

RICH COAL LANDS AT STAKE

THE STORY OF PINCHOT'S FIGHT

The story of Pinchot's fight is told in a Washington dispatch to the New York World as follows:

Washington—Secretary Ballinger's aids in the general land office now believe that they can bring the contest between their chief and Forester Gifford Pinchot to an issue within two months. October 15 has been set as the probable date for the beginning of hearings in the now famous Cunningham case, which involves the question of the ownership of more than 5,000 acres of land in Alaska and about 57,000,000 tons of coal. Unless Pinchot decides to resign, or retires as the result of a presidential hint, before a decision in this case is reached, the verdict will determine who is the real power in the work of conservation, the secretary of the interior or the chief of the forest service.

If the hearings planned to begin in October result in the confirmation of the claims of Clarence Cunningham and his associates to the ownership of the Alaska coal lands, Pinchot and his associates in the forest service will find themselves handicapped in their charges against the methods of the interior department. If the final decision hands over the immense tract to the federal government the officials of the interior department will have proved the sagacity of their openly announced program.

The present fight of the month's old feud between Ballinger and Pinchot is the result of a marked difference of opinion concerning the plan of campaign to be employed by the government against the Cunningham interests. Secretary Ballinger's assistants state that the interior department is in a position to carry the case to a successful issue for the government. They predict that the evidence they have in hand is sufficient to defeat all the claims of the Cunningham crowd. The interior officials apparently feel sufficient confidence in the result of the coming investigations to mention specifically some of the testimony their agents have dug up against the claimant of the Alaska coal field. Thus far their attitude toward the forest service is defensive rather than offensive.

On the other hand, the hints, veiled as they are, that are emanating from Mr. Pinchot's bureau, are undoubtedly directed at Secretary Ballinger and his assistants. Every bit of information obtainable from forest service sources shows that the responsible men of this bureau believe that the interior department is in no position to make good its announced program in the Cunningham case. The forest service men appear to be convinced that the interior department will ruin the government's chances of securing the Alaska tract by pursuing its present policy of haste. No member of the bureau, however, up to this time has been bold enough to prefer any charge that Secretary Ballinger is hurrying the Cunningham cases to a final decision with the design of aiding his former clients to secure their claims before the government can secure sufficient evidence to win a victory.

The records of Secretary Ballinger's connection with the Cunningham syndicate are on file in the interior department. There has been no disposition on the part of either the secretary of the interior or any of his assistants to deny that he was in the service of the land claimants during the interval between the close of his term as commissioner of the general land office and the beginning of his service as a member of President Taft's cabinet. So far as can be discovered, Mr. Ballinger's activity in this case was confined to the preparation of an affidavit which was practically a history of the formation of the syndicate with a specific description of the thirty-three coal land claims now in litigation.

This affidavit was drawn in the Seattle office of the law firm of which Mr. Ballinger is a member. When the Cunningham attorney came to Washington as secretary of the interior he found the case of his former clients confronting him for decision. He announced that he would have no part in the proceedings against the Cunningham crowd, and turned over the whole matter to Assistant Secretary Pierce. The final decision, which will be rendered by the interior department, in accordance with the evidence presented by Commissioner Dennett of the general land office, must be handed down by Mr. Pierce.

The Cunningham claims have been before

the interior department for about seven years. While Mr. Ballinger was commissioner of the general land office they were awaiting decision. Secretary Hitchcock refused to recognize the claims of the coal syndicate, as did Secretary Garfield. The fact that the claims have been on file for so long is pointed by officials of the interior department as a refutation of any charge that the cases are now being pushed with undue haste.

Clarence C. Cunningham, the promoter of the coal land project, and his associates filed their Alaskan claims in 1902. Cunningham, a well known Idaho prospector, had taken a trip to Alaska on the lookout for "something good." About thirty miles north of Katalda, close to the southern coast of the territory, he discovered a very rich coal field. The best part of the field was nominally held by thirty-five prospectors, each of whom had filed a claim to 160 acres under the mineral land laws, the only procedure with which they were acquainted. Cunningham realized that claims to coal lands filed under this law were valueless. However, the prospectors were paid for their claims and Cunningham, with thirty-two associates, filed claims to 5,280 acres of the tract under the coal land laws. The tract to which these men lay claim contains a vein which in some places is sixty feet thick. It is estimated that the thirty-three claims contain about 57,000,000 tons of the finest grade of steam coal.

Before the Cunningham claims were filed, however, the interior department officials assert that the thirty-three men entered into an agreement to turn their lands over to a corporation as soon as they could secure patents to the various tracts. The interior department insists it has absolute evidence that this association was formed before the claims were filed. This, it is asserted, is in violation of the law. Attorney General Wickersham has given an opinion to this effect. The evidence is regarded by the department officials as the strongest argument in the government's case. The law passed by congress in May, 1908, is looked upon as a very strong second line of attack. This law limits contiguous holdings of coal lands by individuals and associates to 2,500 acres and also contains a strong anti-combination clause. The Cunningham claimants are expected to insist that this legislation, enacted after the filing of their claims, can not affect their case. The government, however, has long pursued the policy of denying to claimants any status of consideration until after the issuing of patents for the claim filed.

