

question as to whether Indian tribes are to be given money payments or return of land is one that will have to be decided on an individual basis. We would not consider this proposal as opening the door on similar requests that might be made. We believe favorable consideration of this proposal as an exception to the general rule.

Now the word that the Department uses, Mr. Secretary, "a few of the tribes have expressed such a desire of land in lieu of money." What tribes have expressed that request—that desire, where are they located and what is the Department's attitude with respect to their requests?

Secretary UDALL. All I can speak of is what has come to my desk and I have had no conferences, letters, visits of any kind with any Indian tribe or group that I can recall making or attempting to make out the case that they wanted the type of treatment that the Taos people have been asking for in this legislation.

There may be some that are beginning to think that way or are formulating such plans but at the moment it has not crystallized to the point where I could identify for you. The legislation the Senator from New Mexico referred to was introduced by an Arizona Congressman, this year.

That is one of the first things to come to my attention. Whether this represents his view as to what would be a solution or whether the Indians themselves want this, I don't know.

Maybe Commissioner Bennett is familiar with it, I am not.

Senator HATFIELD. Would you interpret what this language means from your Department? "Moreover few such tribes have requested such desire but aside from these considerations." Could we get that information from the commissioner about these other tribes that you or the Department allude to in this House report?

Mr. UDALL. Senator, the type of record you are trying to make, I think it is a good record and we should give the committee a report that summarizes this whole picture so you can know what the precedent is and what door you might be opening by passing this legislation.

Senator HATFIELD. The record will be open for us to receive this report, will it not?

Senator METCALF. Yes; the record will be open until the Secretary can provide this information.

(The document referred to follows:)

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SOLICITOR,
Washington, D.C., October 7, 1968.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to a request during the recent hearings on S. 1624, S. 1625, and H.R. 3306, bills relating to the Taos Pueblo, for clarification of the statement appearing at the top of page 4 of the Departmental report of April 26, 1968, that "Moreover, few of the tribes have expressed any such desires."

There are, no doubt, several tribes which have been deprived of lands to which they had Indian title and would prefer to have the lands returned to them instead of receiving monetary damages. However, we have not had any requests for legislative action to restore lands determined by the Indian Claims Commission to have had Indian title. Over the years we have had requests from Indian tribes to have returned to them lands that could be returned administratively, some as the result of decisions by the Indian Claims Commission.

Sincerely yours,

HARRY J. HOGAN, *Legislative Counsel.*