

CANCELLATION OF GARFIELD ORDER

Secy. Ballinger Says Action Was Promotive and Not Subversive Of Conservation Policy.

WAS THE LOGICAL THING TO DO

Withdrawal Ordered by Present Secretary Protected 50 Per Cent More Sites Than Did Other One.

Washington, Nov. 7.—"My cancellation of the Garfield withdrawal of a million and a half acres and the substitution thereof a withdrawal order withholding from settlement location or entry 300,000 acres was wholly promotional—not subversive—of the conservation policy." It was the next logical step in the prosecution of the policy of conserving the water power on the federal domain and one which Secy. Garfield must have taken had he remained in office. The first order was a blanket withdrawal issued to meet an emergency, and without taking time to ascertain just where the power sites were located. Intelligent prosecution of the policy demands that as soon as possible the power sites be located and then be not needed to protect them to be restored to entry.

This statement was made today by Judge Ballinger, secretary of the interior, when asked for an explanation of his widely discussed revocation of the Garfield order.

AN EMERGENCY ORDER.

"That the Garfield withdrawal was a tentative and emergency order in obvious from the nature of the cause connected with it," continued the secretary. "There were a number of instances where land 20 and 30 miles from the streams were withdrawn from settlement under that order. Again portions of the streams were not withdrawn at all. Take the case of the Owyhee river in Oregon; 40 miles of it were skipped entirely while another 20 miles where the stream is almost level and no power could be developed was included. Then again, many thousands of acres which had been patented—that is, had passed completely from the possession of the government—were included. You must see, therefore, that it would be an unwarranted reflection on Secy. Garfield to assume that he would not have done precisely what I did—namely, to make a plausible place where the power sites were actually located, and issue a new order withdrawing them from settlement, and restoring to entry all lands not needed for that purpose."

"Mr. Secretary, it is ascertained that you first revoked the Garfield order, about April 7, and did not issue your new order until May 4, and that on that date you issued that affording to those who would secure possession of the water sites to do so in the interim. Is that correct?"

"That is only partly correct. The withdrawal of more than a million acres not needed to conserve the power sites raised a storm of protest. On investigation, it was found that the withdrawal was unauthorized. I found, further, that by utilizing the geological survey, instead of the reclamation service which has been employed by my predecessor, I could secure accurate information as

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to the location of the power sites. On consultation with the legal officers of my department I found that I could make withdrawal orders retroactive, that is, that I could issue withdrawal orders later which would effectively protect any power sites within any entries which might have been made in the interim. I then issued an order when called on for information as to the actual location of power sites, reported that they did not possess any and recommended that the lands withdrawn be opened to entry without the usual notice, as the lands had been withdrawn only a short time. Omission of the notice is optional with the executive departments, but the administration has been very particular with its notices.

The retroactive provision of the subsequent withdrawal operated completely to conserve the sites, even during the interim. As I have said before, not a single power site has passed out of the possession of the government during this administration.

WHAT ORDER DID.

"As a matter of fact, the withdrawal ordered by me protected 50 per cent more power sites than were conserved by the Garfield order. This implies, understand, no criticism of the Garfield order. It merely shows conclusively that the Garfield order was tentative and that any friend of the government who has been involved with more intelligent withdrawals as soon as he could acquire the data on which to base them. I speak of withdrawals because there were a number of them. My first withdrawal order

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was dated May 4, 1909, and the last, which included any of the lands formerly withdrawn June 18, 1909, but each of the sites contained in the land area, all existing claims, filings, entries are temporarily suspended. As a matter of fact, there was not a single filing made on a power site during the interim. On the other hand, the restoration to entry of over a million acres of land not needed to protect the power sites affected widespread movement and thus avoided unnecessary making energies for the conservation policy. In view of the fact that we are dependent on Congress for that legislation needed permanently to protect the power sites, it must be obvious that it is highly important for this department to handle the matter with tact and make as few enemies as possible. Finally, we have made 25 additional withdrawals in entirely new territory."

In the light of your explanation, Mr. Secretary, it seems extraordinary that your course should have been so widely misunderstood, and so extensively misrepresented. To what do you ascribe the misunderstanding?

NOT ENTIRELY BLAMELESS.

"There were a number of factors which contributed to that end, some of which I am not at liberty to discuss. I cannot hold some representatives of the press entirely blameless, and cannot say that men in the Senate have not tried to hold me up. It is particularly inevitable that at the beginning of an administration the new members of the cabinet will fail to appreciate the advisability—I might even say importance—or making perfectly clear to the representatives of the press their purpose in the various steps that it may deem necessary to take. To employ the vernacular, they are now on the job. I do not mean you gentlemen of the press to be uninterested in the administration, but the new members of the cabinet will fail to appreciate the advisability—I might even say importance—or making perfectly clear to the representatives of the press their purpose in the various steps that it may deem necessary to take. To employ the vernacular, they are now on the job. 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