

Nevertheless, the signing of the 1927 cooperative agreement was taken as a signal to open the Blue Lake Area to recreationalists. In 1928 the Forest Service issued 95 permits, according to a memorandum of the forest supervisor dated January 12, 1929 (Ex. 33). That memorandum also rejected the request of the Pueblo, through Superintendent McCormack, that the Pueblo be given the right to countersign permits and that access be limited to the Taos entrance. The Indians regarded such developments as white-man's perfidy. In the letter of October 15, 1931, to Governor Hagerman (Ex. 32) the Forest Service itself described the cooperative agreement as "a more definite recognition of the Indian rights in this canyon" which gave the Indians "the full use and benefit of the area." Yet the agreement clearly diminished the rights of the Indians and extended the rights of the Forest Service. That letter also described the "entire watershed" as comprising 34,000 acres in the same language as the 1928 letter to Representative Hudspeth. Not surprisingly the letter also noted the "desire of some of the Indians to own the lands in this watershed."

1930-39: In January 1932 the Senators from New Mexico introduced a bill, S. 2914, which authorized a patent to the Pueblo for the 30,000 acres covered by Executive Order 4929, subject to "a reservation of authority and control in the United States over said lands * * * to be vested in the Department of Agriculture of the United States." (Ex. 34.) The bill was favorably reported by the Frazier committee, which stated "that the understanding [between] the Indians and the [Pueblo Lands] Board should be carried out by either the issuance of a patent by the Government of the United States to the Pueblo of Taos for the Blue Lake Area hereinafter described, or the authorization by Congress of an Executive order reservation of the area in question by the President of the United States." (S. Rept. 25, (72:1) 5.) (Ex. 35.) The Forest Service objected that a patent would raise an issue whether public funds for management of the land could be expended on land privately owned by the Pueblo.

At conferences with the Pueblo's representatives, John Collier and R. H. Hanna, the Forest Service suggested the Pueblo's rights could be protected by a 50-year special use permit. That idea was accepted, and the bill was revised to provide for a permit. (Ex. 36.) The Secretary of the Interior endorsed the revised bill as "in effect a substitution of an award of land tenure * * * for an award of money." (S. Rept. 123 (73:1) 17.) (Ex. 37.) The Department thus interpreted the bill as granting the Pueblo substantially the same possessory rights as it would have received under a patent. In a letter to the Secretary of Agriculture dated June 30, 1933 (Ex. 38), John Collier, then Commissioner of Indian Affairs, described the bill as providing a "50-year lease contract" under which "the Pueblo would have the exclusive use of an area of about 30,000 acres of canyon land, high in the Rockies, at the top of which is situated Blue Lake * * * [which] is the shrine of the pre-Colombian religion of the Taos Tribe. It is sacred and taboo. * * * The contract which is provided for in the act would insure the exclusive use of the area by the tribe, subject to reasonable regulation by the Department of Agriculture. Already, the exclusive use is provided for under an agreement revocable at 60 days' notice by the tribe or by the Department. The guarantee of exclusive use has not been very thoroughly observed. Tourists have been too freely permitted to visit the lake and camp on its banks, with sanitary conditions not at all good. The Indians are aggrieved and troubled."