micronesia but in the area.

It was only a one line sentence in the depths of a Micronesian News Service story about the first days of the Congress of Micronesia, but we think that it is far more important than that.

The item noted that the Micronesian Senate adopted a resolution which asked that the Status Commission be empowered to enter into discussions with the Japanese government on economic developments and possible future trade.

This may seem innocuous enough in itself, but we'll bet that the wires to the U.S. State Department, and the Department of Defense were humming after that resolution passed. This is a very sensitive area, and one that will undoubtedly have some repercussions in Washington.

Only once before, that we recall, have the Micronesians had any contact with Japan, their former owners. That was immediately after Typhoon Jean, when a Micronesian disgrunte over the lack of early support from the United States Government went to Japan to try to seek some aid. The Japanese, recognizing quickly that this wasn't exactly their business, politely declined. However, some private aid was secured through Japanese business firms and individuals.

It strikes us that this resolution could be a bombshell. In the first place, choosing the Status Commission to do the talking seems strange, if they were, in fact, just interested in the economic aspect of the situation instead of the political portion. Wouldn't it make more sense to have the Trust Territory's Economic Development people make such talks?

That leads me to the bill that I have had pending now for about 3 years. It is a bill to create some economic encouragement to these people along the lines of the development we had in Guam. You say money wasn't important. I agree it isn't the only thing. We were asking for a small sum of \$5 million and we can't get it passed.

Can you give us some help on the House side?

Mr. MORTON. Certainly, Senator, I would be strongly for this approach and obviously if this legislation does become part of the administration package I would urge the House in every way possible to have it passed. I see no reason why it shouldn't.

We are going to need some ideas and we are going to have to send some awfully knowledgeable people into the area to develop an economic system there that will be viable. There are many problems such as transportation and the vastness of the area in terms of space, that make economic development very difficult. But I couldn't agree with you more and I certainly feel very strongly that your approach is the correct one to increase the economic development. Thus, unless I am beaten over the head, or some other better reason comes along, I will support that bill very actively in both the House and Senate.

Senator BURDICK. Now we have made some progress. It hasn't been completely sterile out there. I have been out there and we have made great progress in building schools and roads and other public facilities, but we haven't even begun to stimulate a private economy of any kind.

As you know, in Guam \$5 million was seed money and resolved a lot for Guam, and I think now with the new airline coming in there and bringing most of the world closer to this area, that there are great opportunities for hotels, shops, and everything else that goes with it for this type of development, and I certainly am pleased to receive the response that you are willing to help this little \$5 million bill through Congress.

Mr. MORTON. I want to make sure, Senator Burdick, that we in America don't feel ashamed of the fact that the American flag flies over the Trust Territory of the Pacific.

Senator BURDICK. You are correct.

Mr. MORTON. Sometimes we find among our friends, here and abroad, a slight discomfort in this. There is every right in the world for the American flag to fly over those islands and I don't think that there is any nation in the world that can mean more to them in terms of their development, their society, their enhancement of the quality of their life, than the United States. It is high time we proceeded.

Senator BURDICK. I hope, Mr. Congressman, that in the not-too-distant future you and I can sit down and chat about the makeup of the Commission, and I will be glad to use my offices to push this Commission in this Congress.

Mr. MORTON. I join you wholeheartedly in that and I am looking forward to it.

Senator BURDICK. One other area, and that is the American Indian. Our chairman is out of town today, Senator George McGovern, and we have noted with interest the position of the President in the speech announced on July 8, 1970, where the thrust of the statement was that the American Indian should have more to say about determining his own future.

In line with that, Commissioner Bruce has been before the committee and said the same thing.

Now, the only thing that seems to be lacking so far is what areas will give them some responsibility? Is it merely a consultation or will we have something specific to recommend?

Mr. MORTON. To be very specific, we have, as you know, a whole package of legislation that was brought before the Congress to be studied, perfected, and acted upon that dealt with the Indianization of many of the programs which involved the Indians and their welfare.

These are, in some cases, controversial legislative matters, but we have to keep working on the whole proposition so that more of these programs are managed by the Indians.

These matters are specifically defined in the legislation referred to in the President's message of July 8. There is an interdepartmental involvement now. Actually, the appropriation in the 1972 budget of the Bureau of Indian Affairs is some \$400 million, almost equal to the budget programs of HEW for Indians, bringing the total appropriations for Indian Affairs and programs to almost \$1 billion.

The legislation should be reexamined by the Congress. I think it is my responsibility to bring these bills before the House again to try and do just exactly what you are talking about, to give the Indians greater responsibility in the management of their affairs, and to direct ourselves more toward their self-determination than their termination. We should bring the package back again with whatever additions seem appropriate now that we have had a year's experience since the July Message.

Senator BURDICK. I presume sometime along the line you will discover what areas we can give these Indians a little more concrete right?

Mr. MORTON. I think we will. I think also we have to recognize that when you have bold changes, and these do represent bold changes in the historic patterns, there are going to be mistakes made. I would rather make and rectify mistakes and do something, however, than to do nothing at all. The whole influence of the President's July Message and whole feeling he has expressed on many occasions indicate that we have to do something and this takes legislation.

It is going to be through your leadership and the leadership of this committee and the help we can get over in the House, that we give the Indians a chance.

Even within the Indian community you must deal with controversy and special interests. This doesn't mean we should ignore the problem.

Senator BURDICK. Well, I am very pleased with your replies today, Mr. Morton, and it is going to be a real pleasure to work with you on this Micronesia matter which I think has a very high priority this moment, and I think you have stated it better than I have.

Let's make the some 2,000 Islands proud of flying the American flag.

Mr. MORTON. That is very near and dear to my heart. I have been over a good many of these Islands. I have visited every single one of the Districts. I have gone three or four times into the Islands.

Senator BURDICK. Have you ever stayed at the Royal Palau Hotel?

Mr. MORTON. I don't think The Royal Palau Hotel was built the last time I visited Micronesia. I stayed with a boat builder that time, a very sharp young man.

Senator BURDICK. It isn't very nice, is it?

Mr. MORTON. No.

Senator BURDICK. I ask unanimous consent that the editorial I referred to, appearing in the January 14 edition of the Pacific Daily News be made a part of the record at this point.

The CHAIRMAN. Without objection, so ordered.

(The editorial referred to follows:)

[From Pacific Daily News, Jan. 14, 1971]

(Published on Guam)

EDITORIALS—MICRONESIAN'S BLUFF?

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It strikes us that this resolution could be a bombshell. In the first place choosing the Status Commission to do the talking seems strange, if they were in fact, just interested in the economic aspect of the situation instead of the political portion. Wouldn't it make more sense to have the Trust Territory's Economic Development people make such talks?

Think how touchy this could be in Washington. No state, or territory such as Guam, is empowered to enter into discussions with foreign countries. That is strictly the province of the Federal Government, so it remains to be seen how the Micronesians can legally do this. It could, of course, be done on an informal basis, providing that the Japanese agree to it. They may not, if they get pressure from the U.S. State Department.

Yet, in the over-all picture, who can blame the Micronesians for looking to the north, to affluent, industrious Japan, who at one time had many industries and activities throughout these islands that have been so long neglected by the United States?

We're inclined to think that, despite a feeling of sympathy for the plight of the Micronesians, who can't handle their own affairs at this stage, the Japanese will refuse to enter into any such discussions until the political future of the Trust Territory is established. At any rate it is an interesting bit of news to speculate upon, and perhaps an interesting bluff by the people of Micronesia.

The CHAIRMAN Referring to Indian matters, I am considering introducing legislation establishing a new office, perhaps a board of regents, which would have responsibility for Indian education programs now administered by the Bureau of Indian Affairs.

Would you care to comment on this?

Mr. MORTON. I think that establishing an external influence, similar to the board of regents of a college or university is a very meritorious thing.

Candidly, I believe we haven't done a very good job in the whole area of administration of the Indians. We have had this problem for many years. We have had a large Bureau that has been involved in it, but the status of the Indian himself, either on or off the reservation, with some exceptions, of course, would indicate that somehow the gears have not meshed, that we haven't done the job there that we have done in other sectors of the society.

So if establishing a board of regents would have, in effect, a qualitative audit over the Indian educational system, I can see nothing but good deriving from it.

On the other hand, if the system begins to slow down through interference, then we have another problem on our hands and I am sure you don't intend that.

The CHAIRMAN. You are exactly right. The idea would be, of course, as you indicated, to provide for an infusion of new ideas and to provide an audit to monitor, but not to meddle, not to try to interfere with the administration of the programs.

I welcome that comment.

Senator HATFIELD. I am delighted to have a chance to visit with you today. I look upon these hearings not so much as a matter of interrogation, but rather, as an opportunity to share viewpoints on these matters of common interest that I know you have been involved in and concerned about for a long while.

The State of Oregon, of course, has a great deal of concern about the policies of this Department because we, like many other Western States, are known as public land States, which means that over 50 percent of our State is owned by the Federal Government. When you consider, too, the resources on that land, you see that it plays a vital role in our whole economy and our future.

A while ago when Senator Jordan was talking with you, you made a statement which I found very interesting and I think perhaps it is very true: that because of the concern that we have in the West about our various resources, perhaps an Easterner might be in a better position to make the adjustments and compromises that will be necessary as we solve some of our resource problems. The question on my mind is do you come into this position with any viewpoint concerning the commonly used expressions, "water deficient areas and areas of water surplus?"

Mr. MORTON. No.

Let me lay your fears aside, Senator Hatfield, I am not going to advocate transport of Oregon water to southern California.

The CHAIRMAN. Don't stop at Oregon. The Columbia River goes through a number of States.

Mr. MORTON. I think I am dealing with his fears right now.

Senator HATFIELD. Although you have probably heard this debate or this discussion for quite some time, I would like to utilize this opportunity, or this platform today, to restate a proposition which I think will have to be the situation to this whole matter. To think in terms of solution, that we have to define our terminology.

When we talk about surplus water, I think we have to first of all define what constitutes water surplus. If there is such a definition at this time, I do not know it. Secondly, we have to look at the potential; we must examine the situation not only as it exists today, but in terms of the potential for growth in the future. In this whole water area there has been a lot of talk, along the lines of "well, you don't utilize or you do not need your present water resource today based upon present populations."

But here again, any area in the country that is going to grow has to project ahead and cannot make such projects purely on the statistics as they exist today. That Senator Jackson's and my State is a water surplus area is a popular myth.

We can talk about water maldistribution in a more accurate sense than we can speak about water surplus because the majority of our States, the two Northwestern States, again, that is, the major geography, gets less than 20 inches of rainfall a year. The great image the Northwest as an area that receives an abundance of rain is inaccurate. For the record, only a small portion of our State records heavy rainfall.

My other concerns have to do with our forest resource. When we talk about a Department of Natural Resources, Mr. Morton, would you care to comment as to whether the Forest Service and BLM should be merged under such a new department or remain as separate agencies?

Mr. MORTON. I think you have to take one step at a time, Senator Hatfield. I do not believe from a management point of view it would be a good thing to merge the two departments within a department all in the same step. If a Department of Natural Resources is created, and I hope it will be, in accordance with the President's plan for reorganizing the executive branch, the first step would be to put them side by side. We should work with both of them and try to develop a common system, merging them only when we are confident that we have a ways and means development to give the people more for the energies and funds that are going into that area. Thus we are dealing here with a two-step proposition.

Certainly I would not, at this point in time, even if we had a Department of Natural Resources, say that these two services should immediately be merged.

Senator HATFIELD. When you were talking about the various problems in the energy field, you mentioned a number of traditional sources and the possibility utilizing of geothermal energy.

Are you familiar with the hydrothermal agreement that has been reached through the Bonneville Power persuasion?

Mr. MORTON. Only vaguely.

I received a very good briefing on the Bonneville Power Administration just recently from the Assistant Secretary and his people and I became acquainted with it there. I have never studied it, however, nor do I have any long-term familiarity with it.

Senator HATFIELD. Do you have any comments to make about the general concept of this kind of a partnership between hydro and thermo as far as a source of energy is concerned?

Mr. MORTON. I would. On the surface it looks to me as if there may well be a logical relationship that would provide better service and a better way of developing and also marketing the power resource by one system as opposed to doing it separately. Thus this partnership seems to be a logical way to proceed.

Senator HATFIELD. We were talking, previously, about the matter of environment and the facet of the problem which involves recycling. I believe you mentioned that you support a recycling program based upon the technology that would be required.

May I introduce another phase of this problem. I feel that frankly at this time we have the technology, and it is a question of economics, economic incentives that would make it economically feasible to actually undertake recycling on a major scale with the existing technology.

You are aware of some of these existing economic problems: it takes more to dispose of a Sunday New York Times than it does to buy it; it takes \$25 worth of time to salvage \$14 worth of metal from an old automobile; it takes 30 cents to pick up a bottle cap that only costs 4 cents to reproduce.

We talk about recycling in reference to technology; however, I would ask if you have any concepts or ideas you would like to express about meeting some of these really valid and great economic problems that are beyond just the technical aspect of developing the where-withal and know-how? It is a matter of economics with which we have to deal.

Mr. MORTON. Perhaps my understanding of technology is somewhat different than the connotation in which you are using the term. I feel the technology has to exist within a framework of economic practicality or the technology does not really exist.

We know how to recover different metals, for example ferrous and nonferrous metal in a junked automobile, or how to recover glass and rework it, but we have never developed a technology that is economically viable under the systems that we now have. Hopefully we will be able to do this.

We have to keep working at it. Perhaps there are going to be areas in this field that we will have to support through the application of public funds. This is going to be a difficult thing for us to manage. But we already support, with public funds, all of the waste collection and the disposal of these things. Thus we may find it a good investment to subsidize at some level of government, this recycling process, not only as a means of getting rid of the material or getting it out of the stream, but also of recovering the valuable things that are in it.

So far we have not been able to do this in an economic framework that we could live with but we have to keep plugging at it. The importance of it has got to be stressed a great deal more.

We are not a thrifty nation when it comes to reutilizing and recycling our products.

You brought up the matter of paper. I do not know how many trees you have to cut down to publish the New York Times, but it is a considerable number. This matter of recycling metal concerns me most. We are bailing automobiles and sinking them in the ocean. They are going to be hard to get back when the metal is needed.

We are probably going to have to pay a higher price for the disposal of our worn out products in order to recover the material, but I think we are just going to have to do it and face it.

Senator HATFIELD. Mr. Morton, I am glad to hear you say Government might have a more direct role to play in this because actually this whole problem does orient back to not only being a frugal nation but we also are a consumer-oriented nation and as a consumer-oriented nation, we are depending on certain services and products which only come out of utilization of source.

We can recycle a ton of old paper now that would equal a cord of wood which otherwise we would have to cut down in the forest. But the point is, many of these things are not feasible, economically feasible, unless you are in a center of population and happen to be recycling bottles. Los Angeles is undertaking a project of this type. What is feasible in a population center of that size that would not necessarily be feasible in Spokane, Wash., or in Oregon, and yet the problem exists there. In the smaller States our environmental problems are compared by economic problems that the Government might help alleviate.

One last area of environmental concern to me is that we tend to think of it purely as an American problem, when actually whatever we do or do not do certainly has its impact far beyond our borders.

As you know, the United Nations has called its first Conference on the Human Environment next spring, 1972, to be held in Stockholm. I am hopeful that you will have an opportunity to play a role in that because I think we must look at this from the leadership role that we must assume and realize that because we are a developed country, all the other countries are not of the same persuasion that we are at this time. Here again comes an economic question. The developing countries which have not yet achieved the standard of living that we have with all of our material benefits, simply are not that interested in the environmental problems. They say, "you have the industrial society we are trying to obtain. Therefore, we cannot be so concerned about the environment."

Do you have any comments about the role that America might have in the international realm with this ecological problem?

Mr. MORRIS. I think there are several areas where America can play a dynamic role. First, on the plus side, American business is beginning to develop a very sound interest in environmental problems. Replacing a sense of guilt, in many places, is a sense of responsibility in American industry.

For example, the Bethlehem Steel in the city of Baltimore is spending \$35 million to rearrange their plant in order to prevent water pollution. They are also involved in a gigantic program concerning the prevention of air pollution. Other industries are following suit.

If we can develop this consciousness on the part of American industry domestically, it will augur well for interest in the environment to develop in foreign countries.

We have to develop in our own country a sense of standards that are clearcut and can be understood. Then we can develop an interest in those kinds of standards in other countries regardless of size or the state of development. But our leadership cannot be one of conversation. It must be one of actual accomplishment that sets guidelines which are easily understood so that responsibility can be developed in this area.

There is another area where our leadership could be most important. I have advocated, ever since I entered public life, the incorporation of environmental studies in the primary and secondary school years of each American boy and girl. These studies should be continued as a specific discipline in the institutions of higher education. If we can incorporate an awareness of our environmental responsibility in our education system in America, this will inevitably proliferate, as do all academic subjects, throughout the world. We must do more than hold conferences on ecology. To inspire concern for the environment throughout the world, we must act through education of the young.

The CHAIRMAN. Congressman Morton, 10 years ago this month I resigned as chairman of the Democratic National Committee after serving during the 1960 campaign against your brother who was chairman of the Republican National Committee in that campaign.

You resigned, I believe, this month. The fact that you have served as chairman of the Republican National Committee, will this in any way inhibit you from fair and objective administration of your duties as Secretary of the Interior?

I was waiting for one of my Republican colleagues to ask that question.

Senator ALLOTT. Senator Jackson, I feel knowing of your own exemplary service we have no question about it.

The CHAIRMAN. I am doing this for the press.

Mr. MORTON. Let me say this in all candor: In the first place, I think our two-party system is a good sound way to establish Government in this country. I also believe just as strongly that once Government is established it has the broader view of the interest of all of the people.

I cannot believe that having served in a part leadership capacity would in any way detract from my service in Government. If it does, there is something wrong with our party system. It certainly has not detracted from the great service you have given in the U.S. Senate. I think I can say with a degree of family pride that it never detracted from the service my brother gave here in the Senate while and after he served as the Republican National Chairman.

Thus, I hope I am capable of objectivity far and beyond the partisan aspects of establishing Government, which are important to establishment of good government.

The CHAIRMAN. I think that is a very fine statement and I just wanted the record complete here. I feel that you can be fair and impartial in this most difficult task that you face and I was certain that you had no conflict in your mind about your ability to do that.

I found that it was not a difficult question to answer at that time. I had no patronage or anything to hand out. I resigned as the new administration came in.

Senator Nelson.

Senator NELSON. Thank you, Mr. Chairman.

This morning the question of Santa Barbara oil spills was raised by Senator Jackson, I believe, and I have two or three questions that occurred to me about that. One, the President's Panel on Oil Spills in 1969 stated that by 1980 we could expect a Santa Barbara scale oil disaster once a year. I assume that was based upon current technology and understanding.

Now if we were to have to experience, as suggested by the President's Panel, a Santa Barbara size oil spill once a year, it would seem to me one would not have to be very knowledgeable about environmental questions to recognize that the environment of our coastal waters and shoreline is in grave danger of destruction.

Would you agree with that?

Mr. MORTON. Of course. Oil was oozing out of the geographical structures in the Santa Barbara area before man even came to this hemisphere.

I do not know what kind of Ouija board this panel has, but I will be unwilling to accept the fact that we cannot curtail oil spills any more than I would be willing to believe that we are not eventually going to be able to cure cancer. I think we are. These spills of course, are related to human failure, to accident, which in spite of all of our effort we still seem to have.

Being a pilot I think of all of the backup systems we have developed in aviation, particularly in the airplane itself, to prevent any occurrence that would make the plane uncontrollable and not give the pilot an opportunity to bring it in.

Despite of all of that, we still have air crashes. We had one recently in the Virgin Islands, as you know. But we just cannot accept the fact that we are going to continue to have the kinds of failures that result in these oil spills.

While we have been talking here we have had an oil spill of considerable magnitude in Long Island Sound because of a maritime failure. We have had one in San Francisco and in the Canary Islands. I do not believe that is the criteria on which to make a decision as to whether we are going to go ahead and develop offshore oil resources.

As we use up our continental resources we will come under more and more pressure for the development of extra continental oil. If we do not develop technologies now and put the heat on them when we get under a crash program we will be in deep trouble. I would point out what World War II did to the environment of this country which did not have any of the actual shooting war on its lands. Industry expanded without any environmental consideration.

Fuel was consumed without any environmental consideration. Temporary buildings were scattered all over Washington in World War I and in World War II. We were under such pressure that the environment was subordinated and what we must do, Senator Nelson, and this is where your great expertise and dedication can be helpful, is to decide here and now that we are going to develop a civilization with maximum capability and protection to the environment. We must bring the environment as far as priorities are concerned into equality with the economy in defense of our country.

Senator NELSON. I don't recall from my reading of the President's Commission 1969 report that they predicted that technology could not be developed to extract oil without serious risk of environmental blow-outs, disasters of some kind or another. All they did was predict that by 1980 there would be an oil spill of Santa Barbara dimension once a year.

How good their guess is, I do know. They were a little conservative, if we look at the history of the past year or so, and while it is true that in many places around the world there are pollutants which occur naturally, it is quite a serious matter for a massive introduction of

foreign materials such as oil into a limited sized bay area such as Santa Barbara or Long Island Sound or elsewhere. But the question I was really getting at is we certainly know that these discharges of oil, not only from ships but from oil well leaks and blowouts, are very serious matters.

Just what is the Federal Government in general, the Interior Department in particular, what kind of an extensive program, if any, are they engaged in—in terms of funding research projects for evaluating the geological situation and forcing industry to develop technology?

If you are going to face this thing, what are we doing about forcing the technology?

Mr. MORRISON. I cannot spell it out chapter and verse because I am not familiar enough with the work that the bureaus are doing in this area. But I have great faith in the geological surveys. I think the Geological Survey is one of the finest organizations in Government. Rather than try to answer you as to what they are doing let me assure you that in my leadership of the Department I am going to try and develop every possible means of exerting the pressures which you have just mentioned on all of the areas of the private sector and public sector to see that this technological pressure, if you want to call it that, is brought to bear. I do not think we have to do the research for the oil companies. I think the oil companies themselves are not only in a position to do it, I think they want to do it, and I think they are motivated to do it.

Where we might be helpful is to spell out some goals and hopefully some deadlines and contribute as a coordinating agency. I do not believe we are going to lack the funds for research in this field.

I wish I were as confident in other areas of spill, namely, those invisible chemicals that are finding their way not only onto the shorelines and into the wet lands, but into the ocean itself.

Senator NELSON. I recall that a year ago Senator Jackson raised the question about the Alaska pipeline, and one of the points made at that time by the Administration's witness was we really cannot stop this program because the oil companies have got such a big investment in it already. So it is another case of private industries going ahead and making investments and proceeding to get ready to exploit the oil, and then as an afterthought, the issue of the environmental considerations were raised. So then we backed into the environmental considerations and we are still looking at them.

Now we have a case where we have been drilling oil for quite a while now in the Gulf of Mexico and in Santa Barbara, and now the question is being raised whether it is technically feasible with what we now know to extract oil there without serious threat of these blowouts?

Well, the answer is "No," we do not have the technology now.

My question is, would it be your intent, recognizing the seriousness of this problem, to require the oil companies to propose a plan for exploration and work in conjunction with the Geological Survey, since after all we do control the leases?

Mr. MORRISON. You mean it would be planned as a part of the leasing agreement to demand certain studies?

I think, Senator, we already do that.

I believe the question you raised is whether the standards for the safety procedures and devices that are needed are high enough?

Senator NELSON. That is in general the thrust, and if they are not would you aim to make the standards more strict. And also, and this is a field I do not have any answer to, would you require them to make necessary investments in developing additional technology, working with the Geological Survey to developing higher and higher environmental standards as the technology develops?

Mr. MORTON. I think the answer is strongly in the affirmative.

This would be part of the leadership in the Department to constantly increase those standards as I hope it is the feeling of a good many of us around here that we have to develop a little higher standards of operation of our automobiles.

We were talking about digging holes this morning for putting the automobiles in but what we have been doing is digging holes and putting the drivers in, and this is just one area. The Department of Interior would be remiss if it did not constantly take leadership positions in the development of higher standards, and technology to meet those standards.

Senator NELSON. This question was also raised this morning by Senator Jackson: If you reached the conclusion that there ought to be a temporary arresting of the exploitation of the oil on the Continental Shelf and legislation was introduced last year on the program compensating the lessees in the event it was found necessary for some reason for the Federal Government to request that they stop the exploitation of the oil, if that became necessary, and I do not know that it is, although I would suspect that is the way I would feel about it, if that became necessary, what is the basis for compensation?

The matter confuses me quite a bit.

Looking at the bill in last year, I think it was Mr. Hickel's bill introduced by Senator Murphy, and there is language in the bill that says the holder of any lease terminated pursuant to this act shall be entitled to bring an action against the United States for recovery of just compensation for a lease or leases so terminated.

Then I notice in the testimony that the president of Humble Oil Co., said it would thus seem a serious reflection on the integrity of the U.S. Government for Congress to abrogate without just reason leases validly issued under the authority of Federal statute. He said such unilateral and arbitrary action by the Government would have very serious detrimental effect on national interests, and so forth.

I do not know what he means by "without just reasons." I would consider just reason environmental, serious environmental problems. But the point I would be interested in is what would just compensation mean?

I will put it this way: I would feel myself that just compensation, unlike a private contract, just compensation in this case would involve a return of the money paid for the lease plus loss of interest, plus any out-of-pocket expense that the company could prove.

And that is a very simple answer. Usually the fight is over the question of what was my loss of anticipated profits, right?

Mr. MORTON. Yes.

Senator NELSON. Now, if we had to terminate for environmental reasons, I personally would think it would be an outrage to go beyond returning the payment price of the lease plus interest, plus out-of-pocket expense. What is your view on that?

Mr. MORTON. That is a tough one.

You have two sides to the coin. What about the fellow who had the lease and dug the dry hole? There was no oil there and you are going to buy the lease back. What is that lease worth? It is not worth anything, probably.

Senator NELSON. In this case he would get back the number of dollars he paid for the lease, dry hole or not, plus out-of-pocket expenses.

Mr. MORTON. That would be the thing to be determined.

If they are going to take action against the Government in the courts, I would think the courts might take into consideration the fact it was a dry hole.

Senator NELSON. Let's wait until they hit one out there.

Mr. MORTON. There is one. But, Senator, you have come into a very complicated proposition here. How do we terminate these deals that are made by the Government in good faith when some other proposition comes along indicating that it is necessary that this be done? I certainly wish I were capable this afternoon to really sit here and tell you how that should be ameliorated.

It is very difficult because you are setting precedents here that have far-reaching influence in other areas of the economy, not just in the matter of buying oil leases back. So it would seem on the surface that if a lease was bought and paid for that the return of the price plus interest, plus any other out-of-pocket expenses would be fair.

On the other hand, it could be well conceived that a company was denied an opportunity to make a return on that capital through the delays and all the other things that prevented this lease from actually being developed. I think you are going to have to tailor make that to an area, or a set—we are dealing with 20 leases in the Santa Barbara Channel.

Public hearings have just been held in this area. There is a great deal of emotion here.

There are many geological complications. Some of these areas have an entirely different geological makeup than others, I am told, and I understand that one or two of them have produced nothing but dry holes.

I certainly wish I were smart enough to turn my computer brain on here and come out with a good answer that would fit all of the legal criteria and still be completely equitable.

I do not know the answer to that, however. I hope that the Congress will help develop the answer. Last year the proposition was put to the Congress and the Congress chose not to do it, perhaps for a very good reason. But I think you have opened a debate in which it would be silly for me to try and pose as an expert on claims in compensation and legal background that is precedent in this area when in the first place I am not even a lawyer, much less a judge.

Senator NELSON. If you had been a lawyer, the answer would have been a whole lot longer. [Laughter.]

I know these are complicated legal questions and I do not have the answer either, and it may very well be that under the current type of contract that the Court would say that they are entitled to some compensation for loss of profits and if they do not get them they are deprived of their property without due process.

The question I would raise, and I would not expect you to answer it off the top of your head, but I would suggest it is worth exploring, is that obviously there are going to be leases of these types in Alaska and you have the Continental Shelf and you have got future discoveries coming plus the possibility at some stage of exploiting the several hundred billion estimated gallons of shale oil in the mountains, and wouldn't it be worthwhile, since these are all public assets we are dealing with, to have your lawyers explore the proposition that in the leases environmental consideration be introduced so that a bidder knows that if the Government decides on environmental grounds that so it must temporarily or for some extended period or permanently invalidate the lease, that that is written in in advance the lessee knows it and so you do not run into constitutional compensation problems?

Mr. MORRIS. I think we should explore the problem.

I would be a little bit too afraid to cloud the lease too much because this is an important source of revenue for the country. If you cloud the quality of the lease by putting too many reservations or qualifiers in it you are going to lower the price of the leases. I think this could hurt us badly because these revenues are just as important to conservation as any other Government revenues. In fact, in some instances they are more important because of their direct application to conservation efforts. But what we are seeking here is a way out when other criteria of a meaningful nature are developed. I see no reason at all why we should not study this and try to come up with some guidelines though it is pretty hard for me to believe that such decisions are not going to be in the end court decisions.

