

and because any special committee would be more or less liable to newspaper suspicion of being selected to thwart rather than to promote that policy. We repeat what we have heretofore said, that while there is a real difference between Mr. Pinchot and Mr. Ballinger, partly in method, partly temperamental, and while there is not that cordial co-operation between their Departments that there should be, we believe that the so-called Ballinger-Pinchot controversy is to a considerable extent the creation of journalistic imagination; and that both men are sincerely desirous of preserving the Nation's wealth for the Nation's benefit. It may be that this so-called controversy may prove beneficial rather than injurious; for the great peril to National conservation is public apathy, and the newspaper reports, while greatly exaggerating the matter, have concentrated public attention on the subject as nothing else, probably, could have done so effectively. The public will now have a right to demand that "Collier's Weekly" and Representative Hitchcock either make good their charges before the Senate committee when appointed, or withdraw them; and it will also have a right to expect that the committee will ascertain how much truth there is in the current reports that the Land Office and the Bureau of Forestry are not co-operating, and, if there is any truth, will either diplomatically bring about a better co-operation or fix the blame for the failure where it belongs.

COAL LANDS ON OUR PUBLIC DOMAIN

To the great satisfaction and relief of all friends of the conservation of our natural resources, a bill was introduced last week in the House of Representatives to conserve a vital resource—coal. The bill aims to separate surface rights from mineral deposits on our public lands. As was appropriate, it was introduced by Mr. Mondell, Chairman of the Public Lands Committee. When Secretary Ballinger, of the Department of the Interior, was Land Commissioner, he declared that—

The object to be attained . . . is to conserve the coal deposits as a public utility and to prevent monopoly and extortion in their distribution. This may be accomplished either through a leasing system by

which the title would remain in the Government under proper regulation and supervision by the Secretary of the Interior, or through the sale of the deposits with restrictions on their mining and use which would control the minimum output and conserve the deposits as a public utility under similar regulations. As regards the future disposition of coal lands, I am impressed with the belief that the most advantageous method will be found in a measure authorizing the sale of the coal deposits in the lands, subject to forfeiture for failure to exercise the rights granted under such reasonable regulations as may be imposed.

Mr. Dennett, the present Land Commissioner, says that President Roosevelt's Message at the beginning of the first session of the Sixtieth Congress indorsed this. Mr. Dennett's quotation from that Message, however, indicates Mr. Roosevelt's willingness to adopt either of two plans, but a preference for the first and against the second, thus differing from Mr. Ballinger. Mr. Roosevelt's view was expressed as follows:

In my judgment, the Government should have the right to keep the fee of the coal, oil, and gas fields in its own possession and to lease the rights to develop them under proper regulations; or else, if the Congress will not adopt this method, the coal deposits should be sold under limitations to conserve them as public utilities, the right to mine coal being separated from the title to the soil.

The Outlook prefers the first of these alternatives. It believes, with Mr. Roosevelt and as against Mr. Ballinger, that a method of leasing is better than a method of sale. The latter should be adopted only if Congress will not adopt the first.

TWO VIEWS OF DUTY

In his annual report Mr. Dennett, Land Commissioner, indorses, as does Secretary Ballinger, the policy of the Roosevelt Administration regarding the conservation of our natural resources—lands, forests, waters, minerals. Its prosecution by the Taft Administration, however, according to Mr. Dennett, must be carried on, so far as the Executive branch of the Government is concerned, within the powers delegated to it by Congress. For instance, he says:

The Executive officer clothed with the administration of the public land law can act only pursuant to the laws enacted by Congress. . . . He cannot legislate nor can he substitute his judgment for that of Con-

gress. To prevent fraud and in aid of proposed legislation . . . he may temporarily suspend from disposition portions of the public domain, but he cannot permanently declare reservations except where authorized by Congress.

In his address at Milwaukee the other day (his first important speech since leaving office) another view of the Executive's duty was expressed by the Hon. James R. Garfield, Secretary of the Interior in the Roosevelt Administration. He thus correctly outlined the principle which governed that Administration :

The Executive is a trustee of the property, rights, and interests of the public. The people properly consider the Executive as their particular advocate, their special representative. His stewardship carries with it grave responsibilities and affords splendid opportunities to serve the people well. President Roosevelt accepted both responsibilities and opportunities. The work for conservation was possible because he was constantly looking out for the public interest, and was willing to take action for the public welfare unless there was some prohibition under the Constitution or in law to prevent such action.

But, as Mr. Garfield concludes, the fight for conservation is now in the halls of Congress :

The present Administration has recommended and outlined the legislation it deems necessary to carry out most effectively the work and policy. It now rests with our representatives in Senate and House to do their share in fulfilling the pledge given our people that our vital natural resources shall be conserved and used for the benefit of all the people of this and future generations. It is not an easy task to obtain legislation which is opposed by great vested interests. We may be sure that all the men and corporations who have in years gone acquired ownership or control of land, timber, coal, oil, phosphates, and water, free from regulation or condition and without just compensation to the public, will not voluntarily acquiesce in the proposed changes. There is no danger that the rights and demands of such interests will be neglected ; the danger is that the public interest may be forgotten.

As Mr. Garfield was Commissioner of Corporations, and later Secretary of the Interior, he is in a good position to judge when he says that the fight for regulation of the use of natural resources is of the same character as that for control of corporations, but that it is even more vital to the permanency of our Nation :

Both questions are ethical and social as well as industrial and political. . . . Both

widen individual opportunity and increase National as well as individual efficiency. . . . Each policy is founded upon the proposition that the public welfare is of higher importance than private interest, and that, in case of conflict, public welfare must control.

This conclusion actuated the Roosevelt and doubtless actuates the Taft Administration. As to the Executive's exercise of his function, however, The Outlook believes with Mr. Garfield that a broad, not a narrow, construction of discretion is the one in harmony with the spirit of our time.



AMBASSADORIAL APPOINTMENTS

Last week President Taft sent to the Senate the names of three appointees as Ambassadors, eleven as Ministers, and a large number as Secretaries of Embassy or Legation. The appointees were promptly confirmed. First on the list was the name of the Hon. Robert Bacon, of New York, as Ambassador to France ; an admirable appointment. At a time when the question of our tariff relations with France is pressing we are sending thither a representative who, as former member of the firm of J. P. Morgan & Co. and later as Assistant Secretary and Secretary of State, has had valuable experience in business and in diplomacy. Personally a singularly winsome man and with a character of rare fidelity and conscientiousness, Mr. Bacon may be depended on to repeat the successes of his immediate predecessors as Ambassador, General Horace Porter and Mr. Henry White. So admirable was the last named in this and other positions that the announcement of a change in our representation at Paris came as a surprise which was turned into a disappointment when it was disclosed that Mr. White was not to be promoted to London, but was to be retired from a service in which he had shown remarkable efficiency for a quarter of a century. Mr. White and Mr. Bacon represent thoroughly simplicity, straightforwardness, sincerity, breadth of vision, and grasp of detail. If Mr. Bacon's appointment is good, that of Mr. Richard C. Kerens, of Missouri, as Ambassador to Austria is doubtful. We have not been happy in some of our recent representations to the Court of Vienna, perhaps the most exclusive court in Europe. To