Senator METCALF. Haven't they made repeated efforts to accommodate the desires of the Indians in the administration of the land, as we pointed out in these use permits?

Mr. SCHAAB. Off and on, depending on who was involved.

Senator METCALF. Let's say in the last few years, then.

Mr. SCHAAB. In the last few years, I think that they have made an effort.

I think Mr. Greeley's testimony yesterday indicates a very sincere statement on his part, that if he understood the Indians' use of the land properly, that he might indeed approve of something larger than 3,150 acres for their religious uses.

Senator METCALF. I can't see how you criticize the fact that the Forest Service has diminished the use of the land, and at the same time complain about the fact that hunters are coming in, because the Forest Service is cooperating with you in taking every opportunity to enforce the provisions of the 1933 law.

Mr. SCHAAB. The thing that the Indians object to, Mr Chairman, is the fact that the land is treated, this watershed, as ordinary national forest land.

Senator ANDERSON. Wait a minute.

Are you willing to testify to that?

Senator METCALF. No; you don't want that statement to go into the record.

Mr. SCHAAB. I think that they do object to its being treated as ordinary national forest land, open to recreationists, open to stumpage contracts.

They want the land treated as theirs, and as the religious sanctuary that it is, in their lives.

Senator ANDERSON. Is there any stumpage contract now being considered?

Mr. SCHAAB. There is no stumpage contract now being considered, according to Mr. Greeley's testimony yesterday, but a couple of years ago a stumpage contract was being considered on the east side of the watershed.

The fact that stumpage contracts could be considered in the future is a source of concern to the Indians.

Senator METCALF. That is a part of the 1933 law. If these resources are not necessary for Indian uses, then the 1933 law provides that they should be used by others.

Senator ANDERSON. Does he object to that?

Senator METCALF. Yes.

Mr. SCHAAB. My view is that there is an area for disagreement about the meaning of the 1933 act.

Senator METCALF. Well, what does "by others" mean? Congress must have meant something by writing "by others" in that law.

As you know and I know, from an ordinary statutory interpretation, we don't throw those phrases out, and we give meaning to them, if we possibly can.

Mr. SCHAAB. Mr. Chairman, the Forest Service has certainly interpreted the act as you are interpreting it, and it is that interpretation that the Pueblo finds unacceptable, because it results in treating the lands as——

Senator METCALF. It was acceptable in 1933, but it is not acceptable today, so you are coming in and asking us for a new act?