Perhaps we should develop more knowledge in this area as far as the courts are concerned. But you address yourself, Senator Nelson, to an exceedingly important and complicated area and I certainly want to involve the best legal minds available at the Department to the problem. I hope we can work together and try to find a really equitable solution.

Senator NELSON. I am assuming if something of this nature was put in a lease, it would be on the grounds that the damage that would be done was of sufficient consequence to the country that you would want to prohibit it.

Mr. MORRIS. Of course it would.

Senator NELSON. I have a question on predator control. We have had a program that has troubled me for a long, long time over our predator control program which is operated mostly in the West and under the jurisdiction of the Interior Department. I believe that this program has had and is having disastrous environmental consequences apart from what I think to be the genuine immorality of our mass assassination of many of the finest wild creatures there are in this country.

Last year we spent \$7 million to support a wildlife control program with a small army of some 700 poisoners within your Department ranging across vast tracks of mostly public lands in the West. And while nobody is absolutely certain about the count, the Defenders of Wildlife estimated that in a 1-year period, 1963, these 700 employees of the Federal Government poisoned and killed in various ways, 190,763 animals, including 842 bear, 20,780 lynx and bobcats, 89,653 coyotes,

294 mountain lions, 2,779 wolves, mostly red wolves, and mistakenly labeled coyotes, 6,941 badgers, 1,170 beavers, 24,273 foxes, 7,615 opossums, 6,685 porcupines, 10,078 raccoons, 9,052 skunks.

The CHAIRMAN. Does that count the ones killed on the highways?

Senator NELSON. An incredible massacre of a great variety of wildlife.

Mr. MORTON. House flies or mosquitoes or anything else, those numbers are even greater.

Senator NELSON. It is a real shocker.

I have put in legislation to try to get it stopped, but let me call your attention to this: According to the President's Public Land Law Revision Commission, of which you were a member, I believe—

Mr. MORTON. For a short time.

Senator NELSON. In answer to the question, is this control justified, the Public Land Law Commission said "No," and they published a statement on it.

I think this is a kind of disastrous program. I know you haven't had a chance to look at it, but I think for heaven's sake, it ought to be a first order of business because I do not think you could find an ecologist, a biologist, an authority on wildlife any place on God's green earth that would not be shocked by this incredible activity by the Federal Government, and I think something ought to be done about it and I would wonder if you have any views at all about it?

Mr. MORTON. I do not know what the dimensions of the program are and the specific reason that these species have been attacked or killed in these numbers.

Where ecology starts and stops is the question. You are dealing with lions and badgers, rodents and all the rest.

We have probably the most vigorous rat extermination program that we have ever had. There has been a great deal of criticism of those of us who want to limit it. We have the greatest extermination program of insects and micro-organisms that has even been known. I think the question is where do the esthetic values start and the ecological values end? Or rather, where do the ecological values start and where do the esthetic values end? You have a warm feeling for a badger that you do not have for a rat. You feel that the mountain lion belongs but the mouse does not. If you could come into my kitchen and watch what my wife does when she sees one.

Senator NELSON. You have to remember that if they get rid of all of the mice by springtime then the wolf won't survive.

Mr. MORTON. That is right.

You are addressing yourself to the question of our compatibility with the rest of nature.

We have spent billions of dollars in medical research over the years to destroy that part of the ecology which man becomes a host to, the bacteria. Well, at some point those same organisms are part of economy. Therefore, it is hard to deal with this whole problem in one little spectrum and not in another. But obviously I have the same feelings you do about this predator control. Let me take a hard look at it and see what the justifications are and see what modifications can be proposed. Let's look out for the interests of these particular species which have been threatened by the Government, and see where these interests belong.

I think the fire ant problem is another one. If you talk about not killing a fire ant in the area of interests that are involved here, you immediately get into a real controversy. I guess it depends on whose ecology is being gored.

Senator NELSON. The fire ant is not a problem thus far upon any Interior Department land.

Mr. MORTON. No, but in order to clarify my answer, do you feel that a different responsibility should exist in the public domain than in the private domain?

Senator NELSON. No, I do not think so, and I think, the Agriculture Department—the reason I raised that question was that I do not know whether the Interior Department was participating, in any way, in the proposal to use Mirex to destroy the fire ant.

Mr. MORTON. I cannot answer.

I do not think they are.

Senator NELSON. The point I would make is that nobody knows the environmental implications spreading tens of millions of gallons of Mirex over the countryside to destroy the fire ant. So far as we know, while the fire ant is a problem, if you step on the hill—which I have done, and did not enjoy much—I do not know of serious crop damage from the ant.

In any event, the question is what method of control do you use, if any?

I just raised this question because I cannot find anybody who believes predators are responsible for all the destruction they have been accused of, and the next question is that even if they are, on balance should you engage in a massive program of elimination which may cost you more because of other consequences than if you leave the predators alone?

Mr. MORTON. This is very true and is a sort of "Which came first, the chicken or the egg" or what is the value of the housefly versus the mountain lion. Somewhere down the line we have to make those decisions, but I think I know how you feel and I share these feelings.

I think it is a question of finding out how to transmit those feelings into action on the ground.

Senator NELSON. I have written a letter to the Department which they answered suggesting that the predator control program is a concern of the Environmental Act which requires the filing of environmental impact reports. I would hope such a report will be filed this year on the predator control program.

I have several more questions. I see Senator Church came in.

Let me ask you one more and I will hold the rest of mine until everybody else has asked their questions.

A little while ago Senator Burdick raised the question about Micronesia and you mentioned that you have served on the Puerto Rican Status Commission, which I thought did an excellent job, and you suggested that it would probably make good sense to have some kind of commission on Micronesia.

I raise the same question about our responsibilities toward the Virgin Islands and also want to mention that I think the housing situation, particularly in Charlotte Amalie, a French town, is a disgrace to this country, secondly, that educational opportunities there must be improved including that college that they are trying to develop, and three, in the environmental side, I think those Caribbean

waters are probably some of the purest on the face of the globe and yet massive dosages of pollutants are being poured into them every single day.

Their solid waste disposal technique, as you know, is throw it into the ocean, and I am wondering if you do not, one, realize, as I think you do, the seriousness of the environmental problems they face there, as well as housing and educational problems, and two, whether you would not think some kind of a commission review of that situation ought to be made?

Mr. MORTON. I share your concern about not only the environmental but the housing and social problems that exist there. I might add that I do not think we are talking about just the Virgin Islands, but also about Guam and Samoa.

We see the Virgin Islands. Many people visit them from here and we have a closer feeling as far as they are concerned. But many of the problems that I have noticed in the Virgin Islands exist also in Guam and Samoa not to the same degree, but nevertheless in a similar nature.

We have to develop a new relationship with the Virgin Islands as a follow-on from the action we took leading up to the election of their own Governor.

I was not only a sponsor but a strong proponent of that legislation and we have just sworn in the first elected Governor there. So the relationship now has to be redeveloped to address itself to the problems you have just outlined. Whether we should go about this with a territorial commission or special Virgin Island Commission or whether we should set up within the Department of the Interior or in any other Department a sort of a departmental representation in the executive branch of the Virgin Islands is open to debate. I think there are good arguments on both sides.

I would like to look at the problem. I would like to discuss it with you and with other Members of the Congress who are interested in this area, to see just what the opportunities are.

What has happened in the Virgin Islands is a rapid increase in density of population brought about by a very large influx of aliens in order to get the job done there. This has caused the strain on the housing, by offsetting our housing gains with a population increase.

I do not know whether the Commission is the right way to do it. The Commission might be a way the whole problem gets swept under the rug and I am certainly against that. But the only thing I want to do is try to solve the problem and I very frankly do not know whether the Commission way is the right way to do it. A status commission is one thing because that is a scholarly adventure toward one specific issue. But the problem of the Virgin Islands is a whole conglomerate of issues and I really do not know, Senator, whether that is the best way to go.

I think the subcommittee of this committee should address itself to this.

I would like to have the opportunity to have the Department address itself to it.

I think other areas of Government, departments of Government should also take up the question because we have to get a handle on it.

Senator NELSON. I did not mean to suggest that that the Commission was the answer. I have talked over the past half dozen years with a

number of marine biologists who have studied out of Saint John, Saint Thomas, Saint Croix, who are gravely concerned about the quality of the water which is, as I suggest, one of the finest in the world, and it seems to me it would be tragic if we did not do something about protecting it. All you see on those islands is increasing numbers of people with pollutants going straight into the ocean, and we have to do something about it.

Mr. MORTON. I think we have to do something about Lake Michigan, too.

The CHAIRMAN. Thank you, Senator Nelson.

Senator Stevens and Senator Bellmon have agreed to defer to Senator Church because I know he has a commitment tomorrow. The Chair will announce we will try to run until 5 o'clock and then we will resume tomorrow at 10, Congressman Morton. It will be necessary for me to leave for a committee meeting at 4:30, another meeting, and I will ask Senator Church to preside after I leave.

Senator CHURCH. Thank you very much. Tomorrow's meeting, I understand, is in our regular committee room?

The CHAIRMAN. This is correct, 3110.

Senator NELSON. May I ask a question? You do intend to resume tomorrow?

The CHAIRMAN. Tomorrow at 10 o'clock. We want to finish tomorrow morning. I would think there will be ample time to finish by 12:30.

Senator NELSON. I probably had 20 or 30 minutes more questions.

The CHAIRMAN. Well, maybe at the conclusion of Senator Church's.

Senator NELSON. I thought I would defer until tomorrow. The Congressman has been here all day.

The CHAIRMAN. He is a pretty big fellow.

Senator CHURCH. You do not even look worn down.

I want to say, first, of all, that though we have been acquainted for a number of years, it has not been my pleasure to know you as well as I knew your brother Thurston in the Senate. I respected him very highly and I think you and your brother have certainly rendered the country a fine public service in your respective careers in the Congress of the United States. So I wish you well in every way.

Mr. MORTON. Thank you.

Senator CHURCH. I do think that some areas that have not yet been touched upon should be gone into for the record in these hearings. I am told that not many questions have been asked, if any, on the question of mine safety, which, of course, is one of the important responsibilities of your department.

Just recently we have been reading in the papers of another terrible mine tragedy, 38 coal miners who died in the Finly Coal Co. mine near Hyden, Ky. It just happened that that disaster occurred on December 30, 1970, which was the anniversary of the enactment of the Coal Mine Health and Safety Act of 1969.

We had hopes that that act would go far toward eliminating some of the hazards that have been endemic in mining activity. I read the other day an account Congressman Hechler gave of this particular disaster. It is in the Congressional Record and when you have an opportunity, if you have not already seen it, I would commend it to you, because Congressman Hechler makes a case that Federal inspectors on at least two previous occasions prior to this disaster had made an inspection of this mine and had found many violations of the State

standards, yet there is nothing in his statement to indicate that there was any followup or any penalty or any enforcement action taken. Then, of course, we have this dreadful disaster.

I know you are acquainted with the Mine Safety Act. One time you voted to recommit the mine safety bill. Can you recall why you voted that way?

Mr. MORTON. I would have to look the record up, Senator, to see just what the parliamentary situation was and what the issue between recommitment and nonrecommitment was before I could accurately answer it, but I would be very happy to do that and I will have it done by tomorrow.

Senator CHURCH. If you might supply that for the record. I know it is sometimes very difficult to remember just the particular reason for a vote that was cast some time ago.

I will tell you what disturbs me in this case. I wonder whether a Bureau of Mines which was set up in the first place to encourage and promote mining can properly regulate and control mine operations, or whether there develops a kind of buddy-buddy attitude between the Bureau and mineowners which prevents adequate enforcement of legislation of this character?

For example, Dr. Osborne, who is the present Director of the Bureau of Mines, was quoted recently in connection with this particular disaster as having said, "we have had a pretty good 2 years. You have to expect something like this every once in a while"—which seemed to me to be a rather casual dismissal of a very serious tragedy, particularly in view of the fact that Federal inspectors had found gross violations of the standards and no enforcement action had been taken.

Are you familiar with this case?

Mr. MORTON. I am quite familiar with it.

First, this case touched me personally very deeply because the little hospital in Hyden is in a large part a memorial to my mother. I have been there and I understand Leslie County. It is also the home of the frontier Nursing Service which is one of the great Kentucky institutions.

I have had a long talk with my brother Thurston about this because he is very familiar with the area and with the circumstances. I have also talked with members of the department.

We are very frankly not onstream in the development of a capability of enforcing and carrying out the intent of Congress in the Mine Safety Act, and the reason that we are not is because of the difficulty in securing qualified people to serve.

There is also a feeling on the part of Dr. Osborne and on the part of the Assistant Secretary that we should not just have coal miners or other people who have been associated with the industry, as the only element of our inspection and enforcement service. For that reason the department has sought out some generalists and actually has under consideration the employment of one such person who has been a judge, who has been not in the field, who can exercise a more objective and firm overview of this situation.

Congressman Hechler raised many questions about this and he is concerned. I agree with the Department's position that we need some new blood in this area, not just people who have been associated with mining, who can bring a new objectivity to it.

Thus one of the jobs I have before me, Senator Church, is to get the Bureau of Mines onstream, to bring up its competence. I am in hopes that the new center that will be in West Virginia, in which Senator Byrd has been so interested, the development of sort of mining school, will have a real impact on this. But I think it is far too early to pre-judge the Bureau of Mines because I have no excuses for the delay in bringing their competence up to the proper level. I would hate to see us take some other route before we really have the opportunity to make a decision as to whether the Bureau can do the job.

Senator CHURCH. Well, I agree with that, though I as a lawyer recognize the importance of the principle that the prosecutor and the judge and the jury ought not to be all one entity, which I think so frequently occurs in the administration of Government programs through the present bureaucracy. I am glad to hear you say that this is a subject that commands your interest because I have been concerned at the relatively slow rate of enforcement of this act.

I understand that the number of inspectors needs to grow from 350 to about 1,000, and yet at the same time I am told that only about three and a third percent overtime was paid during the past year to the present inspectors.

Somewhere something is wrong.

Mr. MORTON. I agree with you, Senator, I think there is. I have to get right into it.

Senator CHURCH. Yes.

I wanted to make one other statement and I want to yield to the chairman. I wanted to know whether or not it is true or whether you know it is true that no operator has yet been fined for any violation of this Mine Safety Act.

Mr. MORTON. I cannot answer that; I do not know.

Senator CHURCH. I have heard this is the case, which in itself suggests that there is something less than a rigorous performance to duty in this field, considering that the Congress had imposed very substantial penalties for the violation of this law.

Mr. MORTON. I can only say that I think this is one area that, with the cooperation and help of the Congress, particularly of those members who have mining interests in their constituency, we have to look at very hard.

Senator CHURCH. The Chairman has a question.

The CHAIRMAN. Senator Church, right along the same line, when this accident occurred I sent a member of the staff of this committee along with a member of the staff from the Labor and Education Committee to Hyden, Ky., to attend the hearing that was being held down there. One of the recommendations that he has made is that the Bureau of the Mines should establish disaster teams to investigate these accidents. He suggested that they could be patterned after the investigation teams used by the National Transportation Safety Board to investigate airplane accidents. I would appreciate an early report on the implementation of the Coal Mine Health and Safety Act, together with your recommendations for reorganization or other changes, Congressman Morton, within the Bureau of Mines to improve the administration of this program.

I might mention one thing that has been suggested, and that is transferring the Bureaus of health and safety functions to the Department of Labor. I think this gets to the point that Senator Church has made.

It is an age-old conflict of interest problem within a department where you have the judge and the jury and the prosecutor. I wish you would take a look at that one.

I fully appreciate it is not possible to answer it now, unless you have a comment you wish to make.

Mr. MORTON. No. But I agree with you that this is an area we have to address ourselves to, the Coal Mine Safety Act becomes much less than was desired by the Congress. I think our responsibility here is to try and develop a department that carries out the will of the Congress.

Senator CHURCH. Mr. Chairman, in that connection the committee has received under date of January 22, 1971, a letter from Fred Russell, the Acting Secretary of the Interior, having to do with the departmental report on the Finley Coal Co. mine explosion.

The CHAIRMAN. I believe this is in response to the question that I made.

Senator CHURCH. Yes, and I think it might be appropriate to include it at this point in the record.

The CHAIRMAN. Without objection, it will be included in the record at this point.

(The letter referred to follows:)

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., January 22, 1971.

HON. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The following brief statement on the Finley Coal Company mine explosion disaster has been prepared in response to your request of January 20. We expect to have our full report ready by January 29. The copies of information requested were delivered to Mr. William Van Ness of your office.

The Nos. 15 and 16 mine of the Finley Coal Company are located near Hyden, Leslie County, Kentucky. A total of 100 men were employed on three shifts per day. The mine was opened by drift entries into the Hazard No. 4 coalbed, which ranged from 29 to 36 inches in thickness.

The two mines had received a total of five Federal inspections of which two were complete since the first mine opened in March 1970. During inspections the Federal Inspector found it necessary to issue closure orders due, in part, to accumulations of loose coal and coal dust and inadequate rock dusting. During two other inspections, four Notices of Violations were issued for substandard clean up and rock dusting procedures, and the conditions were corrected during the inspection. A nonfatal explosives accident had occurred during August 1970 and was a result of improper explosives handling.

The explosion occurred about 12:20 p.m., Wednesday, December 30, 1970, and resulted in the death of 38 of the 39 men who were underground in the interconnected mines. The survivor was near a portal in No. 15 and was injured slightly.

U.S. Bureau of Mines officials were immediately notified and began arriving at the mine about 2:30 p.m. on December 30. Those arriving at the mine during the day and evening of December 30 included H. P. Wheeler, Jr., Deputy Director—Health and Safety; James Westfield, Assistant Director—Coal Mine Health and Safety; and Joseph Malesky, District Manager, Coal Mine Health and Safety District C. Other Bureau of Mines personnel arrived also and began assisting in the direction and performance of the recovery operations.

The underground investigation disclosed that loose coal and coal dust were present in many areas, and samples taken indicated that the rock dust applications were substandard preceding the explosion. Evidence was found that non-permissible detonating cord was used in the mine as a means for detonating explosives charges when doing construction work for loading points. The investigation proved conclusively that the explosion occurred when coal dust was thrown into suspension and ignited by detonating cord which is illegal in underground coal mines, or by permissible explosives used in a nonpermissible manner dur-

ing the blasting of roof rock for a loading point. Excessive accumulations of coal dust and inadequate applications of rock dust in parts of the mines permitted propagation of the explosion throughout the mines.

A public hearing was held at the Courthouse in Hyden, Kentucky, on January 6, 1971. The Director, Bureau of Mines, decided to go to Hyden in order to see, at first hand, procedures of the Bureau of Mines in carrying out an investigation of this type. The hearings were an extension of the investigation of the underground workings in order to get any additional information which would assist in determining the cause and nature of the explosion. Inasmuch as he was the senior member of the Bureau of Mines, he presided with specialists from the Bureau of Mines and State officials of the Department of Mines and Minerals questioning the witnesses.

The report of the findings as to the cause of the explosion will include both evidence from the underground investigation and testimony received from witnesses regarding practices and events prior to the explosion. A second report will describe the review being made by the Bureau of Mines of its plan of action when a coal mine disaster occurs. This report will present an up-to-date "Disaster Plan."

Sincerely yours,

FRED J. RUSSELL,

Acting Secretary of the Interior.

Enclosure.

The following information was delivered to Mr. William Van Ness:

1. Copies of reports on Federal inspections and investigations made at the Nos. 15 and 16 mine, Finley Coal Company, Kentucky. The inspection reports include records of findings, action taken, and penalty notices issued.
2. Copies of reports on Federal inspections of No. 6 mine, Clarence Maggard Coal Company, Kentucky. This is the only active coal mine within a radius of five miles of the Finley Coal Company mines.
3. Copies of instructions issued by Bureau of Mines officials relative to the conduct of mine inspections during calendar year 1970 and through January 8, 1971.
4. Copy of the map of Nos. 15 and 16 mine, Finley Coal Company, Kentucky.
5. Information on Penalty Notices.

Senator CHURCH. One other question before we pass on to another subject.

I have before me a copy of the new regulations that have just been issued—published in the Federal Register for Saturday, January 16, 1971, setting out the civil penalties for violations of the Federal Coal Mine Health and Safety Act of 1969. I am told that no penalty under these regulations will be assessed against a mine operator in the absence of evidence that he had cause to know of the violations of the law that had occurred on his property.

In other words, in the absence of fault or intent to violate the law, the penalty will not apply.

As I remember it, this issue was fought out in the House of Representatives and it was the opinion of the House in the passage of the bill that the element of fault ought not to preclude the assessment of fines. In other words, there would be an absolute responsibility, standard of absolute responsibility established by the law. If that is so, these regulations appear to be in conflict with what I had thought to be the clear intent of the House of Representatives when this issue came up and was resolved.

Can you shed any light on that question?

Mr. MORTON. I am afraid I cannot, Senator. I will have to get the Solicitor into the problem, have it defined and have these regulations compared with the legislative history and with the law itself.

Senator CHURCH. Will you do that?

Mr. MORTON. I certainly will. I welcome the opportunity to do that.
 Senator CHURCH. Good.

Now I would like to turn to another subject.

Your recent predecessors as Secretaries of the Interior have come to deal increasingly with the question of esthetics in the matter of attempting to improve the quality of our environment, and since the national interest in beautification of this country and its cities has proceeded to the point where it is pretty well known to everyone, I would like to elicit your own view concerning the responsibility of the Secretary in this field, and to do that I have a few questions I would like to ask.

First of all, I am told that you voted against the Highway Beautification Act when it was before the House. Can you tell us why you voted against it, what your feeling was then and what your feeling is now with respect to this question of esthetics?

Mr. MORTON. I feel very strongly, Senator Church, that the esthetic aspect of our environment is everybody's responsibility and is part of our national profile. My fear of that program was that if the Federal Government got into the area of beautification of the highways within the States, then the States would not do anything about it. They would only use those matching funds that were required to fully avail themselves of the Federal program. The other elements, county governments, municipal governments, civic organizations, all would defer their responsibility in this area to the Federal Government.

I am concerned sometimes that we decide that the Federal Government has to do something and when we make the decision to go ahead and do it, the rest of the people say, well, the Federal Government is going to do that, I no longer have any responsibility.

I am strongly in favor of improving the esthetic side of our environment. I think we have done great damage to it here in Washington over the years. I see that great damage has been done in the West and within your own State.

I was in Sun Valley not long ago. I thought it was an example of where some of the most beautiful area in the world was not esthetically compatible with the development that man had decided to put there. This is a matter of taste and judgement. I feel that the Federal Government has a very strong responsibility to the esthetic qualities of the environment within its domain, on public lands, in the forest and in the parks. Hopefully the leadership that it takes will be reflected throughout the structure of government and we will be able to expect that leadership to have an effect in other areas.

Senator CHURCH. Let's go right to the question—

Mr. MORTON. I voted against that bill because I feel that way, and also because I felt at that time the funds that were allocated to it had higher priority use in other areas.

Senator CHURCH. Well, I appreciate your explanation. I differ personally because it seemed to me in this field, as in the field of pollution, the States and the city governments and the county governments did nothing for years and largely because they were fearful that any steps that might be taken would operate against the city or the county or the State concerned and cause business investment to go elsewhere.

So the record of progress was practically nil until the Congress

established some national standards and this enabled State legislatures for the first time to be assured that in implementing those standards they would not be undercut by other States with more lax standards. I think unless the national government steps in in this area, we will have no more progress in the future than we had in the past until the Congress took action.

Mr. MORTON. I agree with you. I do not think that bill addressed itself to that subject.

Senator CHURCH. Well, let's go to the question of jurisdiction, where the Federal jurisdiction is clear, let us say, so we do not have the other element involved. Let's go to the question of public lands, for example.

I suppose my State is typical of the States in the West where 50, or 60, or 75 percent of the land is in Federal ownership. Much of it is open arid land, and outside of the national forests, which are, as you know, under the jurisdiction of the Department of Agriculture, we have never had any visible control over the establishment of all kinds of signs and billboards that have fairly littered the public domain, and I think the first Executive order that was ever issued directed toward bringing this whole problem under control was issued by Mr. Hickle in December, last month.

Now, I have read this order. It is a good one. It seems to me a little ambiguous in one place. But it is a good strong order meant to bring an end to the trespass on public lands for the purpose of erecting all kinds of signs and billboards, many of which quickly fall into disrepair and are left like derelicts on the countryside.

Are you familiar with this order?

Mr. MORTON. Yes, I am.

Senator CHURCH. And can you tell me what your attitude toward this question will be if you are confirmed as Secretary?

Mr. MORTON. I do not think there should be any promiscuous invasion. There may be signs that should be directions for safety and guidance, but I do not believe public domain is the place for commercial displays of any kind.

Senator CHURCH. Then you would look with sympathy on this order and, as far as you know, your intention would be to enforce it?

Mr. MORTON. This is correct.

Senator CHURCH. I am pleased with that answer. I certainly am in complete accord with you.

Has the subject of endangered species come up? I was here when Senator Nelson spoke of the use of pesticides and their effect.

Mr. MORTON. We have talked about a good many of them, but we did not get to the whooping crane.

Senator CHURCH. Let's get to the whooping crane and to the whale and eagle. I hope you do not have the anomaly of serving as Secretary of Interior when the American bald eagle becomes extinct.

As you know, we passed the law years ago known as the Endangered Species Act and the Secretary is empowered to place certain species on the list of endangered species.

Mr. MORTON. I cosponsored it as a member of the Subcommittee on Fish and Wildlife in the Merchant Marine and Fisheries Committee.

Senator CHURCH. That is right. I was actually going to get to that point because I think you are fully familiar with the origins of the law.

Just recently certain species of whale have been placed on the endangered species list. I understand that a whale is taken every 12 minutes now. Certain species are on the point of extinction. What I am interested in determining is, is whether you will apply a broad criteria to placing species on this list, rather, that is, acting in a timely fashion before the point of extinction has been reached so that we can save these species. Taking a liberal view of your responsibilities in this connection, I would expect an affirmative reply, knowing of your past connection in the law.

Mr. MORTON. Very much so. I think the problem is one we all face. Where do species become important to us and where do they not? Do we deal with micro-organisms in this proposition or do we only deal with mammals and birds and whales and fish. Do we deal with so many of the micro-organisms that are just as important for the beginning of those life cycles as the life cycles of the endangered species? You are not going to have endangered species when you protect the habitat unless you overharvest. I think you are concerned here with the overharvesting of whales.

When you deal with birds, you deal with insects, the food for birds, and when you deal with insects you begin to deal with smaller micro-organisms until finally you get down to the one-cell animals.

Where does ecology stop? We have been vigorous in our pursuit of the smallpox organism and hopefully we have eliminated and stamped it out of the ecology. I believe that we have to preserve these species but you immediately come into conflict with the attitude we have developed about predators. We are going to have a real go on this fire ant problem. The issue is not the preservation of the fire ants but the method by which they must be exterminated. And certainly we have a different attitude about the bald eagle than we do about the fire ant. But somewhere in the system the bald eagle may be dependent on the fire ant, and this is where we get into a pretty involved proposition.

Senator CHURCH. This is a very complex field, I realize that. But part of your responsibility as Secretary of the Interior—

Mr. MORTON. Will be to save the bald eagle.

Senator CHURCH (continuing). Will be to save the bald eagle and to save the whale, and here you get into an international picture because you alone or the Government of the United States alone cannot do that job. And so unless you press the State Department very hard and work on the international front to secure sufficient agreement from other countries, you will lose the fight. And I think that that is an aspect of your responsibility that is fully as important as undertaking to save species within the country over which you can exercise a greater measure of control.

Mr. MORTON. I agree with you on that, Senator. I also feel that we have a responsibility to deal with the endangered land species of the world as well. For example, we have done a great deal of work in Africa in the field of game management. I think the Department should be commended for its efforts to provide these countries with methods of conservation which will insure the existence, within the habitat limitation of the species, of the wildlife and game that are important to us.

Senator CHURCH. Well, I urge you to lean heavily on State Department wherever necessary to the accomplishment of this objective and

secure as much cooperation as you can to get other countries to join in a common effort.

That brings me to one other question that is somewhat new. I have been reading magazines these days and newspapers and finding to my astonishment that the Standard Oil Co. and Dupont and other large corporations have suddenly become God's gift to the environment. Here is an advertisement that you may not have seen, it was just called to my attention today, how Dupont helps the alligator save his skin. It goes on to tell the story of a particular kind of plastic and what good effect this has on preventing the poaching of alligators.

Nothing in the advertisement says anything about the other environmental problems that plastics are causing.

Mr. MORRIS. I am sure of that.

