

I think the committee should have a record made and fully clear on this point if we are to decide favorably. I appreciate your frankness, Mr. Secretary.

Senator METCALF. Mr. Secretary, I also appreciate your appearance here and I think you know that this committee completely concurs with you that it is our desire to do justice to the Indians.

Both as a Member of the House of Representatives and the very distinguished and able Secretary of the Interior, over the years you have shown a constant drive to get land in exchange for land taken by the Federal Government.

That comes up in the Public Works Committee when land is taken for the highways. The distinguished former Congressman from Oregon, Mr. Ellsworth, tried to get a bill through to provide that land would be exchanged for any public works project.

I think that probably the modern defense of the conservation movement emanates from the defeat of that bill. The same is true for dam-sites and parks.

Every time we have acquiesced in a special situation, of land exchange in lieu of money, we have gotten into trouble. One in Oregon was a very difficult situation to create a park. I think we should be very, very careful when we abandon this principle that we pay for land that is taken. I just can't agree and I know, if I remind you, you will recall many other instances where there are religious shrines in Indian territory.

The very able Secretary was most helpful in creating Yellowtail Dam and the Big Horn National Monument in Montana, and there, too, is an area with religious significance.

Mr. Secretary, how can you justify taking that great 48,000-acre area instead of the area where the monuments and so forth are actually included in Senator Anderson's bill?

Mr. UDALL. Senator, I think you will have to hear the Indian leaders present their own case quite frankly. These are Indians who happen to have the same attitude toward nature that we are coming around to today rather belatedly. The thing that has appealed to them is a watershed in this instance and not simply a lake or a lake as a shrine.

The thing that distinguishes this case from any other—I want to make certain things clear in my own view—is that over a third of the Indian claims cases have been settled. The money has been paid and the Indians have not come in and made claims of this kind. Most of the rest are in preparation and I don't see any great rush for anyone to come in and conjure up a religious significance in a false way.

I would say 80 to 90 percent of the instances here where Indian land was taken, these were lands that were used by tribes which themselves were mobile, where they used them in a nomadic way.

The thing that really distinguishes this case and these particular Indians is that they have been living in the same place for 800 years and you can point to very few Indian tribes in this country where this is the situation, where they have had one habitation, where it has been theirs during all these years, and whether this is a particular tract of land they were using that is unspoiled.

Senator METCALF. They are more fortunate than most Indians. Many have been moved away from the home of their ancestors.

Mr. UDALL. We have moved them and developed this country. This is why I think this case falls in a narrow category.