

Decay of the religion can result only in confusion, hopelessness, and despair; in the complete inability of the Pueblo to advance the welfare of its people.

4. *Freedom of worship.*—The Pueblo should have ownership of the Blue Lake area to protect its freedom of worship. It would be unjust for the United States to deprive the Indians of their right to worship as they please by withholding control of the sacred area in which their religious practices take place.

The present system of permits and agreements (see the historical summary below) under which the Forest Service is responsible for administering the land covered by the bill has not adequately protected the Indians' religious use of the land for the following reasons:

1. *Conflicting philosophy.*—The Forest Service has been unable to reconcile (a) exclusive Indian possession of the sacred land held under the permit with (b) the "multiple use" philosophy governing national forest land generally. That fundamental conflict has led the Forest Service repeatedly to attempt to modify the provisions of the permit to reduce or eliminate the Indians' right to control and use the land.

2. *Administrative uncertainty.*—Apart from conflicts in basic policy, interpretations by Forest Service field personnel of Indian rights under the permit have been inconsistent and unpredictable; the Pueblo has not been secure in the enjoyment of its rights.

3. *Pressure on Pueblo religion.*—Forest Service administration of the Blue Lake area exerts a continuing pressure on the religious use of the land by the Pueblo. Religious privacy has been constantly jeopardized. A trust patent would protect the Indians' religious concerns while freeing the Forest Service from continued difficulties in administering the permit in a context of multiple use.

The claims made by the Forest Service and others in opposition to the bill are without merit. Those claims are answered as follows:

1. *Adverse precedent.*—Fear that enactment of H.R. 3306 will set a precedent for other tribes is misplaced.

(a) The Government's original intention was to preserve the land for exclusive Indian use. Congress recognized 40 years ago, by the act of March 27, 1928, and 35 years ago by the act of May 31, 1933, the special interests of the Taos Indians in the Blue Lake area. Any precedent has thus already been set by Congress; enactment of H.R. 3306 will merely carry out Congress' earlier intent to secure and protect the Indians' rights in the land.

(b) The Pueblo's special interests in the land have consistently been recognized for over 60 years by the Forest Service and the Department of the Interior.

(c) The Taos claim for return of the Blue Lake area is unique; no other Indian tribe can show a similar recognition by the Government of its continuing interest and equity in a defined area of Government-owned land. Other tribes are generally content with money damages under the Indian Claims Act.

2. *Public uses of land.*—Enactment of H.R. 3306 will not materially affect any "public rights" in the Blue Lake area.

(a) Congress determined 35 years ago that this area should not be open to the general public but shall be restricted for Indian use and benefit. In the act of May 31, 1933, Congress provided that the Taos Indians should have the right "to occupy said lands and use the resources thereof for the personal use and benefit of said tribe of