Senator CHURCH. And more and more we are getting these self-laudatory advertisements that, if taken at face value, will lead the public to believe that the greatest friends they have are General Motors and Dupont and Standard Oil. I wonder if this does not impose a responsibility on you as Secretary of Interior to try and set the record straight by pointing up to the Federal Trade Commission that does have direct authority in the matter of advertising, fair advertising, honest advertising, to see to it that this whole question is not distorted out of all reason and the public is not left badly misinformed. I think there is a term for this now that has suddenly come up in the land, these advertisements are being described as echo pornography. I would like to have your views as to what responsibility you see a Secretary of Interior having in this newly developing field.

Mr. MORRIS. Senator, do not give me a tougher job than I have already. I think I have coming up the toughest one that exists in the Government. I would hope that the Congress would take a position on this with the regulatory agencies if they feel as you do.

There is one thing that might reflect the other side of the coin. We are seeing across the land a new interest being demonstrated by industry in meeting their responsibilities to the environment. I would hate to have to do anything to discourage the development of that interest. The price is going to be high if we have to change our industrial process to the point where it is completely compatible with the earth, or nearly so with the environment, because this is where most of the damage is done. I think the fact that companies, those you have mentioned and many others, are now interested in this is good.

To use the environment as a means of selling, as a gimmick in advertising, is not in the spirit of American advertising.

I would think that I might be in a position to comment and exert some pressure, which I will do. But I will not feel that Congress or the Senate committees which deal with those regulatory agencies are exempt from exerting the same pressure.

Senator CHURCH. I agree with that. I think it could well be a joint responsibility, that Congress has its role to play. It seems to me that a Secretary of Interior, if this new phenomena reaches the point where the public is being seriously misled on environmental matters, then there arises some responsibility to alert the FTC wherever you feel the case is justified.

Mr. MORRIS. I could not agree with you more. I think this word "ecology" has grown out of dimension, because ecology is a breeder

science. When people talk about ecology, they are talking about their own ecology, be it esthetic or be it part of their world, and we have to be very careful that we do not start kidding ourselves as far as pollution control and the effect of certain regulations, laws and actions are concerned.

Senator CHURCH. I would like to take up three or four matters that have Idaho orientation but a general applicability. The first one is known as the *Indian Hills Hoodco* case, it has been a rather notorious case in the Department of Interior for the last few years..

I know the lawyers in this town believe it is the single most important case in determining the way the desert land law will be administered in the future, so I would like to ask you two or three questions about it.

As you know, the desert land law, like the homestead law, was passed with the intention of making public lands available for settlement for families together to own and to cultivate, probably the most enlightened laws of the last century, and they led to widespread ownership of the public land in the Midwest and of the West. Through that enlightened policy we avoided having great tracts of land brought under the ownership of the rich people. We avoided the kind of land ownership pattern that had typified the development of most other countries.

Now today I am concerned that we may have reached the point where that policy is being reversed, where we are beginning to slip back again toward corporate farming, commercial undertakings involving large acreages, absentee ownership, all of the evils that we sought to avoid during the past century.

Here is a case in point. A corporation making an arrangement with individual settlers, individual entrymen, who then leased to the corporation and the corporation proceeded then to cultivate this very large tract, and the Secretary of Interior, Mr. Udall, in his findings, having investigated the case very thoroughly, and with the support of the counsel, the Solicitor of the Interior Department, felt that this case represented a violation of the law, that it undermined the intent of Congress and that it would lead to a corporate takeover of the remaining public lands.

Now, that case has been submitted to the Federal courts and the Idaho court, under Judge McNichols, has made a finding against the Government upon the ground that certain patents had been issued, rightfully or wrongly, and having issued it was too late for the Secretary to raise the question of their validity.

Now I have not made a thorough study of the case, I may be in some ways mistaking the judge's opinion, but the importance of the issue is obvious and I understand now that the Interior Department has decided not to press the Justice Department to take an appeal from this decision, let the decision stand. I worry about this because I think its consequences can be great. It may be a turning point back once more to a realignment of the public land into large corporate ownership, which I think the Congress hoped to avoid and had avoided through the passage of the Homestead Act and the Desert Land Entry Act.

And so I want to ask you what you know of this case and what your own feelings might be as the Secretary of Interior.

Mr. MORTON. Obviously I do not know a great deal about the case. I know just as much about it as you explained to me. I have seen it referred to in the press. I have been conscious of its existence for some time. I felt that while it was in the courts, it was improper for me to address myself to it in one way or another until a decision was reached.

There are certain things that have to be reckoned with as a matter of policy when we deal with this issue, and they involve the efficiency of our agriculture.

Today under most farming conditions, and this is something I know considerably about from experience, 160 acres of land is not a viable economic unit.

How we are going to solve the requirements for food and the price we can pay for it and reconcile them with the very problems that you have outlined is going to take some doing, but we have to address ourselves to it.

I could not agree with you more that we do not want to let our public domain slip into gigantic hands. I think we must be very careful in the whole matter of how we work out the disposition of public lands, whether they be for agriculture or for other purposes.

Now I think the best thing for me to do is to tell you that I am concerned, because I am. I cannot deal with this with any legal background. But I intend, with the help and experience of this committee and the committee in the House to see if from a Land Law Revision Commission's recommendations and from the legal experiences we have had regarding our public domain, we can come forward here in the next year with a land policy that is integrated with this problem, integrated with land use provisions that we hope to generate, which I have been interested in for some time.

I believe unless we go about it in that constructive way, taking into consideration the agricultural requirements, the efficiency of agriculture, the way we have to farm now not only to make a return on investment farming but to provide inexpensive food for people, unless we take in the whole proposition of the ultimate distribution of the public domain, completely modernizing the Homestead Act, the Desert Land Use Act that you have referred to, I just do not think we will have a viable policy.

Senator CHURCH. Well, let me ask you to do this in connection with this particular case. I agree that 160 acres might well be too restrictive, given the conditions of today. But under the Desert Land Entry Act, if my memory serves me right, it is possible for the entrymen to secure 320 acres and to join that with 320 acres owned by his wife, so that this is not nearly so restrictive a law in its application, and certainly 640 acres is still a viable farm under modern conditions and with modern machinery can be tilled and maintained by a family unit.

Mr. MORTON. You are talking about a farm that has plenty of water.

Senator CHURCH. Yes.

I am concerned because we have conditions in Idaho where it is possible to get plenty of water and possible to turn arid lands into fertile farms. It is still being done by individual entrymen. Now they can work collectively together to secure the water, and there are ways that that can be financed, but when they become merely the front

men for a large corporate enterprise that utilizes them so that it can technically comply with the law, and when the corporation then proceeds to undertake control of a tract that might be five, six, or 7,000 acres in size, I think we have serious questions of public policy raised as to where this law is taking us. What I would ask you to do is to review this case and consider the implications of public policy and reconsider whether the Interior Department wants to rest the case on the decision of the trial judge and take no appeal.

Mr. MORTON. If there is opportunity to do that as far as the time limitations on appeal and so forth are concerned, certainly we will do it.

I think this probably is already under study in the Solicitor's Office, but I certainly will encourage him to accelerate.

Senator CHURCH. That is all I can ask you to do and I appreciate it if you will.

The second question also relates to a matter in my State though its implications are equally extensive. I could not help but think when Senator Nelson was asking you what should be the criteria for determining the extent of damages to a large oil company, if it was necessary to cancel a Federal lease, how much consideration we tend to give to the interests of a large company when we are dealing with it, and how little consideration is often given to the interests of individual citizens. A case in point has arisen in my State along the Snake River, where Federal surveys taken anywhere from 50 to 100 years ago have now been set aside as defective.

The people who are involved have had reason to believe, many throughout their lifetimes, that they were the owners of land that had been granted to them originally under a Government patent. They have cultivated the land, they have improved the land, they have fenced the land, they have farmed the land, they have owned the land, by any standard that is normally applied. And now 50 or 75 years later the Government comes along and says we have taken a new survey and we find the original survey defective and we are reclaiming Government ownership and possession of your farm, or large parts of it.

These people have no recourse to court. They have no right to damages. They are told that under the law they may have the first opportunity to buy the land the second time from the Government at current prices, and they are outraged. And I think if I were in their position, if you were in their position you would be outraged. This to them typifies the arbitrary way they are dealt with by a bureaucracy that is indifferent.

Now I am very much concerned we find an equitable solution to this problem. I am introducing a bill along with my colleague, Senator Jordan, which seems to me to be one way to approach a problem of this sort, by applying the doctrine of adverse possession to the Government where a person reasonably believes that he is the owner and holds land for a 20-year period under color of ownership is permitted to do this. After that time has passed, the Government will be treated like other owners and the doctrine of adverse possession would then preclude the Government from asserting a claim against the owner in position. I think that is fair. I think such a law should pass. But I am interested in any case in finding a solution to this problem because it seems to me a great injustice being done to these people.

Now we have had similar questions of this kind, as Senator Allott would testify, that came up in Palo Verde. Another case down in California.

Senator ALLOTT. Yes.

Senator CHURCH. We have kind of tackled them one at a time and we have had to try to design individual bills. That seems a very unsatisfactory way to me, somehow we have to find a general solution to these problems so that the law will have uniformity and people will know what their rights are.

What I am asking you is for your help and for your sympathetic consideration in trying to find a way to cut this Gordian knot and see that equity is done for these people.

Mr. MORRIS. Obviously equity must be done. That is what government is all about. It would seem to me we had better look at the problem and see how big it is. Once we determine its size, the number of the surveys that have had to be changed or have disclosed differences in the ownership patterns, the number of people affected, and the number of dollars involved, then we can act. After all the Government land is not the Government land, it is the people's land, and this is something I think we sometimes forget. The land across the public domain is the public domain, not the Government's ranch.

We do have a responsibility to those people who were justifiably under the impression that they owned the land and built their lives around that justification.

If our system of government and courts and division of powers between the Congress and executive branch cannot solve a problem like that, I do understand what the thing is all about obviously.

Senator CHURCH. Thank you very much. I think we can work out a solution if we approach from that spirit.

I would like to yield to Senator Allott.

Senator ALLOTT. I think what Senator Church has said is quite true but, of course, this situation does not resolve itself simply to where they have resurveyed. There are other similar situations where they have in effect occupied the land for 50 years or so under adverse position, and I have expressed to Senator Church and Senator Jordan, and I think we ought to enlist the aid of our friend Senator Stevens who has a little experience in this area, too. Actually, I do not think there is a lot that the Department of the Interior can do until Congress sets out some standards and some criteria and decides what we want to do, and I think we ought to do it because otherwise we will have to deal with these on a case-by-case basis, which we have done over the years and which have taken hundreds and hundreds of hours that was not necessary.

Senator CHURCH. I fully agree, I think we have to cooperate to find a solution to this.

In this connection, Mr. Secretary, there is another bill that I introduced in the last session and I will introduce again. I call it to your attention because I hope when the time comes for your Department to report on it, you look at it personally. It is a closely related problem.

As chairman of the Subcommittee on Public Lands, it has come to my attention. It is the inability of people to clear title to land they have reason to believe belongs to them. When the Government takes a different view, when the Government has an adverse claim,

frequently it is a question of law. The Government sees it one way, they see it another. The facts have to be ascertained. It is a problem that should properly be addressed to the courts, but the Government does not choose to be sued.

The Government invokes a privilege of the 16th century known to the common law that the sovereign was not subject to suit and applies it with a sober face in the 20th century under a democratic Government that is supposed to be the servant of the people.

Now, Congress corrected that where torts were concerned finally by passing the Tort Act, which authorizes that the Government be sued, as you know, in cases where negligence is claimed. It seems to me we also should have some of it in connection with land titles so that a person that has a judicial case and needs to have his title cleared is authorized under the law to use the courts to get the question settled, and does not have to await the consent of the Government to permit the question to be settled. Yet the departments are against it.

This has been true of Interior and other departments of the Government, automatically, against relinquishing any defense that they can claim, even defenses that relate back to the sovereign prerogatives of English kings. Here again I hope that when this bill comes up, you will take a look at it to see if it does not do justice, does not do equity, does not make sense, before the Department goes on record.

Mr. MORRIS. You are getting into a legal problem here which, it seems to me, ought to be determined governmentwide and not by just one department, Interior or Defense.

Obviously I will look at the bill, but hopefully this will have broader focus.

Senator CHURCH. The bill is drafted this way. It would apply to all departments of the Government, it would not be limited to the Department of Interior.

All right, one further subject and then I am through and I appreciate your patience and the character of your responses to my questions.

Two more subjects:

One has to do with Hells Canyon. Senator Jordan and I have sponsored a bill that has passed the Senate once to establish a moratorium for an 8-year period, now to be a 7-year period, during which no further dams would be built in the remaining undeveloped stretch of the Hells Canyon until such time as thorough studies, some of which are now under way, can be completed and the highest use for the river, the highest public use for the river can be determined.

In the past the Department has given its blessing to this bill. Are you familiar with it? Do you have a position on it?

Mr. MORRIS. I have no other position than the Department.

Senator Church, my last dealing with the Hells Canyon probably I think is when I was on the Committee of Interior in the House, which has been 2 years now, so I certainly have to be brought up to date and I would not want to here preempt the other areas of the Department; but obviously I share your interest and Senator Jordan's interest in this problem.

Senator CHURCH. And the last question I have has to do with the mining laws.

We have a situation in Idaho that has attracted national attention in the White Cloud, where a molybdenum deposit has been discovered

at the base of Castle Peak in one of the most scenic areas of the West. This has occasioned great controversy. While looking into it I became aware, as I had never been before, of the extent to which prospecting today is taking place in the national forests and on the public domain by use of tractors, earth-moving equipment, bulldozers, the kind of devices that were never naturally available to the old prospector and his mule, the typical kind of prospecting that went on at the time the original mining laws were passed.

Under the present law, neither the Bureau of Land Management nor the Forest Service has any authority to protect the public land, to regulate prospecting, even when it is done by bulldozer, so that any company looking for minerals can go upon the public land and gouge out, carry away the top soil, knock down trees, and then leave it in that condition.

I have seen bulldozers used on the high mountains of Idaho up above the elevation where nature can repair the damage, fragile steep slopes permanently scarred and defaced by bulldozers: more than that, left in a condition where the most serious erosion and siltation is going to occur for years to come, and yet I am told by the Federal agencies that the law does not empower them either to regulate or control this kind of prospecting.

I think that is wrong and I think if I owned land and the law was such that I could not protect it from that kind of desecration, it would not take me long as an individual owner to make a protest. The same ought to apply to the people. This land belongs to the people and the Government is trustee for the people really. And yet it lacks the power to take minimum measures necessary to prevent this kind of degradation.

I think it is time we brought the laws up to date and gave the Federal Government sufficient authority to make certain that this kind of prospecting which can do such serious damage to the land is permitted only in areas where permanent erosion, permanent damage will not occur, that it is prohibited in high fragile areas, and that where it does occur some action is taken to assure the Government that the top soil will be replaced and that the necessary conservation measures are taken.

Now, the mining laws are sacrosanct and have been treated that way for nearly a hundred years, but I think the time has come to begin to review them and maybe this is the place to start. I would solicit your interest and your sympathy in this endeavor because you certainly will be one of the central figures involved in any congressional attempt to modify or alter the present mining laws. I would like to know how you view this general question.

Mr. MORRIS. I have become interested and involved in this over a good many years, particularly as it relates to strip mining of coal in the mountains of Kentucky. There not only the exploration but the mining itself causes a lot of irreparable damage. No matter how hard you try, you cannot cover it up and make it as it was. The best you can do is create a situation where nature has the best chance.

I believe very strongly that we should have standards of behavior whether we are prospecting, engineering, surveying, or doing any of the other things that have an effect on the environment as we enter the public land for any purpose. I would go along very much with a review of the whole situation to see what must be done, what remedial action

should be taken after something has been done and where that responsibility should be fixed. I believe the time has come when this whole question must be reviewed, not only of the prospecting, but the environmental impact of the mine itself.

On the other hand, let me hasten to add, Senator Church, that our mineral situation in this country is in many ways just as much in crisis as our fuel situation. Your great State is one of the States which depends heavily on mineral resources. We have to make sure, again from a public point of view, not from that of the Government or any industrial complex, that we have adequate mineral resources and minerals available for the enhancement of the quality of life on this earth.

Senator CHURCH. No question but what the mining is not only legitimate but it is a very essential activity.

I think the question is whether it is going to be conducted under laws that adequately safeguard the public interest.

Mr. MORRON. I do not think there is any question about that.

Senator CHURCH. And it seems to me, I am a strong supporter of mining activity, my own State as you know produces more silver than any other in the country, and is one of the large producers of lead and zinc, and back in the time when it was economic to produce—a great deal of gold. So I am thoroughly sympathetic with the importance of mining and do my best to represent the legitimate interests of the mining industry, but no one can tell me that a person that has the money to engage big bulldozing equipment and to come on the public lands and tear off the topsoil looking for minerals hasn't got the money to put up a performance bond to assure the Government that when his prospecting is over, he will lay the topsoil back over the ground that he has devoured. I think that a Government that fails to insist upon this mine standard is deeply remiss in its duty to the public to safeguard the public domain, and yet that is where we stand today, such are the condition of the mining laws and inattention that has been given to them over the years. I think the time has come to commence to rectify that situation.

I hope that you as Secretary of Interior can play a leadership role here because I view it as a historic opportunity to come abreast with the times. The basic Mining Act was passed in 1878 when we were trying to get people to go West to find the minerals and the enticement of becoming rich was the principal lure to withstand the hardship of the journey and dangers of settling in a very fierce and undeveloped part of the continent.

Well, that day has long since passed and it is time to review the basic philosophy that makes the miner paramount over all other segments of the public when it comes to the use of the public land. That is the present state of the law and this is a great opportunity to play a role that will be remembered, I think, for a long, long time to come, and I hope that you will view it that way and look upon it in a most serious manner.

Mr. MORRON. It certainly deserves very serious consideration. I think we are prone sometimes to develop environmental fads. We become concerned about environmental damage by one device or machine or proposition and forget all about others.

I think you have outlined in great detail an area that needs to be examined.

The environmental impact of our construction industries is one of the other things we have to look at. We often tear up more ground than is necessary to build something, whether it be a road or a structure.

I am sure you are not happy with the environmental impact of many of the mines. What do we do with offal. What do we do with those materials that are dug out and separated. All this becomes just as much a part of the problem as the damage done by prospecting.

That is why in my statement I said that our basic mission must be to bring the environment up to a priority equal to our economy and to our defense.

Senator CHURCH. Well, I thank you very much for your answers.

Senator ALLOTT. Senator Stevens and Senator Bellmon both have questions to ask but Mr. Morton has been on the stand nearly 5 hours today. For that reason I suggest we adjourn.

Senator CHURCH. I am told, Senator Allott, that we have to commence the hearing tomorrow morning at 11 o'clock instead of 10 o'clock. It is now a quarter to five and I am quite agreeable to your suggestion, but Senator Bellmon and Senator Stevens have been sitting here very patiently. If they would like to ask questions between now and 5 o'clock, I would be anxious to accommodate the wishes of the committee.

Senator STEVENS. We like to make sure he is fresh when we get to him.

Senator CHURCH. Can you come back at 11 o'clock tomorrow morning.

Mr. MORTON. I plan to be here when necessary.

Senator CHURCH. With that understanding, the hearing will be adjourned until 11 o'clock tomorrow morning when we will meet in room 3110 of this building.

(Whereupon, at 4:45 o'clock p.m., the committee adjourned.)

NOMINATION OF HON. ROGERS C. B. MORTON TO BE SECRETARY OF THE INTERIOR

TUESDAY, JANUARY 26, 1971

U.S. SENATE,
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Washington, D.C.

The committee met, pursuant to notice, at 10:05 a.m., in room 1202, New Senate Office Building, Senator Henry M. Jackson (chairman) presiding.

Present: Senators Jackson (presiding), Anderson, Bible, Moss, Burdick, Nelson, Gravel, Allott, Jordan, Fannin, Hansen, Hatfield, Stevens, and Bellmon.

Also present: Jerry T. Verkler, staff director; William J. Van Ness, chief counsel; Charles Cook, minority counsel; and Thomas Nelson, assistant minority counsel.

Senator JORDAN. The committee will come to order.

It is my understanding that the hearing yesterday got down to as far as Senator Stevens of Alaska, and the Chair recognizes Senator Stevens to interrogate the witness.

Senator STEVENS. Thank you.

Mr. MORTON. Senator, may I for the record place in the record, my answer to a question that was asked by Senator Church yesterday in regard to a vote that was made on a motion to recommit the Mine Safety Act in the House?

Senator JORDAN. You may place it in the record.

Mr. MORTON. Thank you, Mr. Chairman.

(The material follows:)

ANSWER BY HON. ROGERS C. B. MORTON TO A QUESTION RAISED BY SENATOR CHURCH

A question was raised yesterday concerning a vote which I cast to recommit the Conference Report on S. 2917, the Federal Coal Mine Health and Safety Act of 1969.

Let me begin by stating that I whole-heartedly endorsed and supported this landmark piece of legislation as passed by the House. It represented a complete and sound approach to a very complex problem. I voted FOR it when it was first brought before the House in October and I voted FOR the Conference Report on final passage—despite the fact that the recommitment motion failed.

The motion to recommit with instructions to the managers on the part of the House to insist upon the position of the House with respect to section 110(B) of the bill as passed by the House of Representatives was supported by me for several reasons:

One of my primary objections to the Conference Report was a parliamentary one. The conferees amended this bill in several instances where there was no disagreement between the House and Senate passed versions of this legislation. The conferees added provisions which had not been included in the original versions of this legislation. In addition, several members of the minority were given no opportunity to take part in the deliberations on these new provisions and in fact received only hours notice of their inclusion prior to the Report being brought up on the floor.

This legislation as originally passed by the House was to provide compensation for complicated pneumoconiosis only. When the Conference Report returned to the House Floor, it provided for compensation for simple pneumoconiosis, silicosis and other diseases.

The conferees added new obligations on the part of the Secretary of Labor, new causes of action against the mine operator and substantially raised the costs of implementing this legislation. The Secretary of Labor opposed this change and there was the threat of a Presidential veto. Both these factors weighed heavily in my decision to vote for recommitment because I did not wish to jeopardize this important and vitally needed legislation.

Senator STEVENS. Mr. Secretary, my colleague, Senator Gravel, is not here. He had some questions that he asked me to ask. I will identify his questions for you. We are very interested, as you might gather, in some issues that are primarily of concern to Alaska, the first of which is the Alaskan Native land claims problem.

We know your awareness of this problem from your service on the House Interior and Insular Affairs Committee. We do not know, though, whether you are aware that the Alaskan Federation of Natives, the AFN, has recently changed its request to the administration and Congress for the terms of the settlement, and what we would like to see is whether you have an open mind on reviewing the proposals that have been made and to see if we can get a little more flexibility into the response of the administration to the position taken not only by the AFN but by the Senate last year on S. 1830.

Would you tell us what your viewpoint is on the Alaskan Native land claims?

Mr. MORRIS. Senator Stevens, as you remember, the bill passed the Senate but didn't get anywhere in the House. My understanding was that the bill probably would be reexamined and brought up again in this Congress in the form in which it was submitted last year by the Senate.

Obviously there must be flexibility. The whole issue can't be allowed to degenerate into a conflict between the Senate and the House.

My response is very much in the affirmative. We should reopen the whole matter, as far as the administration and the department are concerned, so that this matter can be resolved.

I was very disappointed that the House didn't act on the bill as the Senate did, because we would have then at least been in business. The whole development of Alaska, and the relationship of the State to the Federal Government, particularly as it affects the Department of the Interior, hinge on the business of settling the Native land claims. Therefore, I answer your question very much in the affirmative. My position would be with the administration to try and examine all of the new ideas, look at the changes that the AFN has made, and see if we can't go on with the business of getting the job done.

I realize the importance of this to you and to Senator Gravel, and to all Alaskans, and that is my position.

Senator STEVENS. Last year when the President sent up his list of priority items, the list of items he had submitted to the Congress, the question was raised concerning the fact that the Alaskan Native land claims bill was not on that list, and naturally would not have been because it was not a bill that he submitted.

Senator Gravel wanted to ask if we could prevail upon you to assist to get the President personally involved in supporting early settlement of the land claims this year?

Mr. MORRON. I will certainly do everything I can, because I know the importance of the issue.

Senator STEVENS. Senator Gravel stated that, according to news reports over the weekend, the Federal Register contains a new procedure involving promulgating environmental statements similar to the 102 statement that was filed on the Alaska pipeline, and he said, if I understand the time frame suggested, it would be July before the pipeline permit could be issued, since the final statement would probably be issued by the Interior after a 45-day waiting period, following notice in the Federal Register, and the permit would require a 90-day notice.

This is something that has been highly disturbing to Alaskans, namely the rumor that there is a second waiting period involved in the permit, and what he would like to know is whether you are prepared to make this permit or the whole subject of the pipeline a first item of business and see if we might be able to get the pipeline construction started this year.

Mr. MORRON. Certainly we are going to make the subject of pipeline a first order of business. This is probably the most major undertaking of its kind ever in the world. Great environmental considerations are involved. There are a great many points of view concerning it. It is well understood, by me and other members of the Interior Department and the administration, and the leaders of Alaska, that the oil leases which were sold on the North Slope were sold in good faith, and that we would develop a way of getting the oil out of that area and into the marketplace.

Based on all of the studies that have been made, the pipeline seems the most feasible way of doing this job. But because of the controversies and the technical complications involved, it seems to me that we should move with dispatch but we should be very careful to allow all of the points of view to be reviewed and studied. We should allow time for all of the technical review that can possibly be developed to insure the safety of this pipeline, and its environmental compatibility. If this time can be shortened in light of the thoroughness that the procedure must take, I would be for it. But I will not permit myself, Senator Stevens, to brush over this lightly or to move faster than would enable us to thoroughly digest the many points of view and the technical aspects of the pipeline which are so important to the future not only of Alaska but the whole country.

Senator STEVENS. I want you to know we appreciate your responsibilities and I think we do. We also appreciate the position your predecessor was in, having been a former Governor of our State. In view of the tremendous issues involved in that area, and I personally believe that you are on the right course, let me call your attention to the alternative. The only known feasible alternative I know is the tanker coming around the bay, either east or west, or if it had to come through the west, through the Bering Sea and through the Gulf of Alaska. Then it would come through the largest stocks of halibut and salmon and king crab in the world, and would come through the area of the sea lions and seals. That might result in a disaster of the type we have been seeing around the world in that area, in icy waters where it is impossible to remove the oil, which it would be just completely unacceptable to Alaskans, and I am sure you appreciate that that is why we want the pipeline. We can control spills on the ground; we cannot control them in the icy water.

Mr. MORRIS. I think we both understand the difficulties with tankers. Senator STEVENS. Senator Gravel had one other question he said that he would like to have me ask.

He said: "I believe the need to bring Alaskan crude oil and natural gas to populated centers in the United States is paramount. I also recognize the real apprehension of conservationists and the general public over the possible threat to the Alaskan ecology."

Mr. MORRIS. I missed a word, Senator. Would you read that again?

Senator STEVENS. "I believe the need to bring Alaskan crude oil and natural gas to populated centers in the United States is paramount. I also recognize the real apprehension of conservationists and the general public over the possible threat to Alaska's ecology."

If need be, would you be prepared to recommend heavy penalties to assure that all pipeline stipulations, that is, Alaska's pipeline stipulations are followed by the construction and operating companies? That is Senator Gravel's question.

Mr. MORRIS. The answer is strongly in the affirmative.

We not only need to have a system of penalties but we must develop with the construction people a system of overview.

This pipeline won't be built on a Sunday afternoon by a long shot, and we are going to have to monitor it as the work progresses. If we don't do this there may be some unraveling or some mistakes made in the construction that are nonremedial and we just can't afford this. So the answer is yes, I would be in favor of heavy penalties. But in addition I think that we, too, as a part of our obligation have to set up a monitoring system for the protection of the environment and the people of Alaska and the rest of the country.

Senator STEVENS. This is not a question, just a statement, I guess.

You know that I served under two Secretaries of the Interior and three Under Secretaries of the Interior in the Eisenhower administration. I think that the people who have been running your office for you since my good friend Wally Hickel departed, have done an admirable job.

I really want to congratulate them for maintaining stability in the Department, in this very fine Department. Under Secretary Russell and your Assistant Secretaries I think have done an excellent job. In a similar period I was down there and saw those changing of chairs and I know what can happen during periods of change; they have done a terrific job in keeping things in line.

I have one last question and that is having lived in the territory and been voteless and having five children, all of whom were born in a voteless circumstance, I feel very strongly about a vote, and I wonder if you have given any thought to a proposal to extend the right to vote for the President of the United States to American citizens who are residents of the territories that will be under your jurisdiction, without regard to whether they are destined for statehood?

Have you ever considered that proposition?

Mr. MORRIS. I certainly have. As you know, there is an ad hoc committee now considering this whole problem in the Commonwealth of Puerto Rico.

