

apportion work among the members, and partly to save the Government from the necessity of advancing money to the builders. They were not issued, Mr. Garfield testified, except when the Government had ample funds in hand for the project under construction. Mr. Ballinger upon becoming Secretary quickly discontinued their use. He submitted to the Attorney-General a question as to the legality of these certificates, and received an answer declaring such a plan as Mr. Ballinger outlined to be illegal. Mr. Garfield in his testimony apparently made it clear that Mr. Ballinger's description of the certificate arrangement on which this opinion was based did not accord with that plan in fact.



**THE PINCHOT-BALLINGER
HEARING:
MR. DAVIS'S TESTIMONY**

When Mr. Davis was called to the stand, he made it evident that he came as a reluctant witness. Indeed, throughout his testimony, which lasted more than two days, he repeatedly insisted that he desired to make no criticism upon Mr. Ballinger or his associates in the Interior Department. What he had to say, therefore, bore the more weight. He declared in answer to questions that Mr. Ballinger's attitude towards the Reclamation Service was critical and distrustful. He testified that prior to April 23, 1909, Mr. Ballinger in his conversations with him made no distinction between Mr. Garfield's reclamation withdrawals and Mr. Garfield's withdrawals under the general supervisory power; in fact, that Mr. Ballinger had told him many times that they were all illegal. In relation to Mr. Ballinger's statement that the restorations which he had made of lands withdrawn from public entry had been made on the recommendation of the Reclamation Service, Mr. Davis testified that that recommendation had been made pursuant to Mr. Ballinger's explicit instructions, and in face of the protest of the director of the Reclamation Service. In relation to Mr. Ballinger's statement that the restorations were made because of the need for further investigation, and the re-withdrawals were made thereafter as a result of information secured by the Geological Survey, Mr. Davis furthermore testified that there

had been no further investigation, and in the intervening time there could have been no such investigation as could warrant a change of plan. Mr. Davis, moreover, explained that the re-withdrawals were of a narrower strip than the original withdrawals, and that in some cases sites were not suitably protected. He apparently, furthermore, made it clear that there could be no other legal basis for Mr. Ballinger's re-withdrawals than for Mr. Garfield's original withdrawals which Mr. Ballinger declared to be illegal. Mr. Davis confirmed Mr. Garfield's testimony concerning the water users' certificates. The one new point raised in the examination of Mr. Davis that was not mainly corroborative of Mr. Garfield's testimony concerned the administration of the Reclamation Service under Mr. Ballinger. Mr. Davis's testimony in this respect, unless refuted, shows that Mr. Ballinger's attitude has created an atmosphere of uncertainty and apprehension throughout the service, and that in one case it has resulted in virtually exonerating a man in charge of an important branch of the service although he had received what amounted to a retainer from a railway company while he was yet in the Government employ. Neither Mr. Garfield nor Mr. Davis was on cross-examination shaken with regard to any material point. The principal service which Mr. Vertrees, Mr. Ballinger's counsel, rendered to his client was, by means of his questions, to suggest explanations for Mr. Ballinger's conduct. It is not necessary to go into them here, for it is reasonable to expect that these explanations will be more effectively expressed when Mr. Ballinger himself is called as a witness. Mr. Ballinger in an interview last week is reported to have said that nothing had been brought to light but "suspicions, innuendoes, and intimations," and that these he should dissipate as soon as his evidence is in. The country awaits this evidence with interest.



**SECRETARY BALLINGER
ON CONSERVATION**

There are four questions respecting Secretary Ballinger which are somewhat confused in the public mind, but which ought to be sharply distinguished: Has Mr. Ballinger

acted contrary to law? Has he acted contrary to the highest moral standards? Has he been in any respect untrustworthy as a guardian of the public domain? These three questions a Congressional Committee is now investigating, and we reserve our judgment upon them until the investigation is concluded. But there is a fourth question in which the people are equally interested: Is Mr. Ballinger an enthusiastic believer in the Conservation policy to which the country is committed by the public utterances of both Mr. Roosevelt and Mr. Taft and by the platforms of both the great political parties? To this question Mr. Ballinger has himself given a negative reply in his speech before the State Conservation Convention at Minnesota last week, if that speech is correctly reported in the press despatches. We quote two paragraphs:

The doctrinaires figure that the coal deposits of the United States and Alaska will be exhausted in a period of about one hundred years; the fact is that, according to the production of coal in the United States at the close of 1908, only four-tenths of one per cent of the original supply of coal had been exhausted, leaving as the apparent supply still available 99.6 per cent of the original supply, or coal enough to last, as some claim, for a period of 7,000 years.

It seems to me that we should not try to impose the whole burden of Conservation on the General Government, but leave it to the States and to the municipalities to work out, except in so far as National interference is necessary to protect National interests; and I want to be understood as opposed to the theory that because the State has not exercised to the full its powers in the matter of reforms, *ipso facto* the National Government must exercise them.

The whole speech, as reported, is conceived in the spirit of one who believes in continuing the past policy of the United States—giving away its public lands in the faith that private enterprise is the best reliance of the country for the development of its public resources—and that this policy is only to be modified to a limited degree, and only in so far as modification is compelled by irresistible public opinion. The contrast between his speech and that of President Taft in the Chicago Auditorium last week is significant and striking. "There are persons in Congress," said the President—"conscientious, hard-working, prominent statesmen—who look at

the question of Conservation as it might have been looked at twenty or thirty years ago. They are still in favor of letting out the land and getting the settlers on it, not in favor of a careful method of conservation and preservation." Mr. Ballinger's speech in Minnesota, as reported, might have been made by one of these Congressmen. In the judgment of *The Outlook*, the Interior Department, to which is intrusted the preservation of the public domain and the protection of the people's interests, should be under the control of a man who is an enthusiastic believer in the policy of keeping *all* the timber, coal, and mineral lands, and *all* the water power sites, which are not already disposed of, under the control of the Government, to be administered subject to its supervision and for the benefit of all the people. Nor do we think that Mr. Ballinger's optimistic statement respecting the adequacy of our National resources to withstand the present wasteful expenditure of them will do much to neutralize the public impression produced by the National Conservation Conventions, the papers and addresses of Mr. Pinchot, and the remarkable series of papers and addresses of James J. Hill.



THE DEFENSE OF THE STANDARD

The Standard Oil case is before the United States Supreme Court. It will be remembered that last November the United States Circuit Court declared that the Standard Oil Company of New Jersey, seven individuals—John D. Rockefeller, William Rockefeller, Henry H. Rogers, Henry M. Flagler, John D. Archbold, Oliver H. Payne, and Charles M. Pratt—and thirty-six other corporations and partnerships, were engaged in a combination in restraint of inter-State trade and commerce, and were monopolizing a substantial part of the inter-State commerce in petroleum and its products. The Court ordered that the defendants should dissolve such combination and refrain from entering into any similar combination by any method whatever. From this decree the defendants appealed, and last week the appeal was argued before the Supreme Court. The argument of the Standard lawyers was voluminous and