

That position was taken despite the Forest Service's assurances in 1932 that the permit would give the Pueblo exclusive rights tantamount to title. However, the Secretary of Agriculture signed the order of segregation affecting 30,000 acres (exhibit 53).

The Forest Service's draft of the proposed permit (exhibit 54) would have given exclusive rights only during such periods as the forest supervisor might agree and would have required Indian compliance with State game laws. The Assistant Secretary of the Interior vigorously objected to that draft on December 9, 1939 (exhibit 55). On December 27 the Indians registered their strong objection to any limitation of the Pueblo's rights as set forth in the 1927 agreement, in particular to incursions of tourists and the applicability of State game laws (exhibit 56). Negotiations proceeded until the final form was signed on October 24, 1940 (exhibit 57).

The permit as issued gave the Pueblo exclusive use of the 30,000 acres for 3 days in August "announced to the forest supervisor by the Governor of the Taos Pueblo 10 days prior to contemplated use" and provided that "persons not members of the Pueblo of Taos, other than forest officers, shall be admitted into this area only under written permits issued under authority of the forest supervisor and concurred in by the Governor or his designated representative." Thus, the Forest Service defeated Congress intention by the 1933 act to give the Indians exclusive use of the area; but the Pueblo appeared to have established its right to refuse to issue permits for entry into the area, which it had failed to establish under the 1927 cooperative agreement. The appearance was, however, more apparent than real. It would be more than 20 years before the Forest Service would grudgingly accede to those terms of the permit.

1940-49: The Pueblo never was satisfied with the 1940 permit. In a letter dated September 24, 1948 (exhibit 58), the special attorney for Pueblo Indians, William Brophy, reflected the Indians' feeling that they had been cheated of the eastern side of the Rio Pueblo watershed by the Forest Service's 30,000-acre description. Mr. Brophy's memorandum dated December 16, 1948, voiced Indian objections to intrusions of non-Indian stock into the permit area (exhibit 59).

In October 1948 the Pueblo asked the United Pueblos Agency to help it in stopping alleged timbercutting in the La Junta Canyon area (exhibit 60). Although inspection failed to reveal any timber operations in the canyon, the Pueblo had asserted its interest in that part of the Rio Pueblo watershed 5 years before the land was acquired by the Forest Service.

In 1948 the Pueblo requested William A. Brophy, special attorney for the Pueblos, to help them get a patent to the lands in the Rio Pueblo watershed. Brophy carefully researched the history of the matter and prepared a bill to expand the permit area to 44,800 acres (exhibit 61). However, no other action was taken.

In 1949, after the Pueblo had again complained to the Forest Service of non-Indian stock trespassing into the permit area, the Forest Service responded by insisting that all Indian stock must be ear-tagged. On May 16, 1949 (exhibit 62), the forest supervisor advised the Pueblo that any untagged stock would be impounded, and it thereafter regularly impounded Indian stock despite the "rights" granted by the permit.