I would hope that we could extend this to the other territories so that a method not only would be provided for them to vote but so that their vote really figures in the election of a President.

As long as we have the existing electoral college system this presents some complications.

On the other hand, they are not so complicated that we can't resolve them and make sure that they not only have the opportunity to vote, but that their vote is actually meaningful in the election of a President. I am very anxious to proceed with this.

I was one of the authors and sponsors of the elected Governor bill of Guam and of the Virgin Islands. This is an exciting change in their political status, and I believe the same sense of excitement along with the responsibility of voting and of citizenship of this character, should be developed in the other territories.

Senator STEVENS. Well, I know that the people of the territories, you have traveled in the territories and I have traveled to all of them, and I know that they look to the Secretary of the Interior as their spokesman in Washington who really carries some clout, and I believe that as we approach the electoral reform, if you will make your voice heard, the people in the territories will receive that right to vote for the President and Vice President, and I will be pleased to help you.

Those are all the questions I and my colleague have.

Senator ALLOTT. Thank you.

Next I recognize Senator Bellmon.

Senator BELLMON. Thank you, Mr. Chairman.

Mr. Morton, in our State we have either the first or second largest Indian population of any State in the Union, as you are probably well aware.

In Oklahoma our Indian citizens are generally pretty well intermingled with the total population. As a result we have had probably more progress among the Indians than has been the case where the Indian citizens have lived on a reservation. But even so, there are some very serious problems and it is my own opinion that our Federal Government hasn't totally lived up to the responsibility it has in dealing with the problems of Indians.

Also, I feel that over the years a kind of a credibility gap has developed between these citizens and the Bureau of Indian Affairs, and it is still there despite the fact that through the years the Bureau has taken many laudable steps and initiated programs that have helped our Indian citizens.

I would be interested, and I think other members of the committees would be interested, in hearing from you what specific steps, if any, you would take as Secretary of the Interior to restore confidence of the Indians in the BIA and the Federal Government, and perhaps any ideas you might have about how you might help these people cope with their problems.

Mr. Morton. First, Senator Bellmon, let me say I wholeheartedly agree with you. You have only to go on a reservation or two to realize something is wrong in the historical relationship between the Federal Government and the Indians.

As you know, the President has probably taken the boldest position that has been taken by a President in many a year. That position involves the Indianization of the multitude of programs that are available to the Indians from the Federal Establishment, from various departments in the Federal Government.

I would try to make this work. I think the leadership here is one not so much of coming up with new programs, but of making the exist-

ing ones work. We must look through a system of overview and familiarity with these programs, to see if we are really cutting the mustard, if we are doing the job, if the Indians are benefiting. I intend to become as heavily involved in this area of Indian affairs as any Secretary of the Interior has ever been.

As you know, we had quite a package of legislation involving the President's new steps. Some of it passed, some of it didn't.

I would hope that we would take the necessary action this year to make up the gap, to close the program, so that we actually get them going.

I think the fact that the President, himself, is taking a personal interest in our Indian affairs, the fact that the Vice President has specific assignments in this area, are going to be very helpful to the Secretary of the Interior in bringing the problem of the Indian to Government as a whole and not just to the Department or the Bureau of Indian Affairs.

It would be unfair of me at this point to judge the Bureau of Indian Affairs. I have always thought of it as a giant bureaucracy. I have never really felt close enough to it during my service on the committee or at any other time to say that it is doing a good or bad job. But if you look out on the ground, the Indians are in bad shape, so you have to look somewhere for the trouble. I intend to review the entire management of that Bureau; I intend to develop an accountability of the department to the Congress, to the people, and to the President, that I don't believe has existed before.

As you know, the 1972 budget provides more funds for Indian programs than has even been appropriated or budgeted by any administration or any Congress. The interesting thing about those funds is that they are not all funneled through the Bureau of Indian Affairs. Many come from other agencies, particularly from HEW, where the appropriation for Indians is practically equal to the appropriation or budget request for Indians of the BIA. We have to provide a renaissance of leadership and renaissance of accountability in the Bureau to deal with these very complex affairs, which are essential to the Indians.

We cannot tolerate a society that has a sort of sidecar element in it, and that is exactly what we have. The Indians have not been able, either through their own devices or through the leadership of the Federal Government, to fully participate in the programs that are available to all Americans. I hope we can correct this! It will be my prime interest.

I know it is difficult and I know the tremendous burdens of bureaucracy and tradition that are involved; nevertheless, we are going to take a shot at it.

Senator BELLMON. I appreciate your comments, Congressman. It has always seemed to me to be somewhat of an insult to the Indian citizens of the country that their programs are administered under the Bureau of Land Management. It is almost as if we are considering Indians to be inanimate objects that properly can be handled the way we handle land.

I have introduced legislation to elevate the position of Commissioner of Indian Affairs to that of Assistant Secretary, and I won't ask you for a commitment, but it strikes me as one place to begin is by some administrative changes of that position to a higher status.

Mr. MORTON. It will certainly have full consideration and I can assure you that this matter is already under study.

Senator BELLMON. Also President Nixon has recommended the creation of a Department of Human Resources, and I presume the BIA would be involved in the change, and I think it would be a great mistake not to go ahead and to make the necessary changes pending the outcome of the President's proposal.

Mr. MORTON. I think so, too. I am speaking here without any knowledge as to what the President has in mind regarding the BIA, but I don't believe any thought has been given to transferring this Bureau out of Interior or its successor department.

Senator BELLMON. Yesterday during the hearing you commented at some length on your interest in the condition of our Nation's energy supply, and I was very pleased to hear you comment on that subject because I believe it is one of the most critical problems we have in our country today.

It strikes me as rather strange and almost unbelievable that a Nation as blessed with the tremendous endowment of energy resources that we have here should find itself without energy in many critical periods of the year.

I do not believe that the Federal Government can absolve itself of blame for the conditions we find and I think the Department of the Interior has to take the major responsibility for not having provided the leadership that you'd have kept us from getting into this shape.

Do you have any thoughts as to what you might do as Secretary of the Interior to help us improve the Nation's energy supply?

Mr. MORTON. Because energy is the key to civilization, it is essential, Senator Bellmon, that we should take the leadership in bringing together all of the agencies that are involved in energy planning and by coordinating their efforts, devise a clearcut national energy policy. This policy should incorporate long-term energy requirements, short-term energy requirements, and also the balancing of energy resources.

We have to make this a top priority which will require the leadership of the Secretary of the Interior. Once it becomes a top priority and the various components of Government that are involved are brought together under a deadline type of program, we can come up with an energy policy that will give us a good foundation for planning for the future.

I also believe, Senator Bellmon, and this is the other side of the coin, that we have to start looking at our energy utilization. There has never been any restriction except in wartime on the use of energy, either by industry or by the consumer. I think we have to take our energy-use growth curve and project it into the future—how much energy are we going to actually be able, as a sophisticated society, to consume.

When you boil it all down, the energy sources under the technologies that we use today are fairly finite. There are energy sources that we have never tapped.

We talked about one yesterday in this thermal steam area. We also discussed some other types that are now more or less off in the future. We have to do some research in the use of solar energy. But unless the Department of the Interior takes a strong leadership position in this, we will be guilty of coming up with a patchwork approach rather than the consolidated approach, which is needed.

Senator BELLMON. I certainly agree that the leadership that the Secretary of the Interior could give in this field is vitally important, and I hope you will devote a great deal of energy to a speed up in solving this problem.

Also, in your comments on this subject, you made the statement that you didn't feel the Department of the Interior or the Federal Government should do research for the oil companies, and I agree with you.

We have in Oklahoma a research laboratory at Bartlesville, and I think if you will study the efforts of the laboratory, the research they do is not for the companies, but research that the companies would not normally do.

For instance, the research they did was fundamental in getting secondary recovery started. The companies hadn't gone into this and didn't know what the potential was until the Department of the Interior found out and as a result, we have many billions of gallons of recoverable petroleum in our national inventory that we wouldn't have.

I hope your comments yesterday wouldn't mean that this station wouldn't be given a chance to continue.

Mr. MORTON. No; I think in the areas where we have a capability, such as that laboratory, the Bureau of Mines, and others, we should certainly continue our work. But I do not think we ought to let the oil companies off the hook as far as developing the technologies that are required.

We were dealing yesterday primarily in this area of safety as far as blowouts in offshore drilling are concerned. We have a definite responsibility to develop the technology but we shouldn't tell the oil companies that we will develop the technology for them to utilize.

We have to put some pressure on them because they have vast resources in this area, and I think this is a prime responsibility of theirs to meet.

Senator BELLMON. Congressman, in the President's proposal and in your comments yesterday, I was very pleased to see an increased concern in providing recreational opportunities for our growing population; but it occurs to me that there probably will never be a time that this Government or our State governments or municipal governments, can afford to own all the land or all the recreational properties that we need to have available.

In the new farm program there is language that makes it possible for the Secretary of Agriculture and the Secretary of the Interior to cooperate in encouraging private landowners to open up their property for public access.

Do you have any feelings on the multi use of these private lands?

Mr. MORTON. I certainly do, Senator.

One of the things that I have been interested in is the scenic easement system that we have used to protect the environment. We are using it, as you know, here in the Washington area, and I think very successfully. I don't see why there can't be a recreation easement, if this is a good word, to do the same thing. I do not believe we can ever catch up and buy all of the land, particularly in the more densely populated areas, that we really need to provide outdoor recreational opportunities for people in the cities. Thus, I am going to see, with the help of the Solicitor and the Park Service, what opportunities are

available for using private lands on a multiuse basis, where they are suitable for outdoor recreation. I want to work out some kind of arrangement that would ease the financial burden but vastly increase the recreational opportunities.

Let me hasten to add that this does not relieve us of the burden of acquiring lands that should be preserved in their pristine state as wilderness, or in a state that would make them compatible to perhaps restricted recreation where they wouldn't be overrun with automobiles and where the conservation values and practices would not be inhibited or lost.

Thus we must employ all three methods. We have to preserve some land, more than we have in the past. We have to acquire some land for recreation purposes, thereby bringing the parks to the people. Finally, we must take advantage of the apparent opportunity for multiuse of private lands under some kind of arrangement that would be compatible and would reduce the vast expense of outright purchase.

Senator BELLMON. I believe your approach is a wise one and I would urge you to take a look at the provisions in the new farm legislation that makes it possible.

Mr. MORTON. I already have.

Senator BELLMON. I want to raise another question. I agree with you that we have to take steps to make certain that the resources of this country, which are ideally suited for public use, need to be set aside for that purpose, and acquired, and I hope in this connection that you will take a look at our dry rivers in this country.

The State of Oklahoma has at least four river systems that are dry most of the year, and this strikes me as being one area where we would provide recreational opportunities that are presently being wasted because this land is of no value to the public or private owners in its present condition.

Mr. MORTON. I will certainly look at it.

Senator BELLMON. Now, Congressman, along with other members of the committee, I sat through the hearing when Secretary Hickel was being considered for the post, and at that time he was very strongly opposed by certain environmental groups in this country.

There were many charges made about Mr. Hickel and there was great concern that in the position of Secretary of the Interior he might not be properly concerned about the environmental aspect of many of our Government's decisions.

Later, when Mr. Hickel finally left the position of Secretary of the Interior, these same environmental groups were very distraught that he was being removed. I am of the opinion there are probably going to be some objections raised about your coming into this position. Do you have any doubt that after you have been in the job for awhile they might have a change of heart as far as you are concerned?

Mr. MORTON. No, I don't. I think I work very well with those groups. I think we are really trying to do the same things. They are making their case for conservation in their own way. I don't feel any personal discomfort because somebody is taking the position that I am unqualified or unfit along the lines that you have just mentioned. I have great confidence that we will work with these organizations. Perhaps we will never achieve all the goals that they have set for themselves. Some of their goals look pretty far out, and might involve

the elimination of man. I am not quite willing to go that far. I don't believe we are prepared to discontinue civilization.

But somewhere in the middle there is going to be a great working together. They have tremendous talent and their dedication is absolutely unquestioned. I hope to have the opportunity to work with them, draw on their talents, and take advantage of their dedication and motivation to do the job.

Senator BELLMON. I am sure you can, and that you will.

I have only one final question, which is more a comment than a question:

Yesterday, in the questions asked by Senator Nelson there was some rather derogatory implication about the predator controls agency which your departments supports. Now, those figures that were used, I understand, were several years old. I think they were from 1963 or 1964. But I hope that they won't prejudice you when you go into this job because the predator control agency does provide a real service.

There were some comments about how many skunks they destroyed. A skunk may be an asset to the environment unless he happens to take up residence under a schoolhouse or church or some other public building, and under those conditions it is sort of necessary to encourage the skunk to go somewhere else. This is what the predator control does.

I am a livestock producer, as are some other members of this committee, and when you get an outlaw coyote or cougar that develops a taste for lambs or poultry, the predator service comes in and destroys the particular animal, and if it doesn't happen, the farmers are going to get up in arms and wipe out the entire population of coyotes in the community.

So I think this service does provide a very valuable assistance to preserving the very species that they seem to be at war with. So I hope, again, you will take a look at the operation of this agency and not be prejudiced by some of the evidence that was presented here yesterday.

Mr. MORTON. We will look at it very objectively.

Senator BELLMON. Thank you.

Senator ALLOTT. Senator Gravel.

Senator GRAVEL. Thank you.

Congressman Morton, I am very happy with your appointment and I am happy with the way you have been answering the questions the last 2 days. I detected a depth of philosophy which I think will inure to the benefit of not only civilization but the environment, also.

I want to thank my colleague, Senator Stevens, who in my absence addressed questions to you relative to the native land claims and to the pipeline which is of vital interest to Alaska.

Let me just pose one question attendant to these two areas, and that is, of course, in the eventuality that Congress does not act prior to the land freeze, the expiration of the land freeze, I believe in July, what would be your view toward reinstating some type of vehicle to accomplish the goals that we have been all seeking?

Mr. MORTON. I think we will have to face that if we run up against that stone wall. It would be much more equitable for everybody if we could get the Alaskan Native land claims settled. That is the No. 1 priority. If we can get it settled, then we don't have the problem that

you have just outlined. But if we find that this is impossible because of either legislative difficulties or changes in position, or for any other reason, then I think we have to find another way to go that would be compatible with the interests of the Alaskan Natives, and obviously their trading stamps right now are pretty shiny.

They have the pipeline and they have the desire on the part of the people—a lot of people—to get this job done. There may be some difficulties in resolving certain problems, however; for example, making the pipeline as it goes through the country, acceptable to the Natives unless this claim issue is settled first. But I don't believe that we should just come to a screeching halt if we find ourselves in that position. Therefore, I don't know just exactly what the mechanics would be, but this would be something I am sure this committee would become heavily involved in, as would other departments of Government.

I have a completely open mind and I feel that if we fail in getting a settlement, then we will have to try another route.

Senator GRAVEL. Thank you.

One other question in regard to the environmental area. I have had some amount of concern over the AEC testing on Amchitka and I have had a great deal of difficulty in getting that concern voiced.

Now I am reminded of the fact that had the venting which recently took place in Nevada could on Amchitka with the last test, we could have had sizable ecological damage within the ocean to our fish, which is a vital part of the Alaskan economy.

Would you, through your offices as Secretary of the Interior, exercise some oversight or hearings or some public activity relative to the continued AEC testing on Amchitka?

Mr. MORTON. This is a tough one because the Nation's security is involved. I am sure that other departments, Defense, the Atomic Energy Commission, the Joint Committee on Atomic Energy, are involved, but I think we have to bring to the surface the environmental risks that we are taking in this, so everybody can weigh them.

As I said yesterday, we have to bring our priorities more in balance. Where there are risks, and where we are up against a real tough decision, we have to stand up for the environment, take on the risk of being overruled by higher authority, and make it tougher for them to do it. I believe this is the only practical approach to take.

I would rather do it that way and improve the situation than scream loud and not get anything done.

Senator GRAVEL. Similarly, then, we have had chemical testing in Alaska and initially it was denied and we only became abreast of this testing quite accidentally.

I wonder if the Interior Department, since we are talking about public lands in many cases, if you couldn't take an adversary position and require some public notice and some hearing as to when these tests do take place?

Mr. MORTON. I certainly would look at that. I can't argue with your point. I can't take exception to it. There may be valid reasons for not doing it but I have always been uncomfortable when these kinds of things have been done without public notice. I would ask you and this committee, while I have this opportunity, to note that right in my own congressional district, and I still represent those people, there is

one of the finest wetlands islands in the world. It is a great part of our ecology and it is a bombing target for the Navy. I hope my message is getting through.

I want all the help I can get to halt the use of that island as a target by the Navy.

Senator GRAVEL. I can assure you of my support. In fact, we have been fighting the battle for Culabra. I think Senator Jackson shares our concern in that regard.

Let me ask one thing that I think is of some immediate nature, and I read in the paper yesterday the Navy plans of doing away with a sizeable number of explosives by dumping them into the ocean which is, of course, recourse to the normal concept we have had about oceans. It is a big sink and we can throw anything into it.

We have all been a witness to the debacle that took place with the dumping of the gas off of Florida where we received assurances that this and this and this would not take place, and just everything went wrong that could possibly go wrong and I certainly would be prepared to see some money appropriated. In fact, I was astounded when I found out how little it did cost to destroy these chemical agents in a normal fashion rather than dumping them, and I certainly would be for an appropriation to do away with these munitions in a conventional way and not just dumping them into the ocean, not knowing what their impact will be, and doing it because it seem to be convenient, and I would hope we could get your support to stop this.

I think this is a very degenerating practice to the environment.

Mr. MORRIS. I couldn't agree with you more. The other thing we should do is restrict the manufacture of any kind of chemical that cannot be reduced, or metabolized, or altered to be made harmless with a known operable technological process. Thus in the research that develops the chemical there must be parallel methods of reducing the chemical to yield it harmless.

I think this is the real approach to the problem on a long-term basis.

I would agree with you that if there are other practical ways that we can reduce these very dangerous chemicals, rather than dumping them into the ocean, we ought to find and utilize them.

I am not enough of a chemist to know if this can be done, for example, with nerve gas. But in the case of rodenticides, pesticides, herbicides, or the chemicals that are used in industrial processes or in the defense system, if they have a cumulative toxic effect over a prolonged period of time and are not reduced by nature easily, they should not be manufactured and marketed.

Senator GRAVEL. Very good, thank you.

All I want to do is compliment you on your stand with respect to the energy and attention that it must now receive as part of our total priorities, and I think you are certainly on the right course in that regard.

Thank you.

Senator HATFIELD. Mr. Congressman, I would like to follow through with one point here because I think we come back to this question I raised yesterday, technology versus economics.

About a year ago we had the notification that they were going to ship from Okinawa nerve gas into the State of Oregon. It was not a question of technology because they knew how to detoxify it; in

fact, they were detoxifying some of the same gas in Colorado. They found it was far less costly. Because of the lack of fresh water on the island of Okinawa, they were going to bring it by ship, unload it, ship it by rail and again handle it to put it into these containers. By sufficient protest we were able to raise, both within the States of Oregon and Washington, we were able to frustrate that. But again, it was not a question of technology. It came right back to the dollar question. I think that with your kind of leadership in the Department of the Interior although it may not be the direct agency responsible for handling of this type of issue, we might have an ally now in these battles which occur on the basis of economics rather than technology.

Mr. MORTON. I can assure you that you have.

Senator HATFIELD. Thank you.

Senator BIBLE (presiding). Any further questions, Senator Hatfield?

Senator HATFIELD. No.

Senator BIBLE. Yesterday I asked you one question and you told me you were going to take care of it immediately and find out whether you could get \$132 million, and this is just about 24 hours later. Have you discovered that \$132 million?

Mr. MORTON. I am up to about 85.

Senator BIBLE. Are you? [Laughter.]

When can we plan on the expenditure of the 85? That is a good result in 24 hours.

Mr. MORTON. No, sir. Let me—

Senator BIBLE. Am I crowding a little too much?

Mr. MORTON. Let me come down to the grim world of reality. I don't have the \$132 million yet but give me another day.

Senator BIBLE. Another day? Very well. Well, I think you are making good progress if you have 85 percent of it already. That is pretty good. But this will do so much.

Mr. MORTON. I know.

Senator BIBLE. In complete honesty, if we are going to move our parks and our recreation areas and our seashores and lakeshores forward, we have to have the dollars to do it, and this is one way we can get the dollars. We can't get them if we freeze them, because land values go up.

Mr. MORTON. I couldn't agree with you more.

Senator BIBLE. And I realize you do and another 24 hours? [Laughter.]

And in that same line and one area in which your administration has professed great interest is to help our Indian friends. We have one of the greatest lakes in the entire world in Pyramid Lake, and Pyramid Lake is within an Indian reservation. There is great controversy about what can be done. There are some conflicts but one thing that can be done, and one item that I was successful personally in getting into the Interior appropriations bill, is moving the Marble Bluff Dam and Fish Channel forward so that it would save this great fishing area that is under the control of the Indians and is a plus item and revenue item for them. I might say that those of you who are fishermen will find some of the finest cutthroat trout fishing in the world and I can have some pictures this afternoon to show you to prove this, some of which I have caught myself. Now, that is just due State pride.

But this is another item. We got the dollars to move it forward to help our Indian friends and it was frozen. So will you add that to the \$132 million that you are going to get in the next 24 hours?

Mr. MORTON. Well, Senator Bible, first, I think I ought to go fishing in the lake.

Senator BIBLE. You are welcome. They are biting great right now.

Mr. MORTON. And I hope you will join me.

Senator BIBLE. You are invited. I will take you.

Mr. MORTON. Of course this comes down to the matter of priority.

Senator BIBLE. I understand that.

Mr. MORTON. Seriously, as to where we have to spend our park and recreation money, I hope and I say this with all sincerity, that we don't lose sight of the fact that today a great many people in this country are denied opportunities to visit areas such as you describe because of the circumstances of where and how they live. We don't have unlimited funds; we do have to spend the money where we can help the greatest number of people, and some things have to be deferred in order to make up for the inequities of the past. It would be wrong for me to say we will do everything we can to do that, but I will look at it. I will frame it within the priorities that I think should exist to carry out what has become now a national policy of bringing parks to the people, and we will certainly be guided by the most objective review thoroughly under your interest in the matter.

Senator BIBLE. Well, in addition to my own interest in the matter this is one of the top priority items of our Indian friends and your administration.

You say on the one hand you want to help, you want to give the Indians a strong economic base, and then when we get just a few dollars to give them that base you don't give them the money. You have to have that performance match that promise, you know.

Mr. MORTON. That is right and, of course, it would be evaluated in the whole realm of priorities to help our Indian friends.

Senator BIBLE. All right, and now one other thing. We have another great lake, one-third in Nevada, two-thirds in California, Lake Tahoe. We had the money already to go to purchase some land there to preserve one of the last great areas that could be preserved. It too was frozen. So take a look at that as well. That would come under the Forest Service rather than under the parks.

One last question and this also in the park area. You are aware just as I am aware of a number of serious accidents in the national parks during recent years, the safety factor, and do you have any ideas on how you can come to grips with that particular problem? I have reference to Yellowstone, for example. We have had some very bad problems in Yosemite and elsewhere in your park complex.

Mr. MORTON. The situation is disgraceful as far as crime in the parks is concerned. The Director of the Park Service told me that last year there were approximately 41,000 incidents in the national parks of a criminal nature. It shocked me beyond belief.

I have always felt one of the places you should feel secure is in a national park. What safer place could there be or should there be than a national park?

We are going to have to bite the bullet. We have to increase the size of the park police and work out arrangements with local authorities as far as safety and traffic control are concerned. We may find many areas where we have to restrict the use of vehicles.

Senator BIBLE. I think you are doing that right now in Yosemite.

Mr. MORTON. That is correct.

Senator BIBLE. And that may prove to be part of the answer.

Mr. MORTON. It is going to require discipline. I am sure there are going to be some elements of the public who will rebel against this, but if we are going to have parks that are parks and not parking lots, people are going to have to walk a little. I am not so sure walking and bicycling are the worst things you can do anyway.

Senator BIBLE. I think they are helpful. My doctor constantly prescribes them for me. I may borrow a bicycle from you and get going at this and I agree with you 100 percent. You are aware of the problem.

Mr. MORTON. One of the first things I would like to ask the chairman and Senator Allott to let me do is to really brief this committee on what is happening in the national parks.

Senator BIBLE. I think we would all look forward to that.

Mr. MORTON. You won't be happy with it and we are going to have to do something about it.

Senator BIBLE. A lot of problems we are not happy about today, you recognize that.

I have no further questions. Thank you very much.

The Senator from Colorado.

Senator ALLOTT. Senator Bible, Senator Hansen had a few questions he wanted to ask concerning zoning. I wonder if I could yield to him?

Senator BIBLE. I now recognize the Senator from Wyoming.

Senator HANSEN. Thank you. Yesterday the Secretary will recall at about 12:25 or a little later I think it was that I did not have the opportunity of raising some questions. Out of consideration for him, and primarily thinking about myself, I didn't detain him too long. But I am interested in exploring your ideas a little, if I may, Mr. Congressman, with respect to zoning.

There have been several bills introduced, likely there will be more yet to be introduced this session, as was the last time, reflecting the concern of people throughout the country as to land use. Some of those proposals went, I thought, rather far.

I would like to ask you would it be your feeling that the first areas of concern for the Government, for the Congress of the United States, insofar as zoning goes, ought to be with respect to Federal lands or—

Mr. MORTON. I think it can be in two areas. First, in respect to Federal lands, I think we should take a very strong position of leadership in land use planning, but I don't believe we can leave it there. I think we have to parallel that to encourage the States to develop land use plans with built in disciplines that we can live by. Any Federal zoning that applies to the public domain, for example, in your great State of Wyoming, which is not integrated with a good, sound program by the State, will fail, I think to yield the full values of land use planning. Wyoming is a State where the greatest opportunities exist because of your very low density of population. Thus you have such a magnificent opportunity to be the sculptors of future land use planning that I would hope that we would not only come up with a good program for the public lands in your State, but also that the State would come up with a parallel program which would really insure a future for Wyoming that is denied in so many of the other States like my own.

There are many days when I am sure the Governor of Maryland would like to have opportunities of the vastness of your great State.

You have this fabulous opportunity to take advantage of a Federal program that doesn't dictate to the States but rather gives them an incentive to get on with it, so that we end up with two programs that are viable, workable, and compatible. One is a plan for the public domain, and the other a plan for the several States, initiated and developed by the States.

Senator HANSEN. Now when you speak to the Federal Government providing the States with the proper incentive to get on with this important job, and I agree that it is, precisely what do you mean by incentive?

Mr. MORRISON. There are several approaches. There is the grant-in-aid approach. There is the method by which the Jackson bill attempts to do this. There also is the approach that could be used where, if the States did not come up with the land use plan for a considerable time, the Federal Government would, insofar as it could, come up with one for them. I am not for that. I don't believe it is incentive that is lacking. Rather, the problem in the States is that the funds are lacking. Under a partial funding program by the Federal Government or under a revenue-sharing program, I believe the States will act. They have the incentive, and they will then have the resources so there should be no problems in getting the job done.

I can't find any real opposition to sound and constructive land use planning. It is just one of the things we don't tackle and it is one of the things that local political pressure and economic interests make very sticky. I think that the approach we used in the bill that I introduced in the House, which was similar to the bill that Senator Jackson introduced here, is one good way of doing it.

There are other good ways of doing it. We have to get started somewhere and get a program going.

Senator HANSEN. You are speaking, if I may interrupt, of the provisions in the bill as it was introduced initially, as I recall, to withhold a number of Federal payments from a State that failed after the expiration of a reasonable length of time to come up with an acceptable land use plan; is that right?

Mr. MORRISON. Yes, I think that was in there. I would hope that that would never have to be invoked.

Senator HANSEN. Yes. Well, now, as you know, nearly 50 percent, between 48 and 49 percent of the State of Wyoming is in Federal ownership. It seems proper to me we ought to get our own house in order first. We find greater disparities in some of the counties. I happen to live in one which is more than 97 percent federally owned.

Despite that fact, despite the fact we have a very wonderful national park, Grand Teton National Park, and we have a very substantial amount of land in the U.S. Forest Service ownership, there are some who think that the remaining 3 percent ought also to be zoned.

I want to ask you, bearing in mind, as you will, with legal background, the historic concepts that has gone along with a person who has a fee simple title to land, how should the Government impose zoning restrictions on privately owned land?

Mr. MORRISON. It is done in most parts of the country by the counties and the county zoning boards which have authorities that are vested in them by State legislatures.

Senator HANSEN. Do you subscribe to the idea that tax concessions, easements, may be ways in which to achieve a particular type of land use that in the opinion of the zoning board would be desirable, or do you think these are unnecessary?

Mr. MORRIS. In my colloquy with Senator Bellmon we talked about multiuse on private lands for recreation. There would have to be direct payments for this by whatever level of government was contracting for these additional uses of private lands. This would simply be a contract between the State or county or the Federal Government for the use of land for public recreation purposes. Perhaps user fees could offset some cost of that. Perhaps it would be desirable not to have user fees.

