

program should be regarded as immune from change, and if the United States unjustly took land from the Indians, it should not say that it will keep its ill-gotten gains solely because the lands are now in a national forest. This contention ignores the real question, which is: Is the Indian need for the land greater than the need of the Forest Service, particularly when conservation of the land and protection of the watershed by the Secretary of the Interior is assured?"

With respect to the Forest Service's claim that only it can protect the resources of the watershed, the Pueblo concurs with Representative Saylor's statements on the House floor (H. 5057):

"This is a case where bureaucratic desires have been allowed to interfere with equitable values. Continued inclusion of the Blue Lake area in the national forest is not necessary for the protection of the watershed and the natural resources of the area. The Pueblo de Taos Indians want to preserve these values more than the Forest Service does. Preservation of the land in its natural state is essential to the Pueblo de Taos Indian religion.

"* * * Conveyance of the land in trust to the Pueblo de Taos Indians and administration as a part of the Indian reservation would further the cause of conservation. If the bureaucratic issue is removed, the equities are all on the side of the Indians."

On the House floor Representative Aspinall observed that the Forest Service's claim had not been substantiated (H. 5056):

"The Forest Service has identified no Federal need that would be prejudiced by the enactment of the bill. From the standpoint of the Government and the public interest, the conservation values of the area can be fully protected by the Secretary of the Interior under Indian ownership, and the bill requires such protection to be maintained.

"* * * [T]he Forest Service has not claimed that the land resource will be protected inadequately by the Secretary of the Interior if the land is conveyed to the Indians as proposed."

Chairman Aspinall went on to observe that the Bill provides greater protection of conservation values than the present status of the land (H. 5056):

"* * * Administration of the land for purpose of watershed protection and conservation will be continued by the Secretary of the Interior instead of by the Secretary of Agriculture. The bill expressly so provides. In fact, the bill provides even greater protection of natural values than is required under present law by requiring the lands to be administered as a wilderness."

The wilderness status of the land was also recognized by Representative Haley as protecting conservation values (H. 5058):

"* * * Except for traditional Indian uses such as religious ceremonials, hunting, fishing, forage, and wood for personal use, the land must be maintained as a wilderness. This is a limitation which the Indians sought because it reflects their intended use and because it should dispel any idea that they want to exploit the natural resources for purposes of private gain. Moreover, the bill requires the land to be administered in accordance with sound conservation practices, and the Secretary of the Interior may enter into an agreement with the Secretary of Agriculture providing for the services of the Forest Service in this respect. The interest of the United States in the conservation of the resource is therefore fully protected."

Apart from the continued inclusion of the land in the National Forest, the argument has been made that the Bill will set an undesirable precedent. The Forest Service has not presented any facts to support its argument that transfer of the Blue Lake Area will give rise to additional claims by Indian tribes. Secretary Udall has testified that in the judgment of the Department of the Interior the Bill creates no precedent. The same views were stated on the House floor by Representative Saylor (H. 5057):

"There is no other claims case like the Taos-Blue Lake case. These Indians have never wanted to be compensated for these lands. They have been trying to regain title to this particular portion of their land, which has great religious significance to them, long before the Indian Claims Commission Act was enacted. They filed a claim before the Indian Claims Commission reluctantly and only as a precautionary measure to safeguard their interest. This was only prudent. The significant facts in this case are that the lands are adjacent to the Pueblo, that the Indians have been using them for 500 years and are still using them, that the Indian use is compatible with good conservation management, and that no other Indian tribe is in a similar position."