

would know the Congress was operating on the basis of general policy with respect to some of the things that Secretary Udall talked about this morning, justice in dealings with the Indians and the general problem of what is the right treatment for Indians in a set of circumstances like this. If the Congress were to decide to do this, we would accept the decision of the Congress.

But as our report to the committee indicates we feel that not only should the land not be turned over but that the proposed legislation should be amended to provide that the land would remain in U.S. ownership but subject to the provision that the area indicated in the dashed line be exclusive use by the Indians for the entire year.

I would like to say here, Senator, that as I have reviewed this record and as I have tried to view this problem from the viewpoint of the Indians and also of other people out there in the State, it seems to me that an important point at issue between the Indians and the Forest Service and probably the Congress, too, is the question of whether the 1927 agreement and the 1933 act and the 1940 permit called for exclusive use of the entire permit area by the Indians, or whether they provided for use by others than the Indians.

I think on this point has turned much of the controversy that has taken place. The viewpoint expressed by the Indians, and it certainly has been expressed since the efforts to obtain legislation starting in the 1950's and continuing up to now, is that they feel they are entitled to the exclusive use of this whole area with no one else to have an opportunity to use it. We in the Forest Service have felt that the 1933 act of Congress did not provide for exclusive use.

So I do want to make this point, that I think one of the purposes that should be served by any future legislation on this subject should be to go to this point of exclusive use versus use by others either on a small area like this 3,150 acres or if the Congress should decide on a larger area, this would be a matter of the considered judgment.

Senator ANDERSON. Apparently I asked my question poorly because that is not exactly what I had in mind.

Sometime ago someone said the Forest Service did not want this land at all, to give it to the Interior Department.

Mr. GREELEY. We feel the area should be continued in the administration of the Forest Service.

Senator ANDERSON. Senator Hansen.

Senator HANSEN. Thank you, Mr. Chairman. I do have some questions.

If I may, Mr. Greeley, let me refer to the 1933 law to which you have referred. I have examined some of the sections of that law and I would refer you to section 4 which I think you made reference to already and also call attention to the fact that in 1933 John Collier, then Commissioner of Indian Affairs, described the bill as providing a 50-year lease contract under which the Pueblo would have the exclusive use of an area of about 30,000 acres of canyon land, high in the Rockies, at the top of which is situated Blue Lake, which is the shrine of the pre-Colombian religion of the Taos Tribe.

It is sacred and taboo. The contract which is provided for in the act would insure the exclusive use of the areas by the tribe subject to reasonable regulations by the Department of Agriculture.