I want to be very honest with this committee. I think it augers well for everybody to put pretty tough restrictions on the use of land providing there is a land use plan that is in balance between the environmental components and other interests.

You can't just freeze out everything and expect a community to be viable. But there is a question of plant siting. There is a question of density of population. There is a question of where people should live versus where they work and how they get between the two as far as transportation corridors are concerned. These plans can be flexible to a degree but they can't be flexible to the point where they become meaningless. We cannot allow a community grow up like Topsy and then at some point in time find we have almost an ungovernable situation.

Look at some of our tremendous sprawling cities today and the difficulty they are having with the mechanical aspects of governing themselves.

You can say this is not going to happen in a town the size of Casper. To a degree it is going to happen there unless there is just as careful land use planning in the development and growth of that community as there is in a community the size of Los Angeles. If we are going to err, let's err on the side of having our land use planning concepts too tough because we can always modify them, we can always fall back. But once patterns start to exist and we have a powerplant dropping hot water into the creek, a housing situation that is noncompatible with schooling, and all of the complicated things that then could have been avoided we can't do anything about it.

You are like we are in the old States. That is the way it is and we have got to try to do the best we can with it. But where you have the vast opportunities of so many of the Western States, which are going to grow in population, and grow terrifically in the next century, is in having this chance to avoid making the mistakes that were made in the older States.

I understand all of the fears that people who live in public land States have as to their feeling of not being able to grow and expand, but I must say that I take a pretty hard view on trying to bring plans into our population effect that will make the best use of those lands before we just expand into the them willy-nilly.

Senator HANSEN. I appreciate what you are saying. You mentioned several things. One was user fees. I have no doubt at all but what they would work very well where you are trying to encourage a recreational use of rural areas or suburban areas adjacent to a city, but I am thinking about the practical difficulties of trying to sell a plan to a State that is largely rurally oriented, as is the case in Wyoming, and trying to anticipate what may be the problems and

questions that are put to legislators. There are some who would like to see every ranch in Wyoming remain a ranch and yet the economics of ranching are such that a lot of ranchers are going out of business. It hasn't been sufficiently profitable to even counsel them to stay in the business. As a matter of fact, many of them haven't had much choice, that decision has been made by a banker.

With respect to that situation, is it your feeling that what would seem best to serve a majority of the people in a State should be imposed upon individual ranchers or individual landowners without any consideration as to the sort of economic straitjacket into which they might be frozen and be thereby denied at the same time the opportunity to put their land to any other use?

Mr. MORRISON. No, I don't believe that the Federal Government should ram down the throats of the State legislature a land use plan concept that is going to cause economic chaos or economic hardship. It is a basic responsibility of the State legislature and of this committee to represent your constituencies and we are not in a position to dictate what these land use plans are outside of the intent of Congress. So I think the kind of considerations that you have brought up, which are very valid and very important in Wyoming, certainly have to be built into any Federal legislation that could result in land use plans and programs. Otherwise, we would be completely circumventing the legislative process and the rights of the States. But I believe that there are few legislators who do not see the long range benefits of a plan that will provide community growth compatible with the environment and compatible with the related elements of the economy and culture. So certainly I don't want you to fear that I would become a land use dictator and say a certain section couldn't be sold. This would have to be worked out by local authorities and explains why the Jackson bill addressed itself to the development of State plans. I don't know whether the chairman intends to introduce his bill in the form it was in or whether he is going to change it, but this committee will have every opportunity to do that and I would hope that the rights of these States and the economic considerations and all other considerations of a great rural area like yours would be built into it so that there isn't any dictator in the Department of Interior or anywhere else who can govern the property and the people in that manner. After all that is one of the reasons why the people came over here, to get away from that kind of authority.

Senator HANSEN. One of the suggestions that I have heard mentioned that seems to have some merit is that if standards were established today so that a land owner might very well contemplate and have some flexibility in the uses to which his land could be put, provided he came up to certain minimum standards, this might be a way in which we could avoid much of the problem that has plagued the East I would like you to comment on that.

If in an area of rather considerable size it was decided to establish a subdivision, adequate provision would have made for all of the services that are expected of a city—sewage disposal, proper width of streets and adequate provision for parks and playgrounds, all of these sorts of things. Would there minimum standards go part of the way in avoiding the difficulty that we see all around Washington here, as an example?

Mr. MORTON. Absolutely, and I think communities bordering Washington in northern Virginia and Maryland and Washington itself are fully aware of this. The standards have to be set before the trouble starts and we have to have the infrastructure and the service facilities, as you mentioned, before we move the people in or we will never catch up. Frankly you never can catch up. I have a county in my district, Anne Arundel County, that is a classic example of this. They are begging, borrowing and stealing money everywhere they can to get enough money to catch up in terms of sewage disposal and all the other things which are environmental hazards. And the difficulty is that you don't generate the tax base until after the property is developed and you aren't able to develop the property until after you have the tax base, so you have the which came first, the chicken or the egg problem. We have to set those standards and we are going to have to work out some way to prefinance those elements in the infrastructure that are necessary to do the job so we don't have this constant catchup problem which results in pollution.

Senator HANSEN. Now, let me say that I think a majority of the people in Wyoming, while they may not say that they are all for zoning, they do subscribe to the objectives that I am certain the zoners have in mind. I, too, subscribe to them.

The precise concern that some have is that a board may arbitrarily say to people in an area you can't be permitted to change the present use that is being applied to your land at all, and if we are faced with that sort of a situation in at least one State I suspect that it will be a pretty hard thing to get legislation through a State legislature that may qualify according to some Federal ideas that I have heard expressed.

Mr. MORTON. I couldn't agree with you more and I think you will find, generally speaking, that the more rural the area and the less the problem exists the more people are opposed to the idea. This is a basic problem. We must not throttle the growth of the West.

One of the things we have to accomplish in the development of this country is a broader distribution of the population. If we intend that all of the people are going to live in the Great Lakes regions and the two coastal areas, we are going to have tragic situations in those areas that are going to multiply manifold the social problems we are trying to solve. Therefore, if there is no opportunity for economic growth in the West and no opportunity for logical expansion of communities, the distribution problem is going to be impossible to lick. If we are going to take the new town concept, we must build to meet the growth rate of the country today, a city the size of Charlotte, N.C., every month, and I don't believe that cannot be done. Maybe it can. But it doesn't seem to be possible the way we are going.

So to alleviate your fears I feel that within its environmental capacity, that is, within the capacity of water resources, and other elements that have to be provided for growth, the western area should not be throttled. That doesn't mean that vast areas in the domain should not be protected because this is the last of them as far as this country is concerned and we must remember that. Though the Government is supposed to own these lands, these are the lands of the people. A kid in the inner city of Baltimore has just as much stake in that land as a kid in Casper, and this is something we have to remember.

We have to provide, however, economic, social, and cultural opportunities to induce some of the population to move there and decrease pressure in the eastern zones and western coastal and in the Great Lakes area. I don't think it was the chairman's intention nor was it my intention to do anything to throttle development but rather something that encouraged good development of the area.

The CHAIRMAN. Would the Senator yield at that point?

Senator HANSEN. Yes.

The CHAIRMAN. You will recall that Governor Love, speaking for the Governors' conference, strongly endorsed the legislation.

To sum it all up, the Governors of the 50 States have in effect said we are unable for political reasons—both political parties—unable to get statewide zoning authority. They have tried it. There is only one State that has come close and this is the State of Hawaii. And what we are trying to do in this legislation is to get the States to exercise State rights.

Under the Constitution only the States have the police power to zone on non-Federal lands. It is a carrot-and-stick approach. We prod them. In fact, all of these grant-in-aid programs, contrary to the general opinion of them as an intrusion of State rights, represent an effort to push the States into exercising States rights. It is that simple. The first grant-in-aid program started in 1787, 2 years before the founding of the Republic, when we passed the Northwest Ordinance granting to the States every other section of land in the Northwest territories for public education. This was the beginning of this alleged interference on the part of the Federal Government into the affairs of the States. And it represented a need even then to get the kind of ongoing incentive, you know, for the local communities to act. And if you look at the Morrill Act passed during the Lincoln administration, which involved fundamental education, again it was an effort to aid the States and to get them to really move in the area of education on the grounds that every child growing up in America should have an opportunity to have a minimal educational opportunity.

What we are doing here in connection with the land use bill is an effort on the part of the Federal Government to help the Governors to get some action.

I want to say to my good friends we will hold detailed hearings again, as we did before, and we will get into it and it is a terribly complicated piece of legislation. The bill that Congressman Morton joined with me in introducing last session, as announced at the time, was not a final document, but it was a bill which we hope will get a good dialog going and a base for hearings. We, as you know, substantially amended the bill. We pulled, I think, maybe too many teeth in prodding the States but I think there is enough left to jar the States into action.

I wanted to make that comment because the questions are very good that you have asked, and helpful, but I think in fairness to Congressman Morton the bill is so complicated that when he takes over as Secretary and he comes up here, as he will, on this legislation, we are going to have to get into a lot of detailed hearings in order to find out the real impact of some of these action-forcing provisions.

Senator HANSEN. Let me say I appreciate your comments very much. I wasn't trying to interrogate the Secretary-Designate insofar as a particular piece of legislation is concerned, but my interest was in

exploring his ideas and his basic philosophy. I have not had the opportunity you have to understand as clearly and as deeply his thoughts as I would like to and my questions were directed not with the intention of being critical of the bill that you have put in, because there are a great many people, and I am one who subscribes to these goals. It is the mechanics that I think we are going to have to consider, and here again let me say, successful politics is the art of the possible. I would say if we want to go deeper than land use and land zoning let's talk about population control.

The CHAIRMAN. That will kill land use.

Senator HANSEN. Sure it would. But, nevertheless, you talk to groups of people in the United States, and I have talked to some who just hold up their hands in horror. They think they are trying to wipe out minorities. That is not the idea. But there are some nevertheless who believe that.

I happened to sit with the distinguished former Senator from Maryland, Mr. Tydings, and I was very much in sympathy with some of the legislation he proposed, but I don't know how far he could get.

I would hope, if I may say this by way of conclusion, that I want to see if we can't accomplish some of these worthwhile objectives. I hope that we can be realistic in recognizing that we won't maybe be able to go quite as far as some of us would wish, but, on the other hand, I think that there is some middle ground. Let's not confuse perfection with progress and say that if we can't have perfection we won't have anything. I don't believe that should be our goal.

I would hope as reasonable people we can make some strides in a direction that would result in progress and I will be there trying to help you, Mr. Chairman, in doing that.

Thank you very much.

The CHAIRMAN. Thank you.

Senator NELSON. I thank the chairman for his courtesy inasmuch as I am no longer a member of the committee as of today. I would just like to pursue the question of the land use planning that was raised by Senator Jackson and Senator Hansen. I think Senator Jackson's proposal is a critically important one. I should point out that Wisconsin does have the authority in the State, authority I fought on for years, to require approved local zoning. Our problem is we haven't vigorously enforced it.

The CHAIRMAN. Do you have statewide land use planning?

Senator NELSON. We have so far as I know the only comprehensive land use plan in the United States

The CHAIRMAN. Which effects all aspects?

Senator NELSON. It is a comprehensive plan.

The CHAIRMAN. We have one in the State of Washington, but may I say to you that there is no single forum or a single adjudicatory entity that can act on it.

Senator NELSON. We passed legislation which requires local zoning approved by the State. If the local units don't do it the State does. But anyway, no State has done very much about it and our problem is, the problem that Senator Jackson is seeking to solve, is one of inducing the States to do the planning they ought to do. Unlike England, where the National Government can override the local government in zoning matters, and does, in our country apparently under the Constitution

you can't. But I would just suggest that we disastrously default every time the issue is raised about planning.

We build a Federal Interstate Highway System and we should have notified all States all interchanges would be appropriately zoned so you don't develop 40,000 miles of junkyards, which is what has happened. We didn't do that.

Now, I would only suggest, and I think it is worth you using your persuasion with the administration—the Governors and the mayors are down here now and the President is supporting the concept of shared taxes. If they want the taxes so badly we ought to tie it to an appropriately developed land use plan because why should we be funding irrational growth? If we are going to fund State and city governments to meet their problems, we shouldn't be funding irrational growth. So we ought to tie onto the shared tax proposal and require that within a period of time, the beneficiaries of the shared taxes must develop a plan.

If I can get a decent amendment drafted I will put it on and see if I can make it stick. This is the only way we are going to get the thing done and much of our expenditure is to remedy difficult problems that wouldn't be there if we had planned beforehand for growth. So why should we be funding it with Federal dollars?

This gets to some questions related to the Alaska pipeline and a land use plan there. It gets to the question of planning for the Federal lands which you said you would like to have done cooperatively with the State. But I don't think we can wait for the State, and it gets to the problem of very specific land use planning in which the Federal Government does have jurisdiction, and great and thoughtful men like Henry Caudle have been writing about it for years—strip mining is an example.

Now since the consequences of strip mining—the drainage basin pollution, sulfuric acid, and so on—are all in interstate conference, we have the authority to establish standards on the overburden, on restoration of the topsoil, on contouring, on securing the integrity of the land.

As I think you know, we now have 1,500,000 miles of strip mines, if you put them end to end, in a strip 100 feet wide, just an incredible desecration of land.

Now I have put legislation in for several years to deal with the strip mining question. I don't think it can get passed without administration support. But would you as Secretary lend your great prestige to not necessarily my bill but some sensible plan of controlling of strip mining and restoration of the overburden?

Mr. MORTON. I certainly will. I have had a couple of conferences with people who are interested in this, outside observers. I haven't discussed it at the Department or talked to other members of the administration, but it is something we must do. We have some horrible examples in eastern Kentucky of coal stripping. The terrible problem in that is when you deal with coal the unit price is at a level where the mining operation is barely viable and if you add the burden of restoring the land it makes it an economic impossibility. But we have to do it. How we are going to fund it and how that industry is going to meet the problem I don't know, but I would certainly support the legislation.

It is a disgrace to fly over the country and look at it from an esthetic point of view. That is where the environmental damage is most

noticeable. I hope we can find a solution. I am going to search for that solution. I wish you well but I regret that you are not going to be on this committee because I think this committee will be heavily involved in that very matter in which I think your interest and leadership is desperately needed.

The CHAIRMAN. Would you yield right there because it is pertinent?

I wanted to say, Senator Nelson, that I am reintroducing the legislation I have had pending, as you know, for the last two Congresses with reference to strip mining, and I am going to push it vigorously.

I hope we can get a bill through at this session of Congress. It is long overdue.

There has been a lot of confusion in which some of the lesser effective operators, such as small gravel operations, have got confused with the larger problem of strip mining, and I think this is one of those bills, Congressman Morton, that must be high on the priority list.

Mr. MORTON. I feel very much the same way.

The CHAIRMAN. You will support it. I wanted to know that.

Senator NELSON. If you are supporting it, it is likely to pass our House anyway.

The CHAIRMAN. I am going to present it.

Senator NELSON. Now, I just want to continue with the land use problem. One: I think it is unfortunate and there is nothing I can do about it, but I think our proceedings before your time in this position, and even before this administration, our proceedings in the Alaska pipeline situation haven't been in my judgment very rational. There is nothing I can do to stop it temporarily or otherwise, or I would. But oil is going to be exploited and that appears to have the support of the people in the country.

I agree it must be exploited some time. I think we are approaching it in the wrong way.

You have the report of the Interior Department which was discussed yesterday and I understand you are going to conduct public hearings 2 days here and 2 days in Alaska. Is that correct?

Mr. MORTON. I think that is correct.

Senator NELSON. That is what I saw in the news reports, then there will be a report filed with Russell Train's Environmental Council. I guess that is sort of the end of the ballgame, whatever the Administration says about the project after that. Now, here is the problem as I see it. Since we are going to go ahead with this in any event, should a permit be issued to lay down that pipeline and to build a highway the whole length of the pipeline, half of which will be over permafrost, until Interior has developed a comprehensive land use plan at least respecting that aspect, if not the whole 96 percent of the State of Alaska which is under Federal jurisdiction.

In other words, dare we proceed to put a highway and pipeline down without a land use plan?

Mr. MORTON. Well, I think the native claims issue also addresses itself to this very question too and it has to be resolved somehow, somehow.

The CHAIRMAN. May I point out at that juncture you are absolutely right, the reason there is no movement on the pipeline is not the depth, but an injunction in Federal court which prohibits granting a right-of-way.

Mr. MORTON. That is right.

The CHAIRMAN. The Native Claims Act would extinguish all claims, and while a suit could be brought, an injunction could not be granted.

That is the reason why there is no movement on the pipeline. A final resolution on the native claims bill was passed by the Senate last year. The House did not act, however.

I anticipate that this will be one of the first orders of business here. We anticipate moving sometime during the month of February.

Mr. MORTON. I understand your question and I wish I really had a feel for the answer, a philosophical feel for it, because a land use plan for Alaska has to be developed. Here we have vast land with relatively few people where economic patterns have not yet crystallized under any stretch of the imagination. Alaska will be for many, many years a resource State. I think we can call it a resource State by virtue of both its growth rate and its underground resources.

Now this vast discovery of oil may, by virtue of both, be only part of Alaska's oil, when the geological exploration has been completed. So the role that Alaska will play in the future development of this country is still at best vague and whether we can really come up with a viable land use plan for an area like that would be a good question to ask. I don't have the answer. I would hope that we could but I am sure there would be arguments that any plan would only be an architect's model and wouldn't have any real discipline in it because too much is left unknown about the State and the growth rate of its population and economy.

Some preliminary sketches of a plan that looks reasonable, that is endowed with common sense, should be done prior to the actual laying down of the transportation facility, the road, and the pipeline itself.

The settlement of the native claims will undoubtedly contribute considerable input to such a plan as to what lands are specifically designated to the native communities.

I sympathize with your feelings but I don't know the answer and I question whether anybody does. If you are going to use the development of land use planning as a means of stalling the pipeline, that is not viable land use planning. That is not really creative land use planning; that is using it as a mechanism rather than a program, and I would need a lot of help from you on that. I don't know the answer as to which way we should go because it might take 50 years to develop a real land use plan of an area the size of Alaska when the growth patterns of the State, and the economic patterns of the State are not established.

Senator NELSON. I wouldn't use a plan as a means for stalling but I would point out that when Senator Jackson had hearings a year ago, plans for the exploitation of this oil had been under consideration for a long, long time yet no oil company, no witness appeared before the committee to tell us what it meant if you put a pipe 6 feet underground in the permafrost at 140 degrees temperature, except one geologist who said the whole hill would slide down.

In other words, tests haven't even been made and I guess they haven't been made yet.

Mr. MORTON. We are dealing with two different things there.

Senator NELSON. That is right. I just mentioned that as a plan respecting the pipe.

Mr. MORTON. I think before we issue this permit we have to be sure of what we are doing from an engineering point of view. And engineering has to be compatible with the environment. Something has to be done either to tolerate that heat or dispose of that heat in a way which prevents the mountain from sliding down. I think this is a different ball game and I am very much on the side of making sure that these practical engineering concepts are fully developed before people go in there with bulldozers and start laying pipe.

Senator NELSON. On the question about development of the plan, I agree with you that a comprehensive plan in the sense that you may develop one in populated States now is quite different and that the considerations here are, perhaps many of them, nobody has even thought about, but among them is the nature of that terrain for the 400 miles or thereabouts of the permafrost which never changes.

If you throw a tin can out or a 55-gallon drum it will probably be there a thousand years from now because deterioration is so slow in that environmental circumstance.

Well, what I was really thinking of is that you be sure that a plan for the highway—I don't know what it ought to be—that approach rate qualified people who understand something about that kind of environment evaluate the highway plan. But more importantly, really is it seems to me the continuing monitoring of this problem.

Mr. MORTON. I brought that out.

Senator NELSON. You have covered that?

Mr. MORTON. Yes, There should be not only monitoring of the development of the concept but there should be very, very close monitoring and quality control of the construction itself, because in a vast area like that we could have a slip that would be exceedingly costly from every point of view.

Senator NELSON. I am sure that it is within your authority, of course, to have appropriate personnel in constant surveillance of this project, not only of its development and construction but its maintenance and operation, and of the disposal of materials that will be used there, but the other thing that I think would be very important is that an outside group have an annual look at this, that is, you would select some people from the various disciplines in addition to the in-house personnel and have them go on up there about once a year and spend some time and make their input about what is going on. I am considering proposing this but it may be within your authority to do it without any legislation.

Mr. MORTON. Well, I think there is also a very great responsibility on the part of the State of Alaska to do that, too, just as there is a great responsibility on the State of Wisconsin to monitor the expansion of paper mills.

Senator NELSON. We haven't done the best job in the world on that. But this is Federal land where we do have the power.

Mr. MORTON. We ought to concentrate on that too, and I think that is what a good Federal land use plan can do. But I agree with you as far as the monitoring is concerned.

Senator NELSON. On the land use question, just one further matter. I don't know the answer to this. I know in looking at, and I discussed this with you one time, in looking at the Forestry Service's utilization

of their lands in various places in the country, including my own State, Chequamegon and Nicolet, I was so shocked by the campsite development on the shore lines and so forth I went to Secretary Freeman and told him I just thought a horrible mess was being created and that they ought to bring in a team of people, including a landscape architect, an appropriate biologist, foresters, ecologists, and that a plan for their multiple use be developed. I don't know how far Interior has gone on this, if very far at all, on their lands, but if you combine ultimately all of the forestry lands, Bureau of Land Management land, and the Forestry lands, these are vast holdings.

I want to raise this question: Would you consider, if it isn't now underway—I am not aware of it—bringing in a team to look at this problem and make recommendations? You are well aware not only are we improperly using the assets, not only are we developing campsites on lake shores when they ought to be a half a mile away and people ought to walk to them, but we are over-pressuring and people who understand the land can go in and look and say this place can stand 25 campsites and that much pressure and no more, but what we are doing in the State parks and Federal parks, there is public demand. It is popular so they put in 50 and 100 and 200 and 300 and all we are doing is destroying the asset all over the United States.

It would seem to me the protection would be to have qualified people evaluate the resource and say how much pressure it can stand. That is the only way you preserve a wilderness, is to be sure you don't have any highways going in there and people have to walk in over land with no trail.

I think we are destroying assets and losing a lot by not doing that.

Have you given that any thought?

Mr. MORRIS. I have given it a great deal of thought and this is one of the reasons I am here. I don't think our standards are high enough. I don't think it takes a team of experts. When you saw the situation you reacted against it. We just don't have the standards that we have to have in our recreation areas.

I will tell you another area where this is of great importance and that concerns the Bureau of Outdoor Recreation areas. As you know, they are having many more visitors than the national parks. This brings us to the point of recognizing that a resource or a facility will only comfortably accommodate so many people, whether they are boating, swimming, camping, or what have you, without being damaged, so we are going to have to set standards.

But, as I found right in my own State, as a Member of this Congress, there is great pressure being exerted to make sure that we increase the opportunities for people to visit recreation areas, and the tendency is for the standard to be reduced.

Obviously we should have the architectural skills, both landscape and otherwise, to provide structures, where structures are necessary, and plans, where plans are necessary, that are compatible with the environment, but every time we run up against the same problem.

If 800 people want to visit an area in Wisconsin there is great pressure brought to bear on the State park system or on a Federal park system to take care of the public. This is their prime responsibility. So we are right up against the gun now as to whether we should

limit visitors in many areas considerably more than we are now to preserve the environment and to preserve the recreation values. This is a problem.

I believe I am on the side of raising the standards, but if you raise the standards you are going to limit the facility. So that is the fix you find yourself in.

My inclination will be to raise the standards. I have a feeling, however, that from this Senate and from the House of Representatives I will get the same kind of pressure to let more people in the park, particularly when somebody's important constituent has been denied that opportunity.

Senator NELSON. You have put your finger on the problem. Around here the value of a project is measured on the annual visitation count, and when I was proposing and finally got passed the Apostle Island project, involving 21 islands in Lake Superior, one of the arguments was that the season is short and not many people can get there. I said that is the virtue of the island, not many people can get there. That is why they are what they are.

The point I think is you can't lick the political argument down here where everybody wants to know the head count, unless the experts come in and say this is the asset, here is the pressure it can stand.

We have never been backed up with that kind of support so we just keep expanding campgrounds, and I really think there is serious question now, there never used to be in my mind, whether we ought to have any campgrounds at all on the public land, perhaps get them off.

Mr. MORRIS. This is taking place. This campground business has become quite an economic enterprise in many areas and you may have really put your finger on it.

I would certainly look forward to some help from those who are going to testify against me this afternoon in that very area because I think there are some experts in the Sierra Club and other conservation groups that can lend some very good advice and counsel on the matter of use of our recreation and public facilities where multiuse is implied.

Senator NELSON. This, I think, is a bit our problem. We have never looked at this. If we go into the national forests and parks they are always punching another double line with beautiful blacktop so you can get across the park faster and get across the national forest faster from nowhere to nowhere. You have a beautiful curving road. They have got some money to spend and they have to straighten out the road. For what purpose I don't know. But we have never looked at that.

You could take a forest like the Chequamegon, 600,000 acres, and if you quit punching roads through it and select your areas under the guidance of landscape architects and land utilization people, and probably have 50 times as many people make use of the Chequamegon with less pressure on it, you simply select your areas for intensive use and limit access to those that you don't want to be intensive. But I think a great contribution could be done in this country, especially if the President does combine the BLM lands and forestry, with an overall look at how do you best utilize this resource and then also how you best protect it from destruction, and it hasn't been done. It is one of the great neglected recreation resource environmental problems in the country.

Mr. MORTON. Well, I will invite you right now, Senator, to come down with me on a warm Sunday to Assateague National Seashore and interview some 3,000 people who are backed up in cars waiting to get onto the beach. There is the problem, and how to solve it, we have to work together. It is a terrible mix between the values of the resource and desires of the user, and we are faced with it. We must increase our parks, and the number of recreational opportunities that these people have. That is one way to solve it and again get our park system on a per capita basis. I have heard us pat ourselves on the back many, many times about what we have done in the development of the great national park system of this country, but basically on a per capita basis the record doesn't look at all that good. It is good but it is not great. We have to realize that today under the way of life of the American family people are looking for recreational opportunities on beaches, in forests, lakes, and other natural areas, far more than they have ever before, so the demand on the park is much greater today than it was on the parks, for example, 10 years after Yellowstone Park was established.

So if you will measure our accomplishment against the demand, and if you will measure our accomplishment against the growth of this country, I don't think it has been phenomenal. That is why we have to make a tremendous and bold effort to vastly increase the park facilities, and while we do that we should also vastly increase the pristine areas set aside in wilderness areas or something comparable.

Senator NELSON. I agree with that. You, of course, raise the point of Assateague. I practically walked the length of that island, I would say, three times from each end.

Mr. MORTON. Did you walk it?

Senator NELSON. I say in the seven or eight times I have gone there I have hiked the length of that island.

Mr. MORTON. Hiked the length of it?

Senator NELSON. Yes.

Mr. MORTON. You are a good man. It is about 25 miles.

Senator NELSON. Oh, yes; I have done 75 miles.

Mr. MORTON. In 1 day?

Senator NELSON. No, no.

The CHAIRMAN. We are going to get new qualifications for Secretaries-to-be.

Senator NELSON. It is a remarkable asset, as you know, but there is a good case of a resource limited in how many people it can handle. But if you brought them in or if you had your parking lot and they went in by bus and went to the beach from Chincoteague, you could handle several thousand walking that—a good many thousands walking that beach. It is another matter if you start putting them in there with their automobiles which you may have to stop some day.

Mr. MORTON. That is right; there is no limit to the number of people who own it. That is what concerns me.

Senator NELSON. But how you use it.

Mr. MORTON. Yes.

The CHAIRMAN. Or who is going to, out of the 200-odd million. This is the problem we are running into and hearing over and over again. Should it only be the professional hiker, mountain climber? What about the fellow who has certain physical impediments? This is a hard political question we are addressing ourselves to. Should it be an elite that can go into some of these areas? I don't know the

answer, but I think this poses one of the most difficult problems we face in the 1970's. We have some pristine areas that we want to preserve. Are we going to draw lots as to who is going to go in? I am serious about it. There is a limited number of people that can get in.

I share the Senator from Wisconsin's concern but I would hate to be the one who is going to make the final decision, if you have to run for office, because it is going to be a tough, tough political problem and it is hard to explain. I honestly don't know the answer to the question. We have to face it.

Senator NELSON. I think there is no easy answer but the problem hasn't even been addressed in a serious way, that is, so far as the management of our public land.

