

May I call a recess for at least 10 minutes.

(Whereupon, at 11:30 a.m. the subcommittee proceeded to the consideration of further business in executive session.)

Senator METCALF. Now, Mr. Greeley, you may resume.

Mr. GREELEY. The Indian Claims Commission has told us that virtually all of the national forest system has been involved in claims before or findings by the Indian Claims Commission or the Court of Claims.

We have identified a number of national forest and other Federal areas, particularly in the Southwest, where land or land features play important roles in Indian religious practices. In several cases Indian use of these areas has been continuous for many years. For example, the Cochiti Pueblo practice secret annual rituals in Bandelier National Monument, New Mexico. The Hopi Tribe worship twice each year on the San Francisco Peaks in the Coconino National Forest, Arizona. The Nambe Pueblo are reported to have a shrine in the Santa Fe National Forest. Seven sacred mountains of the Navajo people are located in various Arizona National Forests and public land areas. Of these, Mount Taylor in the Cibola National Forest figures prominently in a 9-day religious ceremony of the Navajos. The Santa Clara Pueblo have indicated that religious shrines are located on Tschicoma Peak in the Santa Fe National Forest.

We have seen or heard reports that these and other tribes are desirous of obtaining the national forest or other public lands on which their shrines are located. In any event we are certain that recognition of the Taos claim will lend great weight to efforts of other tribes to obtain national forest lands, even if the Taos legislation is disclaimed as a precedent.

If then other tribes' desires culminate in action to bring a claim, and if there is a difference between these religious uses and the use by the Taos Pueblo Indians for religious purposes, it would require a determination by Congress or someone as to how to differentiate between degrees of need for religious purposes. Otherwise, the granting of land in this case would be clear precedent for other claimants to claim payment in land only.

*Second.*—Another undesirable feature of H.R. 3306 is that it would grant to the Pueblo lands for which it should not be entitled to compensation under the Claims Commission Opinion.

The Opinion expressly did not sustain that part of the Pueblo's claim consisting of lands that are part of Spanish Land Grants which have been confirmed by Congress. The 48,000 acres encompassed under H.R. 3306 include the 3,929 acre Will Ed Harris Tract which was acquired for the national forest through exchange. This tract was part of the Antone Leroux Spanish Land Grant, confirmed by Congress in 1869.

Further, H.R. 3306 would grant the Pueblo the 2,340-acre La Junta Tract, acquired through exchange with the State of New Mexico in 1952. When the Carson National Forest was created in 1906 (then the Taos National Forest) this tract could not have been taken from the Pueblo because it was in State ownership at that time. The Claims Commissions' findings are based on the taking of Indian title by establishment of the national forest.

*Third.*—The provision of H.R. 3306 relating to the acquisition of the non-Indian grazing permits gives us special concern. This pro-