

# McKay Answers Morse, Kefauver In Al Sarena Mining Case

(Editor's Note: Because of the controversy and counter claims that have been hurled in the Al Sarena mining case we are printing the answers made to some of these claims as offered by Douglas McKay speaking before the Northeast Unit of the Oregon Republican Women at the Irvington Club last Wednesday.)

"Mr. Kefauver climbed away out on the end of a very long limb in the Al Sarena case—and now has saved it off behind him."

"He came to Oregon full of denunciation for the action of the Department of the Interior and McKay in granting patents to the people who had developed the Al Sarena claims."

"He declared that Eisenhower, no more than McKay, could escape responsibility for the acts of his appointees."

"Mr. Kefauver also said the worst act of the Eisenhower administration had been granting the Al Sarena patents. That was a crack at McKay—and through McKay at Eisenhower."

"But before the sun had set, he was in confused retreat on both statements."

"At Pendleton, he said that he had not met or rendered any aid to the McDonalds, owners of Al Sarena. But then the Oregonian produced photographic and documentary evidence to refresh the senator's failing memory."

"This evidence showed that Mr. Kefauver had met the McDonalds in New Orleans on December 31, 1951—and had given them legal advice in reference to their case. A photograph taken by the New Orleans Times-Picayune showed Kefauver with the McDonalds on that occasion."

"Further, this evidence revealed that his office, at his direction and over his signature, had promised cooperation in obtaining patents on the Al Sarena claims."

"Let me quote from one of those letters:

"This letter was directed to Charles R. McDonald, project engineer, Al Sarena Mines, and I quote: 'I appreciate your situation and I am keeping in closest contact with Senator Sparkman, Senator Hill and Congressman Boykin in this respect.'

"I shall keep your records in my file and for my use . . . and will make very attempt to secure action in your case.' (Unquote)."

"At this juncture, confronted by irrefutable evidence of his own activity in behalf of the Al Sarena owners, Mr. Kefauver stated that the letters had been signed by his legislative assistant. He added, weakly, when reminded of his Pendleton statement, that of course

he would have to accept responsibility for what his office had done."

"I would like to point out that every employer, whether in government or in private life, is responsible for the acts of his agent. Although I personally had no knowledge of the Al Sarena patents until after they were issued, I have always accepted full responsibility for the action of my solicitor, who did grant the patents, and in so doing did follow the law precisely as it was written. He did not—and could not—interpret the law according to his personal views or desires . . . or disregard its plain provisions."

"In this connection, I note that Frank Brizzi, Mr. Kefauver's assistant, is quoted in the Oregonian as saying the letters relative to Al Sarena were 'considered routine.'"

"There is an excellent reason for this. The Al Sarena case was routine—under the law. It was identical in general facts with thousands of mining claims presented for patent, and patented, since the mining law was passed in 1872. If there was an Al Sarena issue, it was only because there was a mining law issue, and that law had not been substantially amended since its passage."

"That is why patents were issued by the Department of the Interior. The law states explicitly that when a mineral discovery is made and certain prescribed assessment work is done, the holder of the mining claims is entitled to a patent. Whether the claim is timbered is immaterial in the eyes of the law."

"Unquestionably, the routine nature of the Al Sarena case was why Mr. Kefauver, himself a lawyer, was moved to write—or authorize to write—two letters bearing his name and promising all possible help to get these patents."

"The question now is: Why did Mr. Kefauver find it convenient to forget, deny and belatedly to cast blame on his assistant for his action in a matter described by his assistant as purely routine."

"I'll tell you why. The Al Sarena case was routine—until Dick Neuberger recognized a convenient political weapon in this routine—but very complex—matter. Here was an issue which could be concocted out of sly insinuations and outright misrepresentations. Mr. Neuberger has since wept and ranted over the great loss suffered by the American people, not to mention the people of Oregon, in this case."

"Mr. Kefauver, caught in a web he did not anticipate, had to go along with Neuberger and try to brazen it out, or deny Morse the solace of a manufactured issue on which to base his desperate campaign."

"He has inferred that anyone should know this was an attempted 'timber steal.'"

"Assuming that Neuberger is, and other people should be, blessed with second sight, I would like to ask why this same Senator Neuberger did nothing about protecting Oregon's timber when he had an opportunity in 1951?"

"If there is any valid criticism of the granting of timber rights along with mineral rights, the criticism applies accurately and honestly only to the mining law itself."

"The Al Sarena patents were granted in compliance with the law as it was written. I have always believed in compliance with the law as it appears on the statute books. If there is any weakness in the law, then Congress should amend it."

"It was with this exact purpose in mind that the Oregon Legislature passed a memorial to Congress in 1951, asking that the mining laws be amended to prevent possible so-called 'timber mining.' This was intended to apply particularly to claims filed for the real purpose of acquiring summer home sites and logs."

"I am intimately acquainted with the details of that memorial because I was then governor. Senator Neuberger also should have been well versed in the situation, he was a member of that Legislature, sitting in the Upper House. His wife was a member of the Lower House."

"But did Senator Neuberger, this self-advised conservationist, then champion the cause of Oregon timber by working for the passage of this memorial? He did not. He was absent the day the memorial was voted on in the Senate, as he was so frequently was."

"Did Mrs. Neuberger vote for this memorial? She did not. She voted against it."

"It was not until the memorial was returned to the Senate for minor correction that this self-advised conservationist demonstrated any interest in the matter whatsoever. At that point he belatedly voted for final passage."

"Now, Mr. Morse was a member of the United States Senate at that time. The memorial not only was sent to Congress with a request for action, but it was also sent to Senator Morse with a request for action. What did this fine champion of conservation do about the matter? The record shows that he did absolutely nothing. In fact, this is consistent with his entire record on conservation, which is practically blank. An examination of conservation bills and resolutions bearing Morse's name as sponsor or co-sponsor in his first ten years in the Senate shows that with one exception, no action was

ever taken on any of the measures—and none became law."

"I say to you that Senator Morse, now so free with his criticism of others, came to bat repeatedly on conservation measures, and struck out every time. And he struck out in this matter also. Mr. Neuberger had not then pointed out to him the political deception possible in this issue."

"This is the story record of three gentlemen on the Al Sarena case, Mr. Kefauver, Mr. Neuberger and Mr. Morse. Two of them are seeking election on this phoney, dishonest issue, raised to improper prominence by the third."

"Mr. Morse has said he will hand my record around my neck."

"Two can play at that game. You have stuck out your political neck, Mr. Morse. I am now going to drape the dead crow of Al Sarena around your over-worked Adam's apple."

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