Mr. MORTON. I would agree with you and I think we have to face it. But as the chairman points out, this is a really tough one and we have some other problems that are involved. One example is the in-holding concept of a State park within a national park or adjacent to one where different standards and different regulations apply. We have that problem at Assateague. There is a constant battle—I am glad I have the opportunity to put it on the record—between the State park activity and the national park activity over sharing the same piece of ground or the same basic resource, and this has to be resolved. It is bad for the visitor. The visitor is told one thing, when he enters the State park and then finds he is subject to a different rule when he gets into the Federal park. We are trying to work this out in California by having a consolidated management concept. I have had one rather long discussion about this with Mr. Hartzog and I believe there is an avenue here that can be very constructive and can help us find the solution. But it gets right down to whose ox is gored when you start limiting the number of people allowed to go into the parks. If you put it on a first-come-first-serve basis and the fellow who has driven from Reading, Pa., to Assateague is turned back, he will have something to say to Senator Scott and Senator Schweiker when he gets back to Reading, believe you me. Some of that mail has been referred to me.

Senator NELSON. I understand. But the point is though how do you appropriately use the asset? If you put five motorcycle riders into a thousand acres of a national park, they will destroy the enjoyment of the whole thousand acres for everybody there with all their noise, and it only takes five. So it is how you use the asset.

Mr. MORTON. No question about it. This has to be a joint effort between the Senate-House administration, the Department of the Interior, and the public. We are going to have to face the issue and it is going to necessitate invoking some disciplines which will not be popular in some sectors, but I think our prime responsibility at this point in time is to protect the resource.

Senator NELSON. And I think the executive branch has the authority to do a comprehensive land use plan, so to speak, for the public lands without any further legislation.

On your in-holding problem, I have one in my State. The State of Wisconsin owns a fair amount of property in Apostle Islands, including one of the biggest islands. They think the Federal Government ought to pay for it and I tell them the Federal Government shouldn't pay for it and isn't going to pay for it. But the Federal answer to the States who want to maintain in-holdings and operate them is to tell the public they are wasting the State's money because the Federal Gov-

ernment can manage it so you have two managers in there, and with the sensitivity about State taxes nowadays I think most Governors would decide we had better hand it over to the Federal Government. That is my view about the State holdings in the Apostle Islands.

Well, you had to leave at 1, I understood. I think I have covered just about everything I need to ask and maybe more.

Thank you.

The CHAIRMAN. Thank you, Senator Nelson.

The Chair will modify the 2 o'clock meeting to 2:15.

(Whereupon, 1:05 p.m. the committee was recessed until 2:15 p.m. the same day.)

AFTERNOON SESSION

The CHAIRMAN. The committee will come to order.

Congress Morton, I have not asked any questions up to now about your financial status. I do want to ask some general questions at the open session here and then the committee in executive session will have an opportunity to review your financial situation in detail.

I wonder if you could state to the committee what steps you have taken in connection with your financial holdings as it may bear on your ability to properly perform your duties as Secretary of the Interior with public confidence.

Mr. MORTON. First, we have submitted to the chairman and this committee a full financial statement which includes all of our assets broken down and classified.

The CHAIRMAN. Now, when you say "we"—

Mr. MORTON. I mean "I."

The CHAIRMAN. It includes yourself, your wife and your children?

Mr. MORTON. My two children; this is correct.

The CHAIRMAN. To my knowledge this has never been done before in connection with any confirmation hearing in the Senate.

Could you indicate whether or not you have made any disposition of any of your holdings and, if so, if you would give the reason?

Mr. MORTON. I have made several small transactions which I think are noteworthy.

First, I had an overriding interest in a dry hole in Texas.

[Laughter]

The CHAIRMAN. How long has it been dry?

Mr. MORTON. It has been dry about a year. It was a very fine investment. I paid \$13,000 for the overriding royalty and over a period of 7 years it returned \$958.44 I sold the interest for a dollar but I have not yet collected.

[Laughter]

The CHAIRMAN. Do you have any other worthwhile investments that you could discuss?

[Laughter]

The CHAIRMAN. There might be some people here interested in some good tips.

Mr. MORTON. I am wrong about the figure. It was \$1,089. I read the wrong figure here.

I had a very small equity in a piece of real estate owned by the Greer Corp., in Jackson County, Miss. I learned that that company is coming to the Government for some assistance in development, either through

FHA loans, or something of that nature, so I sold my interest in the company for what I think is its fair cash value, which is \$500.

I have another small interest in a similar company that owns a small piece of land in the same county. I have 1,000 shares out of 156,000.

The CHAIRMAN. How many shares?

Mr. MORTON. I have 1,000, and there are 156,000.

The CHAIRMAN. Is this a land company?

Mr. MORTON. This is a land company which owns a piece of real estate. The company is going to develop the land, so I felt that I should dispose of these shares.

I have not yet been able to collect on that, either, so I have given the shares to my son and he is going to try to dispose of them. But we are asking \$1,000. There may be someone here who is interested.

The CHAIRMAN. Do you own any oil stocks?

Mr. MORTON. Yes; I am the beneficiary of a small agency account that had 200 shares of Indiana Standard in it. I have instructed the trust company to sell that stock, which I understand they have done. Other than that I have no oil stocks that I know of.

I am a beneficiary of a trust, over which I have no management authority. I have reviewed the portfolio of that trust and to my knowledge there are no common stocks of oil companies or preferred stocks of oil companies in it.

However, I think there was a bond, a commercial bond. My brother is an adviser to that trust and I have asked him to look into this matter, and if it is there to see if that bond can be taken out and exchanged for something else, without hurting the trust or its other beneficiaries.

The CHAIRMAN. Do I understand, just to bring this to a head here, that you have disposed of any interests that you own personally that might be remotely connected in any manner, shape, or form with your work as Secretary of the Interior?

Mr. MORTON. That is absolutely correct.

The CHAIRMAN. In addition, you are the beneficiary under more than one trust of a lifetime income, and you have asked, even though you had no control, you have asked the trustees not to hold any property which would be incompatible with your duties as Secretary of the Interior, even though you do not have control over the trust itself?

Mr. MORTON. This is correct.

The CHAIRMAN. This applies likewise not only to you but to your wife and to your two children?

Mr. MORTON. This is correct. The trust of which I am a beneficiary is not the same trust of which my children are beneficiaries, but the same trustee is trustee for both trusts. I have asked the trust company to carry out these requests, and I am sure they will comply.

The CHAIRMAN. I must say, from what you have said here, we will review in detail, of course, in closed session all of the listings; you have taken steps that I think go beyond any other Cabinet officer who has been before this or any other committee. What you have done is to avoid even an appearance of a possible conflict of interest and I want to commend you for it.

I gather that your family holdings, which are substantial, stem primarily from the family business of Ballard & Co., which was in

the flour milling business in Louisville, Ky. This family interest was later sold or merged with Pillsbury?

Could you just elaborate on that?

Mr. MORTON. Yes. The company's name was Ballard & Ballard Co. of Louisville, of which I was president in 1950. At that time negotiations were completed to merge that company with Pillsbury, which is now the Pillsbury Co. There was an exchange of stock, Pillsbury common stock being exchanged for Ballard stock. My brother, my sister, and myself, being the major stockholders in Ballard are, therefore, fairly substantial stockholders in Pillsbury at the present time. This, however, amounts to only about 5 percent of the total stock in Pillsbury.

The CHAIRMAN. And Pillsbury has no possible connection with the Department of the Interior?

Can you comment on that?

Mr. MORTON. I see none. I served on the board of Pillsbury for a good many years. Of course, they do some business with the Government because every now and then the Government goes into the flour market, either through prisons, or for the aid program and others, and buys flour on bid. I am sure Pillsbury probably gets a piece of that business.

The CHAIRMAN. But the Department of the Interior does not?

Mr. MORTON. I can see no conflict at all. In fact, I had a long conversation with the chairman of the board and the president of Pillsbury, to see if, in their view, there is any conflict whatsoever, and it was agreed there is not.

The CHAIRMAN. What directorships, if any, have you resigned from?

Mr. MORTON. I have resigned from Pillsbury.

The CHAIRMAN. You mean from Pillsbury?

Mr. MORTON. Yes.

The CHAIRMAN. You are pretty optimistic about your confirmation.

Mr. MORTON. If you would read the resignation you would not be so—

[Laughter.]

The CHAIRMAN. You mean you are not so optimistic?

Mr. MORTON. It says I resign effective on being sworn in. [Laughter.]

So I have, during the course of my service in the Congress of the United States, resigned from all other corporate boards of businesses that were in business for profit over a period of time.

The most recent resignation, except for Pillsbury, was from the board of the Atlas Chemical Co., which I served on for some 10 or 12 years. It is a company located in Wilmington, in the general chemicals business.

I am a member now of no other corporate boards.

The CHAIRMAN. Can you think of any interest that you have that would, in your judgment, as far as you can foresee, cause you to have any possible conflict in carrying out your duties and responsibilities?

Mr. MORTON. I certainly cannot, Mr. Chairman, and if such interest develops I will, of course, take immediate action to reduce or dispose of the conflict.

The CHAIRMAN. And you would notify this committee, of course?

Mr. MORTON. I certainly would.

I do own some farmland which is where my house is located.

The CHAIRMAN. Are you going to make a park out of it?

Mr. MORTON. That is just about what it is now. It is not a very profitable farm, but I can't see any conflict.

The CHAIRMAN. I have a few remaining questions, Congressman Morton, and then you will be released until we hear from the next witness.

As you know, the Bureau of Land Management is charged with managerial responsibility for most of the nearly one-third of the Nation's lands which are federally owned. The bureau is operating under a multitude of antiquated laws which do not reflect current land management needs. They are operating substantially without direct recreational authority, including authority to classify certain lands as a wilderness area.

In other words, they are at a tremendous disadvantage, as you know, as compared with the Forest Service in the utilization of these lands. I am planning to introduce legislation which would provide for an organic act dealing with the management of the public lands. As you know, this was one of the many recommendations of the Public Land Law Review Commission.

I would like to get your brief comments on legislation of the kind I have just referred to.

Mr. MORTON. I have just finished reading through the Land Law Review Commission report which certainly covers a multitude of things.

I believe that this concept of an organic act, as a beginning, is absolutely necessary. I think as we go downstream we will find it will have to be amended.

I think we have to bring the Bureau of Land Management out of this great maze of many antiquated laws and into a situation where we can better manage the land.

I would also add that perhaps the other lands in the public domain should be reviewed, too, as to the laws that apply to them.

This is a good step. I would hasten to add, though, that we mustn't think of it as a final step. We are probably going to have to refine it, adjust it and change it as we go downstream in time.

The CHAIRMAN. In connection with the new authority of the Bureau of Land Management, I am also thinking, of course, of introducing legislation which would repeal the 1872 mining law and replace it with a leasing system.

You know this problem. At the present time it is possible to get fee title to land in the public domain, which I think had some justification at the time, which was shortly after the Homestead Act, but I question whether it is compatible with the problems that we face today in the management of our great land resources. It seems to me that this area should be clearly explored and ventilated to determine whether it ought to be put on a competitive basis to protect the Government's property interests and also to find a more compatible solution.

What is your comment on that?

Mr. MORTON. I agree. One of the things that I fear is that we won't be able to manage those lands that are occupied by abandoned mines. I hope in the legislation that when these properties no longer are used as mines and become a problem to the environment, we will have some

way to do something about them, in addition clearing up the title problem that exists by preventing people from getting a clear title to properties that are otherwise legally entered.

I believe we have to make sure that we are not opening Pandora's box for uses of land in the public domain that we originally didn't intend to exist.

In other words, if an outfit goes in and mines and then tries to start something else in the area, we should have a handle on it so we don't run into that problem.

The CHAIRMAN. I must say that in connection with Alaska we must work out a sensible statewide land use management program.

As I indicated this morning, I intend, and Senator Allott has assured me of his full cooperation on the other side of the aisle, to move vigorously on Native land claim legislation from the standpoint of resolving the Native claims and from the standpoint, of course, of trying to end the cloud that hangs over the title to all Federal public lands in Alaska.

I assume that we will have your full cooperation in the effort to prevent any lapse here on the problem that would arise if the land freeze should come to an end. As you know, Congressman Morton, there are a series of 50-some leases up there which could create a national scandal. I gather that you are fully cognizant of that problem? When I say "leases," there are applications for leases.

Mr. MORTON. I couldn't agree with you more and I am glad that you are giving it a high priority because I don't really believe that we are going to be able to work out any kind of land use concepts in Alaska until that is behind us.

The CHAIRMAN. Until there has been an adjudication by the Congress of this matter.

Mr. MORTON. That is right.

The CHAIRMAN. As you may know, Biscayne Bay and the Biscayne Bay National Monument in Florida face what many conservationists believe is a very serious threat from thermal pollution caused by existing and planned fossil fuel and nuclear plants. Many serious questions concerning this situation and the position of the Federal Government have been raised. I have requested reports from the Department of Interior on this matter. If you are confirmed, I hope you will make a review and see that these reports are prepared.

Mr. MORTON. I too am concerned about thermal pollution in Biscayne Bay, and not only there but in any other area where this problem exists. I will make a review and see that the reports you have requested are prepared.

The CHAIRMAN. As you know, in connection with our land use legislation, which we reported to the Senate—there wasn't time in December to get action on it—we are also considering a proper program involving a rural growth policy, including the establishment of new communities.

Some of us feel that the public domain gives us an opportunity to try out some possibilities of establishing whole new towns where the Federal Government could make land available. This is an important cost factor, and to do this on a somewhat trial and error basis, we would begin a modest effort to face up to the problem that we face

in this country. We have gone from the first census, 1790, where 95 percent of the people lived in the rural areas, to a situation in which 70 percent of the people live on 1 percent of the land.

I don't want to upset the concern of my colleague from Wyoming but I do believe that one of the biggest problems we face in the 1970's is to start some programs that will provide for redirection, through incentive and other things, of our population away from the very, very large urban areas.

I think there is a direct relationship between the fact that people live in a very limited area, in a confined area, and violence. It seems to me that we must take new initiatives and provide incentives to industry, for example, to encourage this kind of redirection of our population.

Do you have any comments on that?

Mr. MORTON. Yes, I do, Senator.

I probably am a little bit more concerned about the new town concept than you are. The fear I have is that we will get all excited about new towns and we will begin to put a lot of emphasis on the development of these new towns and in the process fail to fully understand, realize and help the problems of the small towns that already exist.

Many of the small towns—and by “small towns” I mean towns of less than 20,000—have some opportunities for growth to a reasonable size, if industrial patterns, land use patterns and other things that are necessary for their growth are brought into being.

So I would go along with the exciting idea of new towns but hope that it doesn't swallow up our effort to help small communities which already exist and can be of such great service in the distribution of population which you have mentioned.

The CHAIRMAN. I neglected to mention that. When I talk about new towns, in addition, of course, we need to revitalize small towns and to provide opportunities for small towns to have a program of sensible growth where they have the space, to handle it on a better, shall we say, planning basis.

Mr. MORTON. They also have the local government. They are in business. I think there is an obligation here that you shouldn't neglect.

The CHAIRMAN. One last question.

Senator HANSEN. Would you yield for just one moment for an observation?

The CHAIRMAN. Yes.

Senator HANSEN. I would like to say that the most outspoken critics of a further infusion of new blood in Wyoming are those persons who have come from the East just 2 years ago. Those of us who live in Wyoming are anxious and eager to share it with others, but it is surprising that some who find great danger in further expansion of the population are those who have been there 2 or 3 years.

The CHAIRMAN. Well, that is, I think, correct. I found that true in my State. I must say that we are also grateful, on the conservation side in the State of Washington, to the people from the East who in discovering the State of Washington have been extremely helpful in pushing for conservation legislation, including our great North Cascades National Park. The natives are prone, too often, to take these

things for granted, and coming as they do from large metropolitan areas. That is why mobility of the population, I think, in fusion of some new blood, can be very helpful. It is in my State and I am sure it is in Wyoming.

I have one last question, Congressman Morton, and this relates to the Youth Conservation Corps.

I sponsored it in the Senate this past year and it went over to the House and you supported it when that matter came up in the House. We in the Senate put money in the budget, although there was none—I think \$2.5 million—so the program could get underway in June.

I hope and trust that you will do all you can to see that that money is made available so that we can get this pilot program effort for around 3,000 young people. It was 3,000 with 3 million dollars, but it will be a little less than 3,000 young people, aged 15 to 18, working this summer in our great national forests.

Would you comment on that?

Mr. MORTON. I certainly will. It is a great program. We have some other opportunities in the area we can also develop. Summer programs for even younger children, for example, ought to be considered.

I have already had discussions with Director Hartzog about this to see what kind of programs of this type would be feasible that might involve our national parks system.

I hope we can keep the program fully funded. I think the pilot concept is what is good about it.

We are not here blanketing the country with a program we don't know anything about, and I am sure you would be the first to agree that if changes are needed they should be put into effect.

The CHAIRMAN. That is the purpose, of course, of the legislation, to give it a trial. It is an element of trial and error. That is always helpful.

Mr. MORTON. I am ready to do battle for it. I don't know how we will come out.

The CHAIRMAN. We appreciate that assurance.

Senator Allott.

Senator ALLOTT. Thank you very much, Mr. Chairman.

I have relatively few questions.

Listening to all of the questions, Congressman, that you have answered in the last 2 days, I am not sure whether the committee wants a Secretary of the Interior or a gladiator. But we have covered a great deal of territory.

Out of the questions yesterday morning, one question occurred to me with respect to the Outer Continental Shelf, and what would be your view—that this is a new one and I am throwing it at you cold. It may be a tough one—concerning the developing or the publication of a leasing plan for the Outer Continental Shelf on a long-term basis, say 5 years. What I have in mind in asking this is whether or not by doing this it might crystallize the thinking of the Department more in the lines in which it wants to proceed, and also perhaps facilitate the more orderly leasing or the planning for leasing of the Outer Continental Shelf.

Has this question ever occurred to you?

Mr. MORTON. I hope I don't flunk the exam. But this is a tough one.

I have barely been able in the time I have had to study in depth the proposed draft treaty, as far as how much of this we internationalize and what way we do it.

I know that the draft treaty in some respect aligns itself with the wishes of the President, and in other respects doesn't. Where it doesn't, it should be reevaluated. It is such a complicated thing that I am afraid I must go to school before I can give you any kind of a really meaningful answer. I don't know what is the best direction to take. I hope that I will have the opportunity of studying this, with the help of people who have given it a great deal more work and background than I. I have to leave the question there because there are so many ramifications and so many different feelings, all of which have a pretty good rationale regarding the way we handle the Outer Continental Shelf.

Senator ALLOTT. There is a great deal of divergence between some members of this committee, at least, also, and the Department of State and Department of Defense in the areas that you are talking about.

I do think that given a resolution of that problem that we might well address ourselves to long-term planning.

Mr. MORTON. I agree.

Senator ALLOTT. So that it would be developed and utilized on a more efficient basis and not so much helter-skelter.

Mr. MORTON. We have some other things that are involved there, too.

We have to make sure when we extract the oil, that we get all of it, or as as much of it as we can. There is a tendency to take the cream, and leave a reserve. But the reserve is left in a very expensive condition which make that oil very expensive to bring to the surface.

Long-term planning is essential in regard to the development of the Outer Continental Shelf.

I think we have to solve the sovereignty question and the rights question before we address ourselves to the way in which we are going to manage it.

My instincts are to extend the sovereignty, but I realize these instincts run into a tough situation when they get downtown to the White House and to the State Department. With the help of Congress, this question is going to have to be resolved. Then, we must determine how to put this resource in a time frame that will conserve it over many, many years, because if we don't do that we will be reaching the end of the ball game as far as oil is concerned, and that is probably where our great long-term future reserves are.

Senator ALLOTT. Now, I would like to turn to the last question I have. I would like to make a short statement with respect to it.

In 1956 and 1957, Congressman Walter Rogers, a former Congressman of the House of Representatives, whom you know, I am sure, and I on this side worked on a bill for the conservation of helium. In 1960 that law was signed by President Eisenhower, and in 1961 it was first implemented and the first contracts were entered into under President Kennedy and former Secretary Udall.

As you know, helium is one of the most precious and rapidly diminishing minerals and gasses we have in this country.

Unfortunately, most people have very little idea of its value. They can see the value in gold or silver or something they can pick up in their hands, or something which is more familiar to them.

It is one of the lightest gasses. It is colorless, odorless, tasteless, completely inert as far as I know, and it is necessary for many, many things in our present-day life and it, of course, has been used extensively in the space program.

Now, it has been used and probably will be used more in the nuclear power industry.

Assistant Secretary Dole discussed this in regard to the Peach Bottom plant at some length in a speech he gave earlier this year on the significance of helium.

One of its most promising areas is in the area of creating super conductors wherein you reduce metals to near absolute temperature, metals become super conductors. You can create super magnets in this way with something like 400 times to diminishment of power, things of that sort.

The problem comes chiefly in two areas, one, when we wrote the original act we wrote into it that all Government contractors would purchase the helium from the Government supplies, which we purchased from the contractor, and a court interpretation said that that did not refer to subcontractors. Consequently, we have found that the subcontractors were purchasing their supplies from an independent source at a cheaper price, and now we are at the place where the Government contract has become quite expensive and at the same time the independent sources are beginning to dry up.

For the sake of the record, I think I should say that the greatest known source of helium in the United States at this time is in the Hugoton Field, which lies in the Kansas, Colorado, Oklahoma, Texas Panhandle area.

When I went to school, by the way, there was a sign on the map that called this the Great American Desert, and I remember that sign very well.

But having once having let the helium go into the pipeline, the gas pipeline, it goes through the furnace burners, the stoves, and the rest of it, and since it is not combustible, that part of it which comes out through the burner simply goes up the flue and is forever wasted.

The cost of recapturing helium from the atmosphere is fantastic and impossible on an economic basis.

We have advanced greatly in this area in the last few years since we first entered into these contracts.

At that time a 0.3 content of helium was considered to be the very minimum under which we can extract helium. Since that time, of course, it has gone down some. I can't say exactly where it could be done economically, but we are in the position of canceling part of our contract which we made with the people. It is going to cost a tremendous amount of money, in my opinion, to cancel these contracts.

I have been asserting that we should at any cost proceed with the extraction of what otherwise becomes an irreplaceable commodity in this country, and I have omitted, except for one page, one very valuable part of it, and that is that helium is absolutely necessary to the whole technological field and the scientific field of cryogenics, because only with helium can you approach a situation of absolute zero.

I have one remark here that Secretary Dole said which gives us some idea of this. He said, according to some estimates, one 20-inch line could handle up to 10,000 megawatts at 345 volts or the equivalent of at least twenty 10-inch conventional cables at the same voltage.

So you get into some scientific areas here, which literally stagger the imagination.

Now, with that speech, which I didn't intend to make, but this has been one of my great interests for many years, have you yet had an opportunity in your study and briefings to go into this with the Department, and are you familiar enough with it to comment on its adequacy and what we might do to preserve this very, very necessary program?

Mr. MORTON. Senator Allott, during the time between Secretary Hickel's departure and the present time, the Department has been engaged in talks with the Office of Management and Budget and apparently some conclusions have been reached. Precisely what they are I don't know. My knowledge of this is certainly not adequate to discuss it in any detail.

I share with you the feeling that the resource has to be conserved. What the alternate methods of doing that are, as opposed to the contracts that are now in existence, or what action at this point has been taken by the Department, or by OMB, vis-a-vis those contracts, I do not know.

I do know that the Department is on the verge of a decision, but that is about as far as I can go. I am sure the Under Secretary, Mr. Russell, or Mr. Dole, can discuss with you the dimensions of that decision.

Senator ALLOTT. Well, I am afraid that what is influencing the decision more than I would like to see it influenced at the present time are budgetary considerations, and frankly I am not sure the necessity of this program to the future of the scientific community of this country has been sufficiently taken into consideration by that particular agency, although I may be doing them an injustice.

I would hope, Mr. Morton, that when you are confirmed you would give this very, very close attention, because it is going to be up for immediate consideration. An alternative is going to be at least a partial cancellation of three, perhaps, of the four companies involved in this, at a very, very, very expensive rate. The other alternative is to get a modification of the contracts and keep storing helium for as long as we can, because those Hugoton gas reserves will not last forever and once they are lost, there will be no great speedy supply of helium.

Mr. MORTON. I agree with you that we have to find the answers and we have to make sure the people who are making the budget decisions understand the value of the resource of helium itself.

I will try to bring that to the attention of the people in the OMB in order that a better evaluation regarding the budgeting of funds is concerned can be made.

Senator ALLOTT. I have no further questions; thank you.

The CHAIRMAN. I just want to say, Congressman Morton, that I personally commend you for the way in which you have presented your answers to the questions that have been put to you.

You have demonstrated that you are a sensitive, intelligent, and a competent individual. That is just a comment from one former chair-

man of a national committee to a former chairman, but seriously, I do think you have handled yourself very well.

Obviously I don't think we should expect complete agreement on the part of any member of this committee with the views that you have expressed.

I just want to make the observation that sometimes some of my colleagues forget the provisions of the Constitution regarding confirmation of Cabinet officers.

A Cabinet officer is the President's man, and under our Constitution the President is entitled to his man, even though I may have differences of opinion about his views on certain matters.

When you have a Supreme Court nomination, that is an entirely different matter, because the Supreme Court nominee is not the President's man. A Supreme Court nominee is appointed for life to another branch of the Government, the judicial branch.

I am not making this statement with any reference to your competency. I just want to say I make this general statement because the public is prone to the idea that a President's representative, his own man, has to conform to the views of those who have to pass judgment on him.

I think basically, maybe with a few exceptions, your views and mine on conservation are pretty close, and I say you not only fulfill the minimum standards for this office, but you go way beyond that.

I think you have outstanding qualifications and I want to commend you for the way in which you have presented your responses to the lengthy questions that have been asked.

Finally, let me say that these hearings today are preconfirmation hearings, and I would say that I am sure as time goes on we will have post-confirmation hearings or audits from time to time to ask you questions about the performance of your duties and to give you an opportunity in a forum to comment on the problems you face.

With that, I wish, in behalf of the committee, to express our deep appreciation for your appearance here today and yesterday.

Senator ALLOTT. Mr. Chairman, may I also do the same thing. These are long and tedious and I find myself in accord with most of your ideas. I sometimes think that we expect too much of Cabinet members, whether they are Democrats or Republicans, and as the chairman has suggested, we should not expect to agree with a member of the Cabinet up for confirmation on every point on which he states his ideas.

I must say that you have handled yourself well. You have answered the questions fully and frankly, and I want to personally compliment you.

Mr. MORTON. Thank you, Senator Allott, and thank you, Mr. Chairman.

I would also like to take this opportunity, for the record, to express my deep appreciation to all members of the committee for their patience with me and for the opportunity that I have had to discuss with them these problems. I would particularly like to thank the Under Secretary, Mr. Russell, the Assistant Secretaries, the Solicitor, and their staffs for being so cooperative in helping me familiarize myself with the Department. I greatly appreciate their assistance.

The CHAIRMAN. Congressman Morton, we have one more witness, and if you will stand by, after that we will go into executive session.

Mr. MORTON. Yes, sir.

The CHAIRMAN. The next witness is Mr. Phillip S. Berry, president of the Sierra Club, accompanied by Mr. J. Michael McCloskey.

**STATEMENT OF PHILLIP S. BERRY, PRESIDENT, SIERRA CLUB;
ACCOMPANIED BY J. MICHAEL McCLOSKEY**

The CHAIRMAN. Mr. Berry, you are accompanied by Mr. McCloskey, the executive director of the Sierra Club. I believed you have a prepared statement?

Mr. BERRY. That is correct.

The CHAIRMAN. Which you may proceed to read.

Mr. BERRY. Mr. Chairman and Honorable Senators, my name is Phillip Berry and I appreciate the opportunity to present the views of the Sierra Club, of which I am the national president.

As you know, we are vitally interested in the subject matter before this committee and I believe we should talk very plainly about those things which count the most.

We believe also in civilization and do not favor extinction of man or his right to true quality in his life. That is why we are here.

Anyone who fails to recognize our commitment and the reasons for it, I think is grossly—has grossly miscalculated the mood of youth in this country and also those who grow older and still have young thoughts.

No job in this country carries greater conservation responsibility than the Secretary of the Interior, who exercises discretionary authority vitally affecting the quality of every American's life.

The Secretaryship is, therefore, no place for apathy, nor for on the job training, nor for rewarding service to one's political party. The job requires a distinguished and committed conservationist whose sympathies lie entirely with protecting the broad public interest.

Qualification for the job should be judged not by merely asking whether a candidate is adequate or whether he will discharge the minimal statutory obligations of the office. The test should be equal to the importance of the job.

We believe the Senate should ask: Is this man among the most capable the President could find?

Secondly, we believe you should ask: Is this man courageous and knowledgeable enough to forge needed public environmental policies in the face of possible public apathy or the opposition of miscalculation of the administration he will join?

Applying these criteria, is Rogers Morton the man to be our next Secretary of the Interior? He is not a distinguished nor a committed conservationist. He is not the candidate any major national conservation organization would pick—indeed, the President seems not to have consulted any recognized conservation group prior to making the nomination.

