

STATEMENT OF WILLIAM C. SCHAAAB, SPECIAL COUNSEL FOR TAOS PUEBLO

Mr. Chairman and Members of the Committee, as Special Counsel for Taos Pueblo I have prepared at the direction and under the guidance and control of the Pueblo Council a Memorandum describing the provisions of H.R. 3306 and setting forth in detail the long struggle of the Pueblo to recover the sacred watershed of the Rio Pueblo de Taos. That Memorandum, with more than 100 supporting documents, has been filed as the official statement of the Pueblo in support of the Bill.

Because of the length of that statement I would like to summarize briefly the Pueblo's position. The Indians seek a trust title to the 48,000 acres of land embracing the sacred watershed because the land is the essential part of the practice of the ancient, naturalistic religion that infuses all areas of Pueblo life. Only by acquiring a trust title to the land can the Pueblo be sure of the control needed to preserve the privacy of their religious practices. As Rep. Saylor stated on the House floor (Cong. Rec. June 18, 1968, H. 5057):

"The need for privacy to practice their religion is at the center of the conflict between the Pueblo de Taos Indians and the Forest Service. In the early days when the Forest Service emphasis was on preservation of the resource, the conflicts were few. In recent years, however, when greater emphasis has been placed on multiple use and on recreational use, the Indian use and the Indian values have been placed in jeopardy. It is the intrusion into the area by non-Indians, principally interested in camping and recreation, that causes the trouble. The presence of the non-Indians threatens destruction of the Indian religious life."

Similar views were there expressed by Chairman Aspinall (H. 5056):

"The controversy centers around the need of the Indians to have exclusive use of the area in order to protect their Indian religion. Their religion is based on nature, is secret, and demands complete privacy. For that reason the Indians have insisted that the Forest Service issue no permit to enter the area unless the permit is countersigned by the Pueblo chief. The Forest Service objected and has insisted on permitting recreational use of the area by the public. It is this recreational use of the area by the public that threatens the interest of the Indians."

Representative Haley also stated (H. 5058):

"The Blue Lake area is the most holy symbol of their ancient religion, and the symbolism attaches to the entire watershed. The watershed is the source of their life. Although the nature of their religion is secret, it is clear that if the area were extensively used for recreation by the public, it would be desecrated in the eyes of the Indians."

If the sacred watershed remains under the control of the Forest Service, the Pueblo fears a continuation of the conflict over use of the area by recreationists. As Representative Haley stated on the House floor (H. 5058):

"The admission of non-Indians for recreational use, however, has been a constant source of conflict between the Indians and the Forest Service. The Forest Service administration of the Blue Lake area has exerted a continuing pressure on the religious use of the land of the Pueblo. Religious privacy has been constantly jeopardized."

The Indians also fear future pressure from timber interests which may seek stumpage contracts within the sacred area.

On the House floor Representative Saylor characterized Forest Service opposition to the Bill as involving the twin claims (H. 5057):

"* * * that the national forest must remain inviolate, and that only they can be trusted to protect the natural resource."

Those same contentions have been made before this Committee. The answers to those arguments were well expressed on the House floor by Mr. Saylor and Chairman Aspinall. Representative Saylor stated (H. 5057):

"I also want to reject the idea that the enactment of this legislation would in some way be regarded as a threat to the integrity of the national forest system. National forest lands are disposed of every year when the disposition is in furtherance of the conservation program. A transfer of the Blue Lake area from a national forest reserve to an Indian reserve, with explicit provisions for conservation management, is in furtherance of the conservation program and at the same time a belated amends for a wrong committed 60 years ago."

Mr. Aspinall pointed out (H. 5056):

"The Forest Service itself disposes of national forest lands by exchange whenever the disposition is desirable in order to acquire other lands which it prefers to have. These dispositions are made every year. But more importantly, no