

Judge Wilson, who passed away a year or two ago. To continue:

As private attorney for the Indians, Senator Cutting and Senator Bratton, and I were in the House. Mr. Collier at that time was a very fine friend of the Indians and he suggested the same thing, and it was settled to the satisfaction of all.

What was settled to the satisfaction of all? Does that mean all of the people? Is that not your understanding? What did it mean?

Mr. SCHAAAB. I think to the extent that the Pueblo Indians were satisfied it was on the assumption that the 1933 act would give them the exclusive use of the total watershed area.

The documentary record as set forth in this memorandum with the exhibits makes clear that Mr. Collier did not have a clear understanding of where the boundaries were for the description of the land covered by the 1933 act.

At the time the language of the act was agreed upon he assumed that the description of the land, which was taken from President Coolidge's proclamation under the 1928 act, covered the entire watershed and all the way out to the Maxwell land grant, county line, but in fact the east boundary is one-half mile east of the Pueblo Creek and excluded Witt Park, Apache Springs, and La Junta Canyon areas and also excluded the Rio Lucero areas.

During the 1920's Commissioner Collier and Secretary of the Interior Ickes made repeated efforts to ask Congress to extend the 1933 act to encompass all of the land within the watershed and the land within the Rio Lucero watershed, precisely the lands covered by H.R. 3306.

The record was quite clear that there had been a misunderstanding about the description of the land in the 1933 act and Congress was asked to correct the misunderstanding but Congress did not take the action.

Senator ANDERSON. Congress refused to take action, didn't they?

Mr. SCHAAAB. It did not take it. I don't know that they refused.

Senator ANDERSON. The matter was settled. They thought and all the congressional representatives thought and a great many other people thought it was all settled, and it was settled for 25 years.

Mr. SCHAAAB. The attempt to have the description changed accounts for the delay of 7 years, between 1933 when the act was passed, and October 1940 when a permit was finally issued.

Collier was trying to have the description changed to include a larger area of land. Finally the permit was issued in 1940 and the permit, unlike Commissioner Collier's original interpretation of the intention of Congress in the 1933 act, did not give the Indians exclusive use of all of the property and it proved impossible for the Interior Department to negotiate exclusive use of the entire property.

The permit, as issued, provided for exclusive use during the August ceremonies and that was all. After the 1940 permit was issued of course we had the war and after the war during the 1950's the Pueblo was conscious of increasing pressure by recreationists and other pressure that arose because of the multiple-use philosophy in the national forest.

The Forest Service treated the property as being part of the national forest subject to the ordinary principles of governing the national forests and the area should be opened up to recreationists.