Morton's own conservation record has been a dismal, lack-lustre performance, reflecting at best apathy toward the environment and at worst outright hostility toward many of the basic reforms necessary to correct past errors which have brought the crisis shown in the very need for an Earth Day:

Representative Morton was quoted in the Congressional Record as favoring dams in the Grand Canyon;

He actively supported and voted for the environmentally destructive SST program;

He cosponsored the so-called National Timber Supply Act, a blank check to the logging industry, to be drawn on our national forest reserves;

He voted to weaken the 1970 clean air bill;

He voted against the 1962 Clean Air Act;

We worked actively to defeat strong estuary protection legislation;

He voted against creating the Indiana Dunes National Lakeshore;

More than once he voted to reduce Department of the Interior appropriations;

He voted to reduce funds for mass transit in 1966, and again in 1970;

He voted to weaken the 1965 highway beautification program;

He voted again to eliminate funds for highway beautification in 1968;

He voted to eliminate the model cities appropriation in 1966.

In addition, there are questions about Morton's connections with the oil industry whose actions presently threaten the environment more than any other interest group in the country. Morton has spoken for the oil industry in Congress and has resisted recent efforts to lessen its unwarranted tax advantages.

As national chairman for a major political party, he doubtless has solicited funds from leaders in major industries, such as the oil industry.

The contacts, possible friendships and commitments this entails would encumber free exercise of discretion.

Is such a man in a position to impartially protect the public interest in his dealings with the oil industry as a Secretary of the Interior must?

Will he be able to adequately protect the public interest in avoiding another Santa Barbara oil spill or preventing the habitual, willful violations of drilling regulations by oil companies in the Gulf of Mexico? Would he improvidently rush to give away our oil shale reserves or to develop them at the risk of grave environmental damage?

Would he do anything to correct the precipitate Alaska pipeline decision, which obviously has been timed by the administration in an effort to avoid having an identifiable person bear responsibility for the mistake?

Would Morton attempt to correct that tragic pipeline decision which commits the coastal waters from central Alaska to Puget Sound—and probably farther south—to heavy tanker traffic?

To carry to market the estimated 2 billion barrels of Prudhoe Bay oil from the Alaskan port of Valdez, the southern terminus of the proposed pipeline, would require approximately 74,000 trips by tankers the size of the *Oregon Standard* which last week polluted San Francisco Bay and adjoining ocean coast.

To remove by sea the claimed 300 billion barrels of oil on the entire north slope would require 11 million such trips.

Inevitably there would be numerous serious accidents along this entire foggy, stormy, difficult shipping route from Valdez to Puget Sound. Such cannot be allowed to happen and the pipeline decision, therefore, must be reviewed and reversed by the new Secretary.

What would Rogers Morton do?

In light of his record can Rogers Morton provide the kind of environmental leadership this Nation needs?

Will he have the dedication to do all in his power to see that the environmental programs which Congress has enacted really work? Or, will we have more of the same kind of unconcerned, environmentally destructive policies that the administration has given us to date, which include—in addition to the Alaska pipeline decision made on the trumped-up grounds that it is necessary for the national defense:

Continuation of oil drilling in offshore waters in spite of (1) clear demonstration that the oil is not needed; and (2) the fact that massive oil spills are inevitable and cannot be controlled with current technology—Santa Barbara is again proposed as a guinea pig—this time for experimental drilling in waters over 1,000 feet deep;

Refusal to delay the grossly expensive SST subsidy until answers to grave environmental questions can be found;

Seeking to thwart the will of Congress by administrative implementation of many of the provisions of the so-called Timber Supply Act, after Congress had rejected them;

Emasculating the National Environmental Policy Act by preventing effective public access to environmental statements required by it;

Continuing hazardous atomic testing (1) unrelated to national security as in Colorado with the Rulison project; (2) at improper sites such as Alaska's Amchitka Island, a part of the Aleutian National Wildlife Refuge;

Distributing pollution time bombs in our oceans through indiscriminate dumping of nerve gas;

Fighting attempts of the Sierra Club and other organizations to have DDT banned through court action against Federal agencies;

Planning massive environmental insults through indiscriminate spraying of Mirex and other hard pesticides and defoliants;

Opposing proper funding for conservation programs;

Attempting in numerous ways to weaken the Clean Air Act of 1970;

Supporting numerous pork barrel projects of the Corps of Engineers without requiring adequate environmental studies;

Seeking to extend the Federal highway trust fund several years beyond the time the Interstate System will be completed—thus continuing to subsidize one form of transportation at the expense of other more environmentally compatible systems;

Dilatory on-and-off-again action to protect endangered species;

Failure to aggressively apply water pollution control abatement hearing mechanisms with respect to Lake Superior and elsewhere;

Failure to accelerate lagging reclassifications under the Wilderness Act;

Accepting minimal fines from Standard Oil Co. of California for 500 admitted willful violations of law in its oil drilling operations in the Gulf of Mexico, and not prosecuting vigorously to impose maximum fines;

Resisting legitimate attempts by conservationists to have their day in court on crucial environmental questions by raising specious objections to standing and by attempting to cut off donations through IRS action; and

Reneging on promises to provide data on oil drilling in the Santa Barbara Channel to enable public evaluation of proposed changes in the drilling regime.

The Sierra Club board has passed the following resolution:

The Sierra Club is disturbed at the evident lack of concern for the conservation of natural resources represented by the nomination of Rogers C. B. Morton for Secretary of the Interior and questions whether the Senate, in the exercise of its independent responsibility to the public should confirm him.

We believe the Senate of the United States should seriously question whether the cause of conservation will be advanced by Rogers Morton becoming Secretary of the Interior.

Thank you.

The CHAIRMAN. Thank you, Mr. Berry.

As you know, I have a very high regard for your organization and have worked with you on so many matters over the years. You have been here and you have had an opportunity to hear Congressman Morton's response to the questions?

Mr. BERRY. Yes, I have, Mr. Chairman.

The CHAIRMAN. Could you indicate what part of his remarks you would oppose?

I am sitting here as a judge and I am trying to know his views on various matters. I have always tried to be a tolerant judge, even when I disagree with their viewpoint.

When Mr. Hickel was before this committee I was determined, as you may recall, to give him his day in court. I insisted, despite the attempts by some who would not even want him to have a chance to respond before a committee. They wanted to oppose his nomination, not even let him come up. Of course, we heard the testimony, we took a vote and we approved him.

I felt that his responses to the questions were proper. They met the constitutional requirement that in my judgment I had to discharge. As you know, many of the people who opposed Mr. Hickel later became some of his staunchest supporters.

We have had the witness here. He has responded to our questions. Would you indicate wherein you feel that he does not meet the necessary requirements, and wherein you disagree with him, based on the testimony here?

Mr. BERRY. Mr. Chairman, naturally I can't give you a complete list right at this moment.

The CHAIRMAN. I am not asking you to do that. Just tell me in your own words, in a general way, so that I can have a better picture of your position.

Mr. BERRY. We were disappointed, Mr. Chairman, in the following major areas of concern:

First, with respect to population growth in this country, which we look upon as the No. 1 conservation issue.

Mr. Morton seemed to express a view that this growth is inevitable. We don't feel that it is nor that it can be, if our other environmental goals are going to be met.

The CHAIRMAN. Right on that point, if I may raise a question. Very candidly, I think you know this has been completely distorted. If we had no population increase that we would face a crisis. This is because of the concentration of population.

Our No. 1 problem is the concentration of our people into limited areas. We tend to assume that if somehow we could bring about zero population growth, that we would solve the population problem.

I submit that with the concentration of people as we have today, wherein 70 percent of our people live on 1 percent of the land, if this trend continues, with no increase in the population, we are going to be in very deep trouble.

What is your comment on that?

Mr. BERRY. My comment, Senator, would be this: That if we continue to grow, those same concentrations that now exist on the two coasts and around the Great Lakes will exist throughout the country and then we will have absolutely no hope.

The CHAIRMAN. Well, Mr. Berry, I think the witness did respond by pointing out his interest in answer to my question, in the redirection of our population to get them away from the urban areas, to provide incentives to revitalize existing small towns and establish new communities.

Isn't this our No. 1 priority, really? You see, I think that our priorities get confused. Unless we do something about the concentration of our people in the limited areas, we are begging the question when we assume that the whole problem relates to population growth.

I think we face in other countries extremely serious population problems. No question about it. It goes way beyond the Malthusian problem. I think it goes to the question of survival.

Mr. BERRY. I would agree that we will have a population problem, regardless of whether we attain zero population growth as a goal. There will be problems even with the existing concentrations. There is only so much land, and if we continue to grow at the present rate, we will have more Chicagos, more Los Angeles, we will have the same concentrations elsewhere than on the two coasts that we now have on the—

The CHAIRMAN. Have you seen the recent figures on population growth, where it is leveling off? A lot of this business of scare-them-to-death techniques bother me. I notice that a lot of American corporations, who have based their plans for their growth business, have now reconsidered it because the population growth that they had anticipated is simply not there.

Mr. BERRY. The rate of increase is declining but the constant increase is still there.

The CHAIRMAN. What do you propose on the population, specifically? Are you going to say that families shall be limited?

Mr. BERRY. We believe there should be a very deep commitment by the national administration to achieving ZPG, zero population growth, and we think there are many ways this can be done.

There could be persuasive efforts by the President's office which are not now being attempted.

The CHAIRMAN. To do what?

Mr. BERRY. To urge people to recognize the problem and its implications.

The CHAIRMAN. We have the problem, but specifically, what are you going to do to achieve zero population growth?

Mr. BERRY. In the area of taxes there could be incentives.

The CHAIRMAN. What kind?

Mr. BERRY. Tax incentives. It could relate to exemptions in an obvious way.

The CHAIRMAN. What do you mean, you are not going to grant an income tax exemption beyond what?

Mr. BERRY. For new families, those which are not now in existence, exemptions for children could be limited to two per family. This is proposed by some people.

The CHAIRMAN. And you would have under those figures a population decline, wouldn't you?

Mr. BERRY. Only if everyone had just two children would that be true. I don't think that under those circumstances—

The CHAIRMAN. Let me ask you: What are you going to do? I have no religious problem, I favor the widest possible dissemination of birth control information. I think the families that are so large that they are not properly supported come in so many cases from ignorance and a lack of adequate information.

But you do run into some constitutional problems with religious principles. It doesn't affect my religion but I have to take this into consideration in respecting the rights of others.

I think you know certain religions are changing their positions, at least their adherents are, and I must say it bothers me, as a matter of conscience, to try to impose my views by compulsion, on others. That is what you are doing indirectly when you turn around by taxation to deny equal protection of the laws, and equal benefit of the laws.

Isn't that what you are doing?

Mr. BERRY. I don't think it would at all amount to unequal protection of the law.

The CHAIRMAN. Is it a proper area of discrimination that you stop tax exemptions, exemptions beyond a certain number? Isn't that an arbitrary and capricious act on the part of the Congress?

Mr. BERRY. No, I think not. I think the real tyranny will come when there are so many of us the quality of life declines altogether, and none of us has anything.

The CHAIRMAN. All right, we are bound to have our differences.

Do you know of anyone who has been elected to office on that program? [Laughter.]

Mr. BERRY. Senator Packwood, I think, has espoused views very similar to those that I have mentioned.

The CHAIRMAN. Prior to his election?

Mr. BERRY. From my understanding, yes.

The CHAIRMAN. Do you know anyone else?

Mr. BERRY. Not offhand.

The CHAIRMAN. We deal with the art of the possible.

Mr. BERRY. I haven't researched that subject but I would be happy to provide you with a list later.

The CHAIRMAN. I only have two. I don't have a conflict of interest.

I am not trying to be facetious. I completely respect your views. I am just trying to pass on my views and, of course, the problem of so many of these situations is that you know there are differing points of view, like the fellow who wrote the book and dedicated it to his liberal friends who thought him to be conservative, and to his conservative friends who thought he was a liberal.

Excuse me, go head.

Mr. BERRY. To continue the discussion on another point, we were quite disturbed by Mr. Morton's comments with respect to offshore oil drilling, and with respect to the Alaskan pipeline decision, and development of the North Slope.

His attitude, it seemed to me, was that even though we don't have the answers now, inevitably that there will be answers to the environmental questions raised and, therefore, we should push forward with offshore oil leasing and the Alaska pipeline.

It seems to me the priorities ought to be reordered, that we ought to be assured of environmental integrity before we move into offshore waters or before we commit ourselves to those many thousands of trips by tankers from Valdez to Puget Sound.

We have all sorts of promises from the oil companies and yet blow-outs and oil spills seem to occur almost weekly.

The CHAIRMAN. Would you let me ask you a question, because I think we tend to oversimplify the problem here.

It is not simply a matter of the tankers coming down from Alaska, because tankers will be coming from some place. Unless we are going to shut things down, a number of tankers will be coming across the ocean, if we are still lucky enough to get oil elsewhere, and they may well increase.

Would you go along if the pipeline went directly from Alaska across Canada into the United States where there were no tankers involved?

Mr. BERRY. I think this is certainly an alternative that should be investigated. I am not in a position to say I would favor it. But on the surface of things it would appear to be a much better solution if we must use that oil now.

The CHAIRMAN. Would you support that alternative?

Mr. BERRY. I don't know that I would. I am not in a position to make policy all on my own.

The CHAIRMAN. I meant you, individually. I don't mean for the club, because I understand that some of these questions you have not cleared, I gather, with your organization?

Mr. BERRY. Well, I think we would want to know what the impacts of that alternative would be.

One reason for opposition to the pipeline is there really has been no careful consideration of such alternatives nor has there been a very careful examination of oil needs in this country.

Mention was made earlier in this Senate hearing of our use of large automobiles. Only from conservationists have we heard it urged that there be different types of transportation systems. We should start immediately in this country to get away from our very heavy dependence on the automobile.

The CHAIRMAN. Well, I don't want to go into great detail.

I thought Congressman Morton, in response to the question, made it very clear that he felt, and you heard my comments earlier, that industry would have to make a maximum effort to show that all of the technological competence in this area has really been exhausted to provide the necessary safeguards in the movement of the oil, and he went into other details—I thought he did, this is my recollection of his response to the question.

Mr. BERRY. We were told the industry had done this with respect to offshore oil drilling, and then we had Santa Barbara and the Gulf of Mexico spills—two disasters in the last year.

We were told tankers are safe and yet tanker accidents occur almost weekly.

We just had a disaster in San Francisco which common sense could have avoided. So, frankly, we can't take the say-so of the oil companies because the record show they do not take safety as seriously as they should.

The CHAIRMAN. Go ahead.

Mr. BERRY. We were disturbed, Mr. Chairman, by Mr. Morton's comments with respect to water projects in the West, linking this up with his prior comments about the Grand Canyon.

We are quite apprehensive and want to know much more exactly what his thinking is about future developments in the West and in particular with respect to massive inter-basin transfers which we very strongly oppose.

The CHAIRMAN. He made that very clear. You will recall he said he was opposed to any such water diversion. I don't sit on this committee to miss that opportunity for clarification.

That, I think, was very clear in response, I believe, to questions by Senator Hatfield. I have a recollection of that.

Well, I appreciate your comments. We can't always agree on these things, but I certainly welcome your views here, as one member on this committee.

Mr. BERRY. I might say, Mr. Chairman, that this morning I made attempts on several occasions to obtain the transcript from yesterday which unfortunately was not available. It was our intent to very carefully examine the answers and compile a detailed list of things which still bothers us, and we will be happy to do this, whether or not Mr. Morton is confirmed.

The CHAIRMAN. All right. Thank you, Mr. Berry.

I have no further questions.

Senator Allott.

Senator ALLOTT. Mr. Berry, you appeared here, or your organization did to oppose the nomination of Secretary Hickel; is that correct?

Mr. BERRY. That is correct.

Senator ALLOTT. Are you satisfied with his performance as Secretary of the Interior, as far as conservation matters were concerned?

Mr. BERRY. No, Senator, we were not. He wasn't as bad as we had thought he might be, but he was far from what we would have preferred.

Senator ALLOTT. Did you ever propose yourself as Secretary of the Interior? That might be an answer to it.

Mr. BERRY. No, I haven't, Senator.

Senator ALLOTT. Some of the statements in your statement do perturb me considerably.

On the first page you say that "the President seems not to have consulted any recognized conservation group."

Did Senator Kennedy, then President Kennedy, consult with your group in the selection of Mr. Udall, a former Member of Congress, for Secretary of the Interior?

Mr. BERRY. That was somewhat before my time. I was not in the leadership of the club at that time.

Perhaps Mr. McCloskey would know.

Senator ALLOTT. I think if you will check you will find out he did not.

Mr. BERRY. Mr. McCloskey has the impression there was some discussion.

Senator ALLOTT. As I said, some of the things in your statement bother me considerably. It has appeared here, at this hearing, that Senator Jackson, as well as the present nominee, have both been chairmen of their parties. To imply that a man, because he was chairman of a party, is here and was in the Congress as a tool of the oil industry, or any other industry, is something that I think you should take a second look at. You might want to modify your opinions. As least you might want to modify your statement because this, in effect, is what you have said, that he is untrustworthy, because he was formerly a chairman of a party, that he might have received contributions from oil companies as a member of that party and that, therefore, he is untrustworthy as a Secretary.

I can see no other conclusion to draw from your statement.

Mr. BERRY. Senator, my statement does not use the word "tool." It does not speak in terms of untrustworthiness. It speaks in terms of a man's discretion perhaps being encumbered by contacts with, friendships with people in industries, particularly the oil industry; and, as you know, the Secretary of the Interior has vast discretion in areas vitally affecting the oil industry.

Senator ALLOTT. Well, you are getting into a game of semantics. I don't believe that any fair and impartial man could read your statement and draw any other conclusions.

I would be interested to know where you draw your knowledge about the oil shale reserves in Colorado.

Mr. BERRY. Where do I draw my knowledge?

Senator ALLOTT. Yes.

Mr. BERRY. I don't believe I said in the statement there are any in Colorado.

Senator ALLOTT. You said "rush to give away our oil shale reserves."

Do you know anything about the oil shale reserves in Colorado?

Mr. BERRY. I understand there are some oil shale reserves in Colorado, yes; in Wyoming, Utah, and throughout the West.

Senator ALLOTT. Do you know anything about the nature of them? Do you know anything about how they are located? Do you know anything about the geology?

Mr. BERRY. I don't claim to be a geologist, Senator, but I know there have been several methods proposed to extract oil. One uses atomic energy and the other involves chopping up the rock itself, a proposal I heard from an oil company executive.

Senator ALLOTT. Well, I would think before you set up another strawman you would at least have more knowledge about the subject. What you have done here in this statement is set up a series of strawmen with respect to these matters.

I once invited a member of your organization to consult and even gave him in a hearing the names of some people he might consult with

to get knowledgeable about this situation, and I would only hope that you would do it because, you know, being in one of the States which has the largest, as far as we know, high-grade oil shale reserves in the world, we are extremely interested in the environment which results from the development of that shale. In fact, our interest is a little bit in excess of yours. It is not an esoteric interest, it is a numerical interest. It is a very practical interest with us, and I assure you for one that whenever the oil shale production gets into effect in Colorado there is going to be a definite plan for the protection of the environment, and you can count on that.

Now, one of the things that does concern me is the bland assumption in your whole statement that we do not face any kind of an energy problem or crisis in this country.

Now, are you assuming, when you talk about Alaska, and when you talk about offshore production, that without the development of additional oil or gas reserves in this country, this country can continue to increase the power demands upon it at the present time?

Mr. BERRY. Senator, I believe if we had a true crisis with respect to oil in this country, and I know we will have one some day, because we are using those resources up at a very rapid rate—if we had a true crisis now, I think the proper response would be to eliminate the wasteful and prodigal use of oil which is everywhere in our country, the use of oversized automobiles, the making of plastic whatnots.

If there were a true crisis in oil today, I think we would put aside those extravagant uses first, and then talk about developing to the oil resources hard to get at.

What concerns me is that if in 50 years we have used up practically all of the resources in the contiguous United States, according to the oil industry itself. Now they want to move to Alaska, yet when we ask them "Are you doing anything to discourage those wasteful uses of oil?" they say "That is the job of Government."

I suggest that well it may become. If the oil industry is not willing to discourage the use of automobiles, to discourage the use of oversized engines, to discourage the use of all forms of petroleum products, indiscriminately I don't think future generations will have much to thank us for.

Senator ALLOTT. Well, I think you are begging the question. I agree with you and I, in spite of the fact that there are others who are better known as conservationists than I am, I think I am the only Member of the Senate that I ever heard speak on the Senate floor about getting some of the tankers off the street, some of the big gas-eating buggies. I don't recall any effort being made, and if your organization is really sincere about this, I will be happy to join you in it.

Economizing on the use of energy is exactly what Congressman Morton talked about for some length, and I thought this was his position. An energy crisis is not when you turn on the gas spigot on your stove and can't get gas, it is not when you need more power at the powerplant and you have to do without air conditioning or something else, that it is a period of 10 years before that, at least 10 years before that. That is when the crisis has occurred. That is when the crisis is. And that is where the crisis is occurring today, because the end of our gas reserves is in sight and unless we utilize other sources

of energy, Alaskan, offshore, or tankers, all of which you object to, I don't know where the energy will come from, do you?

Mr. BERRY. Senator, I think the thrust of Representative Morton's remarks was that that we should go after the Alaskan oil and, yes, we later should consider stopping the wasteful uses. I think those considerations should be reversed because all of the oil we have left will be necessary to provide our national security from here on out, not just for the next 10 years or next 20 years, or next 50 years.

To develop Alaskan resources for the same wasteful purposes now engaged in, is decidedly against the national interest.

It seems to me that national security demands we first cut wasteful uses, and husband those Alaskan resources as long as possible, and in the meantime use Middle East oil or oil from somewhere else, if we can.

Senator ALLOTT. You made a statement in response to a question by the chairman that only from conservationists has any attempt been made to get away from the automobile, and those are almost your words.

Do you want to modify that statement at this time?

Mr. BERRY. I said we asked representatives of the oil industry whether they would be willing to discourage improvident use of oil. The answer we got is that this is not their job. This answer I got from the chairman of the board of Atlantic Richfield Co., which is the prime developer of the North Slope, including Prudhoe Bay.

His answer was the Government should take on that responsibility.

Senator ALLOTT. Would you want to stand on that statement, only from conservationists have we heard any attempt to get away from the automobile and into new forms of transportation?

Mr. BERRY. I think by and large that is true.

Senator ALLOTT. Are you aware of hearings held by the Subcommittee of Appropriations on Transportation 2 years ago, by this Senator, by special authority of Senator Stennis, who is the chairman of that committee, in which we spent a day going into the development of the rapid transit system on the Eastern shore?

Mr. BERRY. I am not aware of the particular hearing, no.

Senator ALLOTT. Are you aware of the various extensive works that this Senator particularly has done both in the field of rapid transit and in mass transit, for the past few years?

Mr. BERRY. No, I am not.

Senator ALLOTT. For the past 4 or 5 years.

Mr. BERRY. I am not, Senator.

Senator ALLOTT. You don't read the papers; you don't read the magazines?

Mr. BERRY. I read both. I am disturbed that your interest in the subject is not shared by Mr. Morton, who has twice voted against mass transit.

Senator ALLOTT. Your indictment means that only a few people, who call themselves conservationists, have been interested in this.

I wonder if you are aware, and I am speaking for myself, and maybe I am tooting my own horn, but I am glad to do it, that through my effort, and the efforts of other people likeminded, that we put \$600 million into mass transportation budget for our appropriations for this year?

Mr. BERRY. Well, Senator, I think your efforts are commendable. In that respect I regard you as a conservationist.

Senator ALLOTT. You say that you weren't referring to me when you used the word "conservationist"?

Mr. BERRY. I didn't mean, necessarily, to exclude you.

Senator ALLOTT. Now you say a continuous hazardous atomic testing.

That matter went into the Federal court in Colorado, the Ruilison matter, and Judge Alfred Arraj refused to grant either a temporary or a permanent injunction against that shot.

I would be the first to agree that all peaceful use should proceed slowly and that the combined information obtained from each one should be combined and analyzed so that we know where we are going.

Why do you say that the Ruilison project is not real to the national security when you admit that we are at the end of our gas supplies in this country?

Mr. BERRY. Well, I don't think it is necessary to experiment in that manner, with nuclear power, in order to bring into play its benefits. Nuclear generators don't depend upon underground blasts; they depend upon entirely different processes.

Senator ALLOTT. Well, this has nothing to do with nuclear generation. This is solely for the purpose of breaking up the mass in that area, a very, very dense limestone which is found in sandstone formations.

Actually the blast is conceived as a way of trying to break up and free this gas.

Subsequent evaluation of this from everybody that I have had any contact with, and I have had contact with quite a few, is that it was a safe shot. There was nothing unusual. In fact, any emissions that have been found have been far below what they have anticipated.

Now, is it not a proper way to peacefully use nuclear energy, to try to find a real new source of gas in an area where they know that vast amounts of gas exist and they can only be broken up by nuclear energy, not by ordinary manner?

Mr. BERRY. Senator, I think extreme caution should be taken with any underground testing.

Senator ALLOTT. I agree with you on that.

Mr. BERRY. In Colorado, where testing is directly related to national security, there apparently were massive releases just recently indicating you have to exercise extreme caution with underground blasts of any type.

Senator ALLOTT. Well, I am aware of no massive releases there. I wish you would let me know about it.

Mr. BERRY. I meant to say "in Nevada." I said "Colorado"?

Senator ALLOTT. Yes.

Mr. BERRY. I beg your pardon. I meant to say "Nevada."

Senator ALLOTT. Mr. Chairman, I think that is about all I have on this matter.

I think I will send you a few little documents, just to inform you that there are some Members of the Senate, the Congress, too, that are extremely interested in getting individual automobiles off the highway, who have done a great amount of work in applying themselves to the subject of moving people rather than just automobiles and vehicles, and perhaps you will find some of these interesting.

Mr. BERRY. I am sure we will, and we will support your effort.

Senator ALLOTT. Are you aware of the high-speed test facility which has been established in Colorado?

Mr. BERRY. What facility are you talking about?

Senator ALLOTT. I didn't think anybody missed that. But there has been established by the Department of Transportation a high-speed test facility in Pueblo, Colo., or east of Pueblo, which is intended for the testing of the kind of future vehicular traffic that you are talking about, both in mass transportation, air cushion, high-speed trains, 200-300-mile-an-hour trains, and all sorts of high-speed transportation.

Perhaps this would be of great interest to you because it certainly would go along the route that you would like to see.

That is all I have.

Mr. BERRY. I was aware, Senator, there was such testing. I didn't know it was in your State.

The CHAIRMAN. Senator Stevens.

Senator STEVENS. When my good friend and former Governor of Alaska was before us, David Brower, who was then the executive director of the Sierra Club, accompanied by Mr. Lloyd Tuplin, who was your Washington representative, appeared before us, and I want to quote from the statement that he made. It is on page 271 of the hearings pertaining to Secretary Hickel.

He said:

Even if Mr. Hickel's latest professions of interest in conservation are given full credit, he will carry the greatest cloud of apprehension to the secretaryship in over 40 years. Even if the Governor tries to lead, will anyone follow, under the circumstances that now prevail? We can only conclude that it is most unlikely that the Department of the Interior can function effectively under leadership which has been open to so much public resistance.

He went on to say:

There is danger of irreversible action that can destroy this planet that we are supposed to live on. To lead a department so proud in scope, in which time is running out at so frightening a rate, the man must have scope too. There is not time to learn what we feel are the critical things a candidate for Secretary of the Interior should already know about the Nation's environment and its heritage.

Then in the Washington Daily News of November 27, 1970, there was a headline "Secretary Hickel Had Some Fans—Conservationists Liked Him."

Lloyd Tupling, Washington representative of the Sierra Club, said:

We held Hickel's seat to the fire at the time of his Senate confirmation hearings and he came on very strong, after he realized what he had to do. He turned out to be a darned good Secretary of the Interior.

In a Reader's Digest article, Robert O'Brien, talking about Wally Hickel, activist from Anchorage, said:

He has won high praise from the militantly conservationist Sierra Club for opposing construction of the proposed High Mountain Sheep Dam across the Middle Snake River on the Oregon-Idaho border.

My first question to you is: If your organization was so wrong about my good friend Secretary Hickel, aren't you capable of being so wrong about my good friend Rogers Morton?

Mr. BERRY. I suppose we could be wrong about anyone, Senator.

I don't think that you have accurately stated what the view of our club is about Secretary Hickel. There are some very good things he did.

Senator STEVENS. Wait a minute. I am not stating what your view is, I am quoting from the headlines and an article of Mr. Lloyd Tupling, representative of the Sierra Club, where he said, "He turned out to be a darned good Secretary of the Interior."

Are you refuting that now?

Mr. BERRY. I am not quarreling with Mr. Tupling but I am unsure that he actually said that. As you are aware, many times people are misquoted in the press.

Senator STEVENS. I wish your organization had realized that when you campaigned against me last year, as a matter of fact.