Although neither the interior department nor the forest service will make a direct statement concerning the identity of the corporation which was to take over the Cunningham holdings, there are indications that the Guggenheims have evinced a lively interest in the coal contracts north of Katalda. It is asserted that the Guggenheim people have paid the expenses of inspection trips throughout this territory.

Although a fight between Ballinger and Pinchot was bound to come sooner or later, the Cunningham case would not have presented the opportunity had not President Roosevelt, on the last day of his term of office, issued an executive order extending the boundaries of the forest reserves in southern Alaska. This order served to place between 1,000 and 2,000 acres of the Cunningham tract within the jurisdiction of Forester Pinchot. It was in this way that the interior department and the forest service got their lines crossed. The officials and agents of the forest service have free access to all the maps and documents of the interior department which deal with the territory under the supervision of the service. Some of the documents discovered by the forestry people since the beginning of the present administration, according to the whispered charges made by Mr. Pinchot's men, led them to believe that Mr. Ballinger was permitting too much haste in the disposition of the Cunningham claims for the good of the government's interests.

It is known that one of the agents of the general land office recently has been converted to this belief either by his associates in the forest service or as a result of his investigations. This agent sent a letter to Commissioner Dennett protesting against the course pursued in the interior department. His criticism did not result either in his removal from the service

or his withdrawal from the Cunningham tract. An assistant was sent to aid him in his work. The interior department officials will make no statement concerning this incident. Some of the forestry service officials are willing to say anonymously that Mr. Ballinger's department is afraid to take any action against the critical agent.

The hearings which the interior department hopes to have started by October 15 will be held in several cities. The task of taking depositions is expected to be a tedious one, and it is probable that the entire amount of evidence will not be in the hands of Commissioner Dennett for several months. Then the commissioner's recommendation will go to Assistant Secretary Pierce, who will have to decide between the government and the old clients of his chief.

GOVERNOR PARDEE'S TREASON

Governor Pardee is guilty of treason—high treason. He has dared to criticize "the government," because he has criticized Secretary of the Interior Ballinger. Worse than that, he has spoken for the common people and against the interests, which is even a worse form of treason than criticizing the administration.

California was well represented at the national irrigation congress by Governor Pardee. He stands with Pinchot and with the men of true progress. He stands against Ballinger and the corporations and special privilege seekers. No wonder the Southern Pacific political machine cheated him out of a renomination for governor.

Careful of the interests of the interests, Ballinger has reversed the common-sense policy—or principle—of reserving public lands for the people. These lands, said Governor Pardee, have again been thrown open to land grabbers, and each tract has a water-power site.

"I do not oppose private enterprise in the development of these sites," Dr. Pardee said, "but I do oppose giving away immense rights to private corporations, which in a few years will hold the same political control over cities and states that railroads now hold as a result of the magnificent gifts made them when they were asking for help to construct. We know the corruption which has resulted from railroad control. Shall we now hand out to a new form of corporate power our institutions?"

Not only California but all the states were well represented by Governor Pardee at Spokane. President Taft would do well to dismiss Ballinger and appoint George C. Pardee as secretary of the interior. The people should be represented in that office.—San Francisco Star.

UNDER WHICH FLAG?

Chief Forester Gifford Pinchot has declared war on the public-land policy of Secretary of the Interior Ballinger, who is evidently acting for the land grabbers, the monopolists seeking to control the water power sites. The big land grabbers, the water-power grabbers are against Pinchot, who asserted at Spokane last Tuesday that the Ballinger policy is merely playing into the hands of the interests. Pinchot took a stand unequivocally for the preservation of the public rights.

To the extent that Pinchot is a politician, he is one in the best and the original sense of that term—one who recognizes that politics is the science of government. Ballinger appears to be a "mere politician"—that is, a man who dabbles in public affairs for the promotion of private ends. President Taft is responsible for Ballinger. Possibly he did not discover that wonderful man, but accepted him on the credentials of persons interested in having a representative, or at least a friend, in the department of the interior; a friend who would stand with and for the land grabbers and the water-power grabbers.

Pinchot is a hold-over from the Roosevelt administration. He is hated by the grafters of special privileges, by the water-power pirates. We accept and endorse without reservation the statement of Senator Chamberlain, of Oregon, that "it would be a public misfortune to deprive the government of the services of either F. R. Newell, chief engineer of the irrigation work, or Gifford Pinchot, chief forester."

We believe Senator Chamberlain is correct when he says that "the interests are plotting to have Pinchot ousted;" that in his speech at Spokane "in which he told how the interests were trying to gobble up the water rights, he told the truth;" and that "the interests are not only trying to grab these water rights, but, by thunder, they're actually getting them." It is to the grabbing and getting of these water rights