

That is why I think the cases are different. That is why I am for one and not the other.

Senator ANDERSON. I was in the Congress when they started talking of the Indian Claims Act. Did they at that time talk of anything other than money for lands?

Mr. UDALL. The act, as I recall it, called for money judgments, payments for lands. The Congress and Claims Commission have followed this. This is brought to the Congress, as I say, as a special appeal to say this should be an exception to the general approach of the Indian Claims Act of 1946.

Senator ANDERSON. I am sure the question is answered later on, but I am anxious to know why two identical pieces of ground are treated differently. You are willing to give land to the Taos de Pueblo and not to the other tribe? How do you do that?

Mr. UDALL. Your own bill would give them lands. The argument is not whether we should depart from the general rules of the Claims Act and recognize these Indians do have a powerful special case and restore land to them. The question is how much land, as I see it. I think the issue of the principle of shouldn't we restore some lands to them is decided and agreed upon. Both bills have that in common. The question is how much land.

Senator ANDERSON. Should the Congress give some land as is now being proposed?

Mr. UDALL. The Congress has a very special responsibility and very substantial power in dealing with public lands, whether parks, forests, or other public lands, and naturally the Congress can enter into these questions anytime it wants to.

I would think and strongly believe if the Congress expressed its view in the past legislation that that would resolve this issue once and for all, whatever its determination.

Senator ANDERSON. When we passed the Indian Claims Act we set the policy then and now it is reopened, isn't that true?

Mr. UDALL. I think what Congress did in 1946 was to lay down a national policy and it was a very humane policy, a very generous policy with regard to Indian claims and their settlement, and I think what this represents, as I indicated a moment ago, is to get Congress to amend that act and say here is a very special case, very special circumstances and we are going to deal with this issue in a different way than we dealt with all the other Indian tribe groups because of these special conditions.

Senator ANDERSON. Mr. Chairman, we have other people here that we have to hear but I intend to keep questioning more at a later date.

Senator METCALF. Mr. Hansen.

Senator HANSEN. Thank you, Mr. Chairman.

I have a great interest in this legislation and I would like to ask, Mr. Secretary, am I correct in assuming or in concluding that, because of the peculiar religious significance this area holds to the Taos Indians, it is your considered judgment that special treatment is indicated?

Mr. UDALL. This is the whole basis for this legislation, Senator. If it were not for this, I don't think we would have much of a case and I think it really hinges on this. If members of the committee believe these Indians are sincere and these lands have religious significance to them, I think this is the thing you have to weigh basically.