

made that the Indians are claiming public land. If that is indeed the case, we, the National Council of Churches, would certainly not contend that the claim to religious liberty creates rights of property ownership. It does not, as far as I have been able to discover in the law of this country or any other.

We are assuming, as the basis for this testimony, that rather than demanding public land, the Indians are claiming that the land is not public, that it is their land. Now I know there are various arguments about this, and I understand the Forest Service has compiled quite a dossier, which unfortunately doesn't agree with the finding of the Indian Claims Commission.

Now we are in no position—

Senator ANDERSON. What was it you said about the Forest Service?

Mr. KELLEY. I said I understand that the Forest Service has compiled a dossier of historical information which does not agree with the findings of the Indian Claims Commission. I was saying that the National Council of Churches has neither the qualifications nor the resources to try to second-guess the Indian Claims Commission. Therefore, we are assuming there is some color of legitimacy to the claims that the Indians were deprived of land which was properly theirs by a process which was either unjust or wrong or improper—that they did not have their due process, their day in court.

That being the case, then, we feel the claim to religious liberty merely strengthens what is already an existing property claim: That the land is properly theirs, and that they want it back. They have been awarded compensation for it, and we feel that the claim of religious liberty goes to the point that they should be entitled to the given land rather than to cash compensation, in the same way that I think not many of us would feel that our holy shrines or the places that are precious to us could be replaced by money. I think that is understandable for us. We wouldn't be expecting anybody else to tell us how to run our religion, or what was sacred to us, or to offer to buy it from us, or to give us reparation for being deprived of it.

I think the same thing should hold with the Indians, and that we are not entitled to say to them, "If only half of your people go up to the shrine on pilgrimage, then you are only entitled to half the territory."

The point I have tried to make is that the whole shrine is integral to the tribe as a unit, as an identity, and as long as it is a self-operating community, we have to respect their understanding of the meaning of life and their effort to preserve it.

Senator METCALF. Don't run away, Mr. Kelley.

Your material will be incorporated in the record.

(The document referred to follows:)

STATEMENT OF DEAN M. KELLEY, DIRECTOR FOR CIVIL LIBERTIES, NATIONAL COUNCIL OF THE CHURCHES OF CHRIST IN THE USA

My name is Dean M. Kelley, and I am director for civil and religious liberties of the National Council of Churches. My purpose in appearing before this Subcommittee on Indian Affairs is to intercede in behalf of the Indians of Taos Pueblo, to support their claim for relief set forth in H.R. 3306, passed unanimously by the House of Representatives.

The Indians of Taos Pueblo have appealed to the National Council of Churches to support their claim to exclusive use of their ancestral lands surrounding Blue