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Letter from R[obert] U[nderwood] Johnson to John Muir, 1909 Sep 22.

Robert Underwood Johnson

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*This ought to
be kept private
Don't quote Ballinger.*

J
EDITORIAL DEPARTMENT
THE CENTURY MAGAZINE
UNION SQUARE NEW YORK

September 22, 1909

R. W. GILDER, EDITOR.
R. U. JOHNSON,
ASSOCIATE EDITOR.
C. C. BUEL,
ASSISTANT EDITOR.

My dear Muir:

I have your interesting letter of the 14th of September. Hurrah for the Taft-Muir excursion to the Yosemite!

It was at the President's instance that I asked Ballinger to lunch with me at the Century Club to talk matters over. If he is sincere then we have found a sympathetic Secretary. When I showed him the photographs of the Hetch-Hetchy he was astonished at the beauty of the place and said that on the scenic argument he was with me. He told me that our opponents are quarreling among themselves; that one of the Interior Department men—a friend of Senator Flint—told the Secretary that there was a great deal of politics in this scheme.

I sounded him on the revocation of the grant and he said he did not think that could be done but that possibly he might suspend its operation until Congress had done something definite on the general subject.

He gave me to understand that he would not go an inch beyond the terms of the Garfield grant. He said he had refused to allow the supervisors to do

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anything in the Hetch-Hetchy; that he had declined their permit to make a road up to Lake Eleanor because it would involve the cutting a big swath in the forest.

When I proposed that you should go up with him he said he thought it would be better for him to take nobody from either side but to take some Washington officials who knew the region, two or three. After he had left the Club Alden Sampson told me that, all the same, Ballinger wished you to go with him; so perhaps you can have an excuse for another trip.

When at Beverly I told the President, without naming the persons, that a distinguished constitutional lawyer and a Judge of the United States District Court had both confirmed my idea that an Act of Congress providing for doing something with a specific purpose could not be nullified by a subsequent Act of Congress of an administrative character, and the President said: "On your statement of the matter I agree with you." Now I am sure that the subsequent Act which Garfield invoked did not by any word change the purpose of the Act of 1890 establishing the National Park. When I told this to Ballinger he seemed to agree, and I gathered from him that it would not be displeasing to him to have a friendly suit, so

to speak, instituted in the District of Columbia court enjoining him on this very basis from action under the Garfield grant. *It would go up quickly to the Supreme Court. My friend Wickensham would have to oppose us.*

Now I have already proposed for your consideration and that of Colby, without getting any response, that such a suit should be instituted by you alone or by other members of the Club. I should gladly join in, though I have no financial resources this year.

I believe that Joseph H. Choate could be got to argue that question, and as it is one of public interest he perhaps would not charge a large fee; perhaps none at all. But others perhaps could be got to do it in the public interest. Perhaps you and Colby may think that we would not gain much so long as the bill of the last Congress is to be reintroduced, but it seems to me that it would be a great gain all around for the various reserves if we could succeed. Of course Congress may do anything with the reserves—even to abolishing them all.

I was very sorry about Harriman's death, for I know that he saved the day for us on the recession bill. I remember writing to him on that subject and invoking his aid and getting a nice note in return saying he would help.

Don't forget that I think it indispensable

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that you, and if possible Colby, should be in Washington early in December to go before the Committee on Public Lands. I was told that our opponents are using money with correspondents in Washington; but the right will prevail.

Faithfully yours,

R. U. Johnson
Associate Editor.

Mr. John Muir.

I have collected a lot of material about the Pioneers of Conservation but nothing from John Muir. What do you know about the origin of the old Yosemite Park? Apparently Olmsted was the prime mover.

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