Could you tell me where you live?

Mr. BERRY. In Berkeley, Calif.

Senator STEVENS. And how did you get here?

Mr. BERRY. I flew.

Senator STEVENS. By jet?

Mr. BERRY. By jet.

Senator STEVENS. Do you own any automobiles?

Mr. BERRY. I have one car, yes.

Senator STEVENS. Does your wife have a car?

Mr. BERRY. Yes.

Senator STEVENS. And you are a two-car family?

Mr. BERRY. Yes, sir.

Senator STEVENS. Do you have air conditioning?

Mr. BERRY. No, sir.

Senator STEVENS. Do you have a heating plant?

Mr. BERRY. Yes, sir.

Senator STEVENS. Now, as I recall your organization opposed the Great Rampart Dam project in Alaska. I am concerned, because I don't think you have ever supported a hydroelectric project.

Has the Sierra Club ever supported a hydroelectric project?

Mr. BERRY. I can't think of any we have actively supported, but it is not our job to support hydroelectric projects, as such. We have opposed those we don't like.

Senator STEVENS. I have been involved in this game since 1952 and worked with your people through that whole period and I can never remember you supporting one, so let's move on.

As far as oil, you don't want the Nation to use Alaskan oil and I take it you even seriously question our using tankers from the Mideast or Venezuela to meet the current shortage of oil in the country, because if you oppose the tankers coming into the west coast, you must oppose the tankers coming into the east coast.

Mr. BERRY. Our opposition is to the use of the Alaskan oil for those improvident wasteful purposes that make up a sizable part of the current demand.

We are not unalterably opposed to the use of Alaskan oil but we don't want its use accelerated at the expense of the environment, because we could do without those wasteful uses far sooner than we can do without those things that would be destroyed by hasty development.

If we improvidently rush to develop it before there is adequate technology to prevent damage to the environment, a major mistake will be made.

Senator STEVENS. Well, don't you think conservationists have some responsibility in this country to recognize the need? We have an existing shortage of energy supply.

You oppose the water powerplant. I know you have opposed the thermal plants. You have opposed the transportation of Alaskan oil, and as far as I can see, I have never seen a constructive alternative solution for energy supply, from your organization.

I would be pleased to be corrected.

Mr. BERRY. Well, Senator, that we oppose some plants doesn't mean we oppose them all. With respect to 90 percent of all plants built we have said absolutely nothing.

Senator STEVENS. What type of plants, thermal plants? Where is the oil going to come from for a thermal plant?

Mr. BERRY. There have been all sorts of hydroelectric projects, thermal steam projects, other projects of the types you mentioned, about which we have said nothing.

We don't speak to every particular project. Nor is it our job to endorse projects.

We are interested in protecting the environment. If a project does not adversely affect the environment, we say nothing.

Senator STEVENS. Tell me, where is man in this environment of yours, assuming your ZPG. With the increased standard of living in this country there still must be an increase in demand for energy supplies, as Senator Allott has pointed out, and we have less than 10 years supply left in this country.

If we had been sitting here 10 years ago you wouldn't even have known about the Alaskan reserves, because of the incentives you people oppose. What are we to do?

We have drilled only three of the 15 basins in Alaska that could provide oil. Are we to stop looking for oil in this continent?

Mr. BERRY. There are several questions. May I answer each of them, please?

Senator STEVENS. Yes.

Mr. BERRY. First of all, with respect to where man stands, I thought my preliminary statement answered that.

We are interested in the quality of life and we are interested in the protection of the environment. That comes first.

Senator STEVENS. Does your organization place air conditioning and heating and automobiles and rapid transit systems and jet airplanes in that portion of the quality of life as well as the esthetic enjoyment of the outdoors, which I enjoy, obviously, being from Alaska.

Does it include the enjoyment of life, too?

Mr. BERRY. Certainly it does, Senator.

Material comforts can add to the quality of life in an economy such as we have, where frivolous material things, wasteful things are put ahead of the environment, a big mistake is being made. That we object to.

Senator STEVENS. Well, I hear this and I have respected your organization, but what is wasteful? Is air conditioning wasteful?

Mr. BERRY. In some instances it might be, yes.

Senator STEVENS. Have you people sought to limit that?

Mr. BERRY. We have talked to this issue.

Senator STEVENS. Are you trying to limit the supply of energy so somebody will lose it?

Mr. BERRY. We have talked to the issue of what are proper uses of energy.

For example, we oppose its use merely to fabricate new automobile styles each year. That, we think, is an utterly wasteful and improvident use of energy.

To make all the plastic whatnots and throwaway items requires a tremendous amount of energy. That we think is wasteful.

If people are concerned about national security, let them eliminate frivolous things before cashiering the environment in the name of national security.

Senator STEVENS. Mr. Berry, of the things you have mentioned, the zero population growth, the SST, the problems of limiting the automobile, the general problems that you mentioned, such as use of plastic—can you tell me what these have to do, really, with the Secretary of the Interior?

Do you believe that his jurisdiction ought to be encompassing—so encompassing that he has jurisdiction over the SST, for instance?

Mr. BERRY. No; I don't believe I have proposed he acquire such jurisdiction.

Senator STEVENS. Then does it disqualify my good friend, Rogers Morton, from being Secretary of the Interior, because he along with just about every member of this committee supported the SST?

Mr. BERRY. I think it reflects an attitude toward the environment. The SST, we feel, was an improvident proposal because it took money that could have been spent better elsewhere and put it into a program which would benefit very few people and yet harm the environment.

That money would have been better spent on studies on how to stop the wasteful use of energy.

Senator STEVENS. Again, I don't wish to embarrass you, but what is your business?

Mr. BERRY. I am a trial lawyer.

Senator STEVENS. Do you represent corporations?

Mr. BERRY. On occasion, yes.

Senator STEVENS. And you represent people who can pay your fee?

Mr. BERRY. Sometimes, and sometimes not.

Senator STEVENS. Do you feel that those people have inhibited you from being the head of the Sierra Club?

Mr. BERRY. No.

Senator STEVENS. You have obviously taken money from corporations. You have taken money from your clients; does this bother you, as the head of the Sierra Club?

Mr. BERRY. No. I have nothing against corporations, per se. I have nothing against people either.

Senator STEVENS. You seem to have something against oil corporations?

Mr. BERRY. I deplore the attitude the oil companies have toward the environment. If we didn't have oil spills in Santa Barbara and San Francisco and the Gulf, through admitted willful violations, 500 of them admitted in Federal court, I wouldn't care one way or another about oil companies. But as long as their attitude results in oil spills practically every week and blowouts practically every month, I can guarantee the Sierra Club will oppose them very hard.

Senator STEVENS. It is obviously getting late but I would like to ask you one last question.

You have said on page 3 of your statement :

Would he do anything to correct the precipitate Alaska pipeline decision (which obviously has been timed by the administration in an effort to avoid having an identifiable person bear responsibility for the mistake)?

I have several questions, and you can answer them one at a time, if you would like.

What was the precipitate Alaska pipeline decision? I haven't seen a pipeline permit issued.

Mr. BERRY. You are quite right, there is no permit as such, but there has been a report issued.

Senator STEVENS. What is the decision? The Interior Department filed a 102 statement, which was required by the suit that your organization filed in Federal court, and it only filed it on the preliminary basis, leaving it open to public comment so that you and other, any other person could come in and have your full views heard before it was finally filed in court.

What is the precipitate decision?

Mr. BERRY. Senator, my organization has filed no suit in Federal Court relating to the Alaskan pipeline.

Senator STEVENS. As far as I am concerned, it is the conservation organizations that filed that suit.

Mr. BERRY. Well, the conservation groups have separate identities. The several organizations that filed suit are separate from my own.

Senator STEVENS. I am pleased to hear you are not a party to that suit at all.

Mr. BERRY. We are at this time not a party to the suit. However, please don't interpret my remarks as disfavoring the action taken by the other organizations.

We interpret the report as being a decision to request permission and virtually, therefore, a decision on the permit itself.

Senator STEVENS. How do you conclude that the decision "obviously has been timed by the administration in an effort to avoid having an identifiable person bear responsibility for the mistake?"

Mr. BERRY. We think that there should have been a delay until the new Secretary could review it, realizing there would be public hearings on the matter, and that there would be pressure from conservationists to study and examine every aspect of that report.

Senator STEVENS. It is my memory, Mr. Berry, that the Alaskan pipeline decision was to go ahead with the pipeline sometime around February 1969; it is now almost February 1971, and we are still no further along than we were at the time it was first announced.

Do you think this is a precipitous decision that we are involved in to explore the filing, just to explore the filing of a 102 statement with the President's Environmental Quality Council? That is the only decision I know of that has been made.

Mr. BERRY. Well, the purpose of those statements, as I am sure you are aware, Senator, is to cover—

Senator STEVENS. I originally cosponsored the act with the chairman of the committee. I know full well what the act means.

Mr. BERRY. To cover the ecological bases. There are several respects in which that report doesn't speak to some very important issues. For example, the consequences of that tremendous volume of tanker traffic implied by having the pipeline end at a seaport. In that respect I think the report is very precipitous.

To say that at the time Secretary Hickel, in February of 1969 wanted to go ahead—

Senator STEVENS. I have to interrupt you. He did not want to go ahead in 1969. It was the oil pipeline company which filed an application.

As I understand it, he could have gone ahead at any time until this injunction was filed.

Mr. BERRY. Well, under the law he, of course, could only go ahead as long as the ecological bases were covered by a proper examination and filing of the report.

Senator STEVENS. You are incorrect again. The law was passed in December 1969 and became effective January 1, 1970, and was made retroactively applicable to the Alaskan pipeline by the court decision here in Washington.

In any event, I again ask you what is precipitous about offering a preliminary draft of a 102 statement under that law, and what is the mistake about it?

Mr. BERRY. In many respects, Senator, I think the report doesn't really cover the problem. No one knows whether 40 percent of the pipeline is going to be above ground, below ground, or how it is going to be built.

There are many unanswered questions here. We feel it would have been sounder to allow the new Secretary who will bear responsibility for the decision ultimately made, an opportunity to fill in those areas where the report is deficient.

Senator STEVENS. Well, as I understand it, the same volume of oil is presently coming in from the Middle East and South America, so all we are doing is substituting east and west coast tankers. Would you tell me, do you have any alternatives to having an Alaskan pipeline? Have you and your organization studied any alternatives to the Alaskan pipeline, or are you again, once again, just opposing?

Mr. BERRY. I think I have made the record clear about what we stand for, and what we stand against.

With respect to the question of alternatives, we hope not to be faced with just a single proposal as at present. We are asked to speak to a single pipeline proposal. No serious consideration is given to an all-land route alternative, which might be far preferable to the tanker traffic I mentioned.

We hope the discussion would be broadened to cover this and I made suggestions along this line to the director of the Atlantic-Richfield Co.'s Alaska operations back in September of last year.

We also hope alternatives to the present wasteful uses detrimental to national security will be discussed too.

Seriously, before we undertake to use up the Alaskan reserves for the same prodigal uses—

Senator STEVENS. I hope the day never comes you have to return to Washington by stagecoach because we failed to recognize the energy crisis. I really sincerely hope that. And another thing, I would hope that your organization would study the alternatives. They are set forth in the report. They are set forth in many documents that the oil industry had.

There is a 2,500-mile pipeline that could come into Chicago and I would be very interested in whether your people would oppose that, since 2,200 miles of it would be in Canada. I wonder whether

you really worry about the things you might have a political impact on or whether you are really worried about the earth. Do you want to take the tankers through the Bering Sea and Gulf of Alaska, through the world's largest fishery resource, through the last of the sea mammals and risk an icy spill from tankers? But I must hasten to tell you that the tanker mileage of the world is the safest means of travel known to man.

If you want to be safe in this world, travel on an oil tanker because they have about the best accident record in the world for miles traveled for the commodity carried.

I would like to have you explore some alternatives. All we ever see in Alaska is that you are opposed. You are opposed to our pulp mills, you are opposed to the gas pipeline; you are opposed to our water resources project. You seem to be opposed to everything and we take it that is basically because you really haven't studied the total situation to know we have taken the least objectionable alternative for the future of Alaska.

Mr. BERRY. We are in favor of the environment.

The CHAIRMAN. Senator Fannin.

Senator FANNIN. I do not want to prolong the discussion but I would like to ask Mr. Berry a few questions.

I am just wondering where you obtained your information regarding Congressman Morton. I have known him for a long time. I am a great admirer of his. I have known him as a committed conservationist, and you say here he is not a distinguished, nor a committed, conservationist.

It so happens that he has made talks around the country; in fact, at the Sunday Evening Forum in Tucson, Ariz. One of the largest forums we have in our State where we have had quite a number of Senators and people in high positions of Government, he talked on this very subject and made one of the finest talks I have heard on conservation and environmental projects.

This is something that I understand he has talked about continuously throughout the country.

Were you aware of that?

Mr. BERRY. I am aware of many statements he has made.

Senator FANNIN. Campaigning for environmental programs.

Mr. BERRY. Senator, I am aware of many things that many politicians have said about the environment. It has become a popular thing.

Senator FANNIN. I don't think you have talked about the same Rogers Morton I know when you make these statements.

It seems ludicrous you would make statements such as this. I am very serious when I say he is quoted in the Congressional Record in favor of the dams on the Grand Canyon. I wish we could have had his great support on those dams. He did travel around through the Grand Canyon and made a point to find out what was involved.

The Sierra Club made a point to condemn everything we were trying to do with the Grand Canyon, but then you favored having some coal-fired powerplants rather than the other. He didn't take into consideration any alternative. Like you are saying now, you are not supposed to offer an alternative.

Do I understand you have made a statement that you were not offering alternatives, you were just opposing, when you talked about some of the programs that were brought up by Senator Stevens?

Mr. BERRY. Senator, I think I did mention alternatives, alternatives to the wasteful use of oil. I suggest there be a more detailed examination, than in the preliminary report of an all-land route.

Senator FANNIN. How about the coal-fired powerplants as against the hydroelectric plants?

Mr. BERRY. Should this alternative be considered?

Senator FANNIN. Rather than have a hydroelectric plant, would you favor having a coal-fired powerplant?

Mr. BERRY. We think the alternative ought to be considered.

Senator FANNIN. Of having the coal-fired powerplants?

Mr. BERRY. Yes, sir.

Senator FANNIN. We are up against that now. At the time you were opposing the dams on the river and lakes and something to beautify the area, you had great opposition. You were willing to accept the coal-fired powerplant program. But now what are we doing? Can we just continue this program without your opposition, now?

Mr. BERRY. You are talking about the Four Corners powerplant, one of the biggest single air polluters in the world. We are quite concerned about that.

Senator FANNIN. Why weren't you concerned about it when you were talking about having a hydroelectric plant, having a dam on the river? Congressman Morton was interested enough to go out and find out what he was talking about before he made any statement—he went down that river, he took several days to make this determination. When we asked the leader of the Sierra Club at the time of the dam controversy whether he had ever been in the area, he said yes, but when we questioned him completely we found out he knew very little about the area, yet he was willing to condemn it.

I wonder why your association is so anxious in fact to condemn both Congressman Morton and also the oil industry, or other industry. I know you have great support from some of the oil industries, and people in the oil industries. I think one of those is a former president of the Standard Oil Co. of California who was quite a supporter of the Sierra Club. I can't think of his name at the moment but I know he was given credit as having great influence working with conservationists and environmentalists.

Mr. BERRY. Senator, you have said several things. I won't attempt to answer them all, although I think I can. Let me focus on the important things.

With reference to the powerplant in the Four Corners area, our mentioning this as an alternative to dams in the Grand Canyon I don't believe can be taken as any endorsement of the present situation. The plant is one of the biggest stationary air polluters in the world. We oppose and we will continue to oppose pollution. There is no inconsistency between that opposition and our earlier suggestions of that plant as an alternative to dams in the Grand Canyon.

With reference to our attitude toward oil companies, yes, we have a very strong point of view because the environment is being wrecked. It is being wrecked week by week, and month by month, and as long as that goes on I can guarantee the Sierra Club will be opposed.

Senator FANNIN. Are you taking the position that something can be done about that? For instance, when you talk about opposing it, isn't there something that can be done as far as containing those pollut-

ants so that they do not pollute the atmosphere and we do not have that serious problem?

Do you realize that the Department of the Interior has continuously advocated in the strip mining and the other programs that are involved in the development of our power that we take every precaution possible and that we set up standards in the Congress as to what can be done about the elimination of the emissions that have been proposed by all of us.

We all are very much involved in the fight to see that we do not contaminate the atmosphere. We are very proud of Arizona. I just hope we can retain the beauty of the area and all that is involved in the environment as far as air is concerned. So you see we don't take a different position than you do on that. We don't condemn everyone by saying they are not going to help do something about it when in fact they have been doing something about it.

Mr. BERRY. We will be very happy to work with you, Senator, to eliminate the air pollution which causes us to question whether there should be more plants in the Four Corners area, and how the existing ones should be operated.

Senator FANNIN. What I am referring to is why you did not, at the time that we were talking about a hydroelectric powerplant, weigh the differences in the environmental problems.

Mr. BERRY. Well, I don't think it was known at that time the present air pollution problem would result, nor do I know at this time that it is necessary to operate that Four Corners plant as the biggest air polluter in the world, or one of them.

I think it would be possible, with the application of technology, to do a better job than they are doing there.

Senator FANNIN. I think if you will look back in your records you will find that he did make statements in this regard and he was not condemning the powerplants as compared to the condemnation of the dams on the river.

Mr. BERRY. That may very well be true, Senator, but I don't think it can be taken as Mr. Brower's endorsement of the present situation, which is a very bad one.

Senator FANNIN. I just feel if you took into consideration Rogers Morton's experience and his work on these environmental problems, you certainly would have a completely different attitude toward him.

Mr. BERRY. Well, I can assure you we have examined his entire record and our comments are made after examining it as carefully as we could.

Senator FANNIN. I have examined your statement and it is certainly a distortion of the facts.

Mr. BERRY. I am afraid we differ as to whether it is a distortion.

The CHAIRMAN. Any further questions?

Do you have any further comments, Mr. Berry?

Mr. BERRY. Yes; I would like to offer to the committee, if they don't have already a copy, what is entitled a background supplement to my statement, which gives specific reference to the Congressional Record, for each of Mr. Morton's votes that I mentioned.

The CHAIRMAN. That will follow—without objection it will be included in the record following your formal statement, which you read to the committee.

The CHAIRMAN. Any other comments?

Mr. BERRY. Nothing further.

Senator GRAVEL. Have you made any statement at all on the study that is presently underway for the pipeline, the gas pipeline, and a possible oil pipeline through Canada, down the McKenzie Trench?

Mr. BERRY. I am aware that the existing document of the Interior Department touches on this very briefly. We are disappointed that possible alternatives were not explored more fully.

We are disappointed the possible alternative of a railway was not explored thoroughly.

Senator GRAVEL. I think it should be noted that the Government hasn't explored anything. I certainly felt the Government should have done its own research in this regard. But with respect to the railroad, the oil companies themselves have done their research and came up with a negative on it and then pursued the pipeline.

I am also aware of the fact that they were discouraged because of the political ramifications of going through Canada, initially, and some oil executives actually preferred going the all-land route through Canada. But now because of other considerations and the gas market in the Midwest, they have now opted at least toward the study of a gas line down to the Midwest. Certainly the Government could probably do some research. It would primarily have to be in concert with the Canadians. But your organization, which is international, could certainly do something in that regard, and really you would have a very strong testimony because the better route, of course, goes through the wildlife preserves rather than down through three mountain ranges to get over to the McKenzie Trench, and if the gas line does become a point at issue, I would hope to see your organization give testimony for the coastal route which would do the least amount of denegation to the environment, if we have to have a gas pipeline.

Mr. BERRY. Well, I certainly agree there ought to be very thorough examination of all alternatives to the present proposal, which I am afraid commits the central and south coast of Alaska to massive oil spills in the future.

Senator GRAVEL. There are a lot of fishing interests that have some concern but the only research that has been done of any scope has been the research done by industry and not by Government.

So certainly any views you had toward encouraging a broader, or an alternative, I think would be legitimate and proper and I would hope to see your organization as a vanguard in developing the fire to affect the necessary research on an all-land route down to McKenzie. But there is a \$12 million study going on right now, entirely funded by the oil companies in question. I believe there are eight or nine of them that are paying the tab on this and they have received no encouragement from the Government that I know of, or from your organization. They will come up with a decision that will obviously suit their economic interest best, and that is to be expected.

Mr. BERRY. I hope that the oil companies, Senator, will not press for granting of a permit for a pipeline to Valdez until this \$12 million study you speak of—

Senator GRAVEL. They have already. I think the fact is they already have. They bought the pipe for the Valdez route. I, like you, would like to have seen the economics involved to an all-land route, but that

was not the case because they received no encouragement or no incentive through any other area.

I think if you would lend your voices to a broader examination of the Canadian route, it might have some impact.

Mr. BERRY. Perhaps you weren't present, Senator, when I commented earlier, that in September of last year I suggested to the man in charge of the Arco Alaskan operation that there be a much broader discussion of alternatives, including an all-land route, and Mr. Brower, formerly of our organization, has made a similar suggestion.

Senator GRAVEL. I hope you will comment on this study which I think will be partially completed within the next few months, that Arco is involved in and also make some comment upon their recommendation for land route for the gas line.

Mr. BERRY. I am sure we will.

The CHAIRMAN. Any further questions?

Mr. Berry, if you have anything else you wish to put in the record and say, and the same for Congressman Morton, any supplementary comments or pertinent or relevant statements that you wish to put in the record, permission is now being granted for that purpose.

Mr. BERRY. Thank you, Senator. We have nothing further.

The CHAIRMAN. If you do, and I think if you go over the record, you may wish to make some changes. The same applies to Congressman Morton. In all fairness, any appropriate supplements or any other matters that you wish to be placed in the record, permission is now being granted.

(The background supplement referred to by Mr. Berry follows:)

SIERRA CLUB,
San Francisco, Calif., January 20, 1971.

BACKGROUND SUPPLEMENT TO SIERRA CLUB PRESIDENT PHILLIP BERRY'S CRITICISMS
OF THE PUBLIC RECORD OF ROGERS C. B. MORTON

This discussion follows on a point by point basis the criticisms made by President Phillip Berry in his statement presenting the Sierra Club's views on the nomination of Congressman Rogers C. B. Morton to the post of Secretary of the Interior.

1. "Morton was quoted in the Congressional Record as favoring dams in the Grand Canyon." The material inserted in the Record was a story from the August 1, 1967, Arizona Republic in which Morton was quoted as saying "I voted against (the Grand Canyon dams) . . . but now, after getting a firsthand look at the country, I'm convinced that the recreation advantages on the river with the dams are tremendous."

2. "He actively supported and voted for the environmental destructive SST program." Morton voted for the SST on two occasions. On May 27, 1970, Morton voted for the SST on a 176-162 roll call vote. On December 8, 1970, Congressman Yates offered a motion to instruct the House conferees to accept the Senate version of the Department of Transportation appropriations, which had no funds for the SST. Morton voted to kill the motion, which was accomplished by a 213-175 vote.

3. "He cosponsored the so-called National Timber Supply Act, a blank check to the logging industry, to be drawn on our national forest reserves." The National Timber Supply Act would have given private logging corporations a mandate to cut more timber quickly in our National Forests with complete disregard for environmental quality. Morton was a cosponsor of the legislation, but was not present when the measure was defeated in the House on a 228-150 vote.

4. "He has received campaign contributions from the timber industry." Among the contributions Morton received in his 1968 reelection effort was \$300 from the Forest Products Political Education Committee.

5. "He voted to weaken the 1970 Clean Air Bill." Numerous efforts were made to strengthen the 1970 Clean Air Amendments on the floor of the House. The proponents of a strong measure, similar to the bill passed by the Senate, attempted to halt progress on the far weaker bill that emerged from the House Committee by denying it a rule. On June 10, 1970, Morton voted to pass the weak bill, thus foreclosing any chance for action on a stronger measure.

6. "He voted against the 1962 Clean Air Act." This legislation passed the House on a 273-103 vote on July 24, 1963. Morton voted "nay."

7. "He worked actively to defeat strong estuary protection legislation." On October 3, 1966, the Estuary Preservation Act reached the floor of the House of Representatives. Congressman Morton was instrumental in defeating this piece of needed legislation on a 209 to 108 vote, only three votes short of the two thirds needed for passage under suspension of the rules. (For discussion on this legislation see Congressional Record, House of Representatives, 1966, p. 28588.)

8. "He voted against creating the Indiana Dunes National Lakeshore." The bill to create the Lakeshore passed the House on October 14, 1966, by a vote of 204-141. Morton voted with the minority.

9. "More than once he voted to reduce Department of Interior appropriations." On April 6, 1966, and on May 21, 1968, Morton voted to reduce departmental funds.

10. "He voted to reduce funds for mass transit in 1966." The key vote on this subject was on August 16, 1966, when Morton joined a 204-161 majority in trimming mass transit funds.

11. "He voted to reduce funds for mass transit again in 1970." On September 29, 1970, the House voted to reduce mass transit funds from 5 billion to \$3.1 billion. Morton voted with the majority.

12. "He voted to weaken the 1965 Highway Beautification Program." Morton voted against highway beautification on two separate roll call votes on October 7, 1965. He voted for an amendment that would have removed the program from federal jurisdiction, and then voted against passage of the program itself.

13. "He voted again to eliminate funds for highway beautification in 1968." An amendment to deny all highway beautification money except for minimal study funds was passed by the House on July 3, 1968. Morton voted for the amendment.

14. "He voted to eliminate the model cities appropriation in 1966." Morton voted against the Model Cities program on two separate votes on October 14, 1966.

The CHAIRMAN, Mr. Antonio B. Won Pat, who is Guam's representative here, asked to have a statement placed in the record supporting the nomination, which is being placed in the record at this point.

(The statement follows:)

STATEMENT OF ANTONIO B. WON PAT, GUAM'S REPRESENTATIVE IN WASHINGTON, D.C.

Mr. Chairman and members of the committee: I am pleased to support, on behalf of the 100,000 American citizens of Guam, as well as personally, the nomination of Congressman Rogers C. B. Morton to be the Secretary of the Interior.

I have known Secretary-designate Morton for many years, both as a Member of Congress and as a friend, and I am sure that the people of Guam share my opinion that he is eminently qualified by character, experience, and temperament to assume the duties of this high office.

In the more than two decades in which I have been privileged to represent, in one capacity or another, the people of Guam before this Committee, many men have been honored to hold the position of Secretary of the Interior. While all have served our country well, few, in my opinion, have come to the job with such a tremendous background of knowledge and sincere interest in the affairs of America's Territories as does Secretary-designate Morton.

While a valued Member of the House Interior Committee, Secretary-designate Morton more than proved his deep concern for the welfare of the Guamanian people when he co-sponsored the bill which succeeded in authorizing the territories of Guam and the Virgin Islands to elect their present Governors; promoted legislation to provide land-grant status for the University of Guam; and made a number of visits to our Island to meet with local officials and private citizens.

As the elected Representative of the people of Guam in Washington, I stand ready to work with this great American in continuing the enhancement of our economic, social and political growth and development. Permit me, then, gentlemen, to urge that the Committee recommend his confirmation by the Senate.

Thank you.

(Subsequent to the hearings, the committee received Mr. Morton's reply to Mr. Berry's points raised in his testimony.)

THIS STATEMENT IS SUBMITTED BY CONGRESSMAN MORTON IN RESPONSE TO THE STATEMENT AND SUPPLEMENTARY MATERIAL PLACED IN THE RECORD OF THESE CONFIRMATION HEARINGS BY MR. PHILLIP BERRY, PRESIDENT OF THE SIERRA CLUB

I wish to make it perfectly clear that I endorse the right of organizations like the Sierra Club to make their views known when major decisions are under consideration by all levels of government. The exercise of this right is a basic part of our system of government and it should be encouraged wherever and whenever possible. The Sierra Club has played an important role in the field of conservation and as Secretary of the Interior, I will look forward to the advice and counsel of it and the other major conservation organizations.

In regard to the specific items cited by Mr. Berry, I have the following general comments. The use of specific single votes on broad issues or programs taken out of the context of the parliamentary situation does not offer a true picture of the legislator's position on the subject. One can, in good conscience, vote against issues cited by the Sierra Club for reasons of fiscal responsibility, opposition by the Executive Branch, representation of constituents, and other logical considerations, and still be a good conservationist. For example, a very worthy cause can be represented in a bill but last minute additions of large sums of money, exceeding those called for in the President's budget and those deemed necessary by the Appropriations Committee, can make the bill no longer acceptable. The passage of legislation, which for obvious reasons will not be funded can be most deceiving to the public.

The CHAIRMAN. The committee will now go into executive session with Congressman Morton, to consider the financial statement that has been submitted, and act on the nomination.

(Thereupon, at 4:45 p.m. the committee proceeded to executive session.)



