

Against this latter claim there is to be an offset of the value of the use permit given under the 1933 act and other offsets if there are any.

Three main arguments have been expressed against enactment of this legislation.

The House of course confronted these arguments in making its determination. Foremost is that a precedent will be set and that other Indian tribes will want lands rather than money from the Indian Claims Commission. We do not share this concern. I want to underscore this to the committee. In my 8 years as Secretary I have had a chance to become acquainted with all the Indian problems, the Indian questions and traditions of the Indian tribes. I know of no case which has the unique circumstances which surround this and certainly we have no desire to set a precedent that would require the returning of public lands to Indian ownership rather than to continue under the precedent procedures of the Indian Claims Act and Indian Claims Commission.

This is a special circumstance and this is the reason we support it as an essential thing to the Indian policy. In many cases the lands for which tribes are being compensated are not in the proximity of their present holdings, have not been used by the Indians in any way for many years, or have been divided into hundreds—even thousands—of private holdings, so that restoration to the Indians would compromise the interests of numerous citizens.

In fact it would be impossible in most circumstances to take such action. Furthermore, of the few tribes who have expressed some interest in having certain of their lost lands restored, none has presented a compelling reason of the nature of the Taos Pueblo appeal.

We would not, therefore, consider a grant of land in this case as opening the door for favorable action on similar future requests. In our view the religious significance of the land, I think the case must stand or fall on this point, to the Taos Indian warrants favorable action as an exception to the general rule.

Another area of concern about this bill is the provision concerning the non-Indian leases or permits. We appreciate the apprehensions that have been expressed about giving recognition to these holdings as vested interests. We would not regard congressional action in this special case as recognition of vested interests in permits and leases on public lands generally.

A third argument against enactment of this bill is that what the Indians really want is the timber on these lands for commercial exploitation. The suggestion that these Indians would seek behind a facade of religious belief something which they might not otherwise be able to obtain is a challenge to their integrity.

We reject this argument. I have talked this point over on more than one occasion with the leaders and members of this tribe and I have implicit and complete confidence in the integrity of their intentions with regard to the use and the manner in which they will administer this land.

The Pueblo, however, agreed to have the bill changed when it was discussed in the House to provide that the area will be maintained as a wilderness area, subject only to traditional Indian uses, and those uses would be subject to conservation regulations by the Secretary of Agriculture.