

Section 4 of the Act of May 31, 1933, gave the Taos Pueblo Indians a 50-year renewable use right to 30,000 acres (later increased to 37,000 acres) and embracing the Taos religious shrine known as Blue Lake. Under the provisions of the bill the area to be held in trust for the Indians would include this and increase it to about 50,000 acres. The bill provides for the protection of existing non-Indian rights in the area but empowers the Indians to extinguish those rights by purchase if they so desire.

In the *Pueblo of Taos* case, decided by the Indian Claims Commission on September 8, 1965, 15 Ind. Cl. Comm. 666, the Indians' claim of aboriginal title to approximately 130,000 acres of land—divided into two parcels, one to the west of the Pueblo proper and the other to the east—was upheld. The eastern claimed area included the 50,000 acres under discussion.

The conveyance of this 50,000 acres in trust for the Indians will leave, for valuation and payment, a net of about 80,000 acres.

Apart from the foregoing, the Commission's order of September 8 also provides that the United States shall pay to the Taos Indians the amount of an award recognized as due in 1933—\$297,684.67. Finally, the Commission provided that there should be offset against this total figure the value of the use permit which began in 1933.

Whether this legislation should be enacted involves policy considerations as to which the Department of Justice makes no recommendation.

However, if the bill is to be enacted it is suggested that it be amended to contain the following provision:

"The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the act of August 13, 1946 (60 Stat. 1049, 1050), the extent to which the value of the interest in land conveyed by this act should be credited to the United States or should be set off against any claim of the Taos Indians against the United States."

The Bureau of the Budget has advised that there is no objection to the submission of this report from the standpoint of the administration's program.

Sincerely yours,

WARREN CHRISTOPHER,
Deputy Attorney General.

HISTORICAL BACKGROUND

A memorandum prepared by the Pueblo giving relevant historical background is as follows:

MEMORANDUM

H.R. 3306

The following memorandum sets forth the position of Taos Pueblo on H.R. 3306, which would return to our people the sacred lands of the Blue Lake Area. The memorandum was prepared by the Pueblo's special attorney, William C. Schaab, at the direction of, and in consultation with the General Council of the Pueblo, and is an accurate statement of why the people of Taos Pueblo have for two generations consistently sought return of these lands.

TAOS PUEBLO